



**STUDY # 1:**

**EDUCATION REFORM:  
CHARTER SCHOOLS PARADIGM  
IN THE FACE OF POVERTY  
AND VIOLENCE IN PUERTO RICO**

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## Summary

The purpose of this study is to analyze the education reform pursuant to Act 85, and particularly with respect to the charter school variable. The framework is the socioeconomic context of children and youngsters, the social environment in which our youngsters develop, and the role of education as key to the future of our country. One of the objectives of our research is to fully understand the formulation of the public policy related to this law.

The study focuses on the two existing charter schools and the potential model to follow given their potential success. The research also introduces the historic context of the two organic laws in Puerto Rico as a framework for this study.

New York, California and Louisiana are necessary references due to the similarities in educational contexts and experiences. We performed an in-depth study of poverty and marginalization of students as well as the violence in which the social project of public policies is assessed. The intention is to have, then, a work to reveal possible paths to formulate educational policies given the challenge to adequately manage one of the most sophisticated and substantial budgets of the government of Puerto Rico.

This work is the only exploratory study performed in Puerto Rico on the two education laws (Act # 149, Act # 85) that have directed the educational reform during the last twenty years in our school system. Within the social and economic context of education in Puerto Rico, public policy changes have been examined, emphasizing the charter school model, cornerstone of Act # 85 of the last education reform and a point of much debate in the country. The history and ideology that gave origin to the same has been discussed from a critical and comparative perspective. Hence, the model's potential and limitations to bring about change to the education system of the country have been analyzed.

The discussion about education literature in the framework of the case of Puerto Rico, the interviews performed to different officials of the Department of Education, the empirical work performed by two education centers that used different alternative education methods, and the comparison of charter schools in Puerto Rico to cases in California and New York, allowed us to have answers to the initial conundrums, reach conclusions and offer some recommendations on public policy for the public education system of our country

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**“There is no way to run a charter school if you don’t have a commitment to social change. Financially speaking, it makes no sense.”**

## **Introduction**

Education as an institution faces permanent challenges with respect to being up to date and responsible for becoming our country’s vanguard in social, cultural and scientific endeavor. Hence, the most important agenda for education should be to honestly and fully contemplate changes in its vision of the future. Puerto Rico is immersed in a process of redefining its own view of the future in multiples ways. The economic model that once proved to be an example and was exported to other countries for more than 5 decades has shown a conceptual exhaustion as well as a lack of relevancy nowadays (Rey, 2019). Likewise, education formerly occupied preponderant spaces and worked as the institution forging humanistic and professional character in our society; today, it must reconsider what path it wishes to follow. In a society of skepticism and a world where media renders “performance” more important than the search for truth, education must perform an auto-analysis given the times (Lipovetsky, 2018). Education (in capital letters) has to rethink itself, not only in response to its immediate community, but also visualizing itself with respect to its perspectives vis-à-vis future niches in our society and its responses as a member of a universal competitive society.

In this spirit, in our research, it is our intention to analyze the two education laws (Act #149 and Act #85) that directed the education reform in our school system for the last twenty years. Within the social and economic context of education in Puerto Rico, changes in public policy have been examined, emphasizing the charter school model, cornerstone of Act #85 in the last education reform and a point of much debate in our country (See Appendix # 1). The history and ideology that gave origin to this law has been discussed from a critical and comparative perspective. Hence, the model’s potential and limitations to bring about change to the education system of the country has also been analyzed. New York, California and Louisiana have become the forced referent due to the similarities in the educational context and experiences. We will make an in-depth study of poverty and marginalization of students as well as the violence in which the social project of public policies is based. The intention is to have, then, a research revealing possible paths to formulate educational policies, given the challenge to adequately manage one of the most sophisticated and substantial budgets of the government of Puerto Rico.

Different **conundrums** have guided this effort. First, we asked ourselves if the Charter School model, spearhead of the discussion and Act 85, could become a potential model for our system. Hence, other conundrums became a unifying thread for our premises:

- **When did these changes in the educational public policy of the country come about and what was their content?**
- **What was the underlying ideology?**
- **What was the socioeconomic situation of the island and the students of the public system?**

- **What was the role of poverty in education in our country?**
- **What is a charter school all about? What was the history and ideology that originated them?**
- **What are educational vouchers all about?**
- **How have these models worked in different jurisdictions of the United States?**

The discussion about education literature in the framework of the case of Puerto Rico, the interviews performed to different officials of the department of education, the empirical work performed by two education centers that used different alternative education methods, and the comparison of charter schools in Puerto Rico to cases in California and New York, allowed us to have answers to the initial conundrums, reach conclusions and offer some recommendations on public policy for the public education system of our country.

The role of education has been transformed. Its social influence is each day more complex and more influenced by other social protagonists who compete and distract our population of learners. Our society demands facing radical changes with respect to its content, its intention to harmonize knowledge with socialization, and the subsequent formation of citizens. From the moment education was institutionalized, it was done with the intention to establish a collective project that answered to societies in evolution and aspired to a better quality of life for the citizens being served. Any transformation experienced by education must be based on the catalyst ingredient most relevant to the learners. It refers to the possibility of using education as the action to transform their reality, serve as a social mobility agent, and have the mission to form values, ethics and citizenship as well as bring about the possibility to learners of joining the labor market. Since the 50s in our island, an education model had already emerged that served as grounds and support to a flourishing middle class in the island with a promise to reduce the existing social inequality at the time (Díaz-Quíñonez, 1988). Currently, we have seen these principles still hold true in countries such as Finland, Chile and South Korea, where evident paradigm transformations in their education have resulted in social advance and a better quality of life in their respective societies (Adamson et al. 2016).

In that spirit, at this stage of the Puerto Rican society, an education project defined with a vision of a new country presupposes introducing challenging variables that will move forward our students, teachers and non-teaching community as well as the entire Puerto Rican society in general. Any proposal elaborated with respect to knowledge and wisdom must contemplate some very tangible variables that are critical for Puerto Rico (Carrera; Rivera, 2020; Fernández, 2020). The greatest priority must be to strengthen humanistic values in our society, to reappropriate our collective values, to reaffirm our idiosyncrasy and ethics in a society that still lacks justice and wellbeing for most of the population.

Most important still, given the development of the last decades social and mental decline in our society, our education must strengthen the vision and implementation of quality of life models that will work as an experiment for our society, today dispirited by an informal and illegal economy, and impregnated with violence

towards the most vulnerable sectors such as women, children, the elderly and others. The reformulation of the role of education in our country must encompass an attitude fostering a culture of dialogue in contexts that each day seem to be lacking among the protagonists of our society.

### **Contour of the socioeconomic reality:**

Puerto Rico's socioeconomic reality is anchored in a context of poverty, placing us among one of the most unequal countries in the world, despite of what has frequently been interpreted as progress in Puerto Rico. As a matter of fact, in Puerto Rico only 40% of the population is active in the formal economy, almost a third of its economy has characteristics of informality, and it is significant that around half of that economy is in illegal practices (Rey-Hernández, 2010; 2014; 2018)

*...if I flunk it doesn't matter because I already have a corner where to work. I already have two drug-selling spots near the school. Before, there were three, now there are two. This is quite normal. There is a funeral home next to the school and they have already killed two important persons this year. And that was as if a mayor had died and everybody went to show their respect to that merchant.*

*(Testimony of a director of a school, 2020)*

This reality shows the conditions under which our students are being educated and formed, mainly poor students who have no other alternative to choose, thus, many attend insecure and deficient schools as has been suggested by Segarra and Luciano in this project. According to the pediatrician and Surgeon General of California, Dr. Nandine Burke-Harris, in a broader context, it has been proven that poverty marks the levels of underdevelopment in the formation of infants, affecting the emotional stability when they have been exposed to those levels of socioeconomic violence (Burke-Harris, 2019).

Public education in Puerto Rico was a pioneer in the Americas due to its inclusive, secular and visionary policies in terms of advancing social equality through equal education, and was a milestone in the formation of many generations in Puerto Rico. Paradoxically, in a very detailed study performed by university colleagues of the University of Puerto Rico, Mayaguez Campus, about access of public schools students to UPR in Mayaguez (UPR-RUM), they highlighted the little access these students had and the low retention within the system (Brusi, 2010). Among the factors hindering their entry and retention, they underlined the following:

- The socioeconomic factors (education and parent's income) affected the possibilities of a student to continue and complete their college, so they suggested that institutions must have resources and support to help those students.
- The only socioeconomic variable that was important to forecast the student retention was students' school of origin; in other words, students coming from public schools have less probability of remaining at the UPR-RUM compared to students from private schools.

(Brusi, 2010)

The conclusions reached by this research may be extrapolated to the rest of campuses within the University of Puerto Rico, and more so during times of crisis as the ones currently lived in the island. For example, the

study stated that within the last fifty years there has been evidence of academic achievement, which has been accompanied by a socioeconomic stratification. The evidence is shown in the fact that:

- Low income families tend to have a more restricted access to social capital forms associated with higher academic achievement (parents' education level, interaction between parents and children, interaction between parents and children with school personnel).
- Likewise, the quality of the school is an important factor in academic achievement, and low income students also have a greater probability of attending junior high schools and high schools that do not provide the needed academic preparation or 'college culture' enjoyed by their higher income peers...
- ...and the most dramatic aspect shown by stratification can be seen in the histories of the life of youngsters and adults who live in public housing. They shared four common themes: 1) chronic tragic events that reduced their academic aspirations; 2) the 'separate' nature of public housing; 3) junior high schools as an inflection point, generally for the worst; and 4) institutional barriers in schools.

