

High-Stakes:

Findings from a National Study of Life-or-Death Decisions by Charter School Authorizers

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Executive Summary

The rhetoric about charter school accountability is very clear: if charter schools do not meet their performance targets, they will be shut down. But will charter school authorizers – the public bodies empowered by law to oversee charter schools really close charter schools that are not working? The question has been the subject of vigorous debates in the political realm and among academic observers of charter schools. This study aims to shed some empirical light on these important questions. It does so by taking a unique approach: focusing on the high-stakes *decisions* that charter school authorizers have made about whether to renew, not renew, or revoke the charters of individual charter schools. Drawing on 50 randomly selected examples of such decisions, the study provides new information about how charter school authorizers are carrying out their responsibilities, the factors that influence their approaches, and the implications of experience to date for policies and practices related to high-stakes school accountability.

Data and Methods

The authors compiled a list of all 506 high-stakes decisions made by charter school authorizers nationally as of fall 2001. From this list (using a process described more fully in the main body of the paper), we randomly selected 50 cases for inclusion in the study. With each of these cases, we conducted an extensive interview with a representative of the authorizer. We also interviewed school officials and third-parties, reviewed official documents related to the school and the decision, and surveyed any available media coverage of the decision. These methods yielded a wealth of quantitative and qualitative information about the cases and made it possible for the research team to arrive at “judgments” about the following questions for each case:

1. To what extent did the authorizer set clear, measurable expectations that the school must meet in order to attain renewal or avoid revocation?

2. To what extent did the authorizer gather information that allowed it to determine whether the school met these expectations?
3. To what extent did the authorizer make its decision based on a comparison of actual performance with expectations?

Key Findings

Many authorizers have proven willing to close under-performing schools. Of 506 high-stakes decisions made nationally by fall 2001, 84% resulted in renewal. Though this is a substantial majority, it means that 16%, or 82 times, authorizers were willing to close schools that did not live up to expectations. In our 50 cases, we found only one in which the authorizer failed to close a school despite clear evidence of underperformance. By contrast, we found four cases in which authorizers closed schools where evidence of underperformance was less clear.

While almost all of the decisions we reviewed were “correct,” in many cases authorizers lacked one or more of the basic systems needed to make a merit-based decision.

The research team made two kinds of judgments about each case. First, was the decision “correct”? That is, based on the information available to the research team, did the school deserve to have its charter renewed, not renewed or revoked? In 42 of 47 cases¹, the research team determined that, based on the available evidence, the authorizer arrived at a “correct” decision. Second, the research team arrived at judgments about the three questions listed above. A decision could be deemed “correct” but still fall short in or more of these categories. This exercise yielded the following results:

- 30 of 50 cases had sufficiently clear, agreed upon expectations to serve as the basis for a high-stakes decision-making process;
- In 26 of the 50 cases, the authorizer gathered sufficient information to determine whether the school had met the expectations; and,
- In 21 of the 50 cases, the authorizer arrived at the decision through a merit-based comparison of evidence and expectations.

¹ The research team made final “judgments” about final decisions in 47 of the 50 cases under study. For the remaining three cases, the research team concluded that there was insufficient evidence to form final conclusions on the quality of authorizer decisions.

Common problems and challenges prevented authorizers from reaching the ideals of expectation-setting, information-gathering, and merit-based decision-making. Most of these fell into two broad categories:

- *A sheer lack of systems and processes* to carry out the work required to set goals, measure progress, and make a careful decision. Technical challenges, such as those related to finding assessment appropriate to measure schools' achievement of their unique missions, also hindered efforts at holding schools accountable.
- *Political pressure* to take action irrespective of the merits of the case, especially pressure to revoke or not renew schools' charters. Political pressure was most common among local school board authorizers.

Certain characteristics of authorizers predicted their success at establishing clear expectations, gathering sufficient data, and making merit-based decisions. Specifically, the authorizers most likely to engage in these practices were:

- University and state education agency authorizers (rather than local school board authorizers);
- Authorizers that had made a relatively high volume of high-stakes decisions prior to making the decision in question in the case; and,
- Authorizers with a larger number of staff members devoted to charter school oversight.

Authorizers' activities often lack "transparency," making it difficult for the general public (or researchers) to find out basic information about the terms they have set in charter contracts, the information they have gathered, or the reasons for their decisions.

Recommendations

Based on these findings, the authors offer recommendations for state policymakers and authorizers.

State policymakers should empower entities other than (or in addition to) local school boards to issue charters, especially those likely to issue enough charters to develop the systems

and experience needed to carry out these obligations responsibly. States should also establish funding systems that provide authorizers with adequate resources to carry out their responsibilities. Finally, they should seek ways to hold authorizers accountable, primarily through making their activities “transparent” to the public.

Authorizers as well should devote adequate resources to their work and act in a transparent fashion. To avoid the lapses detected in a significant number of cases in the study, they should design deliberate, systematic processes for setting expectations for schools, gathering information about their processes, and making decisions based on that information. They should also consider ways to insulate their high-stakes decision-making from the influence of special interests, be they pro-or anti-charter school.

