FOR-PROFIT CHARTER SCHOOLS AND THREATS
TO THE PUBLICNESS OF PUBLIC SCHOOLS

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Media portrayals and education policies have combined with anecdotes about charter school successes to produce a favorable assessment of charter schools by two-thirds of Americans.¹ Such media celebrations often group an array of charter school types together, thereby disguising their differences. Indeed, the public seems unaware there are significant differences amongst charter schools, including organization, oversight, curricula, and pedagogical approaches.² Education Management Organizations (EMOs) are one noteworthy type of charter school, often treated interchangeably with others, which differs considerably from many charter schools in both nature and practice.

In this article I argue for pausing the rush uncritically to celebrate EMOs by offering a philosophical analysis of the ways in which they fail to fulfill and, at times, outright contradict and undermine the publicness of public education, for in large part such failure relates to the neoliberal ideologies that guide EMOs. I argue citizens and policymakers should not so quickly endorse EMOs alongside other types of charter schools if they seek to preserve the public functions, benefits, and goals of public education.

Education Management Organizations
and Their Unique Features

Begun in the early 1990s, EMOs continue to grow today, now serving more than 350,000 students across 31 states.³ In this article I specifically address the largest, for-profit EMOs in the country, namely those managed by White Hat Management, K¹² Inc., Edison Learning and National Heritage Academies. Unlike many charter schools that arise when local parents, teachers, education leaders, or community members come together collectively to construct and lead a school, EMOs are for-profit, private companies that run schools by executive authority, often replicating school models established elsewhere. EMOs are not merely private vendors like those food suppliers and janitorial services with which many public schools historically have contracted.

for convenience or cost savings; rather they are corporations that manage and run nearly all aspects of a school, from hiring teachers to the selection of curricula. EMOs are investor-owned and simultaneously responsible for seeking profits for investors while being held to state accountability standards for student and school performance, as measured primarily by standardized-exam results. As a result, on certain levels EMOs answer both to private groups and the public.

Unlike the large majority of mission-driven charter schools (which often target specific educational goals or underserved populations as outlined in their communally constructed charter statement), EMOs are primarily profit-driven. I want to stress that while these schools do have goals of educating children, their funding and governance structures prioritize profit, relying upon profit to function and exist. EMOs endorse and embody neoliberal ideologies championed by such school choice pioneers as Milton Friedman, Fredrich von Hayek, John Chubb, and Terry Moe. Certainly, as argued by critics Deron Boyles and Kenneth Saltman, neoliberalism has begun to influence many types of schools beyond EMOs, shaping relationships between those schools and businesses as well as school practices that endorse commercialism, individualism, and marketing. But, unlike traditional public schools and mission-driven charter schools pressured to conform to neoliberal management styles and ascribing to a competition-based model, EMOs uniquely begin with the explicit goal of competing in the US free-market economy to make a profit. Their goals differ from traditional public schools’ goals which, although situated in a regulated market space and concerned with staying in the black, are not focused upon producing financial returns to profit-driven investors.

Within such EMO spaces one sees not only accelerated achievement of neoliberal ends, but neoliberalism’s use as a guiding framework. Through analysis of EMO websites, literature, and promotional materials I document how neoliberalism more than shapes EMOs; it guides the EMOs’ corporate emphasis on the individual as a competitor acting within the market, support of privatization, and adoption of corporate design. In light of EMOs’ magnified corporate structures and explicitly profit-driven goals, I show the ambiguity inherent in both their “public” nature and responsibility to uphold public goals.

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The Public in Public Schools

Some who attempt to define public schools turn to formalist definitions that focus narrowly on funding sources and school control. Many assert public schools are government run and paid for by tax dollars. While true for the vast majority of public schools, this formalist definition fails adequately to describe the unique structure of EMOs, which often use funds from private investors in addition to tax dollars while exercising largely private, autonomous control over the running of schools—even though EMOs ultimately are accountable to publicly granted charters. Formalist definitions are also inadequate since those say little about what public schools actually do, including describing the public purposes targeted and populations served by public schools. As a result, a functionalist definition offers a more complete, richer account of the purposes and populations served by public schools.

