

PRIVATIZING PUBLIC CHOICE

THE PAST, PRESENT, AND FUTURE OF CHARTER SCHOOLS IN ALBERTA

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Executive Summary

Charter schools are publicly supported, autonomously operated schools of choice. The charter school “movement” is driven by dual impulses intent on increasing unique schooling options for students and unleashing market competition. Alberta is the first, and only, province in Canada to have charter schools. Since their introduction in 1994, charter schools in Alberta have grown modestly (enrolling just under 10,000 students in the 2019/20 school year, which is about 1.4% of the total student enrolment in the province).

A strength of Alberta’s charter schools is their relatively low numbers. When charter schools are limited in number, they can be given the flexibility to take measured risks in implementing innovative pedagogies and styles of teaching and learning that focus on creating alternative educational environments and programs that respond to the needs of a specialized section of the population. Successful lessons from these alternative programs can then be evaluated, shared, and incorporated into the broader system to support more learners.

Current legislative reforms to be implemented in Alberta are geared towards liberalizing the charter school market by lifting the cap on the number of charter schools and streamlining the application approval process. Removing the charter school cap follows the same trajectory of liberalization that has occurred in the United States, which has largely resulted in a differentiated public system and inefficiencies caused by running two parallel systems of public schools under separate governance arrangements. Streamlining the application approval process makes it easier for market access and private interests in public service provisions, which proponents suggest will benefit the wider system through competitive market pressures.

However, the research evidence demonstrates there is no guarantee that charter school competition will spur innovation and efficiency, as proponents claim. The question of unique charter school “innovations” is debateable since the most common instructional strategies found in charter schools can and often do occur in public schools. Furthermore, the list of supplemental fees associated with attending charter schools as well as independently-determined selection processes also represent hidden impediments to real choice.

Charter school organizers in Alberta working in collaboration with publicly-elected school boards, play an important role in promoting the growth of specialized and alternative school programs within the public system. To maintain this robust system, and indeed improve upon it, regulators must continue to work collaboratively with local school boards to ensure that the mix of providers in any context is restricted to those that provide the best possible opportunities for learners that are in the interests of the public, truly accountable to the public, and based upon decision-making that is measured, equitable, and transparent.

Public education reforms intending to open up charter school expansion and parental “choice” through competitive education markets, along with a funding model characteristic of a quasi-voucher system, signals an effort on the part of government to privatize public choice. Such policy reforms mistakenly presume that choice is a viable substitute for an emphasis on systemwide equity and enhancements.

Charter Schools in Alberta

This brief section provides an overview of the basic intent, role, and structure of charter schools in the province of Alberta. This is followed by an analytical overview of the past, present, and future of charter schools in Alberta.

Charter schools in Alberta are publicly supported, autonomously operated schools. They provide a basic education that is intended to be offered in a different or enhanced way, compared to what is offered by the local school board, to improve student learning and choice in education. The curriculum delivered is to be structured around *Programs of Study* defined by Alberta Education. Charter schools employ Alberta certificated teachers and are not permitted to have any religious or denominational affiliation. They are eligible for the same per student provincial funding that all schools receive in the public system.

Charter schools are non-profit, operated by non-profit corporate entities, governed by a board of directors from the corporate entity, referred to as the charter board. A charter board has the autonomy to operate a charter school in accordance with its charter agreement with the Minister of Education. The charter describes the unique educational services the school intends to provide, how the school will operate, and the student outcomes that it aims to achieve. Charter schools are accountable for student achievement, financial reporting, meeting educational goals, and compliance with provincial regulations and policies, but are not governed by democratically elected trustees.

If sufficient space and resources are unavailable, charter school authorities are not obligated to enroll every student who seeks admission. In turn, charter schools can select students in accordance with a selection process established by the charter board. Similar to other public schools in the province, charter schools cannot charge tuition fees; however, they may charge fees for instructional supplies and materials. Generally, the financial obligations of parents with children attending charter schools are higher than other public schools due to transportation fees, uniforms, and other auxiliary costs.

The Past

In 1993, the same year the Progressive Conservative government was re-elected in Alberta with a new leader, Ralph Klein, a report commissioned by the government to study education reform was released. Entitled *Charter Schools: Provision for Choice in Public Schools*, the report declared a lack of competition as the main reason for the “failure of public schools to provide the level of excellence in education necessary for success in an increasingly competitive society” (Alberta Education, 1993: 4). In response, then Minister of Education, Halvar Johnson, introduced Bill 19, the School Amendment Act, which enabled the establishment of charter schools.

The introduction of charter schools in Alberta in 1994 represents a political response to a dilemma posed by many Western governments at the time. That is, how can public schooling

help a nation develop a competitive edge in the global market, reduce governmental expenditures on the social welfare state, and provide services to a population of “clients” that is increasingly diverse?

Accompanying the implementation of charter school legislation under the Klein government was a number of educational reforms that focused on public-sector restructuring and cost-cutting mechanisms. The provincial budget for education was reduced by 12.4%. However, funding for private schools steadily increased.¹ Though not technically a voucher system, funding was based on conditional “funding envelopes” whereby money follows the student and is linked to certain requirements and parental demands—thereby promoting the expansion of the most marketable programs (Kachur, 1999). The collection and allocation of funds was controlled by centralized provincial authorities. Other reforms included more standardized testing, site-based school management, and a reduction of school boards from 141 to 68. “Correspondingly, the role of government shifted away from ensuring equitable delivery towards the role of standard-setter and provider of information to parent ‘clients’” (Taylor, 2001: 26). Keywords used to define Alberta’s public education restructuring become synonymous with “efficiency,” “accountability,” and “choice” (Taylor, 2001).

Underpinning such reforms, however, is a commitment to marketization. Marketization refers to “the introduction of market forces” (Ball, 1993) and the “development of ‘quasi-markets’ in state funded and/or state provided services” (Whitty & Power, 2000: 94). In this way, charter schools are an instrument for introducing market mechanisms such as choice and competition into the public sector, and thus are “intended to transform the institutional environment in that sector to be more market-like” (Lubienski, 2013: 503). Simply put, the theory of marketization is that consumer choice + institutional competition = improved standards (at lower costs per unit).

