

Charter Schools Fight For Their Right To Discriminate

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Two recent news stories from opposite sides of the nation highlight battles between charter schools and state regulations. They underline critical ways in which some charter schools, which often claim to be “public” schools, do not embrace the mission of public education.

Massachusetts

Founded in 1998, the [Mystic Valley Regional Charter School](#) in Malden has been in the news [many times](#) in the last decade. In 2013, Education Commissioner Mitchell Chester [slammed the school](#) for its “clear record of insularity and opaque decision-making.” That year, a Boston Globe inquiry turned up [338 pages of complaints](#) against the school from 2002 to 2012, and [an entire blog](#) devoted to MVRCS misbehavior. In 2016, [they charged a teacher \\$6,087](#) for taking a better paying job. In 2017, they made national news for [discriminatory dress code rules](#) that appeared to be aimed at students of color.

Now the charter school has sued the state, [arguing that state requirements](#) to promote diversity and inclusion in schools “puts the school in jeopardy” and are “an unlawful interference by the government, effectively, to dictate and censor Mystic Valley’s approach.” In [their mission statement](#), the school says it aims to provide “the opportunity of a world class education characterized by a well-mannered, disciplined and structured academic climate” and that central to this mission is “the incorporation of selected core values and the fundamental ideals of our American Culture, which are embodied in the Declaration of Independence and the United States Constitution.”

The high-achieving school, located in the metropolitan Boston area, [has enrollment of](#) 42% white, 24 % Asian, and 17% Black. 1.7% of the students are English Language Learners. 21.5 % are economically disadvantaged. [MRVCS argues its mission](#) is to have an American “melting pot” and that a state requirement to have culturally proficient practices would run counter to that. The Massachusetts Charter Public School Association (to which MVRCS does not belong) opposes the lawsuit. “This lawsuit does not reflect the values or beliefs of charter public schools, which were founded in large part to address issues of educational inequity and systemic racism in public education,” said MCPSA Executive Director Tim Nicolette.

California

In California, charter schools can be authorized by local school boards, and [laws have been passed](#) to give local boards more power in that relationship. Districts are still working out what [those laws actually mean](#), but in San Diego, a case has arisen in which a local board was quietly overruled by their own staff, allowing a charter school to continue with policies that the board had required them to change.

When [Classical Academy Vista](#) came to the San Diego County Office of Education to have their charter renewed, the board called them out for their student demographics. The school is part of a chain of classical academies founded in 1999. [Its student enrollment](#) is 70% white, 15% Hispanic/Latino, with just 13.6% of students on free or reduced lunch (a common proxy for identifying economically disadvantaged students).

The issue is that California law requires charters to have student populations that representative of the communities where they operate. CVA is located within the Vista Unified School District; [VUSD is](#) 64% free and reduced lunch students, 57% Hispanic/Latino, and 20% white.

While state law requires charters to accept students by lottery, they may set some preferences. CVA gives preference to siblings of current students and children of staff members. It is also a largely on-line program, meaning that it requires parents to be involved in directing their child's work.

"Studies have shown that anytime you have legacy enrollments, that automatically becomes a systemic way to maintain the status quo," [said San Diego County Office of Education board president](#) Guadalupe González.

"I know you've only been in existence a couple of years [on] this particular campus, but it shows no evidence of improving those demographics," [said board member](#) Gregg Robinson at the meeting.

The board agreed to renew the school's charter on the condition that they strike the enrollment preferences from their policy. This would require a memorandum of understanding to set these conditions. SCDOE staffers decided, with some outside legal advice, that the board had exceeded their authority; the staff never drafted the memorandum.

[Voices of San Diego](#) asked many authorities on California charter law about this decision. Patrick O'Donnell, [who wrote some of the law](#) governing this issue, was clear [on his intent](#). "In the area of charter school admissions preferences proposed in a charter school petition, the law is explicit; charter authorizers are required to approve or deny all charter school admissions preferences." But at the moment, CVA's preferences remain in place.

In both cases, we have a charter school that is determined to resist the notion that a public school should serve all students in its community, no matter what their background. Exclusivity is supposed to be a feature of private schools only, and not a feature for which taxpayers should be footing the bill.