Interests served by public schools may be private in nature, such as an individual student earning certification that enables him or her to access college or careers, but these interests tend primarily to be public in nature, such as achieving a mutually beneficial way of life co-constructed and maintained by concerned citizens. Public interest, which unites shared ways of living in political, cultural, and economic systems, often culminates in the notion of a public good. When one considers the public good, to use John Stuart Mills’ term, one must take into account “other-regarding consequences,” as opposed to straightforward concern with the “self-regarding consequences” of private interests. The public school is a single vehicle that works or functions to determine and enact this public good. Public schools are designed to enculturate children into normative, public ways of living while also holding open to debate and scrutiny those public ways as children learn about them.

Admittedly, the line differentiating private from public interest increasingly blurs, since the lucrative career achieved by an individual graduate may also benefit a collective public economy or increase chances of charitable contribution to more needy community members. As argued by charter school scholar Terri Wilson, it is worthwhile to move past narrowly categorizing public and private interest, rather we should consider “how education fulfills and balances both private and public aims.” As I argue in the coming sections, EMOs may go too far in conflating private and public good and may, at times,

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8 Though I have chosen to side with Higgins and Knight Abowitz in my use of the term here, Deron Boyles troubles the term “the public good” in “The Privatized Public,” 434.
9 Terri S. Wilson, Negotiating Public and Private: Philosophical Frameworks for School Choice (Boulder: University of Colorado, Education and the Public Interest Center, 2008), 9.
inappropriately disguise problematic, self-interested private good as more admirable public good.

Neoliberal champion and EMO forefather Milton Friedman acknowledges schools serve the public good of maintaining civic stability, while fellow neoliberal school choice heroes John Chubb and Terry Moe claim the accountability of schools of choice (of which EMOs are a subset) to public interests and public authority should be weak and simple because neoliberalism seeks freedom from government oversight, arguing schools, like other corporate products, should be held accountable to the market rather than bureaucratic bodies. While neoliberal ideology guiding EMOs tends to recognize some aspects of the public good as admirable school functions, EMO corporations also seek greater freedom from formalist, public oversight and functionalist goals inculcating public life. As a result, the EMOs’ turn to the market as arbiter—seemingly an admirable public space—might instead be seen as a collection of individuals seeking a desirable product for themselves. This is one way in which EMOs problematically conflate the interests of the public with those of private individuals.

Philosophers of education Chris Higgins and Kathleen Knight Abowitz wisely direct our attention toward seeing determinations of publicness as more than definitive forms or fixed functions. Instead, they argue “public” is best seen as a verb, an action that entails creating common worlds often arising from mutually beneficial problem solving or a bringing together of different viewpoints around common concerns. Such an act of creation and problem-solving is best achieved in schools where management and practice invite and engage open participation from multiple constituencies, including those incorporating a wide range of worldviews. In order for “public” to become a verb, public schools must be open to all people regardless of their demographic background, strengths, or limitations. Schools would then invite every constituent in to construct the public good. I argue that, unfortunately, until recently, most schools historically labeled “public” excluded children based on gender, race, language, ability, or socioeconomic status, although inclusion and equal opportunity remain public school ideals.

Additionally, public schools are engaged in active service to public needs such as preparing a knowledgeable workforce or competent military. I maintain public needs and the ways they are achieved require public oversight, including providing opportunities for the public to shape educational goals and propose alternative practices when desired ends are not met. By schools

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12 Higgins and Knight Abowitz, “What Makes a Public School.”
creating publicness, they engage students in practices of democracy so that children learn how collectively to exchange and respond to the ideas of others—learn to be a public and to sustain democracy once exiting schools. As powerfully stated by Benjamin Barber:

Public schools are not merely schools for the public, but schools of publicness: institutions where we learn what it means to be a public and start down the road toward common national and civic identity. They are the forges of our citizenship and the bedrock of our democracy.13

Public schools create and engage citizens who come together in the act of publicness to solve shared problems or bridge differences around common concerns.

EMOs and the Undermining of Publicness

Charter schools have been championed by some proponents as sites of publicness.14 Local, non-corporate, mission-driven charter schools have enabled groups of parents, community members, and teachers to come together to construct alternative schools whose missions meet mutual needs or benefit communities. Often their development has been “public,” bringing together groups in shared problem-solving, creating dialogue between participants pursuing equal educational opportunity, and requiring interested parties to work through the public process of earning charter status.