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About the Authors

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Meagan Batdorff joined Teach for America in 1995 and taught high school English and Special Needs students in the Mississippi Delta. In 1998 she became the Communications Coordinator for the NC Charter School Resource Center in Durham. Since the summer of 2000, Ms. Batdorff has been independently contracting with education organizations on project-based initiatives focusing on public school reform. Most recently, Ms. Batdorff collaborated with Public Impact on this two-year national charter school accountability study and conducted research for NACSA's "Building Excellence in Charter School Authorizing" project. Ms. Batdorff currently works with Mosaica Education, Inc., in the development of quality charter school designs between Mosaica and charter school governing boards. She also works on the development of supplemental services programming under Spectra, a division of Mosaica Education, Inc. Ms. Batdorff received her BA in English and Anthropology from Michigan State University and graduated as "Senior of the Year." Ms. Batdorff can be reached at meaganbz@centurytel.net.

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1. Introduction

The rhetoric about charter school accountability is very clear: if charter schools do not meet their performance targets, they will be shut down. But will charter school authorizers – the public bodies empowered by law to oversee charter schools really close charter schools that are not working? The question has been the subject of vigorous debates in the political realm and among academic observers of charter schools. Charter school advocates trumpet charter schools' accountability as one of the features that sets them apart from conventional public schools, and from less-accountable private schools under voucher programs (e.g. Nathan, 1996, pp. 1-7). Others reply that the much-vaunted accountability of charter schools is only on paper. They argue that except in cases of gross mismanagement or outright corruption, charter authorizers will not be willing to close down schools that fail to meet performance targets, especially those that are popular with parents (e.g. Hess, 2001; Bulkley, 2001). Even analysts who generally favor charter reform have raised questions about how well charter school accountability is working in practice (e.g. Finn, Manno, and Vanourek, 2000).

The debate regarding accountability is important for two sets of reasons. First, accountability is an important component of the political legitimacy of charter schools as a policy. The charter school idea has enjoyed extraordinary bi-partisan support and has achieved rapid political success. In just over ten years, the movement has spread (in various forms) to 40 states and the District of Columbia. Arguably one factor explaining the expansion of the charter school strategy is the perception that despite being freed from certain rules and regulations, charter schools will remain accountable in some way for their students' academic performance. For a public that is wary of the most radical proposals for school deregulation, charter schools accountability provides some comfort (Moe, 2001; Hassel, 2000). Once in action, if charter school accountability turns out to be only a shadow of its rhetorical self, the resulting disillusionment could affect the political prospects for continued spread and enhancement of charter school laws.

Charter school accountability practices are also important because of their implications for the wider movement for performance-based school accountability in American education. "No Child Left Behind," the 2001 reauthorization of the Elementary and Secondary Education Act (ESEA), compels states that want federal education funds to enact assessment and accountability systems for all of their public schools. When a school repeatedly fails to make "adequate yearly progress" toward the ambitious goal of having all children meet grade level standards, a state must take corrective actions. These actions escalate over time to include such measures as the reconstitution of a school's leadership and staff. These requirements accelerate a pre-existing trend toward more performance-oriented accountability systems in states and

districts (Fuhrman, 1999). How will states and districts approach these responsibilities? What challenges will they face in imposing such high-stakes consequences? The early experience of charter school authorizers could provide some clues.

This study aims to shed some empirical light on these important questions. It does so by taking a unique approach: focusing on the high-stakes *decisions* that charter school authorizers have made about whether to renew, not renew, or revoke the charters of individual charter schools. It is in these decisions that the rubber of charter school accountability meets the road. Drawing on 50 randomly selected examples of such decisions, the study provides new information about how charter school authorizers are carrying out their responsibilities, the factors that influence their approaches, and the implications of experience to date for policies and practices related to high-stakes school accountability.

2. Background and Literature

By design, charter schools are supposed to be held accountable in two ways: by the market and by the charter authorizer.² Since charter schools are schools of choice, families can decide whether or not to enroll their children. Money “follows the child” to the school. As a result, a charter school’s financial viability depends upon its success in the marketplace. Charter schools that fail to attract a sufficient number of students will go out of business.

In addition, charter schools are to be held accountable by the charter authorizer. Authorizers are typically a governmental body of some sort, such as a board of education, a board of a public university, or, more rarely, a board created specifically to authorize charter schools or a nonprofit empowered by the state to do so. The charter school enters into a performance contract with the authorizer. This contract specifies the terms under which the school may continue to operate as a charter school. These terms include requirements that the school achieve certain performance targets and that it comply with applicable laws and regulations. An authorizer can shut down a charter school that fails to live up to these terms – even if parents are satisfied with the school’s quality.

In theory, this two-track system of accountability (i.e., marketplace and authorizers) will raise the average performance level of charter schools through several channels. First, the system provides parents the freedom of choice and builds in natural consequences should a school not be attractive to parents. Second, it enables authorizers to close down low performing schools. The *threat* of school closure provides a strong incentive for marginally performing schools to improve. Finally, by setting out clear expectations for schools and providing them with information about their performance, the authorizer approach to accountability encourages schools to build their own systems of “internal accountability.” Schools with developed systems of internal accountability have clear and shared missions and goals, select the right instructional and organizational strategies to achieve those goals, and use data to drive continuous improvement (see Abelmann et al., 1999; Newmann, King & Rigdon, 1997; Hill et al., 2001). Through this last channel, a system of accountability will, in theory, help *all* schools, not just those on the margin of closure, to improve.