Educational policy reforms and public sector restructuring taking place under the Klein government, however, were not unique but rather borrowed and adopted from other countries. Indeed, there are clear parallels between reforms in Alberta and those articulated in Britain under Margaret Thatcher and in the United States under Ronald Reagan as well as neoliberal governments in New Zealand and Australia (Levin, 1997; Taylor, 2001; Whitty, Power, & Halpin, 1998). Accountability aligned to monolithic metrics, standards, decentralization, the development of quasi-markets, and assaults on the teaching profession typify the common reforms across these jurisdictions. The impact of Alberta’s neighbour to the south should not be underestimated. In the United States, widespread reforms included parental choice through charter schools and voucher systems, reorganizing schools based on managerial practices, and performance indicators attached to narrow accountability regimes. Minnesota was the first state to implement charter school provisions in 1991, and by 1996, twenty-five states in the US had charter school programs (Whitty, Power, and Halpin 1998).

¹ In 1996/97, the per-student funding rate for private schools was 50% of the per-student funding for public schools. Over the years, that rate has steadily increased and now private schools in Alberta receive 70% of per-student funding relative to public schools. In turn, Alberta funds private schools at a rate that is higher than any other province in Canada, and the UCP has committed to continue to increase funding to private schools in the coming years.

After charter school legislation was enacted in Alberta in 1994, the first three charter schools opened the following year in 1995 (Suzuki Charter School, New Horizons Charter School, and Centre for Academic and Personal Excellence). Five more opened in 1996 (Westmount Charter School, Boyle Street Education Centre, Aurora Charter School, Almadina Language Charter Academy, and Global Learning Academy). In 1997, another three charter schools opened (Foundations for the Future Charter Academy, Moberly Hall School, and Mundare Community Charter School). In May 1998, however, education minister Halvar Johnson announced the closure of two charter schools due to financial difficulties, including the Global Learning Academy and Mundare Community Charter School near Edmonton which was absorbed by the Elk Island Public School District. By 1997/98, enrolment in Alberta’s public charter schools had reached 2,127 students. The next year, however, enrolment dropped to 1,698 followed by successive growth, year after year, notwithstanding a dip in 2011/12 on account of Almadina Language Charter Academy’s enrolment plunge from 660 to 371. By 2020, the total number of students enrolled in charter schools across Alberta reached 9,918. These numbers are shown graphically in Figure 1 below.

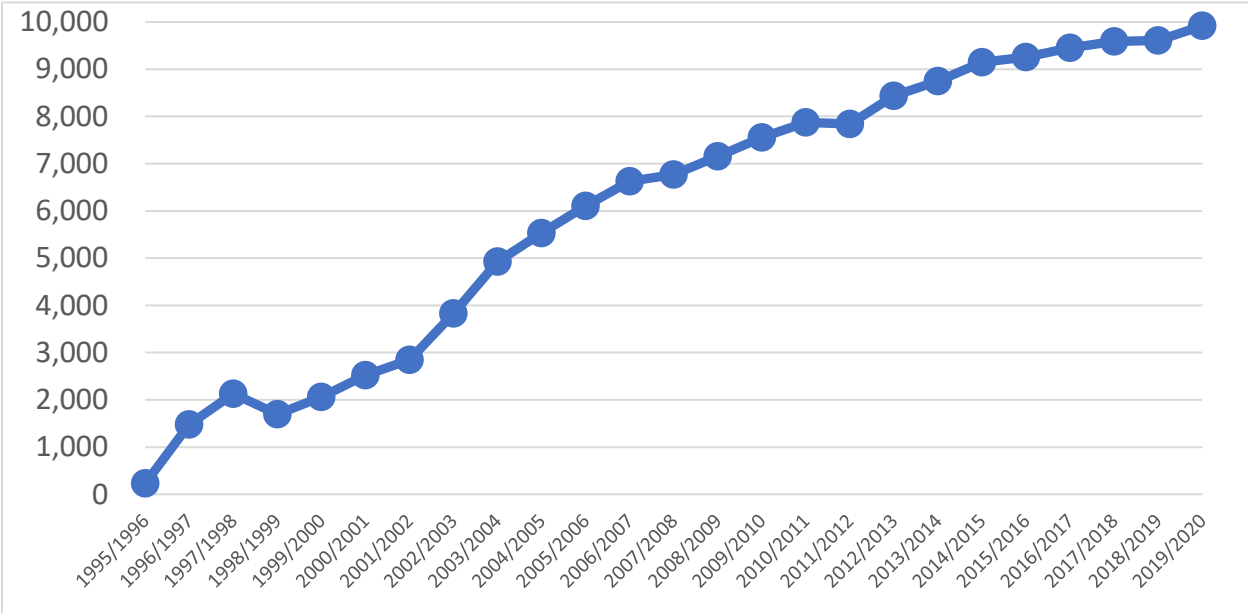


Figure 1: Alberta Charter School Student Enrollment per School Year from 1995 to 2020.

Source: Alberta Education.

Under the Charter Schools Regulation of Alberta’s School Act, a cap of 15 charter schools was imposed. Though the regulation ambiguously refers to fifteen charter schools, the cap applies to fifteen school authorities, which can each operate multiple school campuses. Legislative restrictions limiting the number of charter school programs may indicate hesitation on the part of earlier governments to broker a public-school marketplace. Regardless, the cap has proven to be a strength of the system. As Fiske and Ladd note, “for charters to fulfill their function as a spur to innovation, it is thus probably best that they not become the norm. When charter schools are limited in number, they can be given the flexibility to be innovative, to offer alternative educational environments, and to take risks” (2001: 65).

Charter schools were introduced in Alberta in 1994 at a time when governments, around the globe, were turning to market-based principles and mechanisms to restructure public institutions to make them more cost-effective, efficient, and accountable to the demands of their “clients.” Over the years, however, the vision of the charter school movement in Alberta has shifted from an agenda based on competitive education markets to centres of research and innovation, as conveyed in *Inspiring Education* (Alberta Education, 2010) and *Action on Research and Innovation: The Future of Charter Schools in Alberta* (Alberta Education, 2011). In the latter it states, “[i]n the future, charter schools of Alberta could serve as provincial innovative education research centres” (2011: 4). As Bosetti, Brown, Hasan & Neven van Pelt (2015) point out (and citing Diane Ravitch, 2010), this brings the charter school concept full circle, since the original vision of charter schools as conceived by progressive educators in the US was for “teacher-led autonomous public schools that could serve as laboratories for cutting-edge research and development to solve important problems of pedagogy and curriculum, discover strategies to address the needs of the hard to educate, and produce findings that would help, rather than competing with other public schools” (2015: 40).