(Brusi, et.al., 2010)

The reality is that education could be determined by socioeconomic conditions, especially when it is a school communities where a significant percentage of its students live under the poverty level. In those cases, the development of an adequate public policy is crucial.

*At least, 93% of students are poor; it is difficult for me to currently calculate the levels of extreme poverty. It is one of the characteristics we are attempting to work on because the Department does not necessarily works with it, but extreme poverty according to federal standards is based on the number of times you eat during the day and I can tell you I have already made food delivery during the lockdown, because I have families that don't have anything to eat since the SNAP money is not enough or it came late or whatever. They can't go grocery shopping and buy \$500 in groceries for two weeks, etc. Then at least 20% of my students I know are having problems eating three times a day every day, at least. They have all been exposed to experiences with violence or at least 99.5% of them live here, right, in that same area between Guaynabo and Cataño, right in the frontier. They all hear shots; they all have someone they know who has been killed. There is a high percentage among them, I'd say around a 30 to 40%, who have some direct ties with the streets. Whether the brother or the cousin or the father, somebody works in the streets in some sort of role.*

*(Community leader, 2020)*

Similar data has been offered by directors interviewed in charter schools where they coincided about the extremely stark stratification prevailing in their communities and the great challenges these institutions have at the community level to overcome the circle of poverty and the distraction to the education process, while also breaking away from a culture of very particular values within these communities.

A report on the Human Development Index in 2017 pointed out that nearly half a million children and youngsters in Puerto Rico live under poverty conditions. The study revealed also that 83% of children and youngsters in the island live in high poverty areas, and 57% live in mono-parental families where 82% are female headed households. This picture sociologically defines a reality that represents the foundation on which education is

being built in this country. If a matching between Education and this reality does not take place, there will be a lag affecting the permanence of these youngsters in the system and their later placement in the labor market.

Ironically, Puerto Rico is one of the places with a higher educational attainment. Annually, near 50,000 students graduate from college from associate's degrees through post-doctoral studies. However, that educational attainment rate has no relationship with the labor market participation, one of the lowest in the world. As a matter of fact, the reality may mean that there is a split between offer and demand in the labor force, or that graduates from our system are not receiving the most competitive academic instruction and specific skills formation. The labor market generates around 17,000 employments, of which only 27% requires post-secondary education (IDH, 2017).

On the other hand, the reality is that youth poverty is tied to poor health and high crime, and a year of that poverty could cost \$4 billion of our country's Gross National Product. This is equivalent to 4.3% of the GNP. A recent study by Youth Development Institute of Puerto Rico (2020) stated that poverty could be reduced from 58% to 49% in three years and to 37% in 10 years if the adequate investment in our youth were made. The truth is that there are around 656,000 children in the country and 308,000 out of those live in poverty, and 38% live in extreme poverty (it represents half a million poor children), with an approximate annual income of \$3,950 according to the data obtained in the same study. Likewise, children growing in poverty are pre-conditioned to have poor health, low self-esteem and significant ties to the problem of drug economics (Enchautégui, et.al., 2020)

Recent research also documented how poverty can be a catalyst agent of toxic trauma affecting the neurobiological growth and subsequent skills of children in the academic and emotional areas..

- The results of a 2012 study revealed that 11.9% planned to commit suicide, 17.3% attempted suicide, 11.6% informed not going to school because they did not feel safe at school or when they either went or came back from school; and finally, a 31.8% stated they felt sad or hopeless. The data showed that some students faced threats to their physical and mental integrity, and it could well contribute to an upsurge in education disparity. (Rivera, 2017)

All these factors must be considered in the reformulation of education, and must be included as part of the education research techniques and the implementation of education policy since our educational reality surges from this gap. Hence, education must contemplate an agenda of wisdom, curriculum, experiences and specific cultural and arts projects that fosters a social space and addresses and proposes projects for our reality as a country. Few actors in our country at this moment have the capacity to call for a change in education and propose alternative spaces for our citizens. There is no doubt that in the world where we live in, certainty is diluted and absolute truths have lost credibility, thus, the educational world's deep reflection and efficient work must occupy a relevant space in our society. This must be the space of our education. The necessary question for the future of Puerto Rico must then be: How can we foster a humanistic, social and scientific agenda from our educational space that will have an impact and facilitate the most urgent transformation required by our Puerto Rico?

## Education Reform in Puerto Rico

Governance in education presupposes the structuring of an educational policy process incorporating the challenges of an educational philosophy and a pedagogy relevant to the socioeconomic reality and wellbeing of the people (Tomassini, 1998). The educational proposal rises from the formulation of a governance exercise that presupposes consensus, good government, efficiency and justice so our education program performance becomes organic. For that to occur, there must be an understanding among all parties who want to have an effect on educational processes as well as an expectation of tolerance in the construction of that new educational development model in order to be responsive to all actors in the system (Aguilar-Villanueva, 2014).

Most of the discussion that has been generated within the last twenty years in the educational arena in the United States is founded on the economics Milton Friedman, who proposed a neoliberal education model based on the market in the mid 50's. This model would not be directly checked by the government, but rather allow families to have an 'option' to attend any school approved by the State with the use of a state certificate or voucher. According to Friedman, the schools receiving the vouchers must comply with standards established by the government. The quality would be controlled by competition, leading the institutions in bankruptcy to close and the schools with average achievement to increase their performance in order to remain in the market (Pérez, M. S., & Cannella, G. S. 2011). This policy consolidated and fostered the charter schools, allowing students to use the education vouchers from public school funds for any school of their choice. Meanwhile, the No Child Left Behind Act from 2001-2015 opened the door to innovative policies in the topic of public education, mainly with respect to the school accountability as well as students' academic achievement. Under these precepts, the United States education reform was created (also adopted in Puerto Rico) based on the market logic, allowing for the privatization of public education following the competition discourse and the possibility to choose a better option for the students.

This reform generated different stances. On the one hand, there are sectors favoring the neoliberal policies, and on the other, sectors opposing that practice. According to Lianne Mulder (2018), the neoliberal policies advocates argued that when schools face pressure from the market, they feel obliged to compete, leading to a better school effectiveness and efficiency. Besides, it emphasized on the possibility that choosing the best option in the market for your children's education will result in a broader benefit for the citizens. One of the main benefits is, according to this sector, that it represents the solution to the problem of assigning schools according to residential address, particularly for poor students. They lack the financial and social resources wealthier families have to pay for private schools or move to wealthier neighborhoods and have access then to schools with better quality. The free school selection seeks to address the social disparity affecting students in disadvantaged residential areas who would otherwise have no other choice, according to this sector.

The other sector, however, is against the stance of free school selection. Within this sector we find the teachers, unions and traditional civil liberties organizations such as the National Urban League and the Mexican American Fund of Legal Defense and Education (Fondo Mexicano-Americano de Defensa Legal y Educación in Spanish). In some of their claims, they argue that the free school selection, including charter schools and education vouchers, allocates public money for education in the hands of private companies that dismantle the power of the unions, foster segregation and favor the most privileged sectors and the best informed families, while reducing the

opportunities for the more vulnerable families, in particular, those living in low income urban districts and those students suffering a higher degree of marginalization<sup>1</sup>. This opposition to the commodification and privatization of public education is supported by the founding paradox of the competition model, in other words, in a typical market of goods and services, a service producer or provider generally does not share its successful strategies or innovations with its competitors. Given this logic, if the education keeps moving towards a competitive market as any other consumption good in a capitalist economy, then the successful practices, the innovations and the strategic approaches leading to better quality of education will not be openly shared with other schools since they are competing among themselves to attract students. Hence, only if schools do not compete among themselves can they share then successful education strategies in order to improve the educational level in the entire nation.

However, in our very particular case, the education reform is intertwined to the United States due to our political relation. The federal contribution is 30 percent of the budget of the Department of Education; hence, any public policy formulation must be contextualized in the relationship with the United States' Department of Education (USDE). As a matter of fact, during the last decade, the consolidated budget of the Department of Education kept a constant of three billion dollars (combined budget of federal and state funds) despite the fact that enrollment and infrastructure had reduced almost a fifty percent (Appendix #2). Out of this, a third comes from the federal government. However, we must clarify that recently those funds have been frozen due to an investigation by the USDE. This shows the federal government importance in the public policy formulation in Puerto Rico. The federalization of public policies in our Department of Education also presupposes a dependency in such sensitive topics as curriculum design, the measurement of academic achievement, and even the closing of schools in different communities in Puerto Rico.

The history of the federal funds in Puerto Rico has multiple dimensions, and it is certainly one of the key aspects when reviewing the future changes in our education system's governance. Without any doubts, it has repercussions when formulating public policies. In terms of budget, the government of Puerto Rico approximately receives two billion dollars for grades K-12 as well as post-secondary level. A fundamental consequence of this component in our budget is that the use of these funds is conditioned to goals and objectives established by the Congress of the United States, meaning that they may coincide or not with our educational challenges at the Puerto Rican national level. Hence, our strategies and challenges include the creative design of objectives harmonizing the federal guides with the concrete needs of our education system. Beyond the constitutional processes and the powers granted to an agency at a given moment, there are basic considerations that could be indicators of what are the possibilities of amending a structure in the Executive Branch such as the Department of Education. Among these alternatives, there is the possibility to assess where the excess lies as evidence of the lack of checks in the execution stage by the Department and see also how sensible the management of the existing resources is. Likewise, the process of knowledge construction in a country must be inclusive and participatory when formulating values and knowledge for our society and must be inserted within the demands of the globalized society we belong to.