² One study (Hill et al., 2001) suggests that charter schools’ accountability is even more complex – that charter schools have accountability relationships with multiple external entities beyond their “customers” and authorizers.

Both market and government accountability are important parts of the charter school idea, but this paper looks exclusively at the government side of charter school accountability.³ In particular, it focuses on one aspect of government accountability: the threat of school closure. This is the component of charter school accountability that is most often cited by proponents of charter schools, and most often found lacking by critical observers.

To consider the challenges of creating a system that features a credible threat of school closure, it helps to have an idealized theory of performance accountability in mind. Three components appear particularly important (Hassel & Herdman, 2000). First, an authorizer needs to establish *clear expectations of schools*. A second component is a *system of measurement* that reliably provides information about the extent to which a school has achieved the performance targets. A third requirement is a *decision-making process* through which an authorizer compares actual with expected results and uses the data to hand out rewards, offer assistance, or impose sanctions accordingly.⁴ Each of the three components – setting expectations, gathering information, and making decisions – poses unique challenges to charter authorizers. These challenges are discussed in the following subsections.

Setting expectations

Setting expectations requires answering a series of difficult questions. What standards will we ask *students* to meet? Whatever those standards are, how will we rate schools' success at helping students attain them? Will we look at the percentage of students at a school who achieve standards, or the progress or growth students make over a period of time? Aside from students' mastery of standards, what other expectations will we have of schools? To what extent will we let these expectations vary from school to school, reflecting schools' differing missions and purposes? Whatever our expectations, how good is "good enough"? Will we compare a school's performance to some external benchmark, or look at its performance relative to other schools? Will we factor in the advantages and disadvantages a school's student body brings to the schoolhouse?⁵

For authorizers, answering these questions can be particularly challenging given the high-stakes nature of charter school performance accountability. When setting expectations, for instance, authorizers must balance individual school missions alongside requirements for district or state alignment. This process, then, naturally brings to bear the opinions and requirements of various stakeholders or special interest groups on the types of expectations put in place. Consequently, the "right" answers to the above questions can be difficult for an authorizer to derive.

³ For discussions of charter schools' accountability to families, see Hill et al (2001) and Miron and Nelson (2002).

⁴ Even if enacted in their idealized form, these three elements would not be *sufficient* to guarantee a high-performing system of schools. In addition to these formal structures, of course, there also needs to be a *supply* of educational providers that possess – or can acquire – the *capacity* to meet the demands of the performance accountability system. Without such capacity, all of the incentives in the world will do nothing to change teaching and learning in classrooms (e.g. Elmore, 2002).

⁵ For more on the challenges of setting expectations, see Hassel and Herdman (2000). On the specific question of what outcomes are the most important targets for an accountability system, see Miron and Nelson (2002). For a discussion of these issues in the broader public education system, see Fuhrman (1999); Duffy (2001); Hunter & Brown (1999).

As a result of these challenges, observers of accountability systems for charter and other public schools see a number of shortcomings. First, statements of expectation tend to be vague, setting out general goals that amount to nothing more than platitudes (Wohlstetter & Griffin, 1998; Wells et al., 1998; Garn & Stout, 2000). Second, since performance expectations are difficult to set, what authorizers demand of schools tends to focus on compliance rather than results. Compliance expectations are relatively easy to spell out in a contract; and authorizers, especially existing school districts and state departments of education, have experience setting forth these types of requirements (Hill et al., 2001; Bulkley, 2001; Wells et al., 1998).⁶ Third, when contracts *do* contain clear performance expectations, these sometimes conflict with a school's own sense of what should count as success. For example, clear expectations may focus narrowly on reading and math achievement test scores, while a school community may construe its own mission and goals more broadly (Wells et al., 1998; Hassel & Vergari, 1999; Hassel, 1997). This conflict can create the sort of dissonance between external and internal accountability that worries many observers of school accountability (Abelmann et al., 1999). Finally, expectations may not be "realistically ambitious," or appropriate for a particular student population. The ideal set of expectations pushes schools to achieve at levels that are high but attainable. Without a careful expectation-setting process, however, goals can be set too high or too low.

Designing Systems of Measurement

Even with agreement on expectations, measurement creates another set of challenges. What sorts of assessments will provide reliable information about the extent to which students and schools are living up to expectations articulated in the charter? How much reliance should we place on standardized tests that are quantifiable and reliable, but typically narrow in their focus? If we step beyond standardized measures in an effort to broaden our understanding of school performance, can we feasibly create reliable, consistent assessments? Can the assessments be administered affordably and practically (Fuhrman, 1999; Hassel & Vergari, 1999; Hassel & Herdman, 2000)? Given a set of measuring tools, how can we analyze the results they yield in ways that generate appropriate inferences about schools' true performances, rather than random "noise" not related to real school quality (Kane, Staiger & Geppert, 2002)?