With 1.34% of student enrolment in Alberta, the growth of charter schools over the past twenty-five years is hardly a threat to fundamentally reorganize Alberta’s public education system. However, the vision of a limited number of charter schools operating as centres of research and innovation that share rather than compete with public schools, again seems to be shifting under the United Conservative Party to a commitment to education markets under the guise of parental choice. This is discussed later on in regards to legislative changes set to abolish the cap on charter schools in Alberta and work towards “privatizing public choice” (Kachur, 1999).

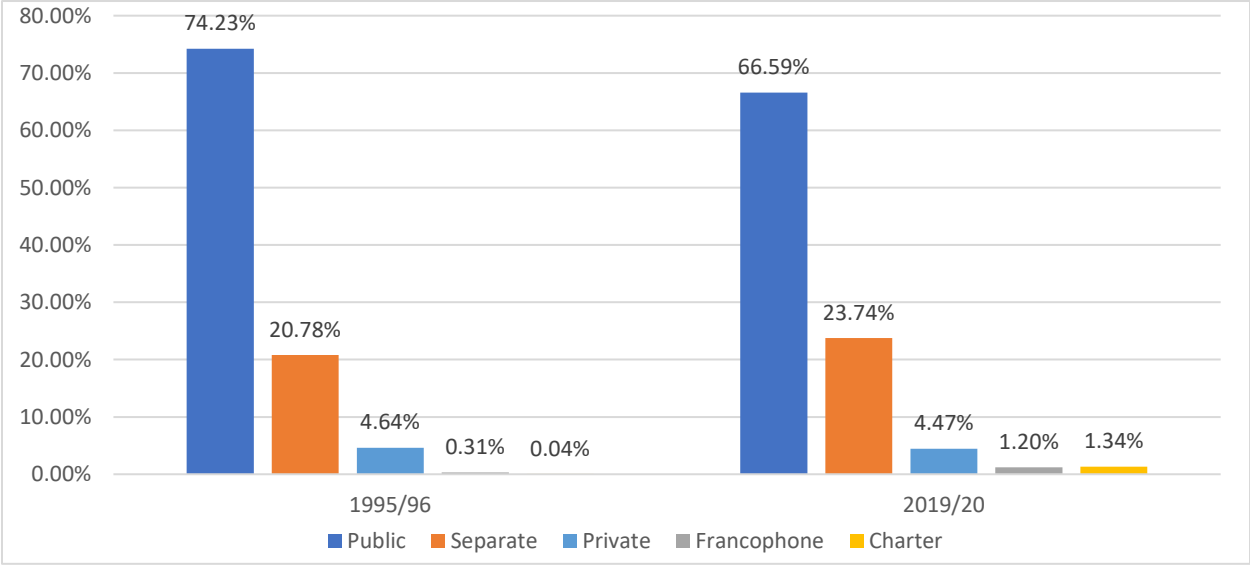


Figure 2: Share of Enrolment by School Type – A Comparison between the Past and Present
 Source: Government of Alberta Open Data Portal.

The Present

Currently, Alberta has 13 charter school authorities operating 23 school campuses across the province. Of these, the vast majority (16) are located in Calgary, which enrol more than 78% of all charter school students in Alberta. Comparably lower, in Edmonton, there are three charter schools with about 14% of Alberta's charter school students. Sherwood Park (located on the outskirts of Edmonton) has one charter school with 4% of the student enrolment. Medicine Hat also has one, serving 3%. Finally, two of Alberta's charter schools are situated in, and serve, rural communities with 1% share of student enrolment.

To establish a charter school, individuals or groups wishing to do so, according to the (now amended) School Act, first had to approach their local school board to have their application considered as an alternative program of choice (Alberta, 2015). The school board could then meet this request either by demonstrating such a program already exists, or by working to establish an alternative program based on the concept proposed. While the school board may reject the request as submitted,² it could also choose to replicate a version of the program by forming an alternative or "mirror" program within the local system.³ Hence, school boards in Alberta could respond to demands for programs of choice in a variety of ways. As Bosetti et al. (2015) observed, "[t]hey can work together with the charter applicants to accommodate the proposal as an alternative program in their board, as has been the case with Edmonton Public School Board.

Calgary Board of Education has taken a different approach, rejecting most applications, and establishing their own alternative program in direct competition with charter schools in the region" (2015: 37). The Calgary Board of Education's relative propensity to reject charter school applications and set up their own alternative program in competition with charter schools in the area, and the Edmonton Public School Board's approach of working with charter school proponents by accommodating their proposal as an alternative program offered by the local school board explains the disproportionate growth of charter schools in Calgary compared to Edmonton.

Regardless, this system of charter school formation in Alberta has further encouraged the growth of specialized alternative school programs within the public system. Hence, "the importance of the charter school effect is not so much the modest number of students who attend charter schools as about how public-school boards have responded to the new competition" (Kachur, 1999: 115). Yet, recent amendments to the School Act have the potential to drastically change this by allowing individuals and groups seeking to establish a charter school to apply directly to the Minister, and thus bypassing the important step of first working with the local school board to establish an alternative program of choice.

² If a local school board rejected the proposal for an alternative program, and the parties seeking to establish a charter school could demonstrate that the requested program is not offered, they could apply to the Minister of Education for charter approval.

³ It is important to note that these "mirror" alternative programs offered by local school boards are based on ideas and philosophies proposed by charter school organizers, but are located in local public schools that are already established and have sufficient space to accommodate more students.

Specialized programs of choice offered by Alberta’s charter schools are portrayed in Figure 3 below. They include a range of teaching and learning styles, such as personalized learning, inquiry-based learning, and specialized instruction for gifted learners. Teaching philosophies based on mastery learning through music instruction, all-girls learning environments, and Indigenous teachings are also provided. As are programs that focus on English language learning, Arts immersion, and serving “at-risk” (or “at-promise”) youth.

The most widespread distinction among charter schools in Alberta relates to a “back-to-basics” style of teaching and learning based on direct instruction. Foundations for the Future Charter Academy (FFCA) in Calgary, Aurora Academic Charter School in Edmonton, and Valhalla School⁴ in a rural northwestern community in Alberta each distinguish their operations as employing a teacher-directed form of instruction. These three charter school authorities constitute nearly half of Alberta’s total charter school student enrollment (47%). FFCA alone operates seven campuses with an enrolment of 3,663 students. It is important to keep in mind the intent of charter schools is to provide education in a different or enhanced way, with a unique focus not offered by the local school board. However, the question of “uniqueness” remains locally-contingent as many public school boards offer similar programs and continue to further develop a diversification of learning opportunities. Moreover, some practices referred to as charter “innovations” such as personalized learning, inquiry-based learning, and direct instruction are all strategies that can and often do occur in public schools.