<sup>1</sup> Although the reviewed literature used the concept of students of color, and not marginalized, we have chosen to use the latter since it includes a broader spectrum of diversities (ethnic group, race, social class, to mention a few).

## **Act #149**

According to these principles, at the end of the XX Century, Act # 149 was approved as the framework for the education reform. This Act, formulated in 1998, states the form and manner in which the Department of Education will be structured and governed. However, in its own statement we find the first judicial obstacle that the government agency faced. First, the law stated that the Secretary will be the only one responsible for the supervision of over sixteen hundred school directors in the system at that historic moment in 1999. Hence, the law eliminated the intermediate supervisory task, thus creating an almost anarchic structure due to its complexity and lack of discipline. For example, the superintendents were left without work and new administrative jurisdictions were created over the districts leading to an extreme autocracy and a crisis in supervision. Likewise, it fragmented the sense of identity in the processes and added to the gap within the district structure. Although in principle the intention of the law was founded in granting more power to schools, a positive element of that reform, paradoxically, it never offered the adequate training to prepare the personnel that would be in charge of that evolution. As part of the political comings and goings and given the proximity of the 2000 elections, the government then decreed that all public schools in Puerto Rico would become 'community schools'. This project never materialized to its full extension and it was extremely rushed, but had it been adequately and deeply pondered, it may have empowered the schools in the public education system. In this respect, the governance concept, understood as a process that harmonizes efficiency, justice and equality, thus, a good management, remained structurally mutilated by the law itself.

However, I must underline that the organic law then led to an increase in participation of parents as well as the rest of the school community who all got more interested in the educational process governance. As a matter of fact, this was combined with the election of a new appropriate unit of the teachers represented by the Teachers' Federation, which brought as a result a broader activation of teachers and non-teaching personnel in the formulation of policies and rights within these communities. Certainly, this has its successes and failures in terms of the results, still it could be said that the foundations were laid for a construction that could have been adequately developed with more training, more stability in the succession of secretaries and public policy, but it was unfortunately interrupted by partisan politics and little government stability, a permanent enemy of the Department of Education in our country (Rey, 2008).

## **Act # 85**

The second education reform in Puerto Rico was performed with the formulation of Act # 85 of March 29, 2018, bringing about a new process to reformulate the Organic Act of Education, substituting the former Act 149 in effect as of that date. Twenty years after Act # 149, this new formulation gave grounds to a series of changes, some of them structural and others strictly administrative in nature, pursuing among other things more efficiency and effectiveness in the governance of the Department, one of the largest in the government of Puerto Rico. Under Act # 85, 10 crucial points were adopted defining the key notes of the analysis we propose in this study. The considerations of this research started a review of said law that in some aspects contravenes Act # 149, which served as frame of reference and legal structure for the administration of the Department of Education during the previous 20 years.

The ten defining and most critical elements of Act # 85 are the following:

1. to reformulate the education system in function of the student as the center and main axis of education;
2. to establish a budget based on the average cost per student to guarantee that students receive the same investment of resources in their education;
3. to establish Charter Schools to give access to a broader academic offering to students through non-profit specialized entities that could strengthen the curriculum and the teaching, and allow communities, including parents, to have a more active role in the their children's education;
4. to establish the Regional Education Office to decentralize the services, have a more efficient structure that responds to the needs of the school community, reduce cost and eliminate redundancy;
5. to establish efficient evaluation and accountability systems;
6. to establish a digital transparency policy in the education processes;
7. to delegate more faculties and responsibilities to regional superintendents and directors to address the academic and administrative matters, and evaluate their performance through constant accountability;
8. to acknowledge and bring about more participation of the third sector so they can have a direct and active collaboration in the education process of the Department of Education;
9. to establish a Free School Selection Program as an additional alternative to foster equality in the access to quality education for the most vulnerable sectors of society, encouraging a direct subsidy for parents through education scholarships;
10. To amend the definition of "Public Enterprise" in Article 1-104 of Act No. 447 of May 15, 1951, as amended; to abrogate Act 149-1999, as amended, known as "Organic Act of the Department of Education of Puerto Rico"; to abrogate Act 71 – 1993, as amended, known as "Act of Education Vouchers and Free School Selection"; and for other related purposes.

These ten elements responded to public policies that in Puerto Rico, as we pointed out before, were mainly intertwined to neoliberal policies in the United States as well as global policies. Without this historic background (related to the colonial relation and neoliberalism as the most recent expression in the colonial relation with the U.S.A.), it would be impossible to make an analysis of the recent education reform in Puerto Rico stated in Act # 85. The tendency of school reform during the XXI Century in the United States focused on the efforts to impose the market logic in public schools where students and their parents could behave like consumers vis-a-vis a broad array of services (Apple, 2006). This neoliberal policy resulted in the development of school vouchers, credits and public funds to choose schools in a number of states, as it was stated in points nine and ten of said Act.

This free selection policy is within the framework of the No Child Left Behind Act that set the grounds to analyze the charter schools, the education vouchers, the closing of schools, and its implications as it relates to students and the public education of our country.

Out of the 10 points of Act 85 that are key to the education reform definition, we must underline that only charter schools and school vouchers project represented the most radical and innovative aspects to be implemented. It does not mean that the others were not important; they were already addressed in a higher or lesser degree by Act 149. However, what differentiated the Act 85 project was that it added two vectors that moved the axis of public education into more competitive strands having an important and radical repercussion and transformation on what we know today as public education.

Let us see this process in detail. Point number one was to put the student as the center and protagonist of education; this was a constant narrative during the last two education reforms and without any doubt a successful one. As it could be seen, that process was to be ratified in the formulation of that policy implementation.

Likewise, the budget based on the average cost per student, the second proposal, is a new effort to revise the budgets of the Department of Education that in the past had been unequally distributed with respect to the students. In that sense, there has been an effort to introduce calculations based on the cost to be tested in future budgets. However, when proposing broader equality, the recommendation is to give more budget to schools facing the largest challenge, typically those in lower income communities. The truth is that at this moment the Department of Education's budget has been intervened by a third party that watches over the nature of the fund distribution. This may result in a more rigorous process and slowness in how the vital resources of those federal funds are managed. The situation has worsened due to the country's financial crisis, in addition to the Fiscal Oversight and Management Board for Puerto Rico that oversees key decisions of said Department. This may have an impact on the government reforms, and the Department of Education is certainly no exception..

*If you take a look at that law, it looks good and all, but I don't like Act # 85. I believe they just threw a skeleton there and then delegated the administrative power, the regulations; I believe it's super dangerous and you say in theory, in theory everything that is needed to have a good school is there in paper, it's there, because... they just did a lot of copy and paste of the old law (Act #149) to create the new regulations. The spirit of Act # 85, in other words, the statement of purpose is perfect. You take a look at programs like 21st Century, a federal program, and you say that it is perfectly designed because it is based on evidence but you don't see that in the everyday life of a school.*

*(Community leader of a charter school, 2020)*

The other elements to be discussed in this law have to do with transparency and accountability with respect to evaluation, which is a constant challenge in the Department and the transformation of second level directors, meaning superintendents, regional directors and school directors to address their process more efficiently.

The charter schools' leaders interviewed agreed that the Law is still vague and that they delegated too much on the regulation process and that was a real concern because they did not necessarily have the opportunity to issue comments on the regulations due to lack of time. They stated that if there was something extraordinary in the law was the fact that it demanded that 70% of the budget went to schools, but the reality between the Law and politics, in real terms, is different since politics have impeded for that to happen since it would automatically imply the termination of a lot of employees and a restructuring of the entire agency.

*And then, with respect to the specific chapter, I believe it is chapter 8 of charter schools, I would limit more who can apply. I would eliminate the municipalities, recently created organizations, because one thing is what we did, we created a subsidiary to separate the legal-financial responsibility from the rest of the organization, but it is still under CARAS, and a different thing is to set up the corporation in the morning to file your proposal in the evening. You must be able to demonstrate that those who constitute the organization or the organization itself do have a track record in education that has been proved; and they must be non-profit organizations. It shouldn't be municipalities nor companies they create that are not non-profit organizations. That doesn't work.*

*(Interview to a member of a charter education community, 2020)*

## Vouchers

The education vouchers' experience in the education system in Puerto Rico seems to be like other states where the practice has been tried. For a sector in education, it has had outcomes contrary to the best interests of our education. For others, its effectiveness must be tested in the field, and they question the real intention of different the economic sectors as well as the ideological interests of many of the proponents. Hence, those efforts must be taken with caution for the wellbeing of our education and our students. Some scholars (Castro-Hidalgo et al., 2016; Adamson et al., 2016; Astrand and Bjorn, 2016) have agreed that the arguments by the free school selection advocates are founded in the possibility of election, particularly for students in impoverished and marginalized contexts so they have other alternatives. This fact as such does not have to be iniquitous; however, the most recent history in Puerto Rico is filled with bad practices by different corporations in the education sector who committed felonies as well as misappropriation of funds of the public education sector. In other words, this policy may have the potential of putting the money of public education in private hands with interests that may be foreign to the best educational purpose of justice and equality. Likewise, Mulder (2018) revealed different private interests that have been involved in these policies. For example, the National Association of Education opposes the education vouchers since they divert essential resources of public schools into private schools, for the most part religious schools, while not offering a real 'option' for most students.

