**Headline:** Did a North Carolina Democratic Lawmaker Throw the Party Under the Bus for the Charter School Industry?

**Teaser:** Tricia Cotham’s defection to the Republican Party has deep roots in the right-wing “school choice” movement.

By Jeff Bryant

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**[Article Body:]**

So far, little has been disclosed about exactly why North Carolina state Representative Tricia Cotham switched her party affiliation from Democratic to Republican in April 2023. The move changed the balance of power in a [purple state](https://abc11.com/politics-presidential-voting-election-year/1396958/) by handing Republicans a veto-proof majority in the state legislature. The [announcement](https://www.wbtv.com/video/2023/04/05/rep-tricia-cotham-announces-change-party/) caught state Democrats by [surprise](https://www.nytimes.com/2023/04/25/opinion/north-carolina-democrat-cotham-switches.html), according to [multiple](https://www.nytimes.com/2023/04/05/us/politics/tricia-cotham-north-carolina.html) [reports](https://www.washingtonexaminer.com/news/campaigns/republicans-point-democrat-exitas-foreshadowing-2024), and so startled national media outlets that a matter of state politics suddenly became a [national headline](https://www.nytimes.com/2023/04/05/us/politics/tricia-cotham-north-carolina.html).

But it’s clear that Cotham’s decision will profoundly affect the political dynamics of a Southern state where the difference between whether election outcomes tilt red or blue often hangs on the tiniest margin of votes. Her flip will also likely affect future outcomes on a range of hot-button issues the legislature is considering, including abortion rights, gun control, civil rights, and the rights of LGBTQ+ communities.

What also seems clear is that the faint hope some Democratic faithful had that Cotham would somehow hold true to whatever [“principles”](https://journalnow.com/opinion/columnists/rob-schofield-tricia-cotham-can-still-do-the-right-thing/article_daac78d2-e04e-11ed-92fe-0b4f5e513a51.html) were implied or stated in her previous actions and campaign pledges is a rapidly fading mirage. (Her former campaign website was reportedly [deleted](https://www.reddit.com/r/NorthCarolina/comments/12cxdl3/screenshots_of_tricia_cothams_campaign_platform/) shortly after her announcement, although it now appears to have been [restored](https://democrattriciacotham.org/).)

Case in point, during her first stint as a Democratic representative in the state General Assembly, from 2007 to 2017, she received an [award](https://equalityncfoundation.org/gala/2013awards/tricia_cotham/) from the Equality North Carolina Foundation in 2013 for being “a champion for equality and LGBT issues.” In 2016 she [voted with her party](https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2015E2/H/10) against the infamous House Bill 2, which reversed a Charlotte ordinance that protected transgender people who use public restrooms based on their gender identity.

But two weeks after joining the Republicans, she [voted](https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2023/H/223) for a bill barring transgender female athletes from female sports teams, a bill that her former Democratic colleagues overwhelmingly opposed.

In another example, Cotham had long been a staunch supporter of a woman’s right to have access to abortion services, co-sponsoring [a bill](https://www.ncleg.gov/BillLookUp/2023/H19) in January 2023 to codify abortion protections. But months later, voting as a Republican, she joined her new political colleagues to [vote for](https://ncnewsline.com/2023/05/04/nc-house-passes-12-week-abortion-ban-along-party-lines-the-nc-senate-votes-thursday/?eType=EmailBlastContent&eId=0bf19e92-ee49-4224-9fe0-de5ee4d39aa2) a bill to ban most abortions after 12 weeks.

She [voted for the abortion ban again](https://www.salon.com/2023/05/17/shame-and-outrage-as-former-democrat-paves-the-way-for-north-carolina-abortion-ban/) in helping Republican lawmakers override Democratic Governor Roy Cooper’s veto of the bill.

Wanting to know why Cotham switched parties isn’t just a fascination for political insiders. It’s about understanding how precarious the Democratic Party’s power is in a politically key state.

It’s about knowing where the Democratic Party, both locally and nationally, is most vulnerable to political opportunists and corrupt collaborators who claim allegiance to the party’s values but ultimately undermine its political agenda.

A deeper dive into Cotham’s voting history and her professional life in between her two tenures in the legislature reveals that Cotham found the gateway for her path to the Republican Party in the right-wing political faction promoting charter schools and school choice—a political issue that formerly captured the interests of many Democrats but now is a source of [divisiveness](https://www.edweek.org/policy-politics/democrats-once-proposed-tripling-charter-schools-heres-whats-changed/2019/06) in the party.

**A ‘Transactional Player’**

Cotham comes from a long lineage of solid Democrats, Axios [reported](https://charlotte.axios.com/325615/tricia-cotham-a-charlotte-democrat-switching-parties-is-a-former-educator-from-a-family-of-politicians/), although she was “[toward] the moderate end of the Democratic Party,” according to an [analysis](https://www.oldnorthstatepolitics.com/2023/04/tricia-cothams-party-switch.html) by the conservative-leaning Old North State Politics blog. “At least until [her declared defection to the Republicans],” the blog post noted, “she… [was] not ‘out of step’ with her Democratic colleagues.”

In her announcement, Cotham generally avoided policy issues, [as WTVD ABC 11 reported](https://abc11.com/tricia-cotham-north-carolina-nc-house-rep/13086628/), and claimed to be a victim of bullying and isolation by her fellow Democrats. But [fact checks](https://www.wral.com/story/checking-5-of-nc-rep-tricia-cotham-s-claims-about-nc-dems-and-why-she-switched-parties/20840007/) of those claims by Raleigh news outlet WRAL found those accusations to be questionable or downright false.

She also accused the party of being closed-minded and insistent on lockstep allegiance to party doctrine, [according to](https://www.charlotteobserver.com/news/politics-government/article274336505.html) the Charlotte Observer. But it’s hard to believe Cotham will find more diversity of thought in a party that is well known for having an [unwillingness to compromise](https://news.gallup.com/poll/161573/americans-top-critique-gop-unwilling-compromise.aspx).