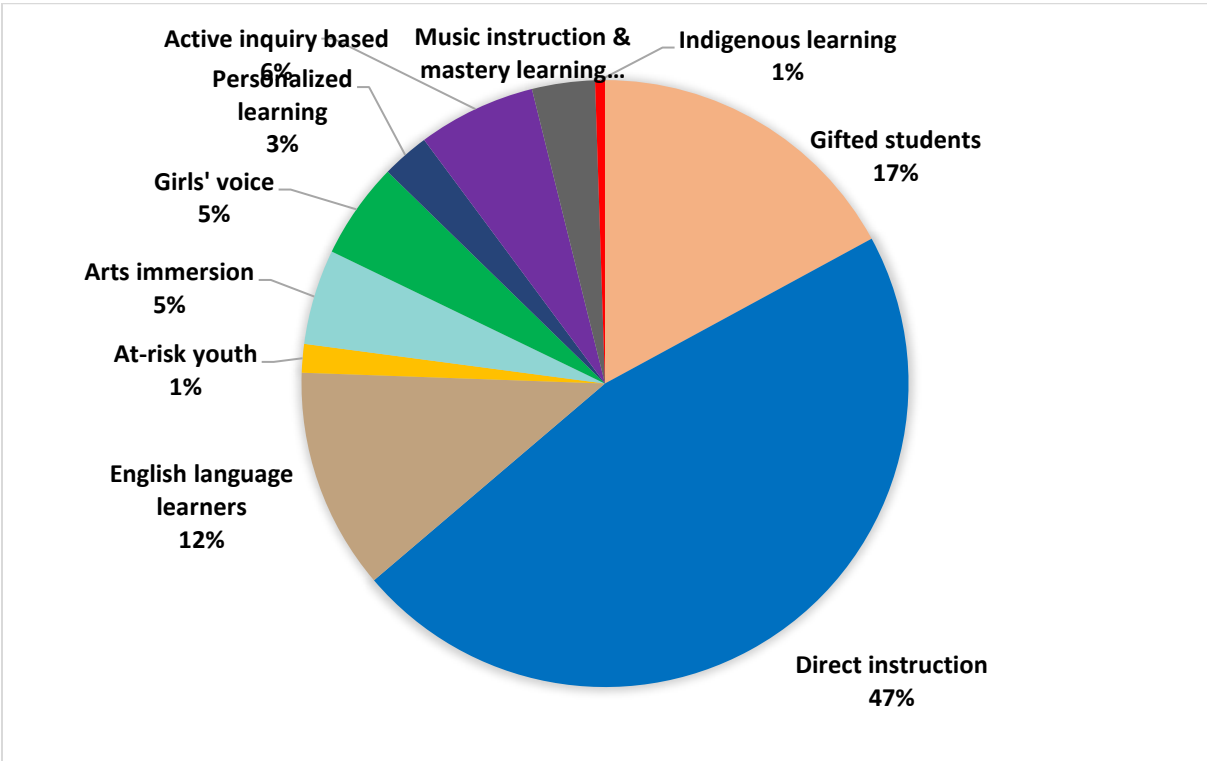


Figure 3: Enrolment Share of Alberta’s Charter Schools by Mandate in 2019/20. Source: Alberta Education.

⁴ It should also be noted that part of Valhalla’s distinct charter mandate is rural student leadership and a mandatory second language requirement.

Though charter schools are tuition-free, they may charge fees for instructional supplies, materials, and activities, as can other public schools. These may include transportation costs, resource fees, technology user fees, lunch supervision fees, activity fees, uniform costs, textbook rentals, elective course fees, or in the case of Suzuki Charter School, the cost of private music lessons. The financial obligations of families differ considerably depending on the nature of the program. For instance, Boyle Street Education Centre, which caters to youth who have experienced interruptions in their formal learning due to trauma or hardship, charge no fees of any kind. Whereas, Calgary Arts Academy charge a resource fee of \$425 to \$545 per student, per year (depending on the grade) in addition to lunch supervision fees of \$265 (grades 1-3) and \$100 (grades 4 to 9) as well as transportation costs ranging from \$550 (one-way) to \$850 (both ways). Other charter schools require mandatory uniforms, such as Calgary Girls Charter Academy, which cost upwards of approximately \$950 for a complete set in addition to charging fees for transportation, technology, lunchroom supervision fees, and instructional supplies. The list of supplemental fees associated with attending a charter school make them cost-prohibitive for many learners, and represent hidden impediments to real choice. Charter school authorities in Alberta do take measures to reduce these financial burdens on lower-income households through adjusted fee payments, waivers, and subsidies, yet remain incomplete and limited in their coverage.

Another barrier to access relates to capacity, given the limited space in Alberta's charter schools. As a result, extensive waitlists are common. For instance, according to Aurora Charter Schools' website, "due to low student turnover and high demand, there is a significant waiting period of 5+ years for grades 1 through 9." Foundations for the Future Charter Academy states that if a student attends kindergarten at a different school, it will be an additional seven to ten year wait due to the school's high retention rate. Since free-market demands placed on charter schools outstrip the capacity to deliver, charter school authorities can select students in accordance with an independently-determined selection process. If students fail to meet admission requirements or they are not lucky enough to be chosen through a lottery system (which has become a common practice among charters with long waitlists), they are excluded. Charter schools are not required to enroll every student who seeks admission, whereas public schools are. In turn, the reality is that charter schools demonstrate a propensity to serve niche markets by creating programs that are not effective for all. Moreover, charter school operators are exempt from the public school requirement to offer special education programs to students who need them.

So, when people "talk about school choice, they almost always mean the process of how students and parents as consumers choose schools. But schools are not passive actors in the choice process, and [people] have all too often neglected the fact that schools choose students" (Buckley & Schneider, 2007: 277).

In regards to student learning, a government concept paper stated in 2009 that "[o]verall, charter schools appear to have provided enhanced student learning outcomes as compared to similar schools and similar students enrolled in other jurisdiction types" (Alberta, 2009: 1). This observation was based on a charter school impact study from 2006. Discussing the findings of this impact study, Ritchie stated that "[s]tatistically, charter school students perform to an

equivalent level or better than students in other schools. There is a great deal of diversity, however, in charter school performance. Charter schools that cater to ESL, or at-risk, students perform somewhat worse compared to other charter schools, whereas gifted students perform somewhat better” (2010: 15). It should also be noted that charter schools targeting gifted learners, which enrol the second highest share of students among all of Alberta’s charter schools (17%), impact public school rankings adversely as these learners opt out of the public system.