Studies conducted in the United States related to the Hispanic population have shown great disadvantages after having tried education vouchers in some jurisdictions in the United States. Although it is not uniform among the different minorities and, without a doubt, there were successful cases, the history of exclusion in education projects dating back to the XX Century in the United States has certainly raised flags among some of these populations (Vélez, 2007). Furthermore, more recent data point out violations of civil rights for discrimination due to gender, ethnic origin and sexual orientation while using government education vouchers in an open violation of the citizens' rights (Fiddiman & Yin, 2019). All these practices can be in detriment of the nature of public education. All this can and must be regulated if in fact the intention is to consolidate the best practices in education. However, the experience is marred with exclusion of that otherness in those processes.

What social implications could it have if most of these education vouchers were directed to education institutions with particular or religious ideologies? For the National Association of Education as well as for the teachers' groups in Puerto Rico, the education vouchers threaten the protection of civil rights since the private, religious and home

schools are not fully covered by the civil rights laws. Therefore, private schools accepting vouchers for students could discriminate in their admission and employment based on the religion of their preference and could use public funds for sectarian purposes. For the Association, the education vouchers offer less accountability with respect to public resources in comparison to public schools. Private schools are not required either to adopt the academic standards, guarantee duly qualified teachers or administer the evaluations required to public schools; besides, there is no evidence that the vouchers improve the learning in students. L. Mulder (2018) concluded in his work that based on the experience in the states that introduced this policy, the education vouchers did not improve the students' achievement and they offered a false parental 'election', since they do not offer options for 90% of the parents whose children attended public schools, and particularly, for parents with special need children with low scores in their tests or with behavior problems (Mulder, 2018).

In the case of Puerto Rico and with respect to the education vouchers, Act 85 states:

- *Students from public or charter schools will be eligible for the benefits of the Program when they apply for admission to a private school or students from private school who apply for enrollment to a public school when they comply with the requirements stated in the Law and its regulations for each of the modalities of the Program. The Program will be in effect from second grade onward and the benefits will be granted at the beginning of the school year. In total, up to a 3% of the total students enrolled each year will be eligible for said program.*
- The free selection Certificates of public schools for students from the Public Education System as well as for students from private schools, will be requested by parents, custodian or the person in charge of the student to the schools participating in the Program and that they choose as part of their independent decision-making exercise.

The Program will have five (5) types or modalities:

1. free selection of public schools by students from other public schools;
2. free selection of public schools by students from private schools;
3. access to private schools by students from public schools;
4. education advance for talented students who take university courses counting towards college programs as well as secondary school programs; or,
5. access to private schools to comply with reasonable accommodation for students of special education to whom the Department has not offered the needed services to comply with their academic achievements pursuant to applicable state and federal laws. (p. 87)

It is important to clarify that Act 85 itself states that:

- This Program has been implemented on a trial basis. The Secretary will determine the areas that will be under trial and the way it could be gradually broaden, establishing that it will be equitable among all the education regions. By making these determinations, the Secretary will ponder the factors as follows: the student population in the different areas, the number and capacity of the public and private schools as well as any other variables that will foster the best utilization of the resources. It is hereby stated that no more than a

three percent (3%) of the equivalent of the budget allocated to the Department as per the established formula per student each fiscal year, in other words, out of the 70% destined to direct services for the student. (p. 88)

Dr. Eligio Hernández Pérez, Secretary of the Department of Education, in an interview for this research told us that this is the first year of the trial of this effort and that they are focusing in the modality of moving students from public schools to private schools. Hence, out of the 2,530 applications, 2,284 were approved. There were then 246 applications rejected, and at the end, 407 students accepted the education vouchers.

*When we approached the families to check the reason why they were not able to redeem the total of the certifications, they stated that as a family they had to prepare for the beginning of the school year buying uniforms, books, educational materials, and since the process coincided with a social event in Puerto Rico where there were changes in governor...these variables did interfere in terms of voucher redeemed.*

*(Hernández-Pérez, 2020.)*

From said interview, it was evident that the demand for education vouchers was marked by a preference of specialized schools as a common denominator. Besides, we must point out that the low participation of students in the utilization of education vouchers introduced some questions with respect to the viability of the project as well as its usefulness in this historic moment in public education. According to the Department's data, the demand was aligned with sports, hence, other offers of the vouchers were limited. As a result, it would be interesting to assess the students' real interests so the Department itself can make those offers. It is important to reiterate that the amount a family receives with the education vouchers is \$2,275.72 annually. This amount may limit considerably the offer of private schools because the cost of high-quality private institutions fluctuates between \$5,000 and \$13,000 average per year, without including the cost of other social and academic activities that are part of the educational experience. It would be worthy to consider then if the budget granted to private schools could be used to establish more specialized schools according to the students' interests, or instead perform a balanced curricular revision which can be more integrated and holistic. Once again, the results of this first phase cannot be concluding due to the manner it has been implemented, and we will have to wait for the project to have an extensive trial period to obtain more definitive results. However, it seems that the results will be evaluated not in function of the academic terms, but in function of its technical and economic terms. During our interview to the Secretary of Education, he insisted that there is an external evaluation mechanism for the applications, and it was to be performed by the Federal Affairs Office of the Department as well as the Office of Government Ethics, that although it may seem that they aspire to establish a refined process, it may still face bureaucratic and slow complexities contrary to what is needed in a decision-making process of this sort (Hernández-Pérez, 2020). However, the literature reviewed has shown the risks these projects may face; thus, state controls are proposed requiring supervision and evaluation of the same. This aspect is yet to be seen in the face of the functionality of Act # 85 itself. (See Appendix #1)

## **Charter schools in the United States**

The free school choice movement had its most intensive peak during the nineties in the United States. As previously stated, said movement has generated a diversity of positions with respect to what a public education policy should or should not be. Charter schools constitute a key point of our debate, although currently, the same

are public and secular. On the one hand, these schools elude the bureaucratic restrictions of school districts, thus leading to some controversy. On the other hand, the stances in favor argue that charter schools significantly improve public education since they create: (1) choice of curriculum, structure and discipline; (2) accountability or responsibility for the educational results and progress of students; and (3) autonomy for the teachers, parents and administrators. (Renzulli, L. & Evans, L. 2005). The proponents suggest that reinforcing the choice, the accountability and the autonomy will result in high quality schools for all the children, underlining the benefits directed to those from impoverished and minority environments. The opponents, on the contrary, fear that charter schools cannot solve the broader educational problems, and in any case, they point out that they have become an instrument of elitism in some counties, depleting the resources of public schools. Renzulli, L. & Evans, L. (2005) stated that the American Federation of Teachers (AFT) agreed that charter schools may not be capable of better educating students than traditional public schools. However, as they continue to grow in numbers and the percentage of students favoring them increases, the potential of charter schools to change (as a benefit or a detriment) the public education system of the United States also increases. The most recent data by the National Center for Education Statistics, proceeding from the Department of Education of the United States, estimated 6,885 charter schools as of 2015-2016; whereas the most updated data in the charter schools' website in the United States estimated 7,038 charter schools for the year 2017-2018. These last data included the opening of 65 charter schools in California, 47 in Texas, 36 in Florida, 20 in Arizona, 16 in New York as well as from other states. According to these data, the 7,038 charter schools provided services to 3,167,800 students nationwide.

### **California and New York**

The states of California and New York represent paradigmatic cases with respect to the establishment of charter schools and have similarities with the public education policies in Puerto Rico since they have Hispanics and Puerto Rican in their student body. Between 2001 and 2004, McKinsey & Company was hired for the first time in the island to perform a reengineering of the academic and administrative processes of the Department of Education, and the referents in all the cases were these two states (Rey, 2008). The literature on charter schools in these jurisdictions evince an attempt to measure efficiency of these schools based on a comparative study with traditional public schools. These analyses are supported by the official discourse of the alleged benefits brought about by the implementation of said schools. The studies aim to measure the implementation effectiveness of charter schools based on the different benefits they generate. Some benefits may go directly to students in charter schools, whereas the others are indirect benefits for the traditional public schools and their students. Thus, it fulfilled the alleged reform leit motiv of traditional public schools. However, this type of comparison presents some challenges. According to Ron Zimmer and Richard Buddin (2009), there exists an ambiguity in the research when trying to propose how to measure competitiveness, and how it can be demonstrated. In general, it is understood that charter schools have different competitive effects according to the variety of environments they are inserted, and according to the curriculum and approach of the school at stake. For example, the state of California is in a context where students compete for school enrollment based on their residential area. This factor makes the opening of a charter school rather a scape valve for overcrowded traditional public schools and its enrollment. In the meantime, in other scenarios, it could mean the definitive loss of students, and add a larger financial pressure to already existing schools, leading them to closing. The outcomes of this research, based on interviews to directors and data on student achievement, showed that there was scarce evidence as

to the competitive positive effects of charter schools in California. As it can be seen, the decision was based on students' enrollment and not for any other reason; hence, it is difficult to measure academic or any other benefits. It is to be understood that if charter school does not have a systemic effect in competitiveness, they would only be having an effect on the academic achievements of students attending those schools.