Because of this incongruity, some observers of North Carolina politics have theorized that Cotham was not an authentic Democrat all along.

“The evidence now strongly suggests that Cotham’s fraud was part of a deliberate plan by the Republican Party of North Carolina to steal a State House seat through fraud,” [argued](https://carolinaforward.org/blog/defrauding-voters-mecklenburg/) Carolina Forward, a progressive advocacy group in the state. “No longer electable in Mecklenburg [C]ounty by winning voter support on their own merits, Republicans resorted to backing a Trojan horse candidate in Tricia Cotham,” the group claimed.

But longtime Democratic Party consultant Thomas Mills doubts the Trojan horse theory. On his PoliticsNC blog, he [stated](https://www.politicsnc.com/traitor/) that Cotham is a “transactional player” who generally “lacks both backbone and convictions” and has merely cut a better deal with Republicans.

His theory seems to imply that Republicans likely foresaw the North Carolina Supreme Court’s [decision](https://www.politico.com/news/2023/04/28/north-carolina-supreme-court-clears-way-for-partisan-gerrymandering-00094433) to reverse its previous ruling against the political gerrymandering of the state, so they promised Cotham that they’d use the new supermajority she helped create to redraw the map in a way that would guarantee her a future election win and all the trappings that could come with it, like committee chairs and access to funding.

This theory is also questionable.

“You can’t draw a safe House seat for a Republican Tricia Cotham in Mecklenburg [County],” [argued](https://www.wfae.org/politics/2023-04-10/you-cant-draw-a-safe-house-seat-for-a-republican-tricia-cotham-in-mecklenburg) Steve Harrison in a weekly newsletter on North Carolina politics that he writes for Charlotte-based WFAE.

Harrison noted that she could skip the North Carolina legislature altogether and run for another office, such as state superintendent for public instruction, currently held by a Republican, or for Congress. “But she could be savaged by other conservative candidates,” noted Harrison, “pointing to her well-documented pledges to support abortion rights and protect the LGBT community.”

Yet, Mills’s assertion that Cotham has made some kind of “transactional” arrangement benefiting herself is likely correct. But the other party to her transaction may not be the Republican Party.

**A ‘Safe’ Democrat**

Cotham’s background isn’t politics. It’s K-12 education.

She was appointed to her first seat in the General Assembly in 2007 by then-Governor Mike Easley, who, as the conservative-leaning Carolina Journal [conjectured](https://www.carolinajournal.com/opinion/democrats-needed-tricia-cotham-in-2007-but-then-turned-on-her/), was looking for a safe choice to fill the seat of scandal-ridden Jim Black. Black [had resigned](https://www.wral.com/story/1202817/) due to a bribery charge, to which he eventually [pleaded guilty and for which he was sent to prison](https://www.wral.com/story/1579731/).

By far, the strongest credential on Cotham’s brief resume, other than being squeaky clean, was her work in public education. According to her restored [campaign website](https://democrattriciacotham.org/), she is a former Teacher of the Year and assistant principal from the Charlotte-Mecklenburg school district.

Her education background vaulted her into a leadership position in the General Assembly when she was [named co-chair of an education committee](https://www.theassemblync.com/politics/tricia-cotham-democrat-republican/) in 2013, even after the Republicans had taken over as a majority in the legislature. But [according to WRAL](https://www.wral.com/news/state/nccapitol/blogpost/10395202/), as far back as 2011, she expressed an aspiration to become the state’s superintendent of public instruction, the top education official in the state.

She never quite got the chance, though, as long-serving Superintendent June Atkinson, a Democrat, proved to be tough to dislodge from that position, a testament either to Atkinson’s savvy or, possibly, to Cotham’s inability to wield political clout in the capital.

Atkinson was eventually [defeated](https://www.ncstemcenter.org/blog/gops-mark-johnson-wins-nc-superintendent-race/) in 2016—not in a Democratic primary, but in a general election by Republican Mark Johnson, a total non-entity in the state’s political scene who served one term and has since faded into obscurity.

Yet, there’s nothing in Cotham’s voting history that reveals a clear pattern of being strongly motivated by her education expertise. Instead, she mostly voted in line with her party.

For instance, in 2011, lawmakers at the state capital in Raleigh were considering a bill, [Senate Bill 8](https://www.ncleg.gov/Sessions/2011/Bills/Senate/PDF/S8v1.pdf), that would remove the cap on the number of charter schools allowed in the state, set at 100.

Given that charter schools are well known to [drain funds](https://www.chalkbeat.org/2019/6/11/21108318/critics-of-charter-schools-say-they-re-hurting-school-districts-are-they-right) from the public system, which necessitates [painful cuts](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3082968) in district schools, it would seem that Cotham would align her vote with her allegiance to public schools and oppose the bill.

Initially, [she did](https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2011/H/254), voting with the majority of her Democratic colleagues to oppose the bill.

But in 2011, there was [strong pressure](https://www2.ed.gov/news/pressreleases/2009/06/06082009a.html) coming from the Obama presidential administration—and its [Race to the Top](https://thejournal.com/articles/2009/06/09/charter-school-support-is-a-prerequisite-for-race-to-the-top-funds.aspx) grant program—for states to lift their caps on the number of charters they allowed.

So, when Cotham had a second chance to vote on the bill, after it went through conference, she [joined most of her Democratic colleagues](https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2011/H/931) in passing it rather than sticking with the small number of Democrats who continued to oppose the bill.

Then-Governor Bev Perdue, also a Democrat, ultimately [signed the bill](https://www.wwaytv3.com/perdue-signs-law-to-end-charter-school-cap/) into law.

Similarly, Cotham [voted the Democratic Party line](https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2013/H/1798) in 2014 on Senate Bill 793 that subjected charter schools to greater transparency by requiring each charter to make available to the public the personnel records of employees hired by the school’s board of directors.

