Teachers at Minnesota charter schools face power struggle

State law quirk requires educators to sit on school board

By Erin Carlyle

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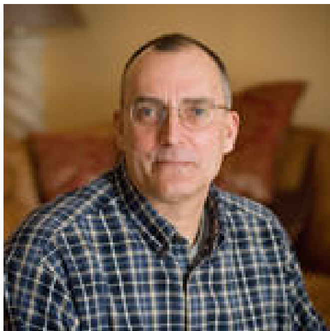
- **David Kern**

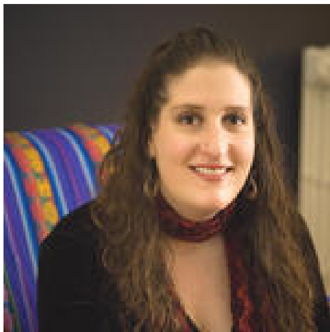


A hazardous profession: Vin McMahon, an ESL teacher at a Minneapolis charter school, was chair of the school board. He wanted to make the school financially stable. Instead, he was laid off.

- **courtesy of Amber Hougo**

Charter schools at their best: Amber Hougo's charter school, Minnesota New Country, has helped her excel. Teachers run the school and there is no administrator.

- **David Kern**



Rebecca Bahr taught at Minnesota

In early August, Vincent de Paul McMahon heard a story that roused his ire. Kevin Byrne, executive director of the Minneapolis charter school where McMahon worked, had bullied a school board member, allegedly cornering him and demanding that he resign his board seat. The traumatized man refused and reported the incident to the rest of the board.

McMahon felt it was his duty to confront Byrne. As a teacher at the school's English Language Academy, McMahon was Byrne's employee. But when McMahon acted in his role as school board chair, he was effectively Byrne's boss.

The August 12 meeting started out well, according to McMahon. "I didn't have an ax to grind," McMahon says. "I was just trying to get his side of it." (Byrne declined to comment about the incident.)

Byrne began to criticize McMahon. He said he didn't trust him, and began to recount grudges he'd accumulated against McMahon in the five years they'd worked together.

On August 20, eight days after the meeting with Byrne, McMahon was inside the school board room, passing out paperwork for a critical board meeting that was scheduled to begin in 20 minutes, when Byrne entered the room. He asked McMahon to step into his office.

Byrne sat down behind his large wooden conference table, two security guards at either end of the table. He told McMahon the school was experiencing financial difficulties, and that as a result, the school had decided not to renew his contract. Byrne gave McMahon a termination letter that said he was off the school board.

"I was crushed," McMahon says. "I was blindsided. I didn't see this coming."

McMahon left Byrne's office and walked back to the boardroom. He saw a sign tacked to the door: "Board meeting cancelled."

The events at Minnesota Internship Center's English Language Academy highlight

Internship Center and served on the school board. She heard rumors that the executive director didn't like the questions she was asking. Then she got laid off.

a controversial charter-school law unique to Minnesota: Teachers must serve on the school board. In fact, Minnesota law requires that teachers compose the *majority* of a charter school board, which is elected by parents, staff, and, in some cases, students. This can put teachers in the awkward position of managing their supervisor—the very individual with power to fire them.

By contrast, traditional district school boards almost never allow school employees to serve on the board. And educators at charter schools are not unionized, which can leave them further exposed to the whims of an administrator.

Last summer, the state Office of the Legislative Auditor outlined a host of potential problems with charter schools, including the requirement that teachers must serve on the board. A special legislative committee is looking at ways to remedy the problem, but it's unclear what direction the Legislature will take. Everything from getting rid of the teacher-majority law to banning new charters has been proposed.

"The structure that the Legislature set up here really requires people to be very secure in themselves and competent," says Eugene Piccolo, executive director of the Minnesota Association of Charter Schools. "There's a case or two every year where it becomes a situation where it gets to a crisis point."

JOE NATHAN WITNESSED the birth of the charter-school movement in Minnesota with the thrilled idealism of a social reformer. In his youth, Nathan had marched in civil rights protests in the South with his mother, who helped found Head Start in Kansas and instilled in her son an indignant sense of justice. He earned a doctorate in education policy and drank at the well of Saul Alinsky, the founder of the modern community-organizing movement whose work influenced Barack Obama.

Now director of the Center for School Change at the University of Minnesota's Humphrey Institute, Nathan has made it his life's work to improve schools. In 1970, he helped found and taught at the Open School in St. Paul, one of the state's first nontraditional public schools. As the push for change intensified in the wake of the seminal 1983 *Nation at Risk* report, which warned of massive failings in the American education system, Nathan was very involved in school reform in Minnesota.

He helped push for legislation that empowered high school students to enroll in college-level courses—Minnesota was the first state with such a law—and made it possible for any student to apply to any public school, regardless of district lines.