In the context of New York, according to Sarah Corders (2018), the opening of charter schools did not happen randomly, and they were located in low income areas with more minority students and prevailing low scores in state exams in math and reading. The research conducted by the author compared the outcomes of students in New York school districts after a charter school opened nearby, with the outcomes of students in the same schools before the opening of a charter school. In addition, it also compared the outcomes of students closer to a charter school vis a vis the outcomes of students at the same schools when the closest charter school was farther away. The outcomes showed that students closer to a charter school performed better. It means that students attending schools and sharing the building or any facilities with charter schools performed better (standard deviation 0.08) in math, and standard deviation 0.06 in reading versus 0.02 when the closest charter school is half a mile away. Besides having a better performance in tests, students did not repeat grades as much, and absenteeism went down when the building was shared with a charter school. The author underlined that the greatest gain for traditional public schools from the opening of a charter school was students' improvement in reading skills. In summary, the findings and the New York data showed that instead of depleting the resources and placing students from disadvantaged districts farther away, students performed better when charter schools are opened nearby. Students from school districts that did share the building experienced the most positive indirect effects (Corders, S. 2018).

As we can see in the context of New York and California and according to this study, the advantage and benefits of charter schools are measured based of the closeness of the school; hence, it would be interesting to also examine the location in the case of Puerto Rico. This study has shown the importance of the charter school location since it is evaluated in relationship to the interests of the population sector living in that environment.

### **Race, class and violence in the context of charter schools**

Linda Renzulli and Lorraine Evans (2005) rescued an important aspect to be taken into consideration with respect to charter schools. They studied if charter schools are ruled by national, state or district laws, or other educational reforms, and if they vary among themselves. At the national level, the authors, according to the literature reviewed, pointed out that charter schools seemed to be offering equitable services to minorities. Meanwhile, a state or district analysis revealed that minorities enrollment in charter schools occurred in broadly segregated contexts. In California, Amy Stuart Wells (1998) found that Hispanics were insufficiently represented in charter schools since thirty percent of the charter schools were predominantly white. Robert E. Crew and Mary R. Anderson (2003) cited by Linda Renzulli and Lorraine Evans (2005) reported that charter schools in Florida were more segregated than traditional public schools (82 percent compared to 51 percent white in the rest of the North American nation). Similar patterns were found in school districts in Arizona, where Casey D. Cobb and Gene V. Glass (1999) found that white students' enrollment in charter schools was 20 percent higher than in traditional public schools. In general, they cited studies by the different authors to evince that the analysis per State showed the great extent of segregation between whites and non-whites in charter schools. However, it is always argued that they serve minorities, but mainly in segregated contexts.

Likewise, it is important not to lose perspective on how the curriculum approach or specialization in charter schools may contribute to racial segregation. The study plan and the school may affect the probability of having minority enrollment. Some charter schools offer specialized educational programs such as marine biology or fine arts; other offer direct instruction or back-to-basics curriculum, and still others are for special education students. It is relevant to keep these notions in mind because minorities students may be attending charter schools, but they may be designed for special education students and not preparatory schools focused in college, which has a repercussion in later access to secondary studies. This was seen in the states of Arizona and Texas (Renzulli, L. & Evans, L. 2005). The research conducted by these authors concluded that white flight – a concept that refers to the escape of white people, in this case from schools, due to social status, quality and desirability of studying in certain schools, reasons attributed to racial prejudice- still persisted in the public education system. The authors argued that racial integration has been a key element in white flight and that as a matter of fact, continues to be a key factor in the racial composition of charter schools and free school choice. Some of these schools, in some states more than others, serve the purpose to foster racial segregation in public schools. The conclusions shed in this study point out that charter schools offer white flight a public school option without the inconvenience of changing residence, changing jobs or parents daily commuting. Second, the study did not find a significant association between clauses based on race and the enrollment of white students in charter schools. Even the states having a racial clause may not be complying with said regulation. Lastly, academic quality does not seem to affect the white students' enrollment in charter schools, and it seems to find an explanation in the history of racial segregation in the United States and in the consequences of racial separation in schools. The study proposed to continue analyzing the function of charter schools in general terms with respect to racial and social class displacement. It has become a re-segregation ideologically supported by the current president and facilitated by many local and state governments that have forsaken their old desegregations plans.

As a corollary of the aforementioned, the Hispanic population in the United States must be observed since it is comprised of different nationalities pertaining to South America and the Caribbean, and is increasing according to the 2000 Census to a 12% of the total population. The projections estimate that in 2050 the Hispanic population will increase to a 24.3% of the total population (Cordero Guzmán, H., 2005), an increase of mostly youngsters, 26 years old in average with 21% of the Hispanic population under poverty level. This has significant effects particularly for Hispanic children, for whom the incidence and experience of poverty has been more evident at a younger age. It is well known by all, that children are disproportionately exposed to risk factors that can perpetuate poverty. The United States Department of Education has identified different 'risk factors' such as the following: (a) mothers with an education background less than high school, (b) belonging to a nuclear family receiving financial and social welfare, (c) monoparental families, (d) parents whose main language is not English. The gap between Hispanic and white students is still significant and persistent. According to sociologist, Héctor Cordero Guzmán (2005), although Hispanic children and youngsters are represented in the compiled numbers, they are excluded from the planning, design, research, reports and policies on education and juvenile programs.

### **Charter schools in Puerto Rico**

Likewise, charter schools in Act #85 become an important link in the education reform. These schools are defined as public schools managed independently. Said schools have a broader flexibility on their operations in exchange for a larger accountability. The school is established through a charter, which is a performance

contract describing the school key elements. The contract describes school aspects such as the mission, the management and administration, the personnel, the finances, the student enrollment plan and how the previous variables are measured. The state laws and the charter contracts offer the schools autonomy on the curriculum, the personnel, the budget and the schedule. Charter schools are based on selection, which means that students are not assigned to the school based on the place of their residence. In exchange, families must choose to enroll their children in a charter school in order to participate in this experience. As public schools, they are forbidden to charge tuition. They must not discriminate based on religious preference nor exclude based on any affiliation. In most cases, the charter school enrollment is by draw when there are more applications than positions available. Said process may seem to contradict its own purpose of having a school option which means students from all social and economic sectors without distinction having access to higher quality education. Charter schools are not exempt from federal laws governing students' rights and safety, including special education and other civil rights protection. They are also subject to states' accountability systems, and the students must take the required state tests. In exchange for their autonomy, the schools are subject to periodic performance reviews, and may be shut down for not complying with the agreed results. Lastly, charter schools receive public funds in relation to the number of students enrolled. This charter school model has been limitedly established in Puerto Rico; hence, research is necessary to examine the implications for students and for the community in general. Preliminarily and as a result of our research, we were able to confirm that charter schools in Puerto Rico may be the education paradigm in Puerto Rico for some sectors in the island that are overwhelmed by poverty and violence. According to Secretary Hernández Pérez, their establishment is within the framework of Act #85:

*The definition of Act #85 states that 70% of the Budget the agency receives must go to the school and the remaining 30% for the rest. That is difficult for us in terms of what we do and how we do it. So, when we talk about the budget per student in a charter school, we have to see it in the context of the education agency and this is very complex because on the one hand we have the state funds, we have the federal funds and we have complementary funds that can be used through discretionary proposals of the Department of Education, and the simplest exercise that could be done would be the following: everything the Department receives could be divided by the totality of the enrollment and there I will have the budget per student that is correct and certain, but it may have some gaps.*

*(Hernández-Pérez, 2020)*

Currently there are two charter schools in Puerto Rico; although, there were various applications to participate in the pilot project. The truth is that there were many parties interested in participating in the charter schools request for proposals, but our interviews showed that many of the parties withdrew the proposals since the Department of Education's offer was not profitable for the private interests and/or private corporations. This per se is quite revealing in terms of the importance of keeping a watch over these proponents to avoid derailing the educational project into the hands of capital investors. It is pertinent to emphasize that one of the charter schools already existed, and it was just a conversion where the entire personnel remained untouched: Fundación Caras (Guaynabo school). The other one, Vimenti, is a newly created charter school and it is located at the Ramos Antonini Housing Project.

## **Boys & Girls Club: Vimenti (Charter School at Ramos Antonini Housing Project)**

Vimenti is a newly created school with grades K – 3 and has an enrollment of approximately 90 students. It was founded in 2018 and belongs to the Boys & Girls Club, an institution that has been for many years in Puerto Rico in different locations around the island, and has been devoted for many decades to their mission of educating the most vulnerable, in this case, children from the Ramos Antonini Housing Project.

In our interview with the management, we found what seemed to be a well-structured, well-planned and well-studied educational project from a pedagogic point of view that has benefited from visionary leaders and sponsored by different donors allowing for a millionaire budget and a board of directors committed to the project. In addition, Vimenti has a clear objective offering the highest educational quality to these children of the housing project. They use Saint John's School as a model, one of the most exclusive and most competitive private schools in Puerto Rico.