Cotham joined with her fellow Democrats in opposing the legislation because it didn’t require charters run by private, for-profit management companies to disclose financial records, [according to Wilmington Star-News Online](https://www.starnewsonline.com/story/news/2014/08/07/mccrory-signs-controversial-charter-school-bill/30965755007/).

The bill passed with unanimous support from the Republican majority and was signed into law by the Republican then-Governor Pat McCrory.

**‘We Have to Evolve’**

Fast-forward to 2023, and Cotham has adopted the Republican Party line when it comes to education legislation, especially bills affecting charter schools and other forms of school choice.

Indeed, [her first move as a Republican](https://www.wcnc.com/article/news/local/tricia-cotham-sponsors-first-bill-as-gop-member-dealing-with-charter-schools-republican-democrat-mecklenburg-county-charlotte-north-carolina/275-e02bb1a3-edde-42a6-a2af-035e78862849), WCNC reported, was to be a [primary sponsor](https://www.ncleg.gov/BillLookUp/2023/h618) of [House Bill 618](https://webservices.ncleg.gov/ViewBillDocument/2023/3892/0/DRH40336-NH-55B). The bill would change the current Charter Schools Advisory Board, an appointed body, from having a consultative role in approving new charters and reviewing their results to a Charter Schools Review Board that would have virtually full control over the state’s charter operations.

This change would eliminate the role the current state Board of Education has in approving new charters and overseeing the state’s charter sector.

The new review board would be populated by members appointed by the state legislature and the superintendent of public instruction, which are offices all currently held by Republicans. Two appointments would be from the state Board of Education, but they must “not [be] current members” of the board and must be “charter school advocates in North Carolina.”

Given these details, it’s clear the intent of the legislation is to fast-track new charters through a more sympathetic board and to reduce regulatory oversight of the schools.

Cotham also chose to be a [primary sponsor](https://www.ncleg.gov/BillLookUp/2023/HB%20823) of [House Bill 823](https://www.ncleg.gov/Sessions/2023/Bills/House/PDF/H823v0.pdf), a bill governing which families are eligible for a voucher, called an “opportunity scholarship,” when they remove their children from the public system. HB 823 would expand eligibility to virtually all families, even wealthy ones and families who homeschool or already have their children in private schools, [according to WRAL](https://www.wral.com/story/nc-house-committee-approves-largest-expansion-of-private-school-vouchers/20838135/).

The bill, which Republicans, including Cotham, [passed in the House](https://www.wral.com/story/nc-house-passes-bill-to-expand-private-school-vouchers-by-400-million-eligibility-to-all-family-incomes/20865782/), would redirect an extra $1.3 billion from public school funding to private and homeschooling, WRAL [reported](https://www.wral.com/story/nc-senate-committee-backs-expansion-of-private-school-vouchers/20829910/).

A large [majority](https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2023/H/331) of Democrats voted against HB 618, and Democratic House members have [publicly expressed](https://ncnewsline.com/2023/05/03/nc-house-panel-advances-controversial-bill-to-dramatically-expand-school-vouchers/) vehement opposition to HB 823.

Cotham justified her changing positions on charter schools and vouchers by declaring, “We have to evolve,” [reported NC Newsline](https://ncnewsline.com/2023/04/05/rep-tricia-cothams-party-switch-gives-the-house-gop-a-veto-proof-majority/?eType=EmailBlastContent&eId=e542a23f-5ff0-46fe-957c-d780d05a2890).

But her evolution, far from being a natural process, has been stoked by strong incentives from individuals and organizations at the very center of the right-wing school choice movement.

**When One Door Closes…**

When Cotham declined to run for reelection for her state House seat in 2016, she did so to run for U.S. Congress.

The Democratic incumbent in that race, long-serving Congressional Representative Alma Adams, seemed vulnerable due to a redistricting that brought more Democratic voters from Mecklenburg County into the district, [reported](https://www.charlotteobserver.com/news/politics-government/election/article82368082.html) the Charlotte Observer. Adams, who lived in Guilford County, had never lived in Mecklenburg, which gave her opponents in the campaign the opportunity to attack her for being an outsider.

But Adams proved to be a resilient candidate. She easily outraised her six opponents, amassing $624,000 in donations compared to $77,000 Cotham raised, $30,000 of which was a personal loan, according to the Charlotte Observer.

Adams coasted to a primary victory, the Charlotte Observer [reported](https://www.charlotteobserver.com/news/politics-government/election/article82368082.html), while Cotham ended in third place with only 21.13 percent of the vote.

Whether or not Cotham felt resentment toward the party for her stinging defeat, she left the electoral arena and turned to a different, less visible corner of politics—lobbying.

It appears that Cotham’s [first gig](https://www.mwcllc.com/ideas/news/2017/10/former-rep-tricia-cotham-joins-mcguirewoods-consulting) in the lobbying business was at [McGuireWoods Consulting](https://www.mwcllc.com/), one of the largest and most influential lobbying firms in North Carolina, according to a well-placed source who declined to go on record for work reasons.

Cotham’s [list of clients](https://www.sosnc.gov/online_services/search/lobbying_results) at the state’s registry of lobbyists is relatively short, beginning in January 2018 with a filing for Project L.I.F.T. That filing also included [Thomas Wayne Sevier Jr.](https://www.mcguirewoods.com/people/s/tommy-sevier), a senior vice president of government affairs at McGuireWoods.

Project L.I.F.T.—the acronym stands for [Leadership and Investment For Transformation](https://www.projectliftcharlotte.org/)—started in 2011 as a school improvement project among wealthy foundations and the Charlotte-Mecklenburg school district. In this arrangement, private foundations that agreed to donate millions of dollars to the project were given wide leeway, from the school district, in determining how to operate a group of district schools that were chronically struggling, according to [Education Week](https://www.edweek.org/leadership/school-project-blurs-line-between-public-private/2013/01).