Alberta charter schools operate on an initial five-year performance contract, based on the terms of their charter, that is approved by the Minister of Education. After three years, an external team of government-appointed evaluators review the school according to performance indicators, which include legal and financial obligations, evaluations of student achievement, fulfillment of charter objectives, and evidence of parental and community support. Required and/or recommended changes are then submitted to charter school authorities based on the conclusions of the evaluation team. At the end of the five-year term, the evaluation report, along with evidence that changes have been addressed, are included in the application for renewal. The Minister’s Technical Review Committee then makes a recommendation to either renew or repeal the charter. Since 1995, three charter schools in Alberta have been closed by the Minister of Education due to financial difficulties or mismanagement. Charter schools with a demonstrated record of success, conversely, may apply for a 15-year term charter. Currently, seven charter school authorities have been assigned a 15-year term to operate.

The Future

The United Conservative Party (UCP), under the premiership of Jason Kenney, committed in its 2019 election platform to extensively overhaul Alberta’s school system through the introduction of the Choice in Education Act. Passed on June 24, 2020 this new legislation is set to take effect in September, 2020. It affirms that parents have the primary responsibility for the education of their children through an emphasis on parental choice. At the same time, it specifically addresses the importance of private schools and reinforces the status and funding of private schools. It also intends to facilitate the creation of new charter schools by lifting the cap on the number of charter schools operating in Alberta and streamlining the application process.

As mentioned earlier, under previous legislation a maximum of fifteen charter school authorities were allowed in the province, though each charter school authority could operate numerous school campuses. Now, there is no limit on how many charter schools can set up shop. Critics of the cap system claim that previous regulatory structures constrained charter school expansion, limiting their potential to exert “full competitive market pressure to improve performance of a school district” (Bosetti et al., 2015: 36). Yet, by their own admission, the same authors claim that “[p]aradoxically, the greatest strength and weakness of charter schools in Alberta is in the restrictive legislation that has prevented the expansion of charter school authorities” (Bosetti et al., 2015: 39). Indeed, a strength of Alberta’s charter school system is

their relatively low numbers. When charter schools are limited in number – rather than given priority over other public schools as indicated in the Choice in Education Act – they can be given the flexibility to take measured risks in implementing innovative pedagogies and styles of teaching and learning that focus on creating alternative educational environments and programs that respond to the needs of a small, specialized section of the population. Legislation geared towards the unconstrained proliferation of charter schools is antithetical to such an approach.

Still, the number of charter school authorities has always been lower than the legislated cap of fifteen. So, for government to encourage expansion of charter schools in the province it has also amended the manner by which charter schools are approved.

In turn, the Choice in Education Act allows an individual seeking to establish a new charter school to circumvent local school boards and apply directly to the Minister of Education. Under previous regulations, an individual would first have to consult with the local school board to work to establish an alternative program of choice based on the concept proposed. This has been a major success of charter schools in Alberta since community calls for specialized programming have further encouraged the growth of alternative programs in neighborhood schools that have adequate space to accommodate more students. Now, the education minister will preside over the application process and notify the local school board. It appears this change follows the UCP's open market agenda of "streamlining the regulatory burden and eliminating unnecessary red tape" to make it easier for private-sector involvement and market access into matters of public administration (MacKinnon Panel on Alberta's Finances, 2019: 11). So, while this change aims to push the government's "red tape reduction" agenda, it will also reduce the important voice, insight, and consultations that locally-elected school boards contribute in order to better serve locally-delivered public school programs. It is a process of reregulation that shifts the power to central government authorities. Which, in turn, will require an inflated central body, or a completely new and separate charter authorizing office, to conduct overarching systematic reviews and processes for evaluating needs and accessibility issues as well as establishing and enforcing transparent guidelines.

Moreover, given that charter school boards are not elected from the general populace, they are not truly public, nor accountable to the public in the way public schools are meant to be, since they do not report to publicly-elected school boards. Hence, this signals a type of democratic deficit since these institutions are publicly funded, yet privately managed.

The Choice in Education Act also clearly specifies that the creation of "vocation-focused charter schools" should be supported, in particular. Government specification regarding the development of a particular type of charter school that are vocation-focused seems contrary to the idea that the mandate of charter schools is to be autonomously-conceived to respond to the unique needs of learners.

Removing the cap on charter schools and streamlining the application process in order to stimulate more publicly funded charter schools will ultimately result in more competition over resources since funding arrangements in Alberta resemble a type of quasi-voucher system in which public funding follows the student to their school of choice. Premier Kenney anticipates

the legislation will create more efficiency rather than competition for resources, claiming charters “operate more efficiently on a per pupil basis” (Johnson, 2020). This is because charter schools do not have to pay ATA union rates for their teachers and they are not eligible for capital funding to purchase or construct school facilities. Instead, charter schools are required to negotiate with local school boards to access any spare space in public school buildings, lease property from the private sector with financial support from Alberta Education, or raise funds independently to purchase property. Access to “adequate school facilities remains a serious issue facing charter school leadership—a factor in the expansion of charter schools” (Bosetti et al., 2015: 29). In response, reforms associated with the Choice in Education Act specify that charter schools should be treated as priorities above other possible uses for spare public-school infrastructure. The cost of transportation to charter schools is also financed substantially out of the pockets of families, which is not a matter of efficiency but rather offloading costs.

Together, policy reforms affirming parental “choice” exercised through competitive education markets, reinforcing the status and funding of private schools, and promoting charter school expansion, along with a funding model characteristic of a quasi-voucher scheme, signals a deliberate effort to try to privatize more of the schooling system in Alberta.

Lessons Learned from the Charter School Movement in the US

As Alberta is undertaking steps to extensively overhaul its public education system through the expansion of school choice and charter school reform, it is important to take stock of lessons learned from the United States where the charter school movement began, and continues to grow, and because similar developments in the US are likely to occur in Alberta in due course.