Once chartered, many mission-driven schools construct small learning communities with caring teachers who engage students in projects embodying the public good. Charter advocate Chester Finn has shown many charter schools display, “most of the elements that sociologist Robert Nisbet deemed essential to community, including a high degree of personal intimacy, social cohesion, and moral commitment.”15 But EMOs are distinctly different from mission-driven charter schools, for they often fail to take into account the needs and actions of community groups, promote an imbalance of individual interest over public good, and conduct their decision-making privately, falling short of the mission and aims of public schools, their engagement of publics, and the expectation they achieve public ends.

EMO Origination Outside a Community

Early charter school visionaries Albert Shanker and Ray Budde set out to empower small community groups, especially groups of teachers, to create innovative new teaching approaches, particularly those serving underperforming or high-need students. Shanker hoped the schools would come about through a mutually supportive environment that united a community around a shared concern or student population. In the late 1980s Shanker envisioned charter schools as closely tied to traditional public schools, sharing their innovations and findings so all schools could improve, but just five years later he grew concerned about the presence of corporations with a spirit of separatism and distinction rather than mutual collaboration starting charter schools. Shanker thought all public schools should be guided by a shared vision stemming from public consensus rather than by entrepreneurs who either retain those ideas for the improvement of their students only, or who seek financially to profit from charter schools.\textsuperscript{16}

The ways EMOs establish schools within communities is troubling since EMOs and their schools’ founding rationales do not arise from the needs of a particular local group of people in a community. With the exception of White Hat Management, which founds schools only within the state where its corporate offices reside, other EMOs set up schools run by companies headquartered a considerable distance from proposed schools, often importing non-native teachers and administrators.\textsuperscript{17} As a result, an EMO charter school may fail to obtain community support since its staff may be less vested in the success of children in that community, where staff know neither families nor local circumstances.

Even more disconcerting, in some situations EMOs construct artificial ties to communities where schools are to be located, giving the faulty impression of public momentum. Gary Miron and Christopher Nelson describe their observations of this phenomenon:

In most of these cases, the strategic planning interests of the EMO [were] the impetus for starting the school. After selecting a promising community, the EMO organized informational meetings (several of which we attended), and then sought out a few local persons who could sign on as the founding group. The establishment of the school was driven


\textsuperscript{17} As one example, the establishment of charter schools following this trend is depicted in the film \textit{Reborn: New Orleans Schools}, directed by Drea Cooper (New York: Pearson Foundation, 2008), DVD.
by the EMO that completed the application materials and submitted them to a state university charter school office.\textsuperscript{18}

Their is an example of just how problematic EMOs’ tactics can be; this EMO constructed an image of the charter school they desired, got community members to buy in, and used those community members to push forward an idea that originated with a corporation, not the public, jeopardizing the ability of a community to define its educational needs for itself and to rally together to address educational problems and propose solutions—to enact publicness. In short, EMOs’ tactics risk the public nature of charter schools’ very creation.

Some EMO charter schools never sufficiently address all members of a community’s needs since they do not open their doors equally to everyone or allow all students to continue their education, particularly if students prove costly, disobedient, or otherwise problematic, so EMO charter schools fail one of the most basic criteria of public education: being open to and equally supportive of all members of the public. As a whole, charter schools enroll disproportionately low numbers of minority, special education, and highly mobile students (those whose families relocate often), and some employ codes of conduct or performance expectations that lead to mass dismissals.\textsuperscript{19} EMOs, for-profit corporations whose ability to profit is partially dependent on schools’ success and desirability, are even more likely to engage in discriminatory practices because without a profit their existence, rather than their mission, is on the line.\textsuperscript{20} Natalie Lacireno-Paquet and colleagues’ research distinguishing practices of market-driven EMOs from other charter schools shows EMOs enroll less-costly students (because of language or special education needs) whose academic success poses less risk or who are perceived to be less time-intensive.\textsuperscript{21} Furthermore, as demonstrated in for-profit charter schools in Arizona, once enrolled, when efficiency becomes a prime motivator, teaching complex thinking skills suffers.\textsuperscript{22}

\begin{itemize}
\item \textsuperscript{21} Lacireno-Paquet et al., “Creaming Versus Cropping.”
\item \textsuperscript{22} Garcia, Barber, and Molnar, “Profiting from Public Education.”
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IMBALANCE BETWEEN INDIVIDUAL INTERESTS AND PUBLIC GOOD