The arrangement resembled a leadership and governance model similar to a charter school, WBTV [reported](https://www.wbtv.com/story/36214180/modeled-after-a-charter-this-32-million-charlotte-school-sets-trends-for-2017/).

Project L.I.F.T.’s own [analysis](https://spectrumlocalnews.com/nc/charlotte/news/2016/01/13/project-lift-s-third-year-results--a-mixed-bag--for-student-progress) of its results in 2016 found a “mixed bag,” including both high student attrition from the schools in the program and increased teacher turnover, along with some modest improvements in reading and science test scores.

The rest of Cotham’s roster of filings at McGuireWoods included PowerSchool Group, LLC, a [software firm](https://www.powerschool.com/) providing cloud computing services to schools; HNTB Corporation, a [manufacturing and design firm](https://www.hntb.com/); Eckerd Connects, a [nonprofit](https://eckerd.org/) that provides youth and adult workforce development programs; Alkermes Inc., a [pharmaceutical company](https://www.alkermes.com/); and the city of Monroe, North Carolina.

Among Sevier’s extensive [list](https://www.sosnc.gov/online_services/search/lobbying_results) of principals at the state’s registry site is [Teach for America](https://www.teachforamerica.org/), which, according to an [investigation](https://www.propublica.org/article/how-teach-for-america-evolved-into-an-arm-of-the-charter-school-movement) by ProPublica, “has evolved into an informal but vital ally of the charter school movement.”

Yet McGuireWoods’s footprint in the charter school industry is much larger than what Cotham and Sevier represent in their filings.

Another of Cotham’s colleagues at the firm was senior adviser Harrison J. Kaplan. According to the McGuireWoods [website](https://www.mcguirewoods.com/people/k/harrison-j-kaplan), Kaplan has been a “lobbyist at the North Carolina General Assembly for over 30 years” and is “at the forefront on many crucial public policy issues, particularly in the areas of education and health care.”

Based on his client listing at the [state’s registry of lobbyists](https://www.sosnc.gov/online_services/search/lobbying_results), Kaplan has extensively lobbied for years for a long list of private organizations closely associated with the charter school industry and school choice advocacy, including:

* [Charter Schools USA](https://www.charterschoolsusa.com/), a for-profit charter management organization that operates a nationwide chain of charter schools, including nine in North Carolina. Cotham [cited](https://www.wfae.org/local-news/2014-07-25/cotham-new-senate-bill-shields-salaries-of-for-profit-charter-school-staff) Charter Schools USA specifically in 2014 when she called for charter transparency legislation to include for-profit charter management companies. The company’s founder and CEO [Jonathan Hage](https://www.charterschoolsusa.com/apps/pages/index.jsp?uREC_ID=1231296&type=u), along with his wife Sherry, has [donated many thousands of dollars](https://www.followthemoney.org/entity-details?eid=14298646) to Republican candidates and office holders in North Carolina from 2014 - 2020, according to Follow the Money, as well as [thousands in individual donations](https://www.followthemoney.org/entity-details?eid=52348050) from 2020 - 2022..
* [North Carolina Coalition for Charter Schools, Inc.](https://nc.chartercoalition.org/), a charter school industry advocacy group that [pushes state legislation](https://nc.chartercoalition.org/#charter-school-legislation) that increases funding for the charter industry.
* [Koch Company Public Sector, LLC and Affiliates](https://littlesis.org/org/76237-Koch_Companies_Public_Sector%2C_LLC), “a shared services company that provides legal, government and public affairs services to affiliates of Koch Industries, Inc. around the world,” according to Little Sis. In 2018, billionaire industrialist Charles Koch launched an approximately $400 million effort to “remake” America’s K-12 public education system, the Washington Post [reported](https://www.washingtonpost.com/news/powerpost/paloma/daily-202/2018/01/30/daily-202-koch-network-laying-groundwork-to-fundamentally-transform-america-s-education-system/5a6feb8530fb041c3c7d74db/). An [extensive study](https://bit.ly/3pxodDo) released in 2021 by the organization UnKoch My Campus found that the Koch Network was funding at least six influential conservative organizations to advocate for charter schools and other forms of school choice.
* [Parents for Educational Freedom in North Carolina, Inc.](https://www.pefnc.org/), a nonprofit organization that [advocates](https://www.pefnc.org/take_action) for homeschooling, vouchers, and charter schools. In 2014, Indy Week [reported](https://indyweek.com/news/northcarolina/big-money-bankrolling-school-voucher-movement/) that the organization is largely funded by a network of conservative groups that advocate for charter schools and other alternatives to public schools. These include the [Walton Foundation](https://www.waltonfamilyfoundation.org/grants/public-charter-startup-grants%27), the [American Federation for Children](https://www.federationforchildren.org/school-choice-in-america/), the [Alliance for School Choice](https://en.wikipedia.org/wiki/Alliance_for_School_Choice), the [Milton] Friedman Foundation for Educational Choice (now called [EdChoice](https://www.edchoice.org/school-choice/state/north-carolina/)), and the [Challenge Foundation](https://challengefoundationgroup.org/), a nonprofit funded by Oregon billionaire John Bryan’s $37 million family trust, NC Newsline [reported](https://ncnewsline.com/2011/04/20/charters-conservative-backers-raise-questions/) in 2011. The Challenge Foundation “contributes heavily and regularly to conservative causes like challenging global warming research and scaling back government,” according to NC Newsline. And Bryan is “a national figure in libertarian circles when it comes to charter schools, and spoke [in June 2010] about the push to expand charter schools at an annual retreat held by the billionaire Koch brothers, according to a copy of the retreat’s [agenda](https://images2.americanprogressaction.org/ThinkProgress/secretkochmeeting.pdf) obtained by the Center for American Progress.”
* [Partners for Educational Freedom in North Carolina, Inc.](https://www.partnersnc.org/), a school choice advocacy group that [works](https://www.partnersnc.org/mission_statement) with Parents for Education Freedom in North Carolina.
* Education Freedom Alliance, an advocacy group that either no longer exists or has changed names, that, [according to NC Newsline](https://ncnewsline.com/briefs/oklahoma-group-with-ties-to-alec-spending-to-push-achievement-school-districts-in-north-carolina/), in 2016, pushed for legislation in North Carolina to turn over struggling public schools to charter school management organizations.
* [50CAN](https://50can.org/), a network of state-based advocacy groups that [call for](https://50can.org/blog/2022-advocacy-campaign-results/) expanding charter schools and school voucher programs.