The historical origins of the charter school movement in the United States (US) can be traced back to educational and social movements in the 1960s and 1970s. Education reform took centre stage as part of President Lyndon Johnson’s “War on Poverty” by focusing on raising the standards of education for all students. New “innovative public schools” were being established in Chicago, New York, and Philadelphia that countered “the prevailing one-size-fits all model” by creating distinctive schools that gave teachers more flexibility to meet the diverse needs of students and giving parents more school options to choose from (Nathan, 1996: 56). At the same time, districts were also establishing “magnet schools” intended to help fix racial segregation in schools. These schools encouraged a diversity of provision in the public school system by offering specialized courses and accepting students from all over a particular district. In 1974, American professor of educational administration, Ray Budde, wrote a paper entitled, *Education by Charter*, which proposed the idea of teacher-led autonomous public schools. At first, Budde’s proposal received little attention. It wasn’t until Ronald Reagan’s administration released *A Nation at Risk* in 1983 – a report claiming American citizens and the nation itself was in danger of losing its economic competitive edge, globally, due to an underperforming education system – which sparked an intense nation-wide discussion about how to restructure the country’s education system. By 1988, Al Shanker, president of the American Federation of Teachers (AFT), openly supported the idea of “charter schools.” Early advocates, including Budde and Shanker, promoted the idea that charter schools could operate as teacher-led

autonomous public schools that could provide equitable learning options to meet the needs of students that had far too often been failed by the existing system.

American economist, Milton Friedman, also proposed educational restructuring based on the idea of “choice” – which, although premised on the tenets of a market economy, aligned with the democratic principles heralded by charter school proponents (Levin, 1991). Friedman argued vehemently that governments should not operate schools but rather, should be left to the free-market. By doing so, he claimed “greater school choice can reduce the monopolization of public schools and improve efficiency and effectiveness by forcing schools to compete for student enrolment” (Zimmer & Buddin, 2009: 831).

Initially, school choice proponents (following Friedman) advocated for the use of vouchers to spur market-based school competition in order to break the “monopoly” of public schooling (Friedman, 1955). A school voucher is a “certificate of public funding of a certain amount that can be used by parents of students in any school of the parents’ choosing that accepts such vouchers, usually private” (Carnoy, 2017: 2). In the US, however, vouchers have not achieved widespread popular support in the way envisioned by Friedman, and school choice advocates in turn have shifted toward charter schools as a means of introducing competitive education markets instead. As a result, charter schools have emerged in the US as a “cottage industry” whose “organization is a by-product of political opposition and compromise – not conscious design” (Chub, 2005: 130). It is a compromise settled on the uneven foundations of “choice.” In this way, they appeal to a broad range of groups, from those interested in free-market profiteering to social justice advocates pursuing democratic ideals.

In 1991, Minnesota became the first state to pass legislation promoting the development of charter schools. Initially, charter schools in Minnesota had to obtain permission from both a local school board and the state school board to operate, and a cap of eight charter schools was established (Nathan, 1996). Since then, both of these regulatory structures have been liberalized. Nowadays, according to the National Alliance for Public Charter Schools (NAPCS), in the US there are more than 7,500 charter schools nationwide serving about 3.3 million students in 44 states and the District of Columbia. Of these, “67 percent of all charter schools are independently run non-profit, single-site schools; 20 percent are run by non-profit organizations that run more than one charter school; and just under 13 percent are run by for-profit companies” (NAPCS, 2017: 1 cited in Louzano & Simielli, 2020).

The vast majority of charter schools in the US are located in five states – California, Texas, Florida, Arizona, and Michigan. They are also heavily concentrated in urban and sub-urban areas (almost 90%) with the rest in towns and rural locales (NAPCS, 2020). This concentration is likely driven by both need and demand in areas where student achievement is low and parents want more schooling options (Gawlik, 2016). From state to state, charter school laws vary considerably; resulting in a wide range of operations among charter school entities. For example, some states allow for-profit companies to run charter schools, and other states do not.

Despite the upsurge of charter schools since 1992, 15% of all charter schools in the US have been closed (Center for Education Reform, 2020). In Alberta, the rate of charter school closures is roughly about the same (three of sixteen, or about 18%). In the US, financial deficiencies are the most common cause of charter school closure (42%), which is most often due to low student enrolment or unequal funding (Gawlik, 2016: 61). Across the US, charter schools are funded at a rate of 64% compared to their public school district counterparts. This is in stark contrast to charter schools in Alberta, which receive the same per-pupil funding as all other public schools in the province. In fact, Alberta's private schools receive a higher rate of funding (70% per-pupil) compared to America's public charter schools (64% per-pupil). Mismanagement is another leading factor resulting in charter school closures (24%), as is unacceptable student performance levels (20%) (Gawlik, 2016: 61). For charter school proponents, closures are viewed as proof that accountability measures are working, since only the good (or adequate) survive the pressures of the market.

Although they are often termed "public schools," scholars in the US have pointed out that charter schools represent the most common, and growing, form of privatization in America's schooling system (Adamson & Galloway, 2019; Lubienski, 2013). They are publicly supported, autonomously operated schools of choice. "Technically, a 'charter' is a contract with an authorizing agency which exempts the school from certain state or local rules and regulations. In return for flexibility and autonomy, the charter school must meet contracted accountability standards" (Adamson & Galloway, 2019: 7). Based on a thorough review of scholarly literature concerning charter schools in the US, the following is an overview of some of the key themes, takeaways, and implications for the Alberta context.

Is competition spurring innovation?

Supporters of charter school reform believe that choice in education will pressure schools to deliver better education more efficiently. This idea is based on the argument that when schools are freed from bureaucratic regulations and given autonomy to operate in market-based conditions defined by choice and competition, it will spur innovations in curricula, instructional strategies, and administrative practices (Chubb & Moe, 1990; Nathan, 1996; Walberg & Bast, 2003).

In a leading-edge study by Lubienski (2003), three dimensions of innovation in charter schools were assessed: (1) whether a novel practice is an educational change (a change in curricular content or instructional strategies) or an administrative change (an organizational-level change impacting the structural operations of the school); (2) the extent to which the practice is established and familiar or original or unique; and (3) whether the practice appears at local, state, and/or national levels. Based on his analysis of 56 reports indicating evidence of innovative practices in America's charter schools, Lubienski found that administrative changes, such as merit-pay for teachers and smaller class size were the most pronounced form of innovation. By comparison, innovative classroom-level practices observed by Lubienski were minor. In general, practices referred to as charter "innovations" such as hands-on learning, collaborative learning, or direct instruction, reflect instructional strategies that can and

frequently do occur in regular public schools. In conclusion, Lubienski found little evidence that charter schools in the US are producing educational innovations, and that “although some organizational innovations are evident, classroom strategies tend toward the familiar” (2003: 416).

