

## California's Charter Schools Story

A Conversation with Ember Reichgott Junge, Sue Burr, Erick Premack, and Gary Hart

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**Founders:** Sue Burr, Eric Premack, Gary Hart

**Location:** Sacramento, CA, Capitol Senate Hearing Room

Ember Reichgott...: [00:00:06](#)

Hello and welcome to this live taping of the California pioneering charter school story. My name is Ember Reichgott Junge. I am from Minnesota. I'm the author of the first charter school law to be soon followed by the one right here in California that we're going to talk about very shortly. We are taping today on April 11th of 2019 in a very elegant Senate hearing room in the Sacramento Capitol or the California state capitol here in Sacramento. It was just in a room down the hall that the bill was actually heard in this capitol over 27 years ago. We are delighted to be here with a live audience and thank you for that and we will take some questions afterwards. I want to thank a few people before we start and first of all this, this is about the National Charter School Founders Library. This is a library that was launched by the National Charter Schools Institute in Michigan and I'm delighted that Darlene Chambers is here with us today to assist us with this. I also want to thank the Charter Schools Development Center here in Sacramento who helped to organize this and this taping and this panel today. And I also just want to thank the people of California for making chartering so fruitful over the last 27 years. We have a great panel today and I'm going to introduce them to start and then we'll take the story in order. So we'll come back to each as they enter the story. We start the story with Eric Premack, who is currently the executive director of the Charter Schools Development Center. After that we're going to go see Sue Burr, who was well involved in the staffing of this bill back in 1992 and she is now on the California State Board of Education. Welcome.

Sue Burr: [00:02:00](#)

Thank you.

Ember Reichgott...: [00:02:01](#)

And then finally we have Senator Gary Hart, the former State Senator who authored the bill in 1992 and made it law. I've had the opportunity to at least observe and sort of be in connection with all of you during that time back in history. And there's a really important connection between Minnesota and California and that connection happens to be Mr. Premack. So I want to start the story today by taking it from Minnesota. In 1991 we passed our first charter school law in Minnesota and we had just opened our first charter school in September of 1992. But when we had our bill signed in May of 1991, all of a sudden things started to happen around the country, much to my surprise, as the author of the bill, I didn't know this was going on, but Eric Premack did. And another gentleman from Minnesota by the name of Ted Kolderie. So I'm going to start with that and I'm going to say Eric, how did you then take the story from Minnesota right out here to California?

- Eric Premack: [00:03:03](#) Well, I at the time had been working for the California legislature with the legislative analyst's office and was very intrigued with the charter school idea because I had grown up in Minnesota and knew Ted Kolderie and the others who had thought up the idea there and had worked with a nonpartisan think tank there that had helped to develop the idea. And also it was involved in the early discussions in drafting of that bill. And I was intrigued with the idea in part because of my frustrating experiences in high school and being very bored and disengaged frankly, and wanted for school systems to be more dynamic and had been talking up the idea within this capitol building. Um, but as you know, it's one thing for Minnesota to, uh, try a policy idea, but when you come to a really big state like California, they tend to poopoo what happens in, uh, in those little States out East. Um, and think you can't really do that here. So the, you know, the idea was regarded as a little nutty and a little out there. Um.
- Ember Reichgott...: [00:04:05](#) That's Minnesota for you.
- Eric Premack: [00:04:06](#) Yes. But Uh, so I, I kept chatting it up and wasn't really expecting it to gain a whole lot of traction, but one never knows.
- Ember Reichgott...: [00:04:14](#) I do remember you telling me that it was the difference between a policy orchid in Minnesota and a policy Redwood in California. And once that came to California, believe me, the entire trajectory of chartering changed. Talk a little bit more about that.
- Eric Premack: [00:04:30](#) Um, it, um, yeah, after the bill passed, there weren't very many people who claim to know anything about the concept. And, uh, back then we had fax machines, if you remember the curly paper. And I just remember getting, my phone just lighting up from a lot of other States. Um, initially, uh, Michigan, Massachusetts, Colorado, Florida, um, a lot of interest in the concept, but very little knowledge about what it was, and it was a very difficult concept to explain. A lot of technical details, a lot of controversial, broad strokes policy. So, um, it was, uh, it was an exciting time, you know, as a young punk legislative staffer, um, to, you know, have people actually interested in talking to you about policy. So it was very exciting.
- Ember Reichgott...: [00:05:18](#) So talk about the connection with Ted Kolderie and how he helped to bring this out. It's amazing how much he's connected to a lot of the charter laws around the country.
- Eric Premack: [00:05:26](#) He, uh, Ted has a Rolodex from hell, um, and he spends a great deal of time behind the scenes, very quietly, leaves no

fingerprints, but he's essentially a one man think tank who cooked up the charter school idea as we currently know it. Um, he claims no responsibility for it, but everybody who understands the idea knows that it came through there. Um, I had known him since I was a little kid because he worked with my father at the, at the newspapers in Minnesota and uh, he had been a mentor of mine and involved me in some of the earliest discussions back when I was a high school junior. I remember being invited to discussions that ultimately led to, uh, the Minnesota charter bill being drafted.

Ember Reichgott...: [00:06:10](#) And there's one other connection that we'll get into a little bit later, but there's another connection in Minnesota of course, our United States Senator, Republican Senator David Durenberger was also a colleague of your governor at that time, Pete Wilson. So let's connect up with that one.

Eric Premack: [00:06:25](#) I don't know all the stories, but, um, I do recall Durenberger. He was also a friend of the family and, uh, some of our friends, uh, uh, he was a moderate Republican and, uh, some of our friends of our family organized what was known as Democrats, Democrats for Durenberger, uh, and ultimately, um, uh, he played a very vital role at the federal level in launching the initial Federal Charter School Grant Program, that's played a vital role in launching many, many charter schools.

Ember Reichgott...: [00:06:54](#) So now I want to bring in our other panelists now. Um, Sue Burr, who was then a staff assistant to the California Education Committee.

Sue Burr: [00:07:02](#) Senate Education, right.

Ember Reichgott...: [00:07:03](#) And also, Senate Education, and then also Senator Gary Hart. Uh, so talk about how you've both first become involved in this and I'm going to let you take it away and tell your story.

Sue Burr: [00:07:14](#) Okay.

Gary Hart: [00:07:15](#) Well, I can, I guess start a couple of stories just by way of, excuse me, by way of background. When I first started teaching in Santa Barbara at Santa Barbara High School in the mid 1960s, one of the most respected members of the faculty was nearing retirement. He had begun teaching in the 1930s and I'll never forget asking him one day in the lunch room, what's the biggest change that's occurred, um, at Santa Barbara High School since the 1930s? And he said, nothing. Everything's the same. We do things exactly the same way in 1960 that we did in 1930. I'm up

there, there's a blackboard, there are 30 students, they come in September, they have five or six periods a day, school ends in June. He says, it's amazing how nothing has changed. And as a product of the 1960s, uh, I, uh, those words resonated with me because I instinctively felt that the way that we were providing education to a lot of kids just wasn't working particularly well, and it just seemed crazy to me that we didn't have more, um, alternatives and some serious innovation occurring in our public schools, at least in Santa Barbara. And I took that sort of philosophy with me when I came to Sacramento to serve as a member of the State Assembly and then, uh, the State Senate. Two other quick stories. One is I was introduced to charters by Al Shanker. Uh, I was a fan of Al Shanker, uh, when I was chairman of the education committee, we worked closely together. He came and testified before our committee. Um, I just thought he was a, uh, very knowledgeable, very articulate. He used to write an op ed in the New York Times on every Sunday, which I read religiously. That was my religious education on Sunday was to read the Jewish, uh, AFT leader, uh, Al Shanker. Um, but he wrote a piece, um, about, um, the need for something, like, 'what do you call charter schools', and maybe he got the concept from Ted or, um, I don't know where, but I had never heard of this concept before and he spoke about it particularly in terms of the need for bold experimentation in education. That he had visited Germany and saw some interesting experiments that were going on there and he was particularly concerned about the lack of progress that we were making with disadvantaged students. There had been some early successes with the passage of Title One, civil rights legislation in the 60s, but we've been sort of stuck since that time and he felt the time was right for bold experimentation. And I shared that view. I felt that not just simple innovations, but some bold experiments, particularly as it relates to some of our most disadvantaged students, was something we ought to be pursuing. The last story is that here in the legislature, as someone who was actively involved in reform efforts, one of the things that I heard repeatedly from, ah, school board members from school administrators particularly was that we should stop writing all these laws in California. They were way too many laws and as a result, um, educators were having to spend all their time being bureaucrats, trying to follow all the mandates and if you just let us alone and let us do our job as educators rather than as bureaucrats, we could do a lot better job. Um, sometimes those comments I thought were self-serving and not necessarily appropriate, but it, there was some truth to that. And so the idea of having legislation that would really, uh, try to unravel the education code, unravel the regulations and give people much more freedom to be

educators rather than bureaucrats was something that really resonated with me. So, uh, for all of those, those reasons, I was quite intrigued with this idea and sort of the last thing to share Ember is that, um, the idea of charter was so unique and, and difficult to sort of wrap one's arms around. Um, I wasn't sure that this was an idea that would fly and that in fact, it might even be an embarrassment. So one of the questions that I asked, is there any place else in the world where this has been, um, even introduced? And I found that Minnesota not only had introduced it but had passed a charter law, and Minnesota to me was not Mississippi. Minnesota was a progressive state that I had always admired. And so that gave me some courage to want to move forward with a charter bill here in California.