Making decisions

Even with clear expectations and valid and reliable measurements, authorizers are not necessarily in a position to make decisions based on comparisons of expectation and evidence for two reasons. First, authorizers often lack the resources or capacity to engage in the kinds of complex analysis required to complete such comparisons, especially for multiple schools (Hassel and Vergari, 1999; Fuhrman, 1999). Research on both charter and other public school accountability systems suggests that a great deal of the data gathered through such systems are

⁶ These findings resonate with a long strand of research that conceives of schools as "institutional organizations" (e.g. Meyer & Rowan, 1977, 1978; Weick, 1976) – defined more by their outward forms and rituals than by any standard "technical core." This literature suggests that schools' regulators will find it difficult to define in clear terms the outcomes they want schools to achieve, or to measure schools' results in any meaningful way. Since it is difficult to know truly whether schools are producing outcomes, it is natural for schools' regulators to rely on largely symbolic appraisals of schools' worth. Institutional theory suggests that if a school's surface appearance matches reasonably well regulators' ideas about what a school should be, then regulators are likely to be satisfied.

never used in decision-making (Garn & Stout, 2000; Bulkley, 2001; Duffy, 2001; Hunter & Brown, 1999).

Second, and more fundamentally, charter school authorizers are almost always political institutions, whether they are directly elected local or state boards of education, or whether other elected officials appoint them to their posts. A long line of research in political science suggests that such public agencies often find it difficult to make use of evidence-and expectation-based decision-making processes. Instead, public agencies are likely to weigh political considerations alongside performance evaluations in their decisions. As Hess (2001) elucidates, Olson's (1971) "logic of collective action" suggests that a particular school's stakeholders or proponents, with their very concentrated, intense interest in the school's survival and their ease of organizing, will tend to win out over those advocating a broader public interest in closing a bad school. The broader public's interest in non-renewal is likely to be less intense than that of school supporters and the broader public will have more difficulty organizing.

On the other hand, opponents of charter schools are often politically powerful groups to begin with, and having lost a battle over the charter law may seek to win the war through skirmishes in the politics of charter revocation and renewal. This possibility might arise in particular where authorizers are reluctant (e.g., those that are chartering schools only because of an appeal decision from a higher authority), or perhaps have granted a token charter or two to appease particular constituencies. These authorizers may unite with the anti-charter interest groups in using renewal or revocation decisions to get rid of unwanted or no-longer-wanted charters. In either case – a successful mobilization by a charter school to stave off non-renewal or by opponents to ensure non-renewal – political factors can undermine the objective expectation and evidenced based decision-making of performance accountability theory.

3. Research Questions

Though the literature has set forth the challenges of holding charter schools accountable eloquently, there has been little systematic empirical study of how performance accountability plays out in practice. In 2003, the Thomas B. Fordham Institute released a state-by-state "report card" on charter school authorizing, giving each state letter grades in a series of categories based on a survey of knowledgeable respondents in each state (Palmer and Gau, 2003). While this study does shed some empirical light on an otherwise theoretical debate, it stops short of analyzing in any direct fashion what really happens when authorizers are called to hold charter schools accountable.

To gain some empirical insight on these issues, this study examines 50 cases of high-stakes charter school *decisions*. The decisions are instances in which charter school authorizers have had to decide whether to renew, not renew, or revoke schools' charters. The study uses these case studies to answer the following research questions:

1. To what extent are authorizers setting clear, measurable expectations that charter schools must meet in order to attain renewal or avoid revocation?
2. To what extent are authorizers gathering information that allows them to determine whether schools are meeting these expectations?

3. To what extent are authorizers making decisions based on a comparison of actual performance with expectations?
4. To the extent that authorizers are facing challenges related to questions 1 through 3, what are the sources of these challenges?
5. What practical recommendations emerge from these findings for authorizers and state policy-makers?

4. Data and Methods

Case selection

The first step in implementing our research design was creating a database of all charter school decisions. This database is national in scope and includes any decision in which an authorizer makes a final determination on the status of a charter. These authorizer decisions fall into three categories: renewals, nonrenewals, and revocations. In a “renewal,” the charter authorizer agrees to extend the school’s charter for another period of time. In a “nonrenewal,” an authorizer refuses to extend the charter, and the school ceases to be a charter school at the end of its term. In a “revocation,” the charter authorizer rescinds the charter prior to the end of its term.⁷

Table 1 shows the distribution of cases by decision-type and authorizer-type as of Fall 2001.⁸ Of the 506 decisions, 84% were renewals, 12% revocations, and the remainder non-renewals. Most of the decisions to date have been made by local school boards (70%). This result is not surprising given that local school boards constitute the lion’s share of charter authorizers nationwide. For instance, local school boards are the only or primary authorizers in California, Colorado, and Florida, which have large numbers of charter schools that have reached the end of their initial charter terms. State boards of education are the next most common type of authorizer, making up about a quarter of decisions. University decisions contribute the remaining 7%.⁹

⁷ As Alex Medler has pointed out, there should also be a fourth category called “non-revocations” – cases in which an authorizer considered revoking a charter, but decided not to. However, these non-decisions are virtually impossible for researchers to track since they do not result in any authoritative pronouncement by the charter authorizer. Hence, we focus in this study on the three types of decisions that yield authoritative, verifiable pronouncements. We have also chosen not to focus on cases in which a school “surrenders” its charter. Though many charter school boards that have surrendered charters may have done so under pressure from an authorizer or as a result of political influences on the situation, these are still cases where, technically, a school has initiated the action of closure and therefore, not under the definition of authorizer-initiated decisions.