Moreover, Lubienski (2003) observes that charter school markets may actually impede programmatic innovation. This is because “parents may be risk-averse when it comes to their children’s education—they may choose schools that emphasize traditional values and educational approaches rather than ‘buy’ innovative programs with a high degree of risk” (Gawlik, 2016). A comprehensive study by charter advocates at the American Enterprise Institute found that the most prevalent form of specialized learning in American charter schools is a “no excuses” model that combines direct instruction with strict discipline and high expectations for student behaviour (McShane & Hatfield, 2015).

Indeed, some of the most successful charter schools in America, such as KIPP (Knowledge is Power Program), are not particularly innovative. Instead of pioneering new instructional strategies, for example, KIPP emphasizes strict discipline, a college prep curriculum, and high expectations for teachers and students. In Alberta, the largest charter school operator, Foundations for the Future Charter Academy, runs a similar model based on direct instruction, high expectations, and frequent monitoring of student progress. So, while charter schooling was conceived as a way to spur innovation—by experimenting with novel approaches, evaluating them, and informing the broader system—studies indicate, that across the sector as a whole, charter “innovations” are actually not all that innovative (Preston, Goldring, Berends, & Cannata, 2012).

Is charter school competition spurring efficiency?

While charter schools in the US constitute a relatively small proportion, researchers and advocates contend that they may indirectly influence the broader system of public schools by creating competition for students and resources. In response, a charter school competition literature has emerged that can be divided into two strands. The first strand is concerned with how student achievement in neighboring public schools has changed in response to charter school competition.

While results are mixed (Sass, 2006; Winters, 2012), some authors have concluded that public schools have responded favorably to competition (Bohte, 2004; Booker et al., 2008; Hoxby, 2003; Holmes, DeSimone, & Rupp, 2006) while other studies have found that charter school competition has had no effect on student achievement in adjacent public schools (Bettinger, 2005; Bifulco & Ladd, 2006; Buddin & Zimmer, 2005; Davis, 2013; Zimmer & Buddin, 2009; Zimmer, Gill, Booker, Lavertu, Sass, & Witte, 2009). In a study by Imberman (2007) it was found that charter schools could actually have a negative impact on neighboring public schools because they change the peer environments and reduce the resources in schools. In short, there is an empirical disagreement about whether charter school competition will have a positive or negative indirect effect on neighboring public schools.

The other strand of literature concerning charter school competition has explored the financial responses and pressures on public schools. In general, studies have found that charter school expansion diverts revenue from regular public schools. Studies in New York school districts (Bifulco & Reback, 2014), North Carolina school districts (Ladd & Singleton, 2017), Ohio school districts (Cook, 2016), and a nation-wide analysis using samples from all US districts (Jones, 2018), each found that charter school expansion caused revenues in traditional public schools to decrease. In Chicago, the findings of a study concluded “that a competitive charter school market created spatial and financial inefficiencies resulting in school closures and systemwide budgetary cuts primarily impacting distressed neighborhoods” (Farmer et al., 2019: 515). The extent to which charter school creation financially disrupts the operations of a local school district is contingent upon a range of factors. Nevertheless, liberal approval processes for new charter schools and a lack of intra-district coordination further compound the underlying inefficiencies caused by “operating two systems of public schools under separate governance arrangements” (Bifulco & Reback, 2014: 1).

In the Alberta context, the impact of more charter schools on the budgets of public schools can be expected to have the same inverse effect as it has had on public schools in the US. Currently, education funding in Alberta is scheduled to remain the same and not increase, and therefore, public schools will receive less with the introduction of more charter schools as students and resources are diverted to competing charter schools.

In the US, it has also become common practice for charter schools to hire education management organizations (EMOs) because the parties creating a new school often lack sufficient experience and expertise in managing schools. EMOs are for-profit companies contracted by non-profit charter entities to manage a wide range of duties from charter school applications to contract negotiations to curriculum development to charter renewal processes. Private charter management organizations (CMOs) have also emerged, which are non-profit organizations that operate like a district by managing multiple charter schools and establishing new ones in various locations—which is “not unlike a franchise business model” (Davis, 2011: 26). EMOs often implement curricula that was previously developed by the company for another charter school. They also benefit from economies of scale through pooled purchasing power and centralized operations.

Legal experts in the US, in turn, have noted that “charter schools occupy a shadowy terrain” by “not only crossing public and private boundaries, but merging non-profit and for-profit organizational forms” in the provision of “public” education (Davis, 2011: 8). Charter school laws and loopholes, therefore, are creating a publicly-funded, for-profit education industry in the US. As charter school expansion is promoted in Alberta, regulators should be particularly watchful that charter school boards are governed in the interests of the public, and money is spent efficaciously, as intended, and not for private gain.

Are charter schools improving student achievement?

Empirical studies estimating the causal impact of charter schools on student achievement have found mixed results, but most commonly show students in charter schools and those in traditional public schools perform at similar levels (Booker et al., 2007; Davis & Raymond, 2012; Hanushek et al., 2007; Bifulco & Ladd, 2006; Sass, 2006; Zimmer & Buddin, 2006; Zimmer et al., 2009, 2012). For example, Zimmer et al. (2009, 2012) examined charter schools in seven states and found that charter schools had no statistically significant impact on student achievement.

One bright spot, however, is that urban students, and especially students of poverty in areas where the need for school reform is greatest, attending charter schools in urban areas saw net positive gains in comparison to their public school counterparts in the same urban areas (CREDO, 2015; Angrist, Pathak & Walters, 2013). While some studies (such as the Stanford Center for Research on Education Outcomes) find a positive but small effect related to charter school achievement compared to traditional public schools, these are initial results that researchers warn should be interpreted with caution (CREDO, 2013). Consistently, the charter school effect on student outcomes illustrate a wide range of variance among providers (Furgeson et al., 2012; Gleason et al., 2010; Booker et al., 2007; Davis & Raymond, 2012; Hanushek et al., 2007; Bifulco & Ladd, 2006; Sass, 2006; Zimmer & Buddin, 2006; Zimmer et al., 2009, 2012).

Have charter schools increased equity?