Ember Reichgott...: [00:11:40](#)

Because it did take courage. Why? Because it was only one charter school open even as you were considering it in 1992. Um, thank you. Um, Sue Burr, you were working on this as well. Talk about how you got engaged in this.

Sue Burr: [00:11:54](#)

Well, I was working with Senator Hart on, he was chairing the Senate Education Committee, so I think to build on what he's talked about with respect to reform efforts that had been in place up to date, he's very modest about the kinds of things he had put in place, but a few years before that had introduced and passed legislation for school restructuring. That in some ways I think kind of laid the bones of what our charter effort would look like. But it was very modest. It gave schools the authority to, to change their rules, um, but didn't give them the freedom from the law that, that the charter legislation actually did. So it was sort of the culmination of work that he had done based on the philosophy that he just shared with you. Plus multiple conversations with Eric. Eric and I both worked at the legislative analyst's office together before I came to work in the Capitol. And people around here in Sacramento will tell you that the legislative analysts office is like the mafia of, of policy making. Almost all roads point back to the legislative analysts in some way, shape or form. So I had a lot of respect for Eric and the, the, uh, universes collided really around this notion that Minnesota had done this first. I knew that Eric had a lot of knowledge about it and we had multiple conversations about, you know, what does this look like? He put me in touch with Ted Kolderie. I had many conversations with Ted. I tried to share all the research that I could find with Gary and, and crafting, um, the legislation. The other piece that I think is important to sort of the political environment in California at the time. And we had a voucher initiative that had qualified for the ballot. It was called Proposition 174. Um, certainly I was not in support of it and I know Gary was actively working against it, but felt like

there had to be an alternative. We couldn't just say to the people of California, no, we don't think you should have choice in your educational options, but we, we want to have choice within the construct of the public education system. And so it seemed like kind of a nice convergence, that here was an opportunity to do something really innovative to free up school districts and schools to do what they thought was right on behalf of children, especially children who were the most at need. And so that's kind of how it was born.

Ember Reichgott...: [00:14:12](#)

What's interesting to me, even though we were thousands of miles apart, is how aligned we were in our philosophies. All four of us are Democrats. That should be said. Um, I was not for vouchers either. I was for public school choice. And it sounds like we're all aligned in that, it was quoted that, middle ground, if you will. Talk about the partisan side of this and the fact that there were some splits in the Democrats at the time as well.

Sue Burr: [00:14:38](#)

Well, I just wanted to add for a second if I could, when you talk about sort of the national environment too, because remember this was at the time that Bill Clinton was coming into power and the Democratic Leadership Council at the national level was trying to be, at that time what we called progressive. Um, and talked about welfare reform, but talked about charter schools, criminal justice. Gary and I were talking about this earlier, which, you know, probably didn't go quite the way they had planned, but there was a lot of impetus, I think also at the national level to have these conversations, to sort of rethink what had been traditional democratic points of view. So again, it all kind of fit together.

Gary Hart: [00:15:17](#)

In terms of splits in the Democrats, they were quite pronounced as it relates to this legislation because, uh, the unions, uh, were, um, quickly, um, opposed to the legislation after they had a couple of initial conversations with us. They weren't opposed to the concept in general, but as I recall it, and my memory is a little fuzzy and Sue can probably do a little bit better job of crossing the T's and dotting the I's, but they had two principle concerns with the legislation. Um, one was they wanted collective bargaining protected. Um, and uh, I didn't want to do that because in part I had seen representing portions of Los Angeles, especially that sometimes the collective bargaining agreements were as much a part of the problem as state laws or regulations. They were so arcane, so detailed. It was very difficult to be engaged in innovation, uh, with the restrictive, um, provisions of some of these collective bargaining laws. So I'd always been a supporter of collective bargaining. I was not an opponent of collective bargaining, but in this instance I felt it

should be, um, choice, just like we're talking about choice for students, it ought to be choice for teachers and if teachers felt if they were established in a charter school that they want to be part of a collective bargaining unit, great. But if for some reason they chose not to do so, I didn't think that right should be preempted by the law. And so with, um, my refusal to support, um, the sort of protection, this monopoly for collective bargaining, uh, the unions, uh, came out opposed to the legislation. There was also a provision relating to teacher credentialing and said that, um, in the, in the, we were signing in the bill as to who could teach. Whereas under California law you have to have a credential, you have to have an emergency permit. Their whole series of designations. We were silent on that, um, my bias, uh, and it wasn't a bias that was shared by, um, even some of my friends in the charter movement, was that, you know, we should have more innovation. I felt that in some instances these credentialing requirements were not working. I felt that there were some kinds of teachers, particularly in the arts, uh, particularly in math and science where we desperately needed, um, well qualified trained people, maybe not educators, but who had strong backgrounds in these fields, that if we were truly interested in innovation, uh, we should not preclude the ability of people to teach in a charter school who weren't formally credentialed. Um, and that was also strongly opposed by the union. So as a result of the union opposition, there were a sizable number, I don't know whether it would be a majority or close to a majority of Democrats in the legislature that would follow whatever the recommendation of organized labor was and they would never vote for a bill like this. Most of the Republicans in the legislature would be supportive of this kind of legislation cause a lot of them didn't like unions and if the unions were opposed for something that was almost automatic that they would be in favor. I, I should say. Um, and I think this is an important part of the charter, uh, story is that, you know, initially this was a fairly obscure piece of legislation. People weren't paying all that much attention to it. The lobbyist for the labor unions were certainly paying attention as were lobbyist for some of the other education groups, but for the ordinary legislator, um, my biggest challenge was explaining what is a charter school...

Ember Reichgott...:

[00:18:55](#)

And why?

Gary Hart:

[00:18:56](#)

And why [group chatter] there's a public school and there's a private school and this was obviously meant to be part of the public school system but it was somewhat of a hybrid and it took an enormous amount of time to try to explain. And one of the things that turned out to be a great benefit for me is that I

was a former classroom teacher. And one of the things that you have to do sometimes is to explain difficult historical or political issues to 15 year olds who's span of attention might be limited and whose knowledge base might be limited. So that kind of background of experience serves one very well in working in the legislative arena where span of attention is similar?

Eric Premack: [00:19:35](#)

Similar attention spans.

Ember Reichgott...: [00:19:39](#)

Well, I think the story of how this bill actually became a law in California is one of the most remarkable in all of the States. So let's go there. I want to hear, and I'm going to start with Eric because you knew the house side as well. There were two bills going on. So the bill you had, which was not so much supported by unions, but there was a, an assembly bill that was supported by unions. So why don't you take it and then tell me the story, how you got it through.

Eric Premack: [00:20:05](#)

Yeah. Senator Hart was the chair of the Senate Education Committee and I think had been for like 10 years and very senior in that regard. Uh, in the lower house known as the assembly in, uh, in California, um, much, uh, newer chair in the form of Delaine Easton, who was, uh, a hard nose, uh, Labor Democrat and she, her staff called me around maybe just a week or two after Sue called me. Sue called and said, you know, can I take a look at your information on charter schools, which at the time was one Manila folder and I brought it over and shared it with Sue and then, um, about two weeks later I got a similar call from the staff in the lower house, and I thought, Oh wow, I need to go over to Sue and see if I can get this stuff back. Um, but then I started also worry that, Oh boy, now we've got, you know, potentially two competing bills if we do. So I let Sue know. they did from there is, I heard stories about, but I will let Sue take it from there. Cause she, she really was the central keeper and drafter of the bill and the strategy,

Sue Burr: [00:21:13](#)

Well, the Eric, uh, pro, uh, accurately describes it. We essentially had two competing measures. Um, and, and to Gary's point earlier, our bill was written very similar to Minnesota's in that you, the, the charter or the contract had to address these issues. What were your employee qualifications going to be? You know, what were your pupil outcomes going to be? The whole nine yards of how you would run a school, but there were no explicit requirements that you have to have a collective bargaining agreement, you have to have credential teachers, et cetera. The competing bill did have those provisions in there, so we knew, first of all, as Gary said, we knew we were going to have a fight just trying to get it through the Senate

even though you know it was a democratic majority. Gary was highly respected and regarded by his colleagues, but it was such a new concept and we did have union opposition. I will also say that at the time, Superintendent of Public Instruction, Bill Honig, who was sort of intrigued by the idea, he would hang out in Gary's office a lot trying to figure out what was going on, but he didn't, he wasn't willing to enter on one side or the other and as Gary said, the other interest groups were kind of laying off, where we usually would expect them to come in and support or opposition or let's work on amendments. They were just sort of like, I don't really know what this is, I'm going to, so, and we know the union is really unhappy so we're just going to be quiet. The only organization that came in, and it was the California School Boards Association and they came in strongly in support of the measure. Um, and I think predominantly because they had the same experience around collective bargaining that Gary described, and they saw this as an opportunity to say, let's see how we can run schools differently and what in their view might have been more effectively. But anyway, the way the legislative process works, right, you have to get it out of one house and then the other and then you swap and then you go to the other houses. So in order for us to get it out of the Senate and to try to keep amendments to a minimum, we said, we'll go to a conference committee. We know there's another bill that's over in the assembly, you know, just let us get this through and get us through the process and we'll go to a conference committee. Which is what happened, that they went through their respective procedures on each house. You know, went over to the other house and a conference committee was formed, but it was pretty clear from the get go that the conference committee was not going to be very productive.