It is a project that in its first stage will work with K – 3 and has planned to continue into other stages by increasing students and grades as they assess and consolidate the process, a key element for pedagogical success. It has a new infrastructure, and it has consultants from Puerto Rico and the United States supporting different curricular aspects. It has sponsors who stimulate and encourage this educational encounter. In our in situ research, we found a very inclusive project, designed not only for the students, but also for their families, including mentoring to families, tutoring to students in after school programs, and even training and professional workshops for the families of these students. The project seems extremely interesting due to its holistic approach and because they are not only recruiting students but also their families. I must underline that the location of this educational institution is the same place where a large massacre took place, killing youngsters from that same neighborhood. It seems to me that due to the socioeconomic conditions of this neighborhood, Vimenti fills a necessary space positively defining formal education, community services, including activities for students and their families in an extracurricular venue. This a project that could be replicated in places with similar or equal situations and conditions around the island. The most important ingredient of this educational trial is the ties to the community and the credibility as well as the philanthropic contribution by different organizations, vital for the project to be adequately subsidized.

The profile of this school has the following features:

First, it has a strong identity and commitment since it is a community that has worked after-school educational programs with a community grassroots approach. Second, Boys and Girls Club has been acknowledged for decades for its work and accountability due to their performance and credibility adding value to their work. Third, the idiosyncrasy of this school is quite particular since it has been conceptualized as a fully bilingual school with a highly competitive curricular model guided by Saint John's School, one of the most exclusive schools in Puerto Rico. Lastly, as a charter school, it benefits from a budget provided by the Department, in addition to the allocations they obtain from proposals to public and private foundations, which has led to competitiveness and flexibility in the training of its faculty and to professional development above the average public and private school in Puerto Rico.

All this facilitates the formulation of a project with independent features specific to the development design of

this charter school. Likewise, I would like to emphasize that this charter school, like Fundación Caras con Causa (Vietnam Ward, Guaynabo), is in a pocket of extreme poverty and high violence, which makes it a very particular and relevant sociological experiment. According to Vimenti's management:

*...90% of their children live in poverty... for us it was like a bucket of cold water... it was a trigger that forced us to change directions and in that sense we had the vision to sit down and explore what was the approach to poverty we had to look at.*

*(Interview with management, 2020)*

This shows the importance of a project that deals with poverty as part of their objectives. According to the Secretary of Education, the definition of charter schools is included in Act #85; thus, the school directly receives 70% of the budget and the rest is for infrastructure maintenance expenditures. However, there are some subtleties in these contracts that apply differently according to school composition, its population and poverty levels among other factors.

*So, the federal guidance of Title I tells us that all schools, including the charter schools, must be comparable. Schools are divided in six categories pursuant to the number of students and the number of teachers in the basic subject matters. Therefore, a small elementary school will not receive the same amount as a big elementary school. Likewise, it will not be the same amount for a small elementary school as to a big high school, because the portion of federal funds allocated is based on the total of students, and to receive federal funds the schools must be 35% or lower below poverty level. So, the Department of Education makes a huge table where it classifies all schools and then determines if the school is comparable or not. If the school is receiving a larger amount of funds than what it should be receiving in comparison, because it has federal funds and another school doesn't, the Department of Education has to withdraw the money and it is done based on the previous year's enrollment. So, the Department of Education then classifies Vimenti as a small elementary school, but the school managed by Caras (Vietnam Ward, Guaynabo) is a large elementary school.*

*(Hernández-Pérez, 2020)*

In addition to this budget, as we can see, these charter schools write proposals and look for other funds for their needs and expenditures. Hence, as we saw in the case of Vimenti, faculty and management salaries are more competitive; still, we must remember the responsibility, commitment and courage that these educators have while working with these populations.

### **Fundación Caras con Causa (Charter School at Vietnam Ward, Guaynabo)**

Fundación Caras con Causa, a foundation sponsored by Rosalina C. Martínez School in Vietnam Ward, Guaynabo, holds the philosophy of educating the members of a community while eradicating poverty through school retention and a paradigmatic and cultural change with respect to what it means to educate students. The school is in an extremely poor neighborhood where poverty level is 93% and where violence levels are significant like Vimenti School.

The school started with tutoring by its director who had been working in the community for six years and had a good professional relationship with the six schools contained in Vietnam Ward. An interview with the management showed

a significant awareness of what poverty and inequality are all about as well as a psychological understanding of the community's characteristics. After many years working with community and educational services and convinced that an educational rescue mission for the community was needed, the community and its educational leadership empowered themselves with knowledge and credibility to undertake a new project.

Everything started with a project called **Vietnam Studies** which offered tutoring in the ward to students from the community. When the opportunity came to start an independent project or the charter school project and despite the little time available for the request for proposals and the bureaucratic process (as stated by Fernández), he managed to file a detailed proposal that, after many negotiations, was granted. It was the possibility to unite two schools and work a project from 6th through 12th grade.

We must clarify that the project required consulting with the community leaders in all the wards and start a dialogue with teachers and directors to demonstrate the importance of conducting a trial for a different family and community project in education. In this case, the charter school seemed to be that alternative. This initiative forced them to look for competitive curricular models and look for allies such as San Ignacio School and the Jesuit's pedagogy project which served as inspiration to ground a more rigorous project given the urgent need to improve a deficient education, although always aware of the limitations.

In this ward, we must clarify that there are two high-schools, two middle schools and three primary schools for a total of seven schools. The purpose of the project was to transfer 6th through 12th grades to one facility. After several attempts and meetings, a consensus was achieved with the support of the teachers and directors. As we mentioned before, this project had its origin six years before, so there was a leadership track record already accepted to substantiate the project's seriousness and accountability.

The Caras con Causa project has been around for barely a year and it has a students' waiting list due to its educational proposal. 270 families have high hopes for this project. In the interview, one of the highlights is how labor unions that traditionally opposed charter schools have come to support it. We deduced from our interview that the charter school request for proposals attracted budget experts only interested in the money or the profit vis-a-vis proponents who were truly committed to bettering the education in our country.

We must remember that the profile of this community is students younger than 18 years old living in poverty. This situation worsens in moments of crisis such as the current COVID 19 pandemics. An educational leader commented that he has made food deliveries to families in his school community because the SNAP money either arrived late or it has not arrived at all. The leader pointed that around 20% of his students have problems getting three meals a day and that they have all been exposed to violence. 99.5% of his students are inserted in an environment of violence in the areas of Guaynabo, Cataño and Bayamon. A 30 to a 40% have direct ties to the drugs economy, something that will not appear in any official statistics of the Department (Interview, 2020; Rey & Hernandez, 2010, 2014, 2017). A brother, a cousin, the father or the mother may be the link to the informal and illegal economy that as we pointed out represents 30% of the country's economy.

There is a significant testimony of what it means to establish an educational project like the one we are talking about when done in a poor and marginal community in this country. First, the school has two drug dealing locations which serve as normal reference for the main entrance. He stated that next to the school there was a funeral home where two persons had been killed during the current year, and it was as if a mayor beloved by the entire community had died. People came to pay their honors and praise this clandestine merchant.

*It's horrible, then, after we put it up the first time, I said, look, I'm not going to take it down every day and put them back on again the next day, so I went to the drug dealing spot and told them, look I'm going to have these tents, tables and chairs for the kids, your children are there too, I need you to help me. Nobody touched anything. A week before the earthquake, the municipality was going to hold a health fair or god knows what, for a, to promote themselves and they put up three tents and the guys cleaned out the other three tents. They didn't even touch ours. It was the same spot, you know, we were here, and they were on the same corner next to us, and nothing happened to ours, but to theirs yes. That tells you that they know that the work we're doing is important.*

*(Interview of an educator, 2020)*

The previous testimony reflects that official statistics do not collect this and sometimes we think this reality does not reach us and wards near us. The importance of this research lies precisely in rescuing the other realities that will not be documented and that will definitely have an impact on the educational endeavor of this country.

An important sociological datum to underline is that according to the statistics offered by this educational leader, more than half of his students in that community live only with their mothers and/or fathers and there is a dramatic relation between low self-esteem and violence which translates into a poor expectation of personal development tied to high risk levels and little to no aspiration to continue post-secondary studies. According to their statistics, less than 40% continue to a post-secondary program and less than 20% of that 40% will finish the full year. These are significant data, but their narratives are still more dramatic. They speak about students who return to school to get orientation because in their homes they are told to take an accelerated course to be able to join the labor force. Even in the case of students who had the highest grade-point average. This substantiates a study by the College Board from the nineties that stated that poor counseling at high school level and at college level led to failure in retention. This is a pending task for universities in terms of recruitment of these youngsters. The interview referred to how college dropout students who returned to school commented that their professors did not go to class, that there was no follow up and that they did not feel ready to continue in college. As a matter of fact, the notion students had of college was actually attending to a post-secondary center that offered a six months course leading to a trade or a technical degree, but they never referred to a bachelor's degree as an option.

In reference to budgetary expenditures, in the case of Caras, in theory, there is a division of financial responsibilities.

*In practice, the school must compensate for many of the services that the Department of Education supposedly already provides, for example, the curriculum specialist. No school has a curriculum specialist because that is a service provided by the Regional Education Office, but the money that should be assigned to the school, goes to the Regional Education Office to cover those salaries, that money is not passed down to the school according to this director.*

*(Education leader, 2020)*

The support services of this school particularly represents additional costs and they have to be subsidized by the school.