"It seemed to many of us that affluent families have always had choice," says Nathan, whose office is littered with books and newspaper clippings documenting the history of education. "There has been a strain in American history about expanding opportunity."

In 1988, the Citizens League, a good-government civic organization, proposed improving public education by removing the districts' monopoly on running public schools. It was thought that increased competition would lead to innovation.

Charters would be publicly funded and open to anyone, but would have a unique focus not available in traditional district schools. They could specialize in a particular subject matter, teaching method, or curriculum.

Nathan and like-minded social reformers like Ted Kolderie, then a fellow at the Humphrey Institute, hoped that chartering could help reduce income- and race-based inequities in public education. They also hoped it would free entrepreneurial-minded teachers from the strictures of the district, empowering them to improve teaching as only a teacher can.

In 1991, Minnesota became the first state in the nation to pass a charter school law, which Nathan and Kolderie helped write. The unions initially opposed it, but an 11th-hour sweetener designed to mollify teachers helped the law squeak by in '91: the teacher-majority requirement.

"It was a political compromise," says Kolderie. "Putting teachers fully in charge of the school in another way is a much better solution."

The first charter school in the nation opened in St. Paul in 1991. By 1993, seven states had copied Minnesota's charter law. Today, chartering exists in 40 states and the nation's capital. About 1.3 million students attend about 4,000 charter schools.

AN HOUR SOUTHWEST of the Twin Cities, in the sleepy town of Henderson (Pop. 920), stands the proud poster child of Minnesota's charter movement: Minnesota New Country School. Beneath the school's vaulted ceilings and tangerine, blue, and green walls, students work at individual stations. The atmosphere feels more like an enlightened office than a conventional high school.

New Country doesn't really have teachers, either—at least not in the traditional sense. Instead, the school has advisors, who work with a maximum of 17 students. who choose their advisors and call them by their first names. Advisors offer guidance on projects that the students select, design, and complete.

Amber Hougo, 18, says her senior project focuses on what it takes to become a teacher. Her junior project last year took 225 hours, including teaching three-, four-, and five-year-olds at a local nature education center, and volunteering at a local school.

Hougo says she loves the academic challenge of New Country, but it's also been a boon to her socially. After being made fun of in elementary school, Hougo was homeschooled for sixth grade.

"I have albinism," she explains, pushing back a strand of wavy blond hair, her bright blue eyes moving rapidly back and forth. "I'm albino."

Here, no one makes fun of the way Hougo looks. "You won't make friends if you make fun of each other," she says, "because we're above that."

Hougo's advisor, Dean Lind, has been at New Country for 14 years, and says he'd never want to teach in a traditional school. The key to success, he says, is that teachers (or, in this case, "advisors") run the school.

Although advisors make up the majority of the school board, as charter law requires, they are not full-time employees. Instead, they contract with the school for their professional services through a teaching co-operative.

New Country has no administrator, executive director, or principal.

Instead, a board of four teachers and three parents signs off on hiring, firing, and pay decisions. But that's only after all the teachers first get together to discuss how well they've performed.

"We evaluate each other," says Lind. It can be difficult at times, he says, noting that sometimes the teachers have asked peers to leave. But Lind wouldn't have it any other way. "It makes the most sense," he says. "If we want people to take responsibility for how the school functions, we need to give them the responsibility for

what succeeds."

That's the central idea behind New Country, says Doug Thomas, executive director of EdVisions, a nonprofit that works with teachers at the school. A former teacher, Thomas hated the rigid administrative structure of public schools, which he refers to derisively as "like a *factory*."

The goal when he founded the school 15 years ago was to professionalize teaching, to make it more like medicine or law—self-regulated industries, with best practices upheld by a community of motivated, informed professionals.

"If you want people to be professional—like lawyers and doctors—then you don't work in a labor-industrial model," he says. Instead, "the professionals do not serve at the will of the administrator, they *hire* that administrator and that administrator serves at the will of the *teachers*."

The idea has caught on. About 50 schools across the U.S. have copied the New Country model, with project-based learning for students and teacher-run schools. EdVisions, Thomas's nonprofit, has received about $10 million from the Bill & Melinda Gates Foundation.

"We still can't believe that hundreds of thousands of teachers haven't done the same thing," Thomas says. "We don't know why anybody would want to stay in the lockstep system that hasn't changed in 100 years."

TEACHERS AND STAFF at Minnesota Internship Center once felt that their school held the same promise. They saw it as a potential fresh start for kids who hadn't done well in traditional sit-in-a-desk schools.

Before starting Minnesota Internship Center, Kevin Byrne had worked at an English language-learning program in Bloomington. But the charter school was Byrne's baby. He wrote the charter, and his connections helped it gain a sponsor: Pillsbury United Communities. The school opened its doors in fall 2002.