In 2020, Kaplan participated in a panel discussion at the [“Forum on Charter Schools: 2020 Election”](https://content.govdelivery.com/attachments/NCSBE/2020/10/02/file_attachments/1562247/Charter%20School%20Forum%20Oct.%2013.pdf) with Lindalyn Kakadelis, the executive director of the North Carolina Coalition for Charter Schools, and Matthew Tilley, a lawyer for North Carolina Coalition for Charter Schools. The panel moderator was Donna Martinez, vice president of marketing and communications for the [John Locke Foundation](https://www.johnlocke.org/), an influential right-wing think tank in the state that advocates for [charter schools](https://www.johnlocke.org/wp-content/uploads/2021/11/Policy-Solutions-2022-John-Locke-Foundation-1.pdf#page=42) and [alternatives to public schools](https://www.johnlocke.org/wp-content/uploads/2021/11/Policy-Solutions-2022-John-Locke-Foundation-1.pdf#page=77).

The influence that McGuireWoods wields to expand charter schools and school choice in North Carolina extends beyond Kaplan’s client list.

**Spreading Low-Performing Schools**

McGuireWoods [flaunts](https://www.mcguirewoods.com/people/k/harrison-j-kaplan) how Kaplan “[e]ffectively lobbied on behalf of school/parental choice organizations to create virtual public charter school options.”

The “virtual public charter school options” McGuireWoods mentions refer to the North Carolina legislature’s decision to create two virtual charter schools, the [North Carolina Cyber Academy](https://www.myncca.com/) and the [North Carolina Virtual Academy](https://ncva.k12.com/), as standalone businesses funded by the state to serve as a substitute for public schools.

As NC Newsline [reported](https://ncnewsline.com/2011/12/16/questionable-company-targets-nc-for-virtual-charter-school/) in 2011, K12 Inc., “[t]he nation’s largest for-profit virtual education company,” was looking to find a school district in North Carolina that would agree to contract with the firm to open an online school. The company needed only one district to start an online school that would be accessible statewide.

McGuireWoods was the lobbying group helping K12, which changed its name to Stride Inc. in 2020, get the contract and the permission and funding from the state, NC Newsline reported. McGuireWoods’s lobbyist on the case was former state Representative Jeffrey Barnhart who is [still with the firm](https://www.mcguirewoods.com/people/b/jeffrey-l-barnhart).

McGuireWoods didn’t get results for its effort until 2013 when the General Assembly passed an appropriations act that included a [requirement](https://www.dpi.nc.gov/documents/americanindianed/reports/annual-charter-schools-report-2015/download) for the state Board of Education to conduct a study of virtual charter schools and make recommendations to the legislature in 2014. The legislature followed up on the board’s recommendation to create a four-year pilot program with two virtual charter schools.

In 2015, the state Board of Education approved the opening of two online charter schools, the North Carolina Connections Academy (now the North Carolina Cyber Academy) and the North Carolina Virtual Academy. The schools were affiliated with the nation’s two largest online education companies—[Connections Academy](https://www.connectionsacademy.com/) and [K12 Inc.](https://www.k12.com/), respectively.

The online academies “have both been low-performing since they opened,” NC Newsline [reported](https://ncnewsline.com/briefs/state-board-of-education-allows-enrollment-increase-for-low-performing-virtual-charter-school/) in 2023. “Low-performing means a school has earned ‘D’ or ‘F’ state letter grades. Each school has failed to meet growth on standardized tests.”

Nevertheless, both “pilot” programs have been allowed not only to continue but also to [expand](https://ncnewsline.com/briefs/state-board-of-education-allows-enrollment-increase-for-low-performing-virtual-charter-school/) their enrollments.

Another big win for Kaplan that doesn’t get a mention on the McGuireWoods website was the firm’s success in persuading the state legislature to enact a bill that would subject the state’s lowest-performing schools to being taken over and placed into a new state-funded entity called the [Achievement School District](https://www.ednc.org/2022-01-13-the-end-of-an-experiment-the-innovative-school-district/) (ASD). The ASD would then, in turn, outsource the management of the schools it had taken over to charter school management companies.

Perhaps the reason McGuireWoods doesn’t mention this accomplishment on its website is that the whole enterprise was a colossal failure.

The school takeover district, which eventually had its name changed to the Innovative School District (ISD), took over only one campus, Southside-Ashpole Elementary School in Robeson County. The project was plagued with leadership turnover and “mixed results”, and was ultimately terminated in 2021, EducationNC (EdNC) [reported](https://www.ednc.org/2022-01-13-the-end-of-an-experiment-the-innovative-school-district/).

Tricia Cotham [joined](https://www.mwcllc.com/ideas/news/2017/10/former-rep-tricia-cotham-joins-mcguirewoods-consulting) McGuireWoods in 2017, and while it is not clear exactly what role she may have played in it, this coincides with the time of the firm’s lobbying for the ISD.

Also, around that same time, another name figured prominently in the same network—Oregon billionaire John Bryan.