Eric Premack: [00:23:32](#) And wasn't there a sort of a gentle person's understanding even before that, earlier in the process that you would let the one another's bills kind of go through more or less unscathed and then iron out the differences in the conference committee rather than try to do it, um, in the committees or on the floors.

Gary Hart: [00:23:53](#) Yeah, and that's a common procedure is we know these, their competing bills are going to go to conference rather than try to work out everything in one house and the other house, it's much more efficient to just get the bills together and there can be a comparison and hopefully, you know, a deal can be, can be cut. Uh, so that was the, you know, the idea. Um, and I had, this is my version, you might want to check with, um, Delaine Eastin, who was the person on the other, other house, um, who had the competing bill. We had an agreement, um, that these bills

would go to conference and we would work out these difficult, um, disagreements. And so we were scheduled to go, I recall at eight o'clock in the morning, uh, towards the end of the legislative session. It's a crazy time.

Ember Reichgott...: [00:24:43](#)

We're talking what year now?

Eric Premack: [00:24:43](#)

92'.

Gary Hart: [00:24:45](#)

92'. So I get a call from Delaine Eastin about 20 minutes to eight. We're scheduled to go at eight o'clock. This is, this is the big deal. This is where we're gonna hopefully, uh, lightning will strike. It's maybe not likely, but we're going to be able to work something out. And Delaine Eastin, uh, informed me that there was really nothing to talk about because Willie Brown, who was the speaker of the assembly, had told her, um, there's nothing to negotiate. I'm not going to allow you to, uh, deal with these contentious issues such as collective bargaining and the credentialing issue and other matters. And I, and I sort of blew up on the phone and said, Delaine, you're a free agent. You didn't have to follow what Willie Brown says. We agreed that we were going to have a serious negotiation. We've been preparing for this for the whole time, um, and that's what we're gonna do. And she said, I'm sorry I can't do that. And so, um, I hung up the phone and was pretty upset about it and, uh, we were just sort of been stuck. And then we developed this, um, legislative, what I call jujitsu, to basically, um, finesse the process because we had an agreement that we were going to go to conference. I felt that Delaine Eastin had abrogated the agreement by saying, no, I can't negotiate. So what we did, the bill was in conference, is we basically pulled the bill out of conference. It had already passed the assembly. So I took it immediately to the floor of the Senate and um, asked that it be withdrawn from conference committee and then a vote immediately be taken on the bill. And you know, it happened like in three minutes. Um, my memory may be wrong on this, but, uh, I was sitting in the caucus room talking to my good friend Becky Morgan, who was a Republican. I said, Becky, I'm going to try to do this and I may get called on it, um, and there might be a big fight, but I'm going to try to sneak this through. Um, and she said, Oh, I said, now, you can't be telling anyone. And we went out there and I waited for what I thought was the appropriate moment to stand and be recognized and we did it.

Eric Premack: [00:26:59](#)

The context was the legislature had a rare evening session because there was a big fight over the state budget that year, uh, the state had a fiscal crisis. And I happened to be in the

building just outside the door to the Senate at the time you did this. I had no idea you were doing it. Um, and

- Gary Hart: [00:27:19](#) Thank God you didn't because you might've blown the,
- Eric Premack: [00:27:23](#) I would've blown the whole thing up. And I was there watching the budget and there was sort of a lull on the floor as they were trying to do some, something else on the budget. And then you stood up and said, Mr. President Pro Tem, I ask for, I think unanimous consent to bring my bill back from conference. And I thought you were just bringing it back so that it could be heard saying, you know, in the next session or some such thing. And then you said, I asked for unanimous concurrence in the assembly amendments and I started doing some math on that thinking, well they only did a couple minor tweaks in the assembly, so that's easy. Okay. And then you said, I asked for um, passage and immediate transmittal to the governor and I didn't really know what that was and it didn't sink into me what was going on. But um, obviously something had gone, you had figured out this slight of hand whereby the opponents thought the bill had died in conference committee, but it was still alive. And by just bringing it back and agreeing to the other houses amendments, the bill was live and out and on its way to the governor's office. And Glee Johnson, the governor's aide came out of the side door of the Senate, gave me a big hug, I still didn't know what was going on. And uh,
- Gary Hart: [00:28:40](#) It's the first time in the history of the legislature, Eric Premack hasn't known what's going on.
- Ember Reichgott...: [00:28:43](#) Look what you did.
- Sue Burr: [00:28:48](#) I do think that's an important piece of this too, that we knew throughout the process, through conversations with the governor, and back to your point about Governor Wilson, who was Republican governor at the time, that if we could get Senator Hart's bill to him, he would sign it.
- Ember Reichgott...: [00:29:03](#) But wasn't there another bill that came out too? Didn't the Delaine Eastin bill come out as well?
- Gary Hart: [00:29:08](#) Yes. And it came back out and it's a form that with the union protections that, uh, she had included and so she could send her a bill down to the governor's office. So the governor had a choice between, um, the Hart Bill and the Delaine Eastin bill supported by CTA. Governor Wilson hated CTA. They hated him.

Ember Reichgott...:	<a href="#">00:29:30</a>	California Teachers Association
Gary Hart:	<a href="#">00:29:30</a>	So it was no question what the governor was, uh, was going to do. Just one final thing to point out on this, uh, legislative, uh, jujitsu. Normally what happens when you go to conference committee, when you take, and you know you're going to go to a conference committee, when your bill, my bill, which had the provisions that Delaine Eastin did not like, when the bill goes over to the other house, you amend the bill in such a way that there's a poison pill. There's something in that bill that would prevent it from the author wanting it to move forward. That's a protection. Um, so that you can't do what we did. Um, now the reason why that did not occur is we had this gentleman's agreement that we were just going to run these bills to conference and they were going to have the conference committee. And so in a certain sense, Delaine Easton and union supporters would say that I was the bad guy cause I, you know, aggregated the deal. But since they did not amend the bill in a way that was really um, you know, compromising to the bill since it had passed the assembly with these minor amendments that didn't do harm to what we were attempting to do. Having passed the assembly, being in this conference committee, we were able to do what Eric suggested of by unanimous consent, getting the bill out of conference before the Senate and passing it. You know, like that.
Ember Reichgott...:	<a href="#">00:30:52</a>	It basically had passed both houses.
Sue Burr:	<a href="#">00:30:54</a>	Yes.
Gary Hart:	<a href="#">00:30:54</a>	Yes.
Ember Reichgott...:	<a href="#">00:30:55</a>	Both bills passed both houses, right?
Gary Hart:	<a href="#">00:30:57</a>	Yes.
Ember Reichgott...:	<a href="#">00:30:58</a>	Yes, which is very unusual. Very unusual. That's to me, what is so interesting and then you took advantage of the procedural motion to make this happen when folks didn't realize what was going on, what was happening with the lobbyists at the time that you were doing that?
Gary Hart:	<a href="#">00:31:11</a>	Well that's, I just hear this by, you know, by, by rumor. Eric could probably comment, and this is probably apocryphal, but I like to think that it's true, is the lobbyists were asleep at the switch. They were back in their offices on L street or wherever, across the street from the Capitol. And as soon as they saw

what I was doing or had done, they came racing over the Capitol to try to stop it. But they were too late. Uh, the bill had been.

- Eric Premack: [00:31:37](#) There were a few of them up in the gallery who took business cards and wrote no on it and were throwing it down onto the floor.
- Ember Reichgott...: [00:31:46](#) And then Governor Wilson to look at both bills and chose one over the other. Correct. And Governor Wilson of course, was a former Senate colleague of Senator David Durenberger in Minnesota. And Senator Durenberger had already through Ted Kolderie and Jon Schroeder of his office, been in touch with the governors so that this, again, the Minnesota connection was playing a role even at that point. Go ahead.
- Eric Premack: [00:32:16](#) The, um, I had spoken very shortly thereafter with Rick Simpson who had the time, was the, uh, Assembly Speaker Willie Brown's education aide and who had been, uh, tasked with monitoring the conference committee and making sure that nothing bad happened in the conference committee. And Rick told me that he actually had drafted a letter of resignation and took it in to see, uh, Speaker Brown and, uh, um, that he had the letter kind of held behind his back as he approached Willie's desk. Willie just looked at him and said, what happened? And Rick explained this legislative slight of hand and I asked Rick well what did Willie say, and he said he just, um, gave out a little chuckle, said, don't let it happen again and said I could take my letter and put it into the circular file. So that was, uh, interesting tidbit from Rick.
- Gary Hart: [00:33:13](#) Good. Good for Willie Brown.
- Sue Burr: [00:33:14](#) Exactly.
- Ember Reichgott...: [00:33:15](#) So given the national context, now remember you were saying that vouchers were being considered here in California. They were also a priority of President George H. W. Bush, uh, as opposed to the congressional house Democrats who wanted the status quo. So let's talk about that. How did the voucher issue play into this passage? And I believe it was signed in September 92', if I recall, but go ahead.
- Sue Burr: [00:33:44](#) The initiative you mean?
- Ember Reichgott...: [00:33:44](#) The bill here in California by Governor Wilson.