A “public” education carefully should balance individual interests with the collective public good. Often, however, EMOs fail to fulfill this balance, instead tipping the balance heavily toward self-serving, individual interests. K12, Inc. declares, “We strive to develop each child’s full potential with engaging, individualized learning” before explaining the many personal benefits a child at K12’s schools will reap.23 K12 employs a neoliberal economic model recognizing the individual as primarily a competitive consumer rather than a member of a collective body struggling over and participating in shaping the economy and a democratic nation. As a profit-driven, neoliberal enterprise, EMO charter schools treat the public they serve not as a collective body oriented toward a common good, but rather as sets of consumers seeking private returns. Such “returns” are often reflected in satisfaction rates—prominently featured on the K12 site. In the words of EMO White Hat Management’s director David Brennan:

The power of choice in the hands of the consumer is the most awesome power to guarantee quality, effective cost, effective delivery, and consumer responsiveness. It’s incredible because—and every one of our people in our organization knows—if these participants aren’t getting what they need, we won’t be here. . . . The demands to satisfy the needs of the users drive quality. . . . It’s the example of our society as a whole, that the quality products don’t come from government-dictated regulation. They come from competition.24

In such a model of schooling individual students (and their parents) are assumed to desire private gains like degrees, certifications, and markers of distinction because these provide social and economic mobility.25 While these gains may serve the individual student, they are sought independently of the public good, rather the individual student competes for his or her own advantage (as well as for school entry and retention) and consumes to fulfill his or her own desires, only connecting to others through economic relationships when need warrants instead of through sustained, democratic political relationships. The purpose of schooling then shifts to the production of good consumers, rather than to constructing knowledge or relationships that bring children into contact with one another and the world around them or teach them to struggle with societal problems and inequities.

EMO curricula and promotional materials tend to emphasize an individual student’s mastery of factual content material with little regard for students working together, especially to address societal issues. In the words of Chris Whittle, former leader of Edison Learning EMO:

What can be more important than schools graduating students who are capable of independent work? Being literate is one thing. It is quite another to be self-motivated, self-organized, self-disciplined, self-confident.\(^26\)

This, he says, is “important to success in life.”\(^27\) In his argument success and accountability become based upon an individual’s test performance rather than concern for access to equal educational opportunity or collective academic achievement. Individual students are therefore encouraged to do the best for themselves rather than pursuing public ends like equity, social justice, or the public good. And, in an undemocratic form of education, children are left competing against each other for a quality education and the benefits it brings.

Neoliberalism’s tenets doggedly defend the pursuit of self-interest, holding that those who try to maximize their own goods are rational, for, according to neoliberal theorists David Hume and Adam Smith, “man” naturally acts in his own best interest, an idea supporting the notion that in making a moral claim one ought to pursue what is in one’s own best interest. So rather than employing public deliberation collectively to determine admirable social or individual behavior—a task historically and theoretically attributed to public schools—neoliberalism turns over determination of moral or just behavior to a market-driven model. Thus the public served by EMOs is remade as a loosely connected group of self-interested individuals rather than an integrated body that is actively and collectively made and remade. In this way public life is conflated with rather than appropriately balanced with private interest, and morality is reduced to self-interested behavior.

**EMOs and Privatized Decision-Making**

EMOs seek both reduced government oversight and reduced public intervention, seeing these as unnecessarily restrictive and inhibiting educational innovation and efficiency. In their celebrated work on neoliberal school choice models, Chubb and Moe claim:

Our guiding principal in the design of a choice system is this: public authority must be put to use in creating a system that is almost entirely beyond the reach of public authority. . . . As long as authority remains “available” at higher levels within


\(^{27}\) Ibid.
state government, it will eventually be used to control the schools. As far as possible, all higher-level authority must be eliminated.\textsuperscript{28}

Reducing or eliminating public oversight and intervention, however, also risks eliminating the publicness of schools, for doing so excludes voices and participants in the shaping of public education and in the education of an active citizenry. Rather than bringing people together to address a societal need, eliminating public oversight pushes away participants and shifts school oversight to a small handful of private, profit-focused corporate managers whose guidelines are typically shaped not by public deliberation, but by neoliberal ideology.