Charter school advocates in the US contend that charters can help alleviate racial and economic segregation in the public education system. While charter schools may allow marginalized students to attend schools that were previously inaccessible, in the US the bulk of the research has found that charter schools actually reinforce segregation on the basis of race, wealth, ethnicity, disabling conditions, and language (Bifulco & Ladd, 2007; Cobb & Glass, 1999; Frankenberg, Siegel-Hawley, & Wang, 2008; Garcia, 2008; Horn & Miron, 2000; Miron et al., 2010). For example, in North Carolina, Bifulco and Ladd (2007) found that charter schools amplified the black-white achievement gap, which was driven by the comparatively large negative effect of charter schools on the achievement of Black students who migrated to charter schools which were more racially secluded than the public schools they had left. Garcia (2008) also found that racial segregation patterns in charter schools was the result of “white flight” and Black and Native American populations “self-segregating” into charter schools that were more racially isolated than the schools they had come from. In this way, charter schools can act as a “self-selection mechanism out of a public system already plagued by segregation” which is both a mechanism for and a response to segregation (Adamson, 2019: 28). Furthermore, stratification can also arise when parents with higher levels of education and affluence, and with the resources to gather high-quality information about their options, exercise choice in greater numbers than less-educated and less-affluent parents (Buckley & Schneider, 2007). Additionally, charter school operators have also been known to frequently use a range of techniques, such as selective recruitment, screening processes, and “cream-skimming,” to attract and retain high-performing students while restricting access to low-

performing and high-needs students. For Alberta, the cumulative effect could result in a schooling system that is increasingly segregated along divisions based on socio-economic status, race, ethnicity, language, and disabling conditions, rather than embracing a system that supports a diversity of learners that can learn together, and from one another.

Conclusion

Compared to many states in America joining the charter school movement, Alberta's regulatory structures (including a limited/cap system, non-profit obligations, non-denominational affiliations, and adequate funding equalling the same per-pupil funding as other public schools) has made Alberta's public education system better-off. Under the current government, however, there are signs that regulatory reforms will open up the province to a more Americanized model of charter school competition that may undermine the public system. Lifting the charter school cap follows the same trajectory of liberalization that has occurred in the US, which has largely resulted in a differentiated public system and inefficiencies caused by running two parallel systems of public schools under separate governance arrangements. By removing the participation of local school boards in an effort to streamline the system of charter approval, inefficiencies, redundancies, and unsystematic planning should also be reasonably expected. Regulatory oversight of charter school development that is transparent, equitable, and measured so that only providers offering the best possible opportunities for learners that are in the interests of the public and truly accountable to the public are permitted to operate is paramount.

It is also far from a guarantee that charter school competition will spur innovation and efficiency, as proponents claim. The established system of charter schools in the US has demonstrated this much. Charter schools in Alberta as they currently stand, working in collaboration with local school boards, play an important role in promoting the growth of specialized and alternative school programs within the public system. Yet, standalone charter schools have proven not be effective or equitably accessible for all learners. This is because barriers to access remain that represent impediments to real choice, such as supplemental fees associated with attending charter schools and independently-determined selection processes, which will not dissipate by liberalizing the charter school market. So, what then is there to gain systemically from such reforms that are expected to overhaul the system? Education reforms that settled for charter school liberalization and parental "choice" exercised in quasi-market environments, instead of a full-blown voucher system as was proposed during the UCP's annual general meeting in November 2019, indicate the governments' ambition to explore opening-up Alberta's public education system to the private market. It is a playbook of policy reforms intent on privatizing public choice.

Addendum to the Report Public School Boards' Association of Alberta Response

Since its inception in 1990, the Public School Boards' Association of Alberta (PSBAA) has been an advocate for the enhancement and protection of the public school education system in Alberta. The fundamental premise and requirement for the public school system as it is legislatively constituted is to enroll each and every student who presents themselves to be registered in the neighbourhood public school regardless of ethnicity, religious affiliation, socioeconomic status and / or education requirements.

Furthermore, PSBAA holds that local governance, by trustees who are democratically elected by their communities, enables the voice of parents to be received and acted upon. As a nonpartisan association, PSBAA endeavours to work collaboratively with the Ministry of Education and offer its views on matters related to public education legislation and regulation. The recent amendments to the Education Act and Charter Schools Amendment Regulation have brought about changes to the future of charter school formation and their future direction that warrants our attention and response.

The historical rationale for the support of the original idea of charter schools is outdated. It was a political response to an idea that has not taken the province of Alberta to an envisioned promised land. Alberta stands alone in Canada with this unnecessary duplication of programs, administration, and expenditure of public dollars which are at risk of mismanagement as seen by the rescinding of charter status as the main cause of dissolution. Charter schools have simply failed to meet the original intent of exploring alternate methods of instruction that could be transferred to the entire publicly funded system if found successful. The further expansion of charter schools for vocational training unnecessarily duplicates the significant work of public schools which already provide trades education; such direction changes the original intent of charter school formation.

After 25 years charter school enrolment is but 1.3% of the provincial registration. It raises the question, "What pedagogical purpose do they serve?" We have demonstrated that charter schools have not become the lighthouses of innovation and reform as earlier envisioned. Most of what they offer by way of uniqueness can be found in the public school systems which have themselves become innovative and responsive to community needs.

Charter schools, by their stated goal to offer distinct learning environments not offered by other publicly funded schools, have the ability to exclude students who do not match entrance requirements. Consequently, they do not do anything to increase guaranteed parental choice of education in this province; on the contrary, it is the charter school that does the choosing. Further, charter schools, without being governed by publicly elected trustees, distance themselves from direct accountability to society.

During the last election campaign, Albertans heard that red tape needed to be reduced. We were told that every dollar spent needed to be accounted for and spent on the priorities of Albertans. The creation of a direct pathway to the Minister's office for charter school

applications and approvals and the attendant bureaucracy required to process applications, grant charters, and monitor their academic and fiscal performance is contrary to the above political invocations. The creation of a charter school system, with application process to the Minister and centrally-based monitoring of academic and fiscal performance, creates additional red tape and administrative cost in Alberta Education.

While it is the purview of all governments to initiate new and innovative ideas it is reasonable to expect that the government will evaluate said programs. In the past few months, the Government of Alberta has called upon expert panels to examine the very fundamentals of the provincial economy and some selected ministries. Many of the recommendations have been given top priority and restructuring is occurring.

In keeping with the call for fiscal prudence and seeking benefits for Albertans, PSBAA respectfully requests that Minister of Education requests the Office of the Auditor General of Alberta to conduct a full review of the educational, administrative and financial benefits of charter schools in Alberta. We would like to see an evidenced based review of their original mandate, and how charter schools have met that mandate.

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