Gary Hart: [00:33:49](#) So there was a voucher initiative on the ballot. And unlike many States, we have a very open initiative process. Uh, it's possible to get things on the ballot, particularly if you have a lot of money. And there were some, couple of Silicon Valley, uh, rich guys that, uh, single handily, uh, put a voucher initiative on the ballot. I think it was actually the third voucher initiative that had been voted on in California. Um, and the previous ones had been defeated substantially. Um, and it was, you know, quite possible that it was going to be uh, this voucher initiative would be defeated as well. But I've been traumatized by the initiative process because we had property tax initiatives in California going back to the 1960s and they were defeated. They were defeated. And then along came Howard Jarvis and Proposition 13, and to everyone's surprise, this measure was passed. It had earthquake, uh, implications for our state. So we always had to be concerned about initiatives. Um, and the voucher has some, um, some real, um, simplistic appeal, uh, to people. One of the things that I'm most proud about the passage of the charter law is that, uh, after this last voucher initiative was defeated in 1992, there really hasn't been a voucher movement in California. Uh, it's been, fortunately, unfortunately in a way that charter, traditional public schools have become, you know, the new war zone, but it sort of replaced, um, you know, the voucher battles that go back to the 1970s through the 1990s. So I'm glad that vouchers are off the table in California. I wish we didn't have so much contentious battles over charters today, but that's much better than if we had enacted a voucher proposal here in California.

Ember Reichgott...: [00:35:41](#) And it's just speaking of that voucher issue today, um, and with the current administration and with the current Secretary of Education who is a supporter of vouchers, are you finding that that is coming back around as, uh, maybe confusing the issue that, of what vouchers are versus charter public schools, for example?

Gary Hart: [00:36:00](#) I'll let Eric comment on that.

Eric Premack: [00:36:04](#) Um, well, one of the first things that charter schools did was forced people to think more carefully about when they use the term public school. What do they mean? Um, do they mean a school that is run by a school district or did they mean a school that is open to all comers, serves all kids, is publicly funded and accountable to the public for performance? Um, and 25 years, 27 years later, we find ourselves in California having precisely the same discussion, not having fully resolved it one way or the other. Um, and in many ways, uh, battling over it very contentiously. Um, these days in California, you hear very little

discussion about vouchers. And I think, um, to the extent that, uh, that charter concept isn't allowed to continue to flourish in California. I think we may see that issue come back. And, uh, one benefit of doing this sort of a charter history, um, lesson for ourselves and for others is to remind folks, uh, that, um, that, uh, of the value of charter schools and the important role that it served in that setting.

- Gary Hart: [00:37:18](#) I think that's an excellent point. I really think, you know, history can repeat itself. Um, and I really think that if charters somehow are restricted or closed down in some substantial way here in California, Eric's right, we might see a reemergence of the voucher, um, you know, approach, which I think would be unfortunate.
- Ember Reichgott...: [00:37:37](#) And one of the purposes of the National Charter School's Founders Library is to have the lessons of the past inform chartering for the future. And that's one of the areas that I think that might be interesting for the future. There were a couple of other policy issues in there that I want to talk about that still are alive today. Now, when, when you passed your bill here in California, uh, my understanding is you only had as authorizers the school districts. Is that correct? And how has that evolved over time? So let's talk about that issue.
- Sue Burr: [00:38:08](#) And school districts initially. Right. And County Offices of Education.
- Ember Reichgott...: [00:38:12](#) Was that in the original bill as well?
- Sue Burr: [00:38:14](#) Yes.
- Ember Reichgott...: [00:38:14](#) Okay.
- Eric Premack: [00:38:15](#) There was a, what I call a, a soft appeal or a weak appeal mechanism. Um, and in practice, as I recall, maybe one charter got through on appeal in the first several years. And so we found that the appeal mechanism didn't, and the original legislation didn't work as intended. Um, and we revisited that issue in 1998 and substantially amended the law to, um, make it more challenging for a district to deny a charter in the first instance and then to provide a right of appeal to both the County Board of Education and ultimately to the State Board of Education.
- Gary Hart: [00:38:54](#) Well, let me just comment briefly on the original authorization. I think that really was my idea. Um, you know, a key issue is if

you're going to use public dollars to fund a fairly radical experiment of abolishing large portions of the education code, who is going to have the authority to, um, grant, um, these public funds to these charter schools? And to me, it, it just, I thought it made sense that that should rest with an elected public official and what public officials could best make these determinations where a local community wanted to pursue a charter school. It seemed to me it was the local school district. And also, as I mentioned earlier, the concern school boards had about, um, over-regulation. It also seemed like an appropriate place for this authority to be rested. And my thought was for giving this authority and it's used irresponsibly or unwisely and there isn't some system of accountability by the local school district that leads to, um, you know, egregious actions. Um, the voters will know how to take action and to recall the school board members to hold them accountable, vote them out of office. It seemed to me to be sort of the essence of what democratic accountability is, is all about.

Ember Reichgott...:

[00:40:19](#)

So in Minnesota, we found that when only the school districts were the authorizers, which was how our bill was in the beginning, in fact, requiring double approval from both the state and the school district, we found that the gatekeepers were so great that none of the charter school applications got through. So this is a difference in Minnesota and California. How has that evolved in, uh, in the authorizer, uh, role over the years and now? Has your thinking evolved on that Senator?

Sue Burr:

[00:40:46](#)

Can I just add one thing though with respect to the constitutionality of this as well, the, the basic premise that locally elected officials have to be the ones responsible for the schools is embedded in the bill, but it's also embedded in our constitution that in order to provide public funding, the, the entities have to be under the exclusive control of the public officers of the education system. That's so, that's defined as school districts, county offices, county boards of education, and then in higher education as well. So because over time, and I know and I've seen recently as people have talked about reforms, folks want other entities that their, city councils seem to be very popular right now, uh, as a local entity. But city councils are not public officers of the public education system. So that would not pass constitutional muster. At least I'm not a lawyer, but I play one on TV, um, that we would actually be able to do something like that. So I think just, just to understand the, the basic legal premise for the way it's, it's in place now. There can be lots of other variations of, do you have independent boards that you deem to be public officers? Um, you know, there, there can be other ways to do it, but at least initially that

was the, uh, an additional part of the rationale for the way it was set up.

Eric Premack: [00:42:08](#) Similar, a similar discussions came up in the following year in Colorado where there are similar provisions and perhaps even more strict provisions in their constitution. And back then I suggested to the Colorado folks, create a statewide school district whose function is to do charter schools. And that created a lot of furrowed eyebrows and quizzical looks. Um, and ultimately about 20 some years later they did exactly that. But the original, uh, charter law in Colorado was very much like the, uh, California law and in centralizing the charter grinding at the school district board level.

Sue Burr: [00:42:46](#) And, and I just say, Ember, to your point, at least for us, and, and Gary uses this, i'll, I'll steal his phrase from him. You know, we, we decided to throw a party and we didn't know if anybody would come. And it turned out, you know, we had people knocking down the doors. We have some of the charter pioneers in fact, here in the room. So at least initially that, we didn't have a problem with school districts approving them. I think there were lots of different reasons, some of which turned out to be shocking to us I think, especially around home study and some of the stuff that started that we hadn't really envisioned, but there were many school districts, I'd have to go back and actually do the history, but you know, that actually approved charters right away. So it wasn't, it didn't seem to be an impediment until they started to get momentum and people went, Whoa, this is a real thing. This isn't just going to be an experiment. But even some of the big districts, Los Angeles was involved in charter schools very early on, which I think we all were sort of surprised by, given how difficult it is to get things done in Los Angeles.

Ember Reichgott...: [00:43:46](#) What was causing this interest from the parents and the teachers?