⁸ Since the fall of 2001, the population of decisions has continued to grow and change as new decisions are reported or changes are made to a previously identified decision’s status. The tables reported here reflect the original numbers and types of decisions, from which we made the initial case study selections.

⁹ Other kinds of charter authorizers are not represented because few had made these sorts of decisions as of Fall 2001. The nation’s two specialized charter authorizers – the Arizona State Board for Charter Schools and the District of Columbia Public Charter School Board – issue charters with terms of 10 or more years, and thus none of their schools had reached the point of renewal by this time. Likewise, charters issued by the Mayor of Indianapolis, the Common Council of Milwaukee, or the various nonprofit authorizers had not yet reached the point of renewal.

Table 1. Decision Population by Authorizer-Type and Decision-Type

| Decision Type | Local School Board decisions | State Board of Education decisions | University decisions | Totals by decision-type | % by decision-type |
|-------------------------------|------------------------------|------------------------------------|----------------------|-------------------------|--------------------|
| Renewal | 304 | 91 | 29 | 424 | 84 |
| Revocation | 32 | 24 | 3 | 59 | 12 |
| Nonrenewal | 15 | 5 | 3 | 23 | 5 |
| Total by authorizer-type | 351 | 120 | 35 | 506 | |
| % of total by authorizer-type | 69 | 24 | 7 | | |

From this population, we randomly selected 50 cases. These cases reflect the mix of authorizer types and decision-types in the population. We over-sampled nonrenewals and revocations slightly to ensure that we had a sufficient number of these decisions in our sample to conduct analysis. In many of the analyses that follow, the data are weighted in order to account for this over-sampling. Table 2 gives an overview of the 50 cases considered in this paper according to authorizer-type and decision-type.

Table 2. Overview of 50 Cases by Authorizer-type and Decision-type

| Decision-type | Authorizer-type | Number of cases |
|---------------|--------------------------|-----------------|
| Nonrenewal | Local school board | 6 |
| | State board of education | 1 |
| | University | 1 |
| Renewal | Local school board | 24 |
| | State board of education | 6 |
| | University | 4 |
| Revocation | Local school board | 4 |
| | State board of education | 0 |
| | University | 0 |

Each initially selected case study was paired with two alternates, maintaining the original selection criteria along with a balance of states and districts represented. When the need for case-study substitutions arose, alternates replaced original selections. When a replacement was needed for the last of the two alternates, selection was determined by moving down the randomly sorted database list from which the original case study had been selected to the next appropriate case study fitting the authorizer-type and decision-type needed. Of the 50 initially selected cases, eight were replaced when we learned they were misclassified in our initial compilation of the decision database. Of the new set of fifty, twenty were replaced with pre-selected alternates.

The majority of substitutions were made for cases in which we were unable to locate an authorizer with knowledge of the particular decision-making process. In these instances, staff or

board members who were involved in the decisions were no longer present in the agencies. Since an interview with a knowledgeable authorizer was so critical to our research design, we dropped these cases. Since staff and board members leave their posts for many reasons, we do not believe these substitutions introduce any non-response bias into the analysis. The remainder of substitutions arose because we were unable to obtain the cooperation of authorizers for the following reasons: (1) A lack of time to commit to the required lengthy interview and document-gathering process (five cases); (2) The complete lack of response from the authorizer (two cases), and; (3) An unwillingness to discuss cases that ended in revocation or nonrenewal of charters (two cases) because of concerns about ongoing litigation related to such cases. It is possible that substituting for these cases, especially the third category, introduces non-response bias into our findings because cases that authorizers refuse to talk about may differ from other cases. However, it is impossible to say what kind of bias would result from such omissions. Table 3 gives an overview of the reasons for substitutions by category.

Table 3. Reasons for Case Study Substitutions by Category

| Reason for substitution | # of substitutions by category |
|--|---------------------------------------|
| Unable to locate a knowledgeable individual at authorizing agency | 11 |
| Authorizers unwilling to participate due to time constraints | 5 |
| Authorizer unwilling to participate due to concerns about litigation or other issues | 2 |
| No response from authorizer | 2 |

Data-gathering methods

For each case study we identified two core respondents: an authorizer and a school official. If possible, we also selected a third party with knowledge of the decision. Interview protocols were created for each set of interviewees with some questions specific to each individual protocol and some sets of questions common to all three. Questions ranged from background information on the chartering institution to specific decision-making criteria used in the accountability process. Some interview questions required respondents to make selections from lists of allowable answers; others allowed more open-ended responses.¹⁰

In addition to conducting interviews, researchers reviewed written documentation of each decision-making process. Examples of the documents we reviewed included original charter applications, renewal applications, charters or contracts, authorizer-created policies on decision-making processes, formal findings on decisions, and related media stories.

Descriptive Information about the Cases

Authorizers: The sample includes decisions made by three types of authorizers: local boards of education, state boards of education, and university boards of trustees. Local school board decisions composed 68% of our case studies; state board of education decisions made up

¹⁰ Interview protocols are available from the authors upon request.