*This is my cost, but there are additional investments. I have three counselors instead of one, three social workers instead of one. I have two additional college counselors. I have a full-time substitute teacher. I have a part-time psychologist. I have an academic vice principal and a curriculum vice principal. I have two specialists in special education that the only thing we do is fight with the system the entire time. Ironically, the students and the employees from the Department are aligned with us.*

*(Interview, 2020)*

The truth is that with this alternative the system's old habits model is being done away; it will require seriousness, commitment, detachment by the main actors and certainly lots of flexibility given the contingencies that will rise from this experiment. Although they truly are in alignment with charter schools in other latitudes, the two initial charter schools serve as examples to send a message of optimism and new possibilities through an alternative education different to the existing one. Rigor, commitment, assessment, supervision and seriousness are the considerations to be undertaken.

### **Poverty and violence levels as determinants for charter schools**

Having to compete for the lack of resources while also competing for school enrollment, redirects the purpose of education and academic achievement in an environment marred with market interests. According to Bree Picower and Edwin Mayorga (2014), in a broader analysis, the public policy analyses and discussions are in isolation from each other. On the one hand, there are the ones focusing on how the market-based reforms and privatization-driven policies have reproduced and expanded economic inequality, and on the other, scholars and analysts have centered on race and growing racial inequality. For us, these visions perpetuate the dichotomy between class and race as if in the complexity of the process both variables did not impinge in the matter. The analysis of racial hierarchies and the exploitation of classes occur in a symbiotic relation, and changes in one of them produce changes in the other. However, in Puerto Rico, given the levels of poverty and inequality in our society, the aspect of class acquires a larger relevancy. (IDH 2017; Enchautegui, 2019; Brusi, 2010)

Apparently, some advocates of charter schools in Puerto Rico, based their defense on what is happening in the United States, without necessarily establishing a relationship with what is happening with the few charter school experiences in the island. These advocates live with the notion that white middle- and high-class sectors will embrace these models. For the detractors, they based their statements on the notion that these schools mainly respond to neoliberal practices where privatization is thought as the grounds for an efficiency and excellence model. However, it is too premature, even based on our experience, to reach any conclusion. It is important to conduct empirical and rational studies of what is really happening in our system to support the need or not of these alternatives. This could be done eventually; however, today with only two schools, it would be hastened and not very reasonable to reach conclusions favoring one side or the other.

However, our study and research revealed particularities related to aspects that have been previously studied such as poverty, marginality or extremely violent spaces. Given this scenario (some initiatives do show it), it seems that one of the alternatives for school and academic improvement as well as students' quality of life

improvement, may be charter schools, as long as they comply with the required standards, supervision and controls. From this perspective, these models could be tried and may lead to great benefits for the marginalized sectors. Still, the natural phenomena in the United States and Puerto Rico may affect the way some prospects may approach the commitment and support to students in times of crisis when establishing a charter school. If we take a look to what happened in New Orleans with Katrina and in Puerto Rico with Hurricane Maria, may reveal different agendas behind these social projects.

## **Hurricanes, earthquakes and pandemics**

Puerto Rico in three years has been impacted by three natural phenomena that in one way or the other has marked the country, and certainly children and youngsters. Three natural disasters that have submerged Puerto Rico into a delicate socioeconomic, sociological and health situation, an aggravating circumstance to be considered when thinking about the educational project. We must also add the already lack of trust in government structures, the external debt and bad practices in public administrations for many decades that have been talked about in different forum around the world. It is not true that we can ignore all this when evaluating our educational project and the consequences of public policy within the context of a change of paradigm. In this context, we should pause to take the next steps into a different educational project.

The analysis performed by Lianne Mulder (2018) with respect to the proposals to improve the education system post hurricane Katrina in New Orleans have become a parameter in the context of Puerto Rico's post hurricane Maria and the education reform. In general terms, private companies offered support to the State government two weeks after the hurricane when it was clear government was overwhelmed with the disaster. This situation became a real concern to the keenest observer. Before Katrina, district schools were already segregated by ethnic origin and income. Public schools served mostly black students, partly because 22% of all students in New Orleans, including most of the white students, were enrolled in private schools. Some critical arguments compiled by this author discussed that the dismantling of public education in New Orleans left its residents with an education system increasingly segregated and unequal. For example, the city enrollment, admission and school performance pattern suggested that higher income students benefited more from the free school choice. In the meantime, low income students had less options of a quality education in their neighborhood but were obliged to attend schools near their homes due to a lack of resources, transportation and information. The author pointed out that researchers debated whether the New Orleans' scenario is still more racist post hurricane Katrina than it was before, due to the positions' distribution within the education system after the natural phenomenon. This redistribution went from being predominantly black (representative of most of the population) to white (Mulder, L. 2008; Dixson, A., Buras, K. and Jeffers, E. 2015). There were around 4,300 terminations of certified and experienced teachers (the average years of experience of the teachers in New Orleans before Katrina was 15 years) versus new hiring of a faculty that was not yet certified. This is just to point out an example of extremely questionable massive firing in the education system.

This seemingly responded to a group of influential and rich corporate elements that had pressured to change legislation favoring their own interests. However, when their proposed policies, reports and opinion articles are studied in detail, it is evident that it benefits the neoliberal agenda. It promoted values and attitudes in children such as expansion of free enterprise, profit making, reduction of the power of unions and workers' rights, and

the consolidation of capitalist norms. These were considered more important than enabling a curriculum where children can learn to think critically and are educated over a wide spectrum of topics (Mulder, L. 2008; Perez, M.S. & Cannella, G.S. 2001).

Although there is no question about the drama left by hurricane Maria, the indirect havoc left in the education system has barely started to be studied and analyzed. They are secondary consequences manifesting themselves in the present time. In the case of children and youngsters between 5 and 17 years old mostly enrolled in public schools (78.5%), the data collected showed that the average amount of days absent from school, from an educational institution or from a university was 78 days after the hurricane (María Flores, A.R. / Quijano, C.A. 2017). What will the implications be with respect to students' academics at stake? In addition, in the case of children younger than 5 years old, attending a day care center or pre-school programs at the time, the average was 92 days without attending the center or school. Different behaviors have been observed in 7.2% of the children attending day care centers or pre-school programs, including the fear to attend school, attention difficulties, concentration problems and lack of interest; all of them associated with the hurricane. Likewise, children receiving early intervention services (9.2%) were affected and their services interrupted by an average period of 88 days (María Flores, A.R. & Quijano, C.A. 2017). Once again, we must ponder how these data translated into the challenges these children may be currently facing in their learning process among other things. Although this study collected important sequels in the lives of these children, in the light of what happened in New Orleans, it is important to verify that these situations are intertwined with the macro reengineering of the education system, specifically after how Hurricane Maria impacted Puerto Rico. This scenario will be analyzed as part of a broader study in the second part of this research on the education reform in Puerto Rico and its challenges in an ever-changing society.

## **Conclusions:**

The educational reform of any country is the most important social project any government can undertake. The sensibility used as grounds for public policy will create a path to social upward mobility, improve the quality of life and demonstrate the capacity a country must generate competitive knowledge in the face of globalization challenges. Still more important, it is the aspiration to an education capable of understanding the realities students live and according to that reality be able to transform the challenges in projects of personal and professional achievement. The education reform in Puerto Rico pursuant to Act #85 is an important trial and certainly a courageous one, because it has to face the challenges of inequality, poverty, marginality and violence, but above all, face the labor market project in the midst of a full fiscal crisis in a country that has shown significant vulnerability across the board.

Through this work, we have managed to decipher the environment of inequality of an economy in crisis that in occasions it is subsidized by the drug economy and nurtured to a certain extension with the labor of minors and youngsters who may also be school dropouts. This is one of the many fronts that the poorest youth in our country is facing. Vis-à-vis this reality, the proposed education reform is based on a project of federal policies, discussed on the margins of neoliberalism. This is the frame of reference in which analogue projects are being structured around the world but particularly in the United States.

The purpose of this project has been to contextualize two organic laws of the Department of Education that have served as reference for the transformation of the educational process in the last 20 years. The first one was Act #149 that we managed to briefly evaluate its key notes along with its limitations, and how that Law served to start instituting empowerment among all educational communities in general. We also saw negotiations with four unions and an apparent co-governance in some respects. The law also included the creation of a teachers' career track and new projects of measurements and curriculum adjustments partly influenced by No Child Left Behind Act.

Act #149 served as a foundation to what eventually became the new education reform that has barely been executed (Act 85), and whose postulates seek to decentralize, something that could be capitalized by the educational communities. However, the new education reform begins a process to make flexible a system structurally anchored in a philosophy of neoliberal educational policies. It has barely launched when it comes to these reform's goals. Likewise, it theoretically seeks to decentralize and empower the educational communities while also monitoring and demanding accountability. This is something, that in all justice, the Department has attempted for decades.

The truth of the matter is that in this first research, we set out to emphasize what in our judgement were the most outstanding elements: the education vouchers, a key project taken from legislation two decades ago, and the charter schools that have shown evidence of certain particularities that deserved conclusive data collection.

The two charter schools that were analyzed have shown to be a hopeful trial in the reform and as such it must be discussed. Both schools hold great leadership and rise from projects that have been well anchored with ties to the community. They have worked in consensus respecting the educational interests of these communities and responding to the differences within the projects themselves. They have kept a constant dialogue with the communities they represent.

Likewise, both schools have community and philanthropic support based on the accountability they have obtained for their projects thanks to the participation allowed to these communities before formulating new charter school paradigms. It means that although one was a new creation and the other a conversion, they both have accountability and have attracted investment from institutions outside the community. All this has been to benefit the projects they have introduced in their respective school communities.