EMOs point to the neoliberal economy—situated as the free market—as the arbiter of their efforts, arguing good schools are those that rise to the top through competition which in turn influences the choice of consumers. Although the public does make up public education’s consuming population, it remains clear simple market maneuvers within an economic space are hardly sufficient for determining, improving, and sustaining good schools. Assessing the desirability and quality of a school requires more than just numerical data on percentages of parent choice. Such assessment should be a public endeavor that involves analyzing potentially unjust rationalizations for prioritizing one school over another and active discussion of the goals, practices, and achievements of a school from the perspectives of parents, community members, and school personnel.

Historically, significant segments of the public have made poor choices, and even outright unethical decisions, regarding the education of their children or the children of others. One need only look at the initial use of vouchers proposed by Friedman shortly following \textit{Brown v. Board of Education} to locate white parents using school choice to select not the best education for their child, but rather schools with the most homogeneous, white populations.\textsuperscript{29} Recently Moe analyzed choices of white parents, concluding, “separatism and possibly even bigotry may be motivating some of the parental interest”\textsuperscript{30} in school choice. On the other hand, many poor families and families of color have supported for-profit charter schools run by wealthy, white people out of desperation for better schools, yet keeping education as a public good gives parents more control and influence over public schools in their

\textsuperscript{28} Henig, \textit{Rethinking School Choice}, 218–219. The quoted passage depicts Chubb and Moe’s views.

\textsuperscript{29} Ravitch, \textit{Death and Life}, 114.

communities. As recently documented in New Orleans, home to the largest percentage of charter-schooled children, local Black citizen groups trying to start mission-driven charter schools have found their applications denied, while EMOs continue to be awarded charters.

Public discussion is further limited by EMOs’ corporate structures, within which a relatively small number of unelected (and often non-local) business leaders are empowered to make educational decisions, largely behind closed doors. Some states like Ohio, home to White Hat Management, have proposed sealing practices, intentions, and financial choices of EMOs from public view, even if decisions have a direct impact on the public or the use of public tax dollars. This neoliberal corporate approach fails to fulfill the publicness embodied in traditional public schools and mission-driven charter schools, where decisions are made in open forums. Cuban adds, “Far more important, school board decisions are subject to media and public scrutiny,” arguing EMOs’ corporate decision-makers are shielded from useful criticism and fact-checking that media and the public provide—and to which the public is entitled.

Openness and disclosure regarding educational decisions are basic tenets of public education, but providing opportunity actively to participate in the creation and revision of those decisions signals publicness. EMOs that make decisions behind closed doors fail on both levels, calling into grave doubt their public nature and intent. The product-focused, “consumer” input of parents and students in EMO schools carries less weight than the constitutive input parents and students can contribute to more genuinely public schools, where democratic discourse is used to create or assess school policies, practices, and even the mission that underlies a school.

**Conclusion**

Many mission-driven charter schools and traditional public schools have struggled thoroughly to enact publicness, particularly in light of increasing effects of neoliberalism, but I argue EMOs squarely fail to uphold their label as public schools. Importantly, mission-driven charter schools and traditional public schools retain the capacity to enact publicness, while corporate, for-profit EMOs prohibit publicness in concept and practice. Prominent EMOs stand in strong contrast to mission-driven charter schools and

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traditional public schools in the ways they tend to arise from outside a community, fail to engage public bodies in collective problem-solving, exclude portions of the public from attendance, privilege private interests to the detriment of the public good, and wield private corporate decision-making with little to no public input, all the while actively seeking less governmental oversight. Finally, EMOs reshape morality into the pursuit of self-interest rather than a communally constructed and mutually beneficial system, leaving children believing they ought to compete with one another for education and the benefits it brings.

In order to enact publicness, EMOs would need better to balance the role of the self-interested individual and the common good. This would mean refocusing the EMO mission on benefiting the collective by recognizing the increasing move toward individual goals in education, yet also trying to direct those individual interests toward the well-being of the community. Such a move would also entail valuing engaging learners in shared problem-solving and public deliberation so all types of students equally might access discussions. Finally, EMOs would have to move beyond opening their doors and decision-making activities to community members, moving actively to engage communities in deep and meaningful ways in school construction and maintenance, including its culture and aims.

At present, EMOs fail to demonstrate respect for or adherence to public goals and practices. If EMOs continue uncritically to be celebrated alongside “public,” mission-driven charter schools, especially when we bolster support with the funneling of tax dollars into EMO schools, we risk the demise of long-valued aims of and approaches to public schooling, and, importantly, we use public dollars to facilitate that end.