**A Job Opportunity**

In reporting the news of Cotham’s recent switch to the Republican Party, the McGuireWoods website [said](https://www.mwcllc.com/ideas/updates/articles/2023/4/north-carolina-general-assembly-apr-7), “Rep. Cotham had already been a reliable vote for Republicans on matters dealing with education.”

That, of course, is not entirely true, as the [examples](https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2013/H/1798) [highlighted](https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2011/H/931) above show.

Even on bills that McGuireWoods lobbied for, Cotham was not always a reliable vote. In fact, when the vote came up to pass the appropriations bill to fund the statewide virtual charter school experiment, Cotham joined with her fellow Democrats in [opposing](https://www.ncleg.gov/Legislation/Votes/RollCallVoteTranscript/2013/H/1297) it.

It wasn’t until some point toward the end of her first stint in the legislature that Cotham showed more interest in voting for Republican-conceived education bills.

As NC Newsline [reported](https://ncnewsline.com/2015/08/13/out-of-state-money-behind-secret-plan-to-fund-charter-takeover-of-ncs-worst-performing-schools/) in 2015, Republican state House Representative Rob Bryan (no relation to John Bryan), from Mecklenburg County, was pushing the bill to create the ASD.

One organization championing the idea was Education Freedom Alliance, which Kaplan and McGuireWoods represented, [according to NC Newsline](https://ncnewsline.com/2015/08/13/out-of-state-money-behind-secret-plan-to-fund-charter-takeover-of-ncs-worst-performing-schools/).

Cotham was one of few Democrats to get on board with the ASD.

“As she was preparing to leave the legislature in 2016,” NC Newsline [reported](https://ncnewsline.com/2023/04/13/nc-rep-tricia-cotham-then-and-now/), “Cotham was one of five Democrats to vote for a bill that would allow a charter school management company to take over low-performing schools to create an [ASD].”

But her education bipartisanship in support of the ASD did more than just burnish her reputation for compromise. It may also have gotten her a job.

**Failing Upward**

When Cotham left the General Assembly in 2017, it’s not clear whether she was already in conversation with Kaplan or anyone else at McGuireWoods about getting hired.

But according to the anonymous source who spoke with Our Schools, McGuireWoods had a reputation for hiring state officials leaving government office who would then sometimes rotate back into state government positions.

The ASD, now called the ISD, was launched in 2017, EdNC [reported](https://www.ednc.org/launch-achievement-school-district/), with Eric Hall as superintendent. In 2018, as WUNC [reported](https://www.wunc.org/education/2018-04-02/charter-school-operator-recommended-for-new-school-district-tied-to-legislator-that-created-it), Hall picked the nonprofit Achievement for All Children (AAC), led by Tony Helton, to manage the Robeson County school the ISD had taken over.

“Achievement for All Children is a brand new organization that has never operated a school,” WUNC [noted](https://www.wunc.org/education/2018-04-02/charter-school-operator-recommended-for-new-school-district-tied-to-legislator-that-created-it).

But what AAC lacked in expertise, it made up for in “[close ties](https://www.wunc.org/education/2018-04-02/charter-school-operator-recommended-for-new-school-district-tied-to-legislator-that-created-it)” to TeamCFA, a [now-defunct](https://www.teamcfa.org/) network of charter schools created by John Bryan and funded by Bryan’s Challenge Foundation, according to the Raleigh [News and Observer](https://www.newsobserver.com/news/local/education/article235919992.html).

Whether those “close ties” ever provided AAC expertise in managing schools turned out to be doubtful, but the ties certainly gave the organization an inside track with the state legislature.

As WUNC [reported](https://www.wunc.org/education/2018-04-02/charter-school-operator-recommended-for-new-school-district-tied-to-legislator-that-created-it), “TeamCFA’s founder John Bryan has donated generously to Representative Rob Bryan, who introduced the bill that created the… [ISD]. Rob Bryan also… [sat] on Achievement for All Children’s Board of Directors, according to the organization’s application.”

Helton, AAC’s leader, also had close ties to TeamCFA. According to Helton’s [LinkedIn page](https://www.linkedin.com/in/tony-helton-21267a110), he has served as the organization’s chief operating officer since 2015. Other sources assign him other roles in the organization. A 2017 [article](https://ncnewsline.com/briefs/n-c-charter-leader-hosts-dan-forest-fundraiser-attended-controversial-church-minister/) by NC Newsline referred to Helton as TeamCFA CEO. Another NC Newsline [article](https://ncnewsline.com/briefs/leader-of-firm-hired-to-manage-southside-ashpole-has-abruptly-resigned-former-state-lawmaker-tricia-cotham-now-heads-firm/) in 2019 referred to him as the southeastern regional director of TeamCFA.

Cotham’s first public high-profile connection to this network of charter school operatives wouldn’t arise until 2019. A year into having AAC run the school, there was no academic progress at Southside-Ashpole, EdNC [reported](https://www.ednc.org/what-challenges-face-the-isd-school-and-what-leaders-are-doing-about-it/), and the ISD was already on its third superintendent. Plus, the principal who had been picked to lead the school had already quit and been replaced with another principal, the Robesonian [reported](https://www.robesonian.com/news/124833/major-resigns-as-southside-ashpoles-principal).

Also, in August 2019, Helton stepped aside from his position at the helm of AAC, [according to](https://ncnewsline.com/briefs/leader-of-firm-hired-to-manage-southside-ashpole-has-abruptly-resigned-former-state-lawmaker-tricia-cotham-now-heads-firm/) NC Newsline. Helton’s name would surface again in South Carolina in October 2019 as the CEO of a charter management firm called Tutelage Education Solutions in the [board minutes](https://erskinecharters.org/institute_uploads/2019/11/InstituteAPPROVEDBoardMinutes10162019.pdf) of the Charter Institute at Erskine, a charter authorizing body in the Palmetto State.

