

Lawyer Oversees Georgia's Charter School Movement

Charter school policy chief Andrew Broy drafts regulations and works with legislators on educational issues

The charter school movement is growing rapidly around the state and the country by putting business principles and results to work in school management. But in Georgia as well as a number of other states, the person charged with oversight of charter schools is neither an education administrator nor a business person, but a lawyer.

"I'm not sure how you could do this job without being a lawyer," said Andrew W. Broy, associate superintendent for policy and charter schools for the Georgia Department of Education. Many of his counterparts in other states also have legal backgrounds because charter school management is a contractual arrangement.

In his policy role, Broy helps draft regulations and rules for all the public schools in Georgia, including adapting federal No Child Left Behind guidelines to requirements for local schools. "The intersection of law and school policy here in this job is really fascinating," he said.

Because of his responsibilities for contracts for charter schools and policies for all schools, Broy's staff is weighted with legal expertise. The office includes three other attorneys and three paralegals. He notes that when his boss, State Schools Superintendent Kathy Cox, gets sued, she is represented by the state attorney general and Department of Education General Counsel Jennifer L. Hackemeyer. Broy works closely with them as well as with outside counsel when those lawsuits involve policy or charter schools.

In some cases, the outside counsel includes his former law firm, Sutherland Asbill & Brennan, where he focused on school finance. He was a litigator in the education, civil rights and government practice there.

Richard L. Robbins, a partner at Sutherland, said, "Andrew gets quoted in every media article on charter schools," and called the charter school movement "the most significant development in education."

In the past three years, the number of charter schools in Georgia has grown from 31 to 71, including 40 in metro Atlanta, Broy said. Charter schools are operating in Savannah, Augusta, Albany and about 20 rural districts. And he expects 20 more will be approved over the next six months. Part of the increase is due to a new state law that allows entire school systems to apply for charters. And part is a growing awareness of charter schools as an alternative to traditional public schools.

Broy said Georgia was behind during the first wave of charter schools around the country, which began in the 1990s with states such as Florida and California. But among the states that got into the charter school trend more recently — which he calls the second tier — Georgia's numbers are growing the fastest.

Georgia's numbers will likely grow more if a legislative effort now in the state Capitol succeeds. Legislation that just passed in the House of Representatives would create a charter school commission to bypass the authority of local school boards, which often resist the formation of charter schools.

Recently, Broy was promoted to a new level of responsibility in the education department, taking oversight responsibility for the three state schools for the deaf and the blind — which have their own management and directors — as well as the communications function for the entire department.

"We have to make sure policy, communications and legal all work together," he said. "The work here is very much committed to improving public schools broadly."

The communications role seems particularly important because people are still learning what charter schools are. And what they are not.

Broy gets frustrated with the misperception that charter schools are like magnet schools. They are not. Magnet schools can set criteria for admission such as grade point averages, talent or special skills. And they can deny or expel students who fail to measure up. Charter schools — like other public schools — have to serve everyone in their districts.

"You take students where you find them," Broy said. "Then, the question is, how do you move them forward?"

Chartering is increasingly being considered as an option for schools that have failed to make "adequate yearly progress" requirements under the No Child Left Behind program. "One of the good things about chartering is that it allows schools to tailor their resources and their allocation to their student population," Broy says. Charter schools can be allowed to waive certain state requirements and reposition resources where they are most needed. In effect, they can treat their budget as more of a block grant than a line-by-line directive. Charter schools are given more flexibility in exchange for greater accountability.

"We elevate substance over form and say, we don't care as much [how] you organize yourself with structure. We're looking at results in greater student achievement," says Broy. "We can waive the rules, but hold you accountable."

If charter schools fail to show the desired results, their contracts can be revoked.

Charter schools are being used in a wide range of socioeconomic levels. One of Georgia's success stories is the Drew Charter School in East Lake where a public housing project was redeveloped into a mixed-income community. Another is Walton High School in an affluent Cobb County suburb. Walton is what is known as a conversion charter school because an existing public school made the transition.

At the moment, a larger percentage of charter schools, compared to traditional schools, are meeting the Adequate Yearly Progress goals of the No Children Left Behind program — but only a slightly larger percentage: 84 percent compared to 82 percent, Broy said.

In some districts, the charter schools are in such demand that not all the applicants can be accepted. "It's fascinating to watch," Broy said. "Sometimes 250 parents are fighting for 100 spaces in a charter school." In those cases, students are not selected through a lottery.

Another part of Broy's job is working with the Legislature on school issues. "About half my time during the session is spent meeting with legislators and working on drafting the text of bills," Broy said. "I enjoy that work a good deal."

Broy is a frequent lecturer and presenter at national conferences on education law and charter policy, including events sponsored by the Kennedy School of Government, the University of North Carolina and the National Alliance for Public Charter Schools. He spoke recently at Emory University School of Law, where he raised questions about big law firm life. "If you do well in law school, current thinking pushes you to a large law firm," he said. "I told them it's important to keep in mind what you want."

Broy's thinking about law and education was shaped by what he did before he attended the University of North Carolina School of Law. After earning a bachelor's degree in education, also from UNC, he joined the Teach for America program and worked in rural North Carolina. He signed up for a two-year stint, but stayed three so he could watch his first group of students graduate.

"To be fair, my career was really molded by my teaching experience," Broy said. "There are only two firms in the nation who do a lot of the work I did with school finance and policy." One is Sutherland. That's why he came to Atlanta.

And although law firm life was just as demanding as he expected, he has a different perspective on it. "I worked hard at the law firm. You're there until midnight. But I worked harder at teaching," Broy said. "It's different work. In a law firm, you've got a portfolio of cases you're working on at any one time, whereas in teaching, I felt like the work was almost never done. I could look at my students and think, you're not there yet."

The teaching experience affected his life in another profound way. It was there he met his wife, Keecia Broy, who was also in the Teach for America program. She now works as central states regional executive director of DonorsChoose.org, a national group that matches contributors with teachers who have projects they want to fund. "It's born of the idea that so many people write a check to a charity and don't know how it's spent," Broy said. "This way they can go online and see that there's a teacher in a certain school whose class needs a microscope."

Both the Broys are working on a cause about which they feel passionate — supporting public education.

"Improving low functioning schools is a challenge across the nation," Broy said. "The core issue is how can we get our best teachers in front of our students who are struggling? How do we structure the way we deliver instruction so that all the students get the best quality?"