22% of cases; and 10% of cases came from university decisions. These authorizers represented 21 states with charter laws. The states are listed in Table 4 with the number of cases from each state.

Table 4. Number of Cases per State

| State | # Cases | State | # Cases | State | # Cases |
|--------------|---------|----------------|---------|----------------|---------|
| Florida | 6 | Kansas | 2 | Idaho | 1 |
| Michigan | 6 | New Jersey | 2 | Connecticut | 1 |
| Minnesota | 5 | North Carolina | 2 | Louisiana | 1 |
| Pennsylvania | 3 | Alaska | 2 | Massachusetts | 1 |
| Wisconsin | 3 | Delaware | 2 | Georgia | 1 |
| California | 3 | Illinois | 2 | South Carolina | 1 |
| Colorado | 3 | Oklahoma | 2 | Texas | 1 |

Most charter school authorizers are boards of one type or another, and the method used for selecting these board members varies from authorizer to authorizer. As Table 5 below illustrates, a majority of authorizer boards in our studies were chosen by an electoral process, with 83% reported as elected officials. This number reflects the high number of cases with authorization by local school boards, which are elected bodies in all but one of the cases under study. The remaining authorizers were boards appointed by a Governor or, in one case, by a mayor. The significant number of elected bodies functioning as authorizing officials is a topic discussed further below. Authorizer responses regarding how their board members were chosen are summarized in Table 5.

Table 5. How Authorizers’ Boards Were Selected

| Process | % of authorizers reporting process used |
|-----------------------|---|
| Elected | 83 |
| Appointed by Governor | 16 |
| Appointed by Mayor | 1 |

Authorizers varied in the number of staff employed for charter school oversight purposes. At the time decisions were made, nearly four in ten authorizers reported having no staff employed for charter school oversight alone. These agencies, typically school districts, drew on various staff in the office to carry out charter schools responsibilities. About two in ten had four or more staff devoted to charter schools, with the largest office reporting a total of nineteen full-time equivalent staff. Table 6 indicates the number of oversight staff employed by the authorizer at the time of the decision along with the frequency of the number reported.

Table 6. Oversight Staff Employed by Authorizers at Time of Decision

| # of employees | Frequency reported | % of authorizers reporting |
|--|--------------------|----------------------------|
| Staff of “0” charter employees | 19 | 38 |
| Staff of more than “0” and up to “3” charter employees | 19 | 38 |
| Staff of “3” or more charter employees | 12 | 24 |

Authorizers in this study reported a variety of ways in which their agencies receive funding to conduct oversight. The most commonly reported response by authorizers (42%) was a system of *no funding* at all. For agencies that did report a funding mechanism, 37% said they received a percentage of school revenues based on formulas established in their states. A significant minority of authorizers reported receiving funding via “other” avenues, such as receiving a portion of federal charter school grant dollars, while 15% of authorizers reported charging schools a fee for services. Only 12% of authorizers reported receiving any kind of legislative appropriation, and the least commonly reported funding vehicle for authorizer oversight was receiving allocations from another agency’s budget. Table 7 summarizes how authorizer’s described their funding mechanisms at the time of interviews.

Table 7. Funding Sources for Authorizer Oversight Responsibilities

| Type of Funding | % of authorizers reporting “yes” | % of authorizers reporting “no” |
|---|---|--|
| Percentage of school revenues | 37 | 63 |
| Legislative appropriation | 12 | 88 |
| Allocation from another agency’s budget | 9 | 91 |
| Fee for services | 15 | 85 |
| Other | 18 | 82 |
| No funding | 42 | 58 |

Schools: School official responses are represented in 74%, or 37, of the 50 case studies described in this paper. We asked school officials questions about the origins or founding organizations of their charter schools along with specifics about the types of schools that were created or converted. As the responses in Table 8 below indicate, a diverse spectrum of groups or organizations founded the charter schools in this study. In many cases school officials reported a combination of founding groups.

The majority of charter schools in this study are start-up schools (69%), with over half of schools started by community members and parents. Close to a third of schools are charter schools which converted from a formerly existing private or public school. School officials from conversion charter schools often indicated that parents, community members, or teachers played a vital role in their school’s conversion to charter status.

Table 8. Types of Groups Founding Charter Schools

| Group-type | % of respondents saying “yes” |
|-------------------------|--------------------------------------|
| Community Members | 59 |
| Parents | 55 |
| Other | 40 |
| Teachers | 47 |
| Existing Public School | 19 |
| Existing Private School | 12 |

Percentages add to more than 100% because respondents could indicate more than one response.

We were also interested in learning about the kinds of charter schools being created or converted by these founding groups. Exactly half of schools in this study serve a combination of schooling levels (elementary and middle, middle and high school or all three.) Twenty-two serve an elementary population, 14 serve only high school students, and 14 serve middle school students only. By charter school standards, the sizes of schools in our study range from very small to large. At the time of the decision, the average school enrollment was 157 students, with the smallest school enrollment at 10 and the largest enrollment at 610.