Gary Hart: [00:43:51](#) Well by way of introduction, I would say that, uh, when we had legislative hearings on the bill, one of the provisions that Delaine Eastin wanted to put in my bill when we came before her committee was a provision that would require a certain number of charter schools to be in the most disadvantaged school districts in the state. Um, I resisted that amendment. I didn't want, I didn't want to muddy up the bill with all this stuff, we wanted to and we were proud of to keep it as clean and as concise as possible. But her point was, you know, this looks like a bill that's meant for your constituents in Santa Barbara, Senator Hart, um, or the people in Palo Alto or LA Jolla, uh, in

Silicon Valley, I don't think it was even called the Silicon Valley in those days. But this is for sophisticated, um, well educated, uh, uh, affluent communities to take advantage of this. And our poor communities that you supposedly are most concerned about, um, are never going to be able to participate in this. And of course it's been the reverse that's happened. It's our large school districts in Los Angeles, particularly, but other large urban school districts where, uh, there has been more charter activity than any place else. And I just have to believe, I haven't really followed things that carefully. Eric and Sue are much more involved today, but it's that people are desperate for a quality public education for their children and these large urban districts oftentimes, um, granted they have all sorts of problems and you can't attribute it all to the school districts, but in some sense, these school districts are part of the problem. They're not part of the solution. They have something that can be done, you know, differently that's on a smaller scale that can involve communities that's not politicized like our school boards are, um, is a very attractive alternative. So it's been a surprise to me. I'm sort of holding my breath that Delaine Eastin was going to be right. It was going to be Santa Barbara and LA Jolla where the charter schools were going to be. And in fact, it's been just the reverse and I'm delighted that it's been just the reverse.

Eric Premack:

[00:46:01](#)

Yeah. The, the, the demand um, I think was in part fueled by Gary had mentioned that his experience in teaching and how little had changed in his high school from 1930 to 1960 and frankly not much had changed from 1960 to 1991 either. And, um, I think there was a lot of recognition of that within the traditional system. Um, I had a, as the bill progressed through the process, had shifted to become a consultant for school districts, um, and got to know how they looked at, uh, chartering from the inside. And it was interesting. I was invited to, um, meet with the cabinet in, uh, the San Diego and Oakland districts and discuss this concept with them. And, uh, at least initially those districts were quite supportive of the charter concept. And um, many of the central office staff were former site level staff themselves who had run into the bureaucracy and kind of knew ,we have met the enemy and them as us, and we need to have a little flexibility. The other thing that was interesting about California is, um, prior to the charter legislation, Gary had authored, um, this legislation, uh, on restructuring, which was sort of a very, very lightweight version of chartering you might think of it. And there was a lot of frustration that the system barriers and the, uh, bureaucracy were getting in the way and interestingly, some of the very first charter pioneers, a couple of whom are in the room here today were, um, school leaders who had used that restructuring law,

had run into barriers, and the minute that charter law hit the books, they said, bingo, here's our ticket. And uh, some of them grabbed that ticket and really, really ran with it. And it was, uh, it was interesting to watch. And that led to a phenomenon of California, in California that is somewhat unique to our charter sector where we have a significant, not a huge number, but a significant number of preexisting schools that, um, at the, at the behest of the staff and the parents in those schools, converted to charter status. Uh, and they're some of our most successful schools today.

Ember Reichgott...:

[00:48:12](#)

I want to acknowledge that there's a lot of head nodding going on in the audience to that and that they were ready to go. So thank you for that. And then you just raised another interesting point. Uh, and that is the, the chartering law is one of innovation itself. I mean, I've always felt the innovation was the chartering law and not a particular school, right? It's not a school, chartering is about the strategy of allowing innovation to happen. And you talked about conversion. We didn't even think about that in Minnesota. In Minnesota it was about creating new schools or schools knew, right? You created this idea of a conversion. Talk about that because it's where it originated.

Gary Hart:

[00:48:51](#)

Well, it was, it's, it's, I mean, my, uh, expectation would be that most of the charter schools would be converted to schools and there might be a handful of brand new schools that would be created. So, you know, things turned out to be just the reverse of what I had initially anticipated. Sue made reference earlier to homeschooling, their virtual academies, their whole series of kinds of things that have happened that I think we had no idea that any of this was on the, on the horizon. And some of it has worked out very nicely. Some of it, uh, I think we sort of hold our breath and, you know, worry about it a little bit. But you know, when you pass a major, major piece of legislation, which I had the good fortune to do over a 20 year period, there's always unexpected consequences. And I think in this particular piece, this obscure piece of legislation that now involves more than a thousand schools in California, that's part of a national movement. Um, that's, you know, part of, um, major political contentiousness in our state now for a number of years. Never would have guessed this. So it's, uh, it's, it's, it's fun to be involved in politics.

Eric Premack:

[00:49:59](#)

I had envisioned that all of the schools would be, you know, from scratch, you know, new starts. So when I started to get, uh, phone calls from existing school principals wanting to know how to do this, uh, I was very surprised. So it was interesting

how Gary came to this thinking that it would largely be a conversion phenomenon. It wasn't even on my radar screen, but some of the most intense early work that we did was figuring out how do you do a conversion. It's a, there's a lot of microsurgery to be done with those. And, um, as it happened, my consulting work with school districts at the time left me in a position where I actually understood, uh, both sides of the, uh, the microsurgery, if you will. And it proved to be some very interesting work. But Sue talked about this phenomenon of throwing a party and not knowing who's gonna show up. And, um, it, it certainly, uh, even today, uh, every year we see something new popping up that we hadn't envisioned before.

Sue Burr:

[00:51:01](#)

But to me the conversion was a, it was a natural outgrowth of the belief that, that Shanker really, in my view, had laid out that the idea here was a group of professionals in this case, teachers get together and say, Hey, we know how to do this right on behalf of students and that's what we're gonna do. And again, I think that's why there are a lot of people in this room who, er, found themselves in exactly that place. And it was building on work that had been done for a number of years in California. We talked about the restructuring piece already a couple times. So there, there were people who were learning this, they were learning to take responsibility, they learn what the power was, if, Oh gee, if we could change this rule or that rule or you know, teach this curriculum if we had the power and the authority to do that. So I do think there was this pent up demand for conversion. And I think that, at least for me, this, this idea was an educational innovation. The, as you mentioned, the chartering, the freedom of, for professionals to do what they wanted to do in a way they knew would work best for students. It wasn't meant to be, at least initially, not being a Silicon Valley person, it wasn't meant to be a system disruptor. And I think as time went on and folks, there were other folks who entered the environment and said, no, no, we want to be, we want this to be a disruptive mechanism. I want to mention one thing that I told Gary and I were talking about earlier and I realized when I went back and did some research, if you look at the original intent language of SB 1992 or SB 1448 from 1992, it was very carefully crafted by Gary, by Senator Vasconcellos and it talks almost exclusively about create opportunities for pupils, teachers, choices for parents, um, to create a new accountability system. It doesn't say a word about competition, but that came in later. It came in, in the next major iteration, either at 1998 and then in 2002 we let nonprofits come in. So the, the world as we thought about it in 1992 became very different in 1998 and then in 2002. So, um, I just think again, to go back to the conversion notion that was, you know, just a

natural outgrowth, I think in our view uh, that was the way charters were going to go. The new startup thing I think came along as more folks saw this as competition or a disruption to the system to try to shake things up.

Ember Reichgott...: [00:53:28](#) So as you look back over 27, 28 years since chartering happened in California, you've mentioned some things that surprised you. What else surprised you? What were some of your biggest surprises about what has happened along the way?

Gary Hart: [00:53:44](#) Well I don't know if it's a surprise that maybe, you know, a disappointment, um, is that there's not more thoughtful work done on what, what, what are charters, what, what, why are people choosing charters? Um, particularly in the areas that we're most concerned about in our inner cities. And what is it about the governance structure of charters where you have, for the most part is self appointed board as opposed to an expensive election? Um, that has all sorts of both positive but also some, I think really, um, uh, negative consequences. Um, I wish we had, um, a better understanding of the kinds of innovations that are taking place in charter schools, um, and how those might be transferable to our, um, traditional public schools. It just seems to me there's a dearth of information along these lines. The original research that I saw done on charter schools and it focused initially on, are these charter schools skimming, are these, is this white flight? And so there was all this work done on the demographics and are there, there's 7% African American in charter schools, but the statewide average is 8%, uh, African American, that proves that charter schools are, you know, are elitist or, or bad in some way. Uh, the other aspect of some of this research is, you know, taking a look at test scores and trying to compare charter schools, which vary so much in their, their makeup and their design. That to sort of lump all charters together and compare them to traditional schools also, which are so very diverse. I don't think it was a very thoughtful, you know, approach. I would be much more interested over time, including today, is to understand, you know, how teachers are supported in their schools, what are, what are, how are teachers recruited? Uh, what, what, what are the, you know, the workplace environments for classroom teachers. How is parental involvement, um, encouraged or discouraged through, um, through charter schools? Um, those kinds of questions. Um, I just, um, I don't think that there's a been a very thoughtful discussion and I, uh, I don't know who to blame for all of this, but I think the research community, the universities which, uh, claimed to be doing a lot of great research, it seems to me there's not as much as could be done.