In the board minutes, Helton is described as being an official with TeamCFA, along with a colleague attending the meeting. However, recounted in the minutes is a request he and his colleague made to change the name of a new charter seeking to open in the state to Cherokee Charter Academy and to change the school’s management organization from TeamCFA to Tutelage Education Solutions, LLC.

Currently, Tutelage operates two charters in South Carolina and seeks to open three more under the banner of Libertas Academies, according to the [Tutelage website](https://erskinecharters.org/institute_uploads/2019/11/InstituteAPPROVEDBoardMinutes10162019.pdf), which has the firm’s name as Tutelage School Solutions.

After Helton left AAC, he was replaced by [Tricia Cotham](https://ncnewsline.com/briefs/leader-of-firm-hired-to-manage-southside-ashpole-has-abruptly-resigned-former-state-lawmaker-tricia-cotham-now-heads-firm/).

All of the ISD’s changes in administration and management had done next to nothing for the children and families at Southside-Ashpole.

As NC Newsline [reported](https://ncnewsline.com/2020/06/02/pw-exclusive-state-board-of-ed-urged-to-jettison-firm-overseeing-controversial-innovative-school-district/) in 2020, there was little to no progress in boosting academic results at the school, and an unsigned letter to the state Board of Education recommended the board terminate its contract with AAC because the management group had “failed to meet its contractual obligations.”

In 2021, the state board took that advice and terminated its contract with AAC, NC Newsline [reported](https://ncnewsline.com/briefs/state-board-of-education-cut-ties-with-innovative-school-district-operator/).

“The ISD experiment has been an expensive one,” Indy Week [reported](https://indyweek.com/news/northcarolina/controversial-gop-school-reform-model-phased-out/), costing the state “nearly $5 million on district administration” in five years, including “a $100,000 per year contract with Achievement for All Children.”

But when the ISD collapsed, Cotham was already on her way to another lobbying gig.

**Collaborating With Charter School Profiteering**

At some point during Cotham’s shifting career moves—from McGuireWoods to Achievement for All Children—another organization with its roots in the charter school industry crept into Cotham’s resume—BCHL Strategic Partners.

Cotham’s tenure with BCHL began in 2019, according to [multiple](https://www.zoominfo.com/p/Tricia-Cotham/1199508835) [sources](https://justfacts.votesmart.org/candidate/biography/69643/patricia-cotham). Also in 2019, NC Newsline’s [article](https://ncnewsline.com/briefs/leader-of-firm-hired-to-manage-southside-ashpole-has-abruptly-resigned-former-state-lawmaker-tricia-cotham-now-heads-firm/) on Cotham taking over as the head of AAC [said](https://ncnewsline.com/briefs/leader-of-firm-hired-to-manage-southside-ashpole-has-abruptly-resigned-former-state-lawmaker-tricia-cotham-now-heads-firm/), “Cotham’s LinkedIn page lists her most recent employment as a senior partner at BCHL Strategic Partner[s], a lobbying firm.” So, it’s not clear if or how her duties at BCHL and AAC may have overlapped.

Her first [lobbyist filing](https://www.sosnc.gov/online_services/search/lobbying_results) while working with BCHL was with [Lyft, Inc.](https://www.lyft.com/), the ride-sharing company, in 2019.Cotham did not register as a lobbyist for any other companies until 2021, the year the state ended the contract with AAC to lead the ISD. There were three filings that year, all with BCHL: Primero Games, LLC, a [“configurable games” company](https://www.primerogames.com/); CareSource Management, a [provider of health care insurance programs](https://www.caresource.com/); and Challenge Foundation Properties, [part of](https://challengefoundationgroup.org/properties/) the [Challenge Foundation Group](https://challengefoundationgroup.org/), an umbrella group [funded by](https://challengefoundationgroup.org/our-history/) John Bryan’s Challenge Foundation.

According to the Challenge Foundation Group’s [history](https://challengefoundationgroup.org/our-history/), posted on its website, the organization’s properties division, called Challenge Foundation Properties (CFP), “[supports charter] schools in finding properties and building (or renovating) brick-and-mortar schools… Once a school is thriving, both academically and financially, the school buys the brick-and-mortar facility from Challenge Foundation Properties, for actual cost, providing the funding for CFP to build another school.”

Although the effort sounds altruistic, lease payments that a CFP charter school pays to CFP are funded with revenues the charter school receives from North Carolina taxpayers. It is likely that CFP determines the “actual cost” of what the school building buy-back would be.

So, in other words, the charter buys back a school from CFP, presumably with taxpayer funds, that was paid for in part by the taxpayers at a cost, and likely a profit, that CFP determines.

Another division of the Challenge Foundation Group is its Challenge Foundation Academies, the charter schools that likely made up the TeamCFA network that remains. A third division is CF Choice, which “advocates for education initiatives and supports education innovation.”

**Friends in Right-Wing Circles**

The modest description of CF Choice’s advocacy effort doesn’t do justice to all the many tentacles of influence that John Bryan and his foundation money reach in the world of charter school advocacy, including Tricia Cotham.

As NC Newsline [reported](https://ncnewsline.com/2015/08/13/out-of-state-money-behind-secret-plan-to-fund-charter-takeover-of-ncs-worst-performing-schools/) in 2013, Bryan created Education Freedom Alliance (EFA) “to be the legislative and political arm of TeamCFA’s school choice efforts.” As noted above, EFA was represented by Cotham’s former employer, McGuireWoods, when Bryan funded the effort to create the ISD.

Cotham’s ties to the EFA go far beyond her previous employment with McGuireWoods. Her deeper connection is through Charles Philip Byers, the “B” in the BCHL Strategic Partners firm, that Cotham became associated with in 2019.