In the school's first three years, the board was made up of Byrne's friends and associates. When elections took place for the first time in 2006, Vin McMahon, an ESL teacher at English Language Academy, was one of the first teachers to join the school board.

Though McMahon had worked in finance for 20 years, he found the school's balance sheets and volatile financial situation difficult to understand. One year, the school ran out of money and closed two weeks early. Another, teachers were laid off around Christmas. Every year it seemed that there was a surprise financial emergency.

McMahon began asking questions. But neither Byrne nor the consultant that completed the school's financial reports gave him satisfactory answers. "There was a kind of power in not giving people all the information they needed," McMahon says.

Rebecca Bahr, an ESL teacher at English Language Academy who joined the board a year after McMahon, was also frustrated by the lack of information. Byrne seemed to push aside board questions deliberately. Bahr once asked Byrne for a list of all the school's staff members and their job descriptions. She never got the list. Later, when the board instituted a hiring freeze, Byrne filled some positions without consulting the board.

The tension between Byrne and McMahon erupted at a board meeting last February. Byrne had disbanded some board committees, and McMahon raised questions.

"I'm your boss!" Byrne shouted, shaking his fist at McMahon, according to two separate accounts of the meeting.

"With all due respect, sir," McMahon said, "when I'm on the board I'm *your* boss."

McMahon and Bahr started indirectly hearing that Byrne wasn't happy with them. "There were a lot of people talking about Kevin Byrne being obsessed about us asking questions," Bahr says. "People were saying, 'Kevin's very upset about this, he thinks you're trying to undermine his authority.'"

McMahon called a special board meeting on August 20 to review board responsibilities. But 20 minutes before the meeting, Byrne laid off McMahon.

Five minutes later, he called Bahr into his office. Flanked by two security guards, Byrne told Bahr her job was eliminated and she was no longer on the board.

Bahr was instantly suspicious. She asked Byrne if her termination had anything to do with her role as a board member; Byrne said no. She walked outside the school and told her co-workers that she'd lost her job. That was the last straw for the former principal of the school, Jeff Dufresne, who resigned. "It was all retaliation," Dufresne says.

Byrne declined to comment on the lay-offs. He did say that enrollment at English Language Academy is down 100 students from its high of about 300 two years earlier.

"Cuts are painful, and included board members, since being on the board is no job-security guarantee," Byrne wrote in an email.

Despite their layoffs, McMahon and Bahr thought they had a right to retain their board seats. The pair discovered that Minnesota Internship Center's bylaws made no mention that teachers who lost their jobs were automatically off the board.

So McMahon continued to call board meetings. When Byrne sent an email banning McMahon from school property, the board convened at coffee shops and McMahon's St. Paul condominium. In late September, seven of the board's nine members voted to remove Byrne as executive director.

But Byrne refused to step down. Instead, he declared that the board meetings were illegal. Byrne appointed another board chair, Janet White, who called her own board meeting. "Janet White has done an incredible job fighting the people who have illegally hijacked our board," Byrne wrote in an email to school staff. "Please attend the meeting and take the school back!"

Byrne called emergency meetings with the staff to make clear he was the boss. "Kevin Byrne literally said, 'If any of you don't think that I'm the executive director, I won't sign your checks,'" says Linda Duncanson, a former administrator who attended the meeting and was later laid off.

The evening before the October 12 school board meeting, Bahr's email in-box flooded with messages from angry teachers. One threatened to sue Bahr and McMahon if she lost a penny of her pay because of the conflict. McMahon spoke to Pillsbury United Communities, the school's sponsor, and was told the nonprofit would pull out if the conflict wasn't resolved.

McMahon didn't want that to happen, so he stepped down. Bahr asked to be voted off the board. Three other board members also left the board that day. Five volunteers replaced them.

A member of the impromptu new board quickly called for a vote to reinstate Byrne as executive director of Minnesota Internship Center. Three board members voted no, including Hassan Hilowle and John Breyfogle.

Hilowle and Breyfogle's jobs ended shortly after.

"He called me and said, 'Hassan, did you sign the paper to fire me?'" Hilowle says. "I told him, 'Yes.' 'Why?' he said. I started to tell him. But he hung up."

Hilowle's termination letter said he was eliminated because he did not hold a teaching license. Two security guards escorted him out of the classroom, in the middle of the school day, in front of students.

Educational assistant Bahar Hassan was next on the chopping block. He was a vocal critic of Byrne's. Breyfogle and Hilowle went with Hassan to his termination meeting with Byrne. When Breyfogle told Byrne that only the board could fire people, Byrne fired Breyfogle.

"If you're a teacher and on the board, clearly, as this situation demonstrates, your job is at risk," says Dufresne. "It's a recipe for having a board that just keeps its mouth shut."