Eric Premack:

[00:56:17](#)

The research community likes to look at charter schools as if it were a particular instructional intervention, like class size reduction or you know, a more traditional reform approach when in fact what it's doing is creating an opportunity for lots of different types of instructional, uh, and operational and governance things to happen. And yet they apply the methodology that they would have applied to say testing whether class size reduction works. And because the only data they have is standardized testing data, they focus on that. And so often we get these studies that end up all over the front page of the paper saying charters are either good, bad or indifferent based on an analysis of these test scores. Um, and I remember talking to one of the researchers, I said, you need to understand that half of the charter schools out there created the charter schools because they wanted to get away from standardized testing? And here you are as if that were their central goal. And this has been a big problem that we, uh, I don't think we saw coming. And what we also didn't see coming was just the rise of the, the parallel or contemporaneous efforts to do systemic reform as it was known or it's still known of taking state standards, state assessments and intervention, uh, as an as a way to improve school systems. Whereas the chartering approach was a fundamentally different approach. But what happened as those reform bills went through, charters came under the state testing standards and the accountability regime that we did not see coming. And if we had anticipated that, I think the sector would have been much better prepared for it. Um, but we weren't and we didn't take it seriously early on. And then we got tarred with this research that is asking the wrong question to begin with. It's been a very difficult row for us to hoe for 20 plus years now.

Ember Reichgott...:

[00:58:21](#)

What other surprises or lessons learned?

Sue Burr:

[00:58:23](#)

I would say, yeah, I mentioned the notion of the kinds of, uh, folks who got out of the gate early and there were people who were doing homeschooling, um, and you know, largely outside of the public education system. And, and on one hand I think you can say, well that's a good thing and now you know, now they have an opportunity to be part of the educational, of the public educational system, benefit from curriculum, textbooks, et cetera. Unfortunately what happened was there started to be a lot of moneymaking going on and so I think right out of the gate folks got off on the wrong foot and saying, well that's what this is about. There are people out there that are trying to make money off of this. This is a public. Fortunately, we were able to shut that down fairly quickly with a supportive Attorney General in California, but I think that plagues us to this day, that we see

individuals who see charter schools and sometimes other parts of public education as a cottage industry. You know, this is a way, this, this can be a get rich quick scheme and if you have a willing authorizer who either looks the other way or sees it also as a way to bring additional resources into their school districts. It's a recipe for bad behavior and it's a recipe for tarring the charter, the charter movement, if you will, or charter schools in general in a way that's very unfair. Um, so that, that was a big surprise and I think it's something that we still kind of deal with today to try to make sure that that doesn't happen.

Eric Premack:

[00:59:55](#)

Yeah, I think we've had a number of what folks often refer to as the bad apples in the charter sector and, um, we underestimated the ability of one bad Apple to taint the whole bushel, if you will. Um, I think we also underestimated the public and the media's willingness to, to tolerate failure. Um, we, you know, in the business sector, if a small business fails or even a big, big business fails, life goes on. Um, in the education sector, when a school fails, um, within the traditional system, we just keep propping it up and the charter system it fails and it does shut down, but it causes, you know, it's on the front page of the paper and florid detail for weeks and people obsess over it. And, um, I think we greatly overestimated the public's tolerance for saying it's okay when a school isn't doing well, to close. And, um, we still haven't figured out that part of it. We also struggled with authorizing. We've continued to have districts as the primary authorizers in California and some of them do great work, um, others as Sue noted, um, do not so good work or even nefarious work. And, uh, solving that policy issue is proven, especially difficult for California. Whereas other States, in Minnesota for example, they're on what I call authorizer 3.0 because you've fundamentally rewritten the authorizing part of your charter statutes twice. And, um, I think have come up with some more creative and innovative ways of dealing with that. And in California, we're still stuck at 1.0 and a lot of our problems stem, I think from that. And we really need to figure out a way to, to address that. It's a big state. So figuring out how to do it is challenging. And now that, uh, some of the politics have become very polarized, it's not a policy environment where it's easy to tackle.

Sue Burr:

[01:01:57](#)

I think to go back to Gary's point about that, one of the impetus for the charter law was that there was so many laws and rules and regulations and districts coming to Sacramento always saying, get out of our life. If you just get out of our way, we will, you know, do this the right way. And in fact, one of my favorite stories is the very first time that Gary presented the bill in education committee. He came into the room and set 11

volumes of the education code on the table and said, this is what the school districts are forced to operate under. So given that and given again a lot of, to put it politely, whining from school districts about get out of our business, one of the surprises to me was that school districts did not embrace the charter law more. There were a few initially and there have been more over time, but didn't embrace it in a way that says, absolutely, we want to give our teachers this authority and this power. We want to give our students this variety of, of choices in education. Many of them just locked down. They said, no, no, no, you know, these are our kids. You cannot take our kids into another educational setting. And they became very contentious and very combative. And to this day they are. And I think some of the hard conversations we see now manifested in, um, you know, charters are hurting us financially, had their roots in that very first initial reaction of no way and no how not in my district. And that was a surprise to me.

Gary Hart: [01:03:27](#) Let me just add, it's not only our children, it's our money and how dare you take our money away from us. Ting Son, who's here, um, shared this comment. It's, it's not your money, it's the public's money. Um, and so, um, these, these territorial wars are, um, are, are, are a real challenge.

Ember Reichgott...: [01:03:52](#) Because they are charter public schools.

Eric Premack: [01:03:53](#) I think we also had, uh, at least I had an assumption that um, school districts would respond somewhat vigorously in terms of looking at what innovations are successful in charter schools and would want to bring those in. And what I think we really underestimated is the structural and political incapacity of the traditional system to innovate and absorb innovations, even when it wants to. Um, the, what I call return to center force is so strong and uh, it's so hard for districts to do anything different. And when I talked to board members or central office administrators in the districts where I do have a lot of contacts, they just tell me over and over again, they were like, we are having so much difficulty just running what we have, that every time we try something different, it creates all these headaches at the labor table, then the other part of the district wants it. Then we have an equity fight. And so it's so much easier to just keep everything the same. Um, and the other thing we estimated was the, just the inability of school districts to deal with, um, some of the competitive forces and the inability to, you know, in other aspects of our society when, you know, if I go on Southwest Airlines, I don't really worry a whole lot about United Airlines losing my business. Um, for some reason within the public education sector, I think it stems from this mentality

of it's our money and they're our kids, there's an inability of the system to respond in a business like way and such that now charters are tainted with the blame for some of the financial distress that many of our districts currently experience.

- Ember Reichgott...: [01:05:47](#) So given that, and as my last question before we open it up to our audience, what is your advice for policymakers today? You've mentioned this issue where there's the concern about money being taken from the districts. I know the caps issue is floating around in California now, has been, and in many other States. Uh, we've talked about the authorizer issue. What would be your advice to your colleagues in this building today about chartering?
- Sue Burr: [01:06:19](#) I'm just going to say for the record, I'm not going to give advice because I'm on the State Board of Education and we, because there's pending legislation, we don't take positions on legislation. So I'll, I'll let my colleagues share their advice.
- Gary Hart: [01:06:32](#) Go ahead Eric.
- Ember Reichgott...: [01:06:32](#) So noted for the record, thank you.
- Eric Premack: [01:06:33](#) I think, um, if I, if I could, another way I'm gonna present it to myself is if I could hit the do over button, what would I, um, I would probably, uh, think much more carefully about the authorizer question. I do think there's something positive to engage in school districts, so I would want to retain, uh, an element of having school districts and probably our County Boards of Education engaged and remain engaged in the process, but also, um, creating some other vehicles to allow for different types of authorizers and to monitor the quality of the authorizing work. Um, I think I would also think very carefully about state accountability regimes that, um, very much the, the high stakes testing. Um, and even in California where we've evolved away from that, there still is a lot of pressure on charter schools to conform their instructional programs and that severely limited innovation in California. A third thing I would do would be to focus very heavily on, uh, trying to develop more teacher leadership in the actual schools themselves and allow for schools, more explicitly allow for schools, that are owned, run, managed exclusively by teachers, much in the same way that lawyers own, run, manage law firms, doctors own, run, manage medical practices. If we're really want professional teachers, um, uh, we need to develop that. And I think that might be a way to get the school labor community to think more broadly about chartering rather than seeing it as the enemy.

Gary Hart:

[01:08:11](#)

Um, I'm somewhat disengaged, uh, today, so I don't have nearly the expertise that Eric has on this matter. But the only thing that I might add is from my experience in the legislature, and I used to say this as part of the presentation on charter schools and the, the legislation is that when we have a problem, when you have something bad happen, the legislative response is let's pass a bill so this never happens again. And that's a very natural response. And I think in a certain sense it's an appropriate response. But if you do that over and over again for 50 years, you're going to have 11 volumes of the education code. And, um, we still have, I don't know how many volumes it is. It's probably at least as many as it was when the charter law was passed. The idea that it's not only a human problem, it's a political problem. If you have something bad happen, you as a politician better fix it or it means you don't care or we're going to throw you out of office. And so there's a very strong incentive to pass the law or to pass the regulation. And, um, and I've heard Eric comment on this and it's my biggest concern is the re-regulation. The charter schools, if we continue down this path in another 27 years, we'll have an education code of charter schools that may be this size. So my principle concern, if I were in the legislature, and it's very difficult given the political pressures that one is under, is not to re-regulate, not to every time there's a problem say, we're going to pass a bill so this can never happen again. Um, now what is the alternative to that? Um, I'm not sure, but one alternative is something like an inspector general. We have that at the federal government now and a whole series of departments. Instead of passing new laws, ask an inspector general for charter schools to go out and to examine allegations or even if there aren't any allegations to on a regular basis, visit charter schools, issue reports, um, sort of public shaming sometimes. I mean there are a lot of different ways that you can go about this instead of just creating new laws and regulations that mimic a system that we were trying to get away from.

