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Charter schools win a round vs. Horne

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PHOENIX — A judge on Monday questioned whether state officials can tell charter schools what they have to teach and when they have to teach it.

Judge Robert Miles of Maricopa County Superior Court noted that charter schools are public schools. They are funded with tax dollars and cannot charge tuition.

But the Legislature specifically exempted these schools from many requirements imposed on traditional public schools, which Miles said appears to limit the power of the state Board of Education to dictate their teaching schedule.

Chad Sampson, an assistant state attorney general, argued that the statutes require the state board to "exercise general supervision over and regulate the conduct of the public school system." And that law allows the board to "adopt any rules and policies it deems necessary."

On behalf of the schools, however, Clint Bolick argued that the Legislature exempted charter schools "from all statutes and rules relating to schools, governing boards and school districts" except for certain specific items.

Central to the fight is a state school board requirement for "curriculum alignment" by all schools. For example, the state board mandates that third-graders know how to multiply and divide by numbers up to 9.

State School Superintendent Tom Horne says charter schools are free to determine how to teach that — as long as it is taught by the end of third grade.

Schools have been required to align reading, math and science curricula since 2003. But several charter schools in Tucson, Chandler, Mesa and Phoenix sued when the state demanded similar alignment of social-studies classes this year.

One of those standards requires teaching U.S. history in seventh and eighth grades. But Bolick, litigation director of the Goldwater Institute, said some charter schools teach ancient and medieval history in those grades as a precursor, saving U.S. history for later.

Michael Block, co-founder of the BASIS school in Tucson, said charter schools do a better overall job than regular public schools.

"What's to be proud of in the traditional schools? Nothing," he said after Monday's hearing. "To

come out and try to lop the heads off the best charter schools doesn't make sense to me."

Horne said alignment ensures that students who transfer from one public or charter school to another will not miss certain subjects because of different rules at different schools.

He said some charter schools do very well. But he said there needs to be a single standard for what has to be taught at all schools, both good and bad.

Horne said he supports charter schools and is not trying to impose unfair requirements.

"We encourage the charter schools to experiment," he said. "All we're asking is by the end of a given grade level a student know certain things."

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