5. Structure of the Presentation of Findings

Section 6 examines our findings about the three major pillars of an accountability system we defined earlier: setting expectations for students to meet, gathering information on assessments used to measure student success at meeting expectations, and a decision making process by which authorizers compare the results of measurements against agreed upon sets of expectations. With regard to each pillar, we first explore the responses of schools and authorizers to questions regarding the processes relevant to their accountability system. We then report the research team’s judgments, based on all the available evidence, about the degree to which each case lived up to the pillar’s “ideal.” We then explore particular challenges that influence various authorizer policies and processes related to high-stakes decision-making.

Section 7 probes for crosscutting themes or factors that appear to underlie the challenges that authorizers have faced. Among other issues, we explore the importance of authorizer-type (local vs. state vs. university) and the level of staff capacity in the authorizing agency as critical factors. Section 8 concludes the paper with a discussion of recommendations regarding high-stakes accountability for state policymakers and charter authorizers.

6. Findings

Setting Expectations

In order to assess the extent to which authorizers are setting clear, measurable expectations that charter schools must meet in order to attain renewal or avoid revocation,¹¹ we asked authorizers and schools a series of questions about the expectation-setting process and the nature of expectations. We also reviewed formal statements of expectations outlined in the “charters” or “contracts” between authorizers and charter school boards.

First we asked authorizer and school officials *how* they arrived at the expectations schools would have to meet in order to obtain renewal or avoid revocation. Table 9 displays percentages of authorizers and school officials indicating that each type of process was used.

¹¹ We use the terms “expectations” and “goals” to mean the levels of performance *schools* had to meet in order to obtain renewal or avoid revocation. We use the terms “standards” to mean the levels of performance *students* attending charter schools had to meet.

Table 9. Process by Which School Expectations Were Set

| Process | % of authorizers saying process was used | % of school officials saying process was used |
|---|---|--|
| Goals proposed by school and accepted fully | 69 | 78 |
| Goals mandated by state law | 22 | 6 |
| Goals were proposed by school and accepted with modifications | 21 | 13 |
| Goals were proposed by school and negotiated after charter approval | 9 | 9 |
| Goals set by “other” process | 13 | 6 |
| Goals set by authorizer | 6 | 7 |

Percentages add to more than 100% because respondents could indicate more than one response.

By far the most common approach was for authorizers to accept, without modification, expectations proposed by the schools in their charter applications. Nearly seven in ten authorizers reported this approach, and nearly eight out of ten schools reported this was how goals were set. It was much less common for authorizers to report modifying schools’ proposed goals – either prior to issuing a charter (21%) or afterward (9%). A significant minority of authorizers (22%) reported that expectations were mandated by state law – a reflection of charter schools’ inclusion in many state accountability systems.

We then asked both authorizers and school officials about the *types* of expectations schools had to meet in order to obtain renewal or avoid revocation. Table 10 summarizes the results.

Table 10. Types of Goals Schools Needed to Meet to Obtain Renewal or Avoid Revocation

| Types of goals for external accountability | % of authorizers saying goals were set | % of school officials saying goals were set |
|---|---|--|
| Goals specific to school’s mission | 94 | 86 |
| Other student learning goals | 74 | 74 |
| Goals for school-wide improved performance on standardized tests | 68 | 68 |
| Goals for absolute performance on standardized tests | 67 | 56 |
| Goals apart from student learning | 67 | 88 |
| Goals in common subjects | 48 | 52 |
| Goals that applied to all authorized schools | 44 | 30 |
| Goals for individual achievement gains on standardized tests | 39 | 39 |
| Goals for performance relative to other schools on standardized tests | 25 | 24 |
| Goals beyond core subjects | 20 | 40 |

Percentages add to more than 100% because respondents could indicate more than one response.

Authorizers and school officials were close to agreement on many types of expectations set for schools. High percentages of authorizers (94%) and school officials (86%) reported that goals specific to the school’s mission had to be met to obtain renewal. Large percentages of both groups also reported goals for achievement on standardized assessments. Both groups identified

“goals for school-wide improved performance” as the most common expectation related to standardized tests. Authorizers were more likely to report “goals for absolute performance” on such tests (67%), compared to 56% of schools reporting this kind of expectation.

Finally, we looked at the expectations set for *students* in a series of questions regarding the sources of standards for the schools’ students. Table 11 shows both authorizers (92%) and school officials (97%) reporting state standards as the most commonly required type of standard. But a majority of both authorizers and schools reported that schools also went beyond state standards and set unique learning standards for their students. District standards were also important in many cases, and a significant minority of schools used the standards of outside organizations, such as Core Knowledge, as well.

Table 11. Types of Standards Set for Students in Charter Schools

| Standards | % of authorizers reporting standard was used | % of school officials reporting standard was used |
|--------------------------------------|--|---|
| State standards | 92 | 97 |
| Unique standards developed by school | 53 | 61 |
| District standards | 35 | 32 |
| Outside organization standards | 20 | 17 |

Percentages add to more than 100% because respondents could indicate more than one response.

These patterns, represented in Tables 9 -11, suggest a few basic observations about the process and content of expectations for chartered schools. First, expectations generally take into account schools’ unique missions. Goals specific to the school’s mission were the most common type of school goals reported. School-specific student standards, though less common than ubiquitous state standards, were also common. And in a large majority of cases, expectations were proposed by schools and accepted by authorizers, often without modification. All of these facts suggest that, in most of these cases, expectations were well-connected to schools’ own internal senses of accountability. The literature on accountability suggests that this kind of alignment is important to the success of school measurement and accountability (Abelmann, et al., 1999; Newman, King & Rigdon, 1997). In general, authorizers are not imposing one-size-fits-all, external accountability systems on schools.