Ember Reichgott...:

[01:10:39](#)

Oh, I've seen that in many States around this, this country. So thank you for that very powerful point. And I'll just sort of, uh, go back to your point on when I authored the first law in Minnesota, there are three things I wish I had paid more attention to, but I really didn't understand at the point. And one was authorizing, we just assumed they were going to figure it out and we gave them no direction. Uh, the second was startup funding, which then was picked up and taken through, uh, by Senator Durenberger and others in Washington DC. And then, uh, the third one was facilities funding. Now, I haven't heard that come up here, but that's been a big issue in other States. We have a question from the audience from Mr. David

Patterson and the issue is, um, as part of the starting, uh, work of chartering, uh, one of the ideas was to try to serve under-served kids. How much have we actually accomplished that goal in reaching some under-served kids? And also how have we reached the goal of serving all of the students with chartering?

Gary Hart: [01:11:42](#)

Eric, you're the man.

Eric Premack: [01:11:44](#)

Uh, I, I actually think Sue has a better perspective on this, but I will weigh in. I, I think, uh, for those immediately in the system that we currently have some 600,000, um, a very large proportion of those are disadvantaged kids, whether you gauge it on, uh, family income or other metrics. And certainly those kids are benefiting, uh, I think enormously. We had several hundred of them in the building here yesterday. And the passion, uh, evident from the parents and the kids themselves was, was palpable. Um, I think we had this, uh, thought that some of the innovations from the charter sector would be rapidly absorbed by the traditional system. And I think one of the hardest lessons we've learned is just how sclerotic the, the, uh, things are in many of the larger districts in particular and their inability to, um, absorb innovation and, uh, is a huge issue that I think is a big issue for the state that we haven't yet figured out.

Sue Burr: [01:12:52](#)

Yeah, I do think, I think that there were certain things that were done early on where there were educational options provided. I think about Waldorf Education and some school districts said, well, we're going to open a Waldorf charter. I think there were some districts that really took that to heart of the sort of R and D model of we're going to try something out on a charter. We'll see if it works or we see from parent interest that that's the kind of educational program we want to offer. I sort of feel like that's petered out a little bit and, and I think to Eric's point or charter or districts have said, Hey, it's fine for you to have a performing arts academy over here or it's fine for you to have a CTE program over there and that's another option and they embrace it as an option within their district, but they don't then say, we'd like to serve a bigger sector of our students that way. So I think it's been, it's been real hard to permeate, but I do believe, and I'd have to, you know, look really carefully at the research, that given the population that charters have served and the overwhelming number of disadvantaged students that charters have served. And I'll just say the number of students I see at the state board who are there pleading for the lives of their charters. It's had an amazing effect on those children.

- Eric Premack: [01:14:08](#) Yeah. What we are also seeing now is some interesting revisionist history of charter opponents saying, because charter schools haven't fixed the traditional system, we don't need them anymore. And to me it could be, you know, I come to the 180 degrees in the opposite direction that, um, if the traditional system is gonna remain, uh, so impermeable, that maybe what we need are a lot more of them rather than fewer. So that the central issue that we're gonna have to figure out. I don't think though that it's a good idea to have 100% charter system. Um, I, I think it's good to have two parallel systems that are pressing one another, uh, and um, and, and feeding into one another. But at this point, too many of our big urban districts are so bound up that we need to find a fundamentally different approach to governing and managing them.
- Gary Hart: [01:15:05](#) The only thing that I would add is today the question is, um, there's sort of an implication, well, maybe charters haven't had much of an impact on the traditional system and Eric I think made that point earlier. But I think that's true of all of the reforms that precede charters and maybe subsequent to charters. Um, you know, we hear about boutique reforms, we hear about reform dejour, there's sort of this healthy and not so healthy skepticism about any kind of reform that's out there. And charter is the, you know, is the elephant in the room. But there are a lot of other reforms that were implemented, some with success in schools but have just not permeated the, you know, the entire system. It really has a life and a culture of its own that's very, very difficult to, to modify.
- Ember Reichgott...: [01:15:54](#) We have another question from the audience from Myrna Castrejon, who is the Executive Director of the California Charter Schools Association. And that is what has been the contribution of chartering over the many years to the overall education system, including the benefits to the system. So let's open that up.
- Eric Premack: [01:16:15](#) I'll, I'll jump in. Uh, I think, uh, one of the less well known contributions is that California redid its education funding system, uh, in 2013 and essentially took what had been the charter school funding system, slightly tweaked it, um, and implemented it statewide such that charter schools and traditional, uh, district run schools are now all under a single common, uh, largely unified funding system. Uh, one that's much more transparent. That is where most of the money follows the student, uh, and is much more comprehensible and it has put a lot of education finance consultants out of business, which as a former education finance consultant, I think that's a good thing. Um, we've seen some districts, uh, off and on, uh,

doing some interesting work internally trying to, um, get away from a uniform structure of every school has to be a cookie cutter, uh, version of what, uh, of the next school and instead trying to be more responsive to, uh, parent desire, student desire, and to diversify their instructional offerings. Um, some districts, including the one here in Sacramento, have started their own, what we call in-house charters. Uh, the Los Angeles district, which has had a long tradition of magnet schools, has tried to redouble those, um, with varying degrees of success. One innovation that I think they need to implement if they want to continue to do that is to look at how our multi-school charter organizations, we call them charter management organizations, handle their finances. And what they do is they limit the centralized expenditures to a fixed percentage of their budget and force the rest of the money out. But then each of the sites is responsible for living within its own budget. If we did that in the traditional system, I think it would be much easier for school districts to implement these reforms and accommodate fluctuations in enrollment. And that's an innovation that hasn't gotten into the traditional system that I think it desperately needs.

Sue Burr:

[01:18:25](#)

We've tried that in lots of different versions. I'm not sure they've been real successful, including in Los Angeles. Um, I, well, I would just say also that some of the things I think that, that the charter, the excitement about charters and the excitement about charter innovation, um, has led to a lot of private funding coming into education through foundations and others who have said, for example, small schools, you know, lots of charters are much smaller, much smaller class sizes than our traditional schools in California. And, and the foundations have been willing to invest in public schools in a way that we might not otherwise have seen and to try things out that, um, that might be promising, uh, for public education. Um, I guess that's off the top of my head because I think we answered the, at least I answered the question in the first question. So I don't have anything beyond that.

Gary Hart:

[01:19:16](#)

I think Eric and Sue covered it quite well. I, you know, my recent experience here in Sacramento working in a school and seeing how the schools operate is really building upon what the question was asking, uh, about, uh, you know, the magnet schools. I see in Sacramento and kids are in middle school, they have all these options and they have parents' nights and everyone's coming, trying to take a look at, uh, what's different from McClatchy High School to Kennedy High School, to a charter school. And it is just sort of an accepted way of doing business. It's not in some instances that the differences are

oftentimes not all that great, but at least people now have an opportunity to listen to different options. There's a little bit of hustling that's going on that's not not a bad thing. Um, and that's a new, new cultural phenomenon that I think is a very healthy development and I think charter schools are an essential part of that and deserve quite a bit of credit for this new tradition of, um, of, uh, public school options.

Eric Premack: [01:20:21](#)

Gary, you had for a couple, uh, for a few years, um, started, uh, not too long ago, a special program within a larger comprehensive high school here in Sacramento. Um, and it combined, as I understand you, you being a history social studies teacher, you worked with the folks in the English side and kind of did a combined, uh, innovative program within a larger traditional public high school here in Sacramento. Um, you ran into some challenges as you did that. And had you ever thought about doing that as a charter school?

Gary Hart: [01:20:59](#)

You know, I, I did Eric, but I felt that the challenges of going through the charter process were going to be, you know, beyond my ability to try to, and particularly here in Sacramento, we have a very, um, you know, aggressive and difficult union in many respects and I think it would have, you know, perhaps could have been done, but, um, I wanted to get out there and start doing some things and teaching instead of spending all my time being politician, I was trying to get, I was tired of being a politician. I wanted to get back to teaching. So, um, I mean there were, there were challenges, uh, there were problems. I mean, you know, such things as field trips, which are very important part of the program. The amount of bureaucracy that's required to allow students to go on a field trip. It required a full time person to just sort of deal with the paperwork and some of it is inevitable given lawsuits and liability issues, but a lot of it was inertia. One of the things that's to me very exciting about some of the early charter schools and I don't know as much, you know, today is, is, time and the quickness when you are a small non-bureaucratic organization. If you want to do something you can do it and how liberating and healthy that is for the teachers and for the parents to have an immediate need and to be able to address it instead of having to go through a very cumbersome and lengthy process to get, to get something done.