After this research, we are totally convinced that Act #85 could create a new paradigm for an alternative education in Puerto Rico. This experiment, if duly regulated and truly supervised by organisms watching over the educational quality, will translate into a bright future for the most socioeconomically disadvantaged and excluded communities. What we have managed to show through this work is that both communities, spearhead of charter schools, have been responsive to their social and cultural reality in the most adequate and efficient manner, something the country's regular educational offer has not yet achieved. In both cases, we must emphasize that there was a history of community work, and an authentic and shared leadership with consensus when addressing the true cause of the project as per the community's aspiration. These findings coincide with the research work we conducted on alternative education in Centro Sor Isolina Ferre, PECES and Nuestra Escuela (alternative schools). They all inserted themselves in the communities in order to address needs that are not ordinarily a priority of the mass education system. Obviously, these experiences do not respond to the charter

school's philosophy, but they constitute alternative experimental schools obtaining hopeful results for our youngsters. In both cases, the experiences were different to other jurisdictions, where the educational market logic and the corporate mentality tried to capitalize the spaces.

This research has documented in various occasions that the community was aware of the danger that it meant if this project fell in the hands of a for profit corporation foreign to the community. Both communities also informed us that the municipality as well as private interests withdrew from the request for proposal when they saw no potential profits, which in my opinion served better the educational project. Hence, Vimenti and Caras con Causa's communities are two excellent examples of what the new policy on charter schools should be all about since these are very persuasive and convincing projects that move away from other experiences of charter schools that have not been responsive to their schools.

I believe that in general terms we have shown that the educational context is a result of a social, historic, cultural and economic context, and that as long as the public policies can establish the differences among the communities and adjust themselves to that reality, anchored in the understanding of the values of the community, we will be making a great contribution to the country. The proof is in the pudding, and here we have had a good taste of it.

Finally, and as part of our effort, some recommendations have been elaborated to reflect upon and shape other initiatives:

1. A substantial endowment fund by the Department of Education is recommended to expand the experience of the charter schools in the communities with the most disadvantages.
2. To create an evaluation commission sponsored by philanthropic foundations and reputed citizens in the community to contribute to these projects with an element of rigor in the evaluation of academic performance, relevancy of the curriculum and job placement.
3. To watch over interests which are foreign to the best educational purposes and are trying to meddle with the charter school projects, since they may be damaging to school performance.
4. The education vouchers do not seem to be an interesting alternative for our students. The small amount requested by students did not allow us to conclude affirmatively about the positive or negative consequences of this education proposal.
5. The recommendation in both cases is to constitute two bodies for evaluation and continuity of public policies independent from the Department of Education and the government agenda, so there will be continuity in the public policies.

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## Appendix # 1

ACT 85: ten defining elements	Findings
<p>1. Reformulate the education system having the student as the center and axis of education;</p>	<p>It could be argued that it is not about students of special education. Still, it could be questioned if it has been achieved as shown in the following quotes.</p>
<p>2. To prepare a Budget based on the average cost per student to guarantee that students receive the same investment in their education;</p>	<p>Referring to charter schools:  <i>The legislation defines it. The definition of Act #85 states that 70% of the budget of the agency receives must go to the school and the remaining 30% for the rest.</i>            -Interview with the Secretary</p> <p>Referring to the education vouchers:  <i>The Department of Education based on the definition stated by law; the Law states that it will be an 80% of the student's cost. Therefore, when we do the analysis of the Department's general budget, the education voucher amount is 2,275.72 per year.</i>            -Interview with the Secretary</p> <p><i>If in this process, well, in the spirit of the law that speaks of matching in terms of financing. Uh, and in the original orientations spoke about a contribution of 6,400, well, and then literally the day to sign the contract it said 3,400.</i>            -Interview with Vimenti</p>
<p>3. To establish charter schools to have a larger academic offering for students through specialized non-profit organizations who can strengthen the curriculum and allow the communities, including parents, to have a more active role in the education of their children;</p>	<p>Two have been established that in fact have strengthened the curriculum and the education and have allowed the community to have a more active role.</p> <p>Vimenti:</p> <ul style="list-style-type: none"> <li>• It seeks to eradicate the generational poverty.</li> <li>• Its curriculum is based on Saint Johns'.</li> <li>• "Family Enrollment" and offer workshops before accepting the student.</li> </ul> <p>That is the real basis of the model. For us to recruit students and recruit the family and offer them all the services to the entire family, not only the student.</p> <p><i>We have already identified significant achievements, above all in the area of employability and how to stabilize the family;</i></p>

ACT 85: ten defining elements	Findings
	<p><i>to take a vulnerable family to a stable model and well, the basis of our program is to count on our case managers who perform the full family assessment in all the areas: finance, education, transportation, and all the facets of the family and make a year plan where the family states what their goals are during that year.</i></p> <p>-Interview with Vimenti</p> <p>Caras:</p> <ul style="list-style-type: none"> <li>• It rises from the request of the community; they were interviewed to know their needs.</li> <li>• Likewise, they look to eradicate poverty.</li> <li>• Their curriculum contains elements from San Ignacio.</li> </ul> <p><i>Um, once again we have to go to what was the intention of the legislation and I participated in the discussion of the legislature's intention, and that is, the concept of charter schools in Puerto Rico is that there must be an offer that does not exist in the Department of Education. If they are going to offer the same, it cannot be a charter school.</i></p> <p>-Interview with the Secretary</p>
<p>4. To establish an Education Regional Office to decentralize services, to have a more efficient structure that will respond to the entire school community and will eliminate redundancy;</p>	<p><i>You must have a curriculum specialist; no school has a curriculum specialist because it is a service that is provided by the Education Regional Office. But the money that is supposed to be allocated to the school, that is included in the amount sent to the Education Regional Office to pay for the curricular support salaries, that money is not handed down to you. They keep the money, but you still have to hire a curricular specialist because those curricular specialists do not want to work for the charter schools and if they don't do it, they are not complying.</i></p> <p>-Interview with MF</p> <p><i>I believe in the autonomy of the so called LEA, but it is not actually happening because if at the central level they're telling schools that you cannot hold a parents assembly until I authorize it, then forget it.</i></p> <p>-Interview MF</p>
<p>5. To establish efficient evaluation and accountability systems.</p>	<p><i>I believe the Law does something extraordinary which is to encumber 70% of the budget to be</i></p>

ACT 85: ten defining elements	Findings
	<p><i>sent to the school, but differentiating the Law from politics, politics has hindered that from happening because automatically that would imply firing a lot of people and restructuring the current organization of the agency.</i></p> <p>--Interview with MF</p> <p><i>At least 50% of what should be getting here is not getting here. One of the questions posed was: When you publish what it is, what is the investment per student? That calculation they told us "depends on who asks us".</i></p> <p>-Interview with Vimenti</p>
<p>6. To establish a policy of digital transparency in the education process;</p>	<p><i>When we talk about budget, it is an overly complicated topic. It is very diverse; it is little understood unless it is an expert in statistics, um, and at this moment, with the support of the foundations, we are doing a study to be able to publish the cost per student within the system with all these variables.</i></p> <p>-Interview with the Secretary</p> <p>What is public today is the general annual budget of the Department of Education.</p>
<p>7. To delegate faculties and responsibilities to Regional Superintendents and Directors to address the academic and administrative matters and evaluate the performance through constant accountability;</p>	<p><i>There is a department they have that I believe is to manage the (charter) school, and as such, they have been putting together the manuals in a process. The special education manual or the public-school canteen. They have been putting this up along the way.</i></p> <p>-Interview with Vimenti</p>
<p>8. To acknowledge the third sector and offer them more participation to have a direct and active collaboration in the education process of the Department of Education;</p>	<p>Caras Foundation Boys and Girls Club</p> <p><i>Um, psychological services and everything that has to do with educational therapy, complementary special services, it is being offered by the Hospital del Niño, as an alliance.</i></p> <p>-Interview with Vimenti</p> <p>It is my understanding that they are part of the financing of charter schools, but there is no transparency with respect to what specific organizations are behind the project.</p>

ACT 85: ten defining elements	Findings
<p>9. To establish a Free School Choice as an additional alternative to foster equal access to a quality education for the most vulnerable sectors of our society through direct subsidies to parents by offering educational scholarships.</p>	<p><i>Yes, the Department of Education, based on the definition of the Law, the Law states that it will be an 80% of the students' cost. Therefore, when we do the analysis of the general budget of the Department, the amount of education vouchers invested is \$2,275.72 per year. That for some schools is enough but not for others.</i> -Interview with the Secretary</p> <p><i>We have heard from some institutions that the cost is enough, but the difference, the private school can offer a scholarship to the student. Likewise, we have come to know that some private institutions make a payment plan, and the difference in some cases is not too onerous for the family.</i> -Interview with the Secretary</p>
<p>10. To amend the definition of 'Private Enterprise' in Article 1-104 of Act # 447 of May 15, 1951 as amended; to abrogate Act 149-1999, as amended, known as 'Organic Act of the Department of Education of Puerto Rico'; to abrogate Act 71-1993, as amended, known as 'Act of Education Vouchers and Free School Choice' and for other related matters.</p>	<p><i>This refers to making conditions more flexible to accelerate processes that offer viability to charter schools.</i></p>