As NC Newsline [reported](https://ncnewsline.com/2015/08/13/out-of-state-money-behind-secret-plan-to-fund-charter-takeover-of-ncs-worst-performing-schools/), “EFA’s North Carolina-based representative is Charles Philip Byers, who also chairs the board of Parents for Educational Freedom NC, an organization known for its efforts to promote and defend North Carolina’s school voucher program. Byers was also recently elected to the UNC Board of Governors and serves as president of John Bryan’s Challenge Foundation Properties, which leases facilities to charter schools at low-interest rates. He also sits on the boards of several TeamCFA charter schools in North Carolina.”

Byers—who also goes by Charles Byers, C. Philip Byers, and Philip Byers—lists on his [LinkedIn page](https://www.linkedin.com/in/cphilipbyers) employment as president of Challenge Foundation Properties (2014-present); his partnership at Byers, Cotham, Harrington, and Lancaster Strategic Partners, LLC (2019-2023); and chairman of the board for Educational Freedom of North Carolina (2012-2018).

Although Byers lists BCHL as an active entity until 2023, it’s difficult to ascertain what the firm did during this time. BCHL has no website, and Byers has no filings on the state’s registry of lobbyists.

But the firm’s [Twitter account](https://twitter.com/BchlP) has some clues. The account’s timeline, which describes BCHL as a “[l]eading bi-partisan lobbying and consulting firm based in North Carolina,” includes retweets of postings from the John Locke Foundation, the influential right-wing think tank in North Carolina, and Corey DeAngelis, a prominent school choice advocate. DeAngelis is [employed](https://www.federationforchildren.org/staff/corey-a-deangelis-ph-d/) as a senior fellow at the American Federation for Children, an organization [founded](https://www.washingtonpost.com/news/answer-sheet/wp/2017/05/02/betsy-devos-founded-group-lobbies-congress-for-d-c-voucher-program-extension/) and [still funded](https://www.nbcnews.com/politics/politics-news/betsy-devos-american-federation-children-private-school-rcna76307) by former President Donald Trump’s Secretary of Education Betsy DeVos to advocate for privatizing public schools.

Byers is also a [generous campaign donor](https://www.transparencyusa.org/nc/contributor/charles-byers) to Republican members of the North Carolina General Assembly.

Also, in 2016, Byers was a [speaker](https://2015conservativeleadershipconfer.sched.com/speaker/c_philip_byers.1uvj2hjx) at the Conservative Leadership Conference. The conference program said, “In 2014, C. Philip Byers was named president of Challenge Foundation Properties, a sister organization to TeamCFA that helps connect the network’s charter schools with the building resources they need for long-term success. In continuing his work with TeamCFA, he serves as the Southeast Regional Director for the network’s two other sister groups: Challenge Foundation and Education Freedom Alliance.”

[Sponsors](https://2015conservativeleadershipconfer.sched.com/directory/sponsors) of that conference included Americans for Prosperity, a part of a network of [“dark money groups linked to Charles and [the late] David Koch,”](https://www.opensecrets.org/orgs/americans-for-prosperity/news?id=D000024046) according to Open Secrets, and Education Freedom Alliance, the Oklahoma-based advocacy group John Bryan created to advocate for charter schools.

Other [speakers](https://2015conservativeleadershipconfer.sched.com/directory/speakers) who addressed the conference included Dinesh D’Souza, a right-wing [conspiracy theorist](https://newrepublic.com/tags/dinesh-dsouza). He pushes, among other things, the [unfounded claim](https://www.washingtonpost.com/politics/2022/05/11/2000-mules-offers-least-convincing-election-fraud-theory-yet/) that former President Trump was cheated of a victory in the 2020 presidential election.

The fact that Cotham’s association with this network of right-wing funders and influencers went generally unnoticed by Democratic Party officials and the media when she ran for the North Carolina House in 2022 would seem to be surprising.

But that oversight had a lot to do with how North Carolina Democrats and the media misunderstand the intentions of the charter school industry and advocates for school choice.

For instance, among the North Carolina media outlets that seemed most shocked by Cotham’s switch to the Republican Party was [EducationNC (EdNC)](https://www.ednc.org/about/), a North Carolina-based education advocacy group that publishes “nonpartisan” education news, commentary, and information.

A [lengthy analysis](https://www.ednc.org/as-republicans-clinch-supermajority-what-is-next-for-public-schools/) by EdNC’s CEO and editor-in-chief Mebane Rash, published soon after Cotham switched parties, detailed the many ways that a Republican supermajority in the legislature will introduce and pass all sorts of new provisions that “pose a threat to overall funding for public schools.”

But even after her meticulous description of how expansions of charters and vouchers pose an existential threat to public schools, Rash seemed to feel the need to declare, “It’s not about opposing school choice.”

Was it ever? Public schools often provide families with lots of options, such as magnet programs, [community schools](https://observatory.wiki/The_Community_Schools_Model), school-within-a-school arrangements, intra- and interdistrict transfers, and school partnerships with institutions of higher learning and local businesses.

And there’s no reason, other than the reluctance of conservative politicians to raise taxes, that funding for charters and voucher programs has to come from the same coffers that fund public schools.

**The Weakest Link**

After her party change, Cotham was awarded a national stage to make pronouncements about school vouchers, a prominent spotlight she never had as a Democrat.

In an op-ed for the conservative [National Review](https://www.nationalreview.com/2023/05/north-carolinas-embrace-of-educational-freedom-is-pro-family/), Cotham and her co-writer Tyler Voigt—an official with [Americans for Prosperity-North Carolina](https://www.wral.com/americans-for-prosperity-north-carolina/12149515/), a [Koch-funded](https://www.sourcewatch.org/index.php/Americans_for_Prosperity) right-wing advocacy group—made a case for opening up the state’s school voucher program to homeschoolers and the state’s wealthiest families.

Such national attention may send the message to political opportunists that they too can gain similar notoriety—and yes, access to wealth—by aligning with the charter school industry and the school choice movement.

But the message the Democratic Party coalition may want to take away from this story is that the party is only as strong as its weakest members, which seem to include Democrats who are aligned with the forces that are undermining public schools.