Ember Reichgott...: [01:22:21](#)

We have a question from the audience from Ting Son and her question is, given that so many students have gone through the charter schools here in California, what has been the impact on those students? Have they experienced a change in the student experience or a different student experience in chartering?

Gary Hart:

[01:22:42](#)

Let me just briefly comment and, uh, Eric and Sue have much more expertise than I, but ignorance is bliss. I can just sort of, uh, um, you know, fire away. Um, one I think is for students who do not fit into the traditional education system, your, you know, potential dropouts, people who are unhappy in a school system, not only the students but their parents as well, desperate for some alternatives. Um, it's been a surprise to me the extent to which charters have oftentimes embraced, uh, and specialized in some of these most challenging educational, um, um, you know, issues that, that we have. And I'm very proud of the fact that, and I know secondary schools better than elementary schools, the rich array of alternatives that exist, uh, during those difficult adolescent years. The other point that I would just make any reference has been made before and I, um, also feel that this is an important issue, is the issue of size. Um, I think that charter schools, um, because they tend to be much smaller than some of our comprehensive high schools and, and middle schools especially, provide, um, a more secure, a more personal, um, environment that's very important for, for students. Um, and I think that's been a real benefit for many students in California who've been part of the charter experience.

Sue Burr:

[01:24:10](#)

Yeah, I was going to say along the same lines, I think that students today have much more diverse experiences than they had prior to charter schools being, whether it's in the education program offering, performing arts, I keep looking at Ting, um, or, you know, the particular curriculum that's offered or to, to Gary's point, the personalization of learning. Um, most people know this in the room, but my husband ran a charter school for many years that was affiliated with job training programs and they were for high school dropouts. The, they were trying to recover these, all of these students that had not graduated from high school. And it was such an uplifting experience to go to the graduations of those schools. Very, um, very emotional because those children, it changed their lives. You know, but they had teachers who knew them, they knew each and every one of them. They knew each and every one of their needs and they accommodated their instructional program to make sure those students were successful. And I think as Gary pointed out, many if not most charter schools do exactly that. Those children are there because they have specific needs, whether it's at one of the high end of the educational spectrum, the low end or anywhere in between or specialized needs. And they're tailoring the instruction to those students. And I think that's had a major impact.

- Eric Premack: [01:25:29](#) Yeah. I, um, used to work as a researcher and visited a lot of schools and the most palpable differences is this personalization and the, and the depth of the relationships that students and parents, and parents have with the school and the, the level and genuineness of the relationships is very different and when you sit down and interview a group of parents or students, which I've done, uh, dozens of times, all of them can very clearly articulate the difference in feeling respected, understood, um, and developing strong, um, uh, relationships with their teachers and other students. Part of it I think does go to school size. I think part of it is also a structural issue where um, many charter schools have developed school cultures where that is a central feature of the school's culture is to build relationships, to build mutual respect and understanding. Where often in more traditional schools, parents aren't really welcomed in. They're seen as a, uh, kind of a, you know, a hassle to be managed rather than a resource and uh, to be leveraged. And that is a huge, huge palpable, palpable difference when you go into the schools.
- Ember Reichgott...: [01:26:47](#) We have a question from Jared Austin in the audience and that is, uh, as uh, the pioneers of chartering, uh, here and across the country retire, uh, what advice would you give to the next generation of pioneer leaders? That's a really important question after 27 years.
- Sue Burr: [01:27:10](#) Well, I again my advice would be to keep at the core of charter futures, what the original intent was and I talked about that earlier. Improve student learning, provide additional choices, make sure you have sufficient accountability and empower teachers and administrators to do what's right on behalf of students. And I think if you can keep that at the core and you know, and make changes that, that are aligned to that, then you can continue to move forward. I worry a little bit about the conversations we're having now. Keep kind of diverging from that into other, into other issue areas. Also, just as Eric reminded us earlier to make sure that people clearly understand that charter schools are public schools. Um, you frequently see in public discourse, people talk about public schools and charter schools as if there's something else and that they're intended to be, um, an educational option that provides personalized learning just as we were talking about. So that would be my advice.
- Eric Premack: [01:28:15](#) We've, um, been running a school leader support program for almost 20 years now and, and a couple of really key things just keep coming out. Number one is humility. Uh, number two is it's not about you, it's about the school. Um, and that it's not about

you, piece has a few implications. One is when they beat up on you, you can't take it personally. You have to come back the next day ready to you know, lead and it has to come off of you and if you understand that it's not about you in the first instance, it's a lot easier to do that. Um, third piece is we're entering an era of fiscal constraints where, um, having a successful school and growing it going forward with given the limited financial resources, it's going to be more and more important to focus on, uh, leveraging, um, discretionary effort out of students, parents and teachers, and creating a, an environment where they feel engaged and are part of, uh, leveraging the school's culture and its operations and a part of its design and evolution. If you try to do it and say, this is the way we're going to do it, and I know because I'm the smart leader, et cetera, it's not gonna work. If you define what the goal is, focus it as Sue said on student needs, and then bring them into the process and see yourself as more of a choreographer than a, you know, visionary to be followed. I think you'll have a lot more success.

Gary Hart:

[01:29:55](#)

I would have two things to add to that and Eric and Sue did a nice job of sharing, sharing their views with which I concur. Um, one is that traditional public schools and charter schools, neither one is going away. Um, and rather than be focused on wars, as to who's going to get the upper hand, if we can somehow, um, and maybe this is pollyannaish or pie in the sky, but figure out some mechanisms by which there can be more significant substantial dialogue between each sector so that there can be some real cross-fertilization. I think that would be something that I would love to see in this, uh, era going forward. The other thing that I would say from my perspective as an elected official is one of the most important things for an elected official and I think it also would apply to if you're a charter leader or a school superintendent or whatever is, we all have our constituencies. We all have, to use a word in this Trump era, we have our bases that we have to appeal to. But I think a real profile in courage, um, is when you can sometimes, um, speak truth to power to your, to your base. Um, it's so easy I think to get captured by your own constituency. And I think, uh, one aspect of real leadership is to be able to, um, speak as adults to sometimes people in your own own group that, um, you really feel are too far out there. Um, and I wish we would see more of that in all of our politics of people who are not always 100% aligned with just sort of one extreme of a particular, you know, constituency. Um, so I think if we were to have real thoughtful leadership in public education moving forward, we would have, uh, some of those folks coming forward that would probably anger a little bit in each side in

terms of those constituencies. But if we're really gonna make some progress, we have to have leaders that come forward that are going to say things that are going to be uncomfortable to some.

Ember Reichgott....:

[01:32:04](#)

I would just add to your question as well that part of my mission is to educate the next generation of messengers about chartering so that you do understand the origins and can address the myths that have perpetuated for all these years ever since 1991. They are the same exact myths that we dealt with in the Minnesota legislature then it has been dealt with in every state thereafter. So we have to be astute about our messaging and um, uh, and the stories that we can tell and the success stories that we can tell from our work in chartering some of those thousands of students that have gone through the system. And it's about that, that brings us to why we're here today for taping this oral history for the National Charter Schools Founders Library. Sometimes we have to go back to the origins to really understand the why and the how of chartering. It's a whole new generation and there will be more to come. That is the purpose of this and we really appreciate the work you have done today to capture the California pioneering chartering story. We've also captured before this, the stories in Minnesota, Colorado and Michigan, other the four pioneering States now with California. And we are delighted that we have captured those States and all of the members of our national advisory committee, including Eric. Um, I am also just thrilled to be a part of this as the lead for the National Charter Schools Founders Library. And I am working with the National Charter Schools Institute in Michigan, which is headed by Dr. James Goenner, the CEO there. Um, I also want to thank all of you for coming today to be a part of this. Uh, really appreciate having the two, uh, the, the major chartering organizations. All of you in this room together today. That's how we're going to be able to get more done is when we all work together in that regard. And, um, I also really just want to thank you, the panels. Um, my gosh, it was an amazing panel. So Senator Gary Hart who I've had the privilege of working with over the years in this work, I really, really appreciate the work you've done and still do, um, Sue Burr um, the State Board of Education now, but really critical as a staff person in this work, uh, in 1991 and 92' and Eric Premack who is the one who really brought the idea to California and came from Minnesota, my colleague there. Um, and currently the, the, the executive director of the Charter Schools Development Center. Um, I want to also acknowledge Myrna for being here from California Charter School Association and the Authorizers Association being represented here as well. Um, so with that, um, I just, uh, really appreciate, I want people

to reference the website at the National Charter Schools Founders Library. You'll find a lot of these videos we've talked about. That's where this will be. The videos will also be transcript-ed so that your historical agencies can use this. That's a lot easier for people to access, and that will be up in a few weeks. Uh, and so with that, uh, really appreciate the great work, the great conversation. My name is Ember Reichgott Junge and I am the lead for the National Library and thrilled to be here a part of this very esteem panel.

All: [01:35:29](#) Thank you. Thank you. Thank you.

Gary Hart: [01:35:30](#) Thank you Minnesota.