Second, expectations for chartered schools are typically diverse in nature. Most often authorizers are not using a single test score or narrow set of scores as the sole yardsticks by which they plan to judge the performance of chartered schools. Instead, most apply a broader set of expectations that encompass absolute levels of performance on standardized tests, improvement in test scores, other measures of student learning, and non-academic goals. Authorizers generally invoke state standards, but they also allow schools to use other standards they set themselves or adopt from outside organizations. Whether all of these measures actually inform authorizers’ decisions is a separate issue, one that we address later in the paper. Regardless, authorizers, at least in their formal statements of expectations, are using multiple measures to evaluate charter school progress towards contracted goals.

In the end, though, how clear and measurable are the expectations authorizers set for schools? Are they adequate to form the basis for high-stakes decisions about charter renewal and

revocation? The research team considered all of the available evidence on each of the 50 cases in order to arrive at a judgment about the clarity of the expectations. Using a set of criteria outlined in the rubric in Appendix A, case reviewers placed each case into one of three categories based on a series of indicators to determine the quality of expectations:

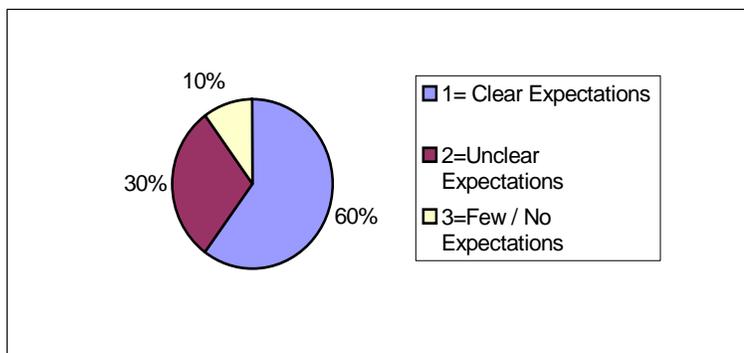
- (1) = Clear, agreed upon expectations were in place at time of the decision
- (2) = Expectations were in place, but authorizer and/or school was unclear on how or which expectations would be used or how they would be measured
- (3) = Few or no clear expectations were in place at the time of the decision

Two reviewer scores were then averaged for each of the 50 cases. The percentages reflected in the discussions, tables, and figures below were calculated using the average scores for each case. Reviewer scores for the process of setting expectations are combined into the following categories:

- (1) = cases with an average score of “1” or “1.5”;
- (2) = cases with an average score of “2” or “2.5”;
- (3) = cases with an average score of “3.”

Figure 1 displays the percentage of cases that fell into these three categories. Based on an average of reviewer scores, we determined that 30 (60%) of the 50 cases had clear standards in place; 15 (30%) of cases had expectations in place but schools and/or authorizers were unclear of how they would be used or which expectations would be used in decision-making; and 5 (10%) of cases had few or no clear expectations in place at the time the decision was made.

Figure 1. Judgments on the Process of Setting Expectations



A Delaware case typified category (1) schools. This case was a model example of effective authorizing in viewing the charter agreement as a “living” document. After new leadership was secured at the school level, the authorizer and school governing board revised the school’s expectations to be more narrowly defined and applicable to the school’s student population. As discussed earlier in the overview of the expectations process, it is important for both authorizers and charter schools to remain flexible and ready to modify expectations to render successful goals for a changing student body. A common occurrence in the early years of charter school operations is a changing student enrollment. Oftentimes charters plan for the enrollment of a target type of student body and then the students who actually enroll compose a different demographic. Authorizers or schools that insist on an unreasonable set of expectations in this type of changing student environment are setting up a system of possible failure for the

school, and more significantly, for the students. This latter scenario is exactly what occurred for one Florida school, which will be reviewed later in our discussion of judgments concerning the decision process.

We reviewed several documents pertaining to the Delaware school's goals and progress towards those goals. Documents included a review of the initial three-year performance agreement, the application for a five-year renewal, and the Accountability Committee's evaluation of the school's progress. The documents show clearly defined goals and expectations. Several examples are as follows: goals for specific annual increases in the school average performance on the state assessment and an additional school selected assessment, targeted attendance and graduation rates for each year of operation, a target percentage of annual returning students with a waiting list by the third year, and a required parent satisfaction level by the third year of operation. Under "Primary Objectives," for example, "Achievement Target One" says that by the end of the third year, the school average on state assessments will be comparable, within 0.5 of a standard deviation, to the state average for each subject in each grade assessed.

A good example of a case we placed in category (2) is a Minnesota charter school. This school's charter contract contains a long list of goals for "empowering students" in "academic, emotional, physical, and personal potential." The agreement states that the school's mission and staff will be dedicated to accomplishing these goals via community participation. However, the agreement does not state specific goals or measurable outcomes. For example, the agreement states that content outcomes "*will* be developed by the staff, parents, and community....using outcomes detailed in the Department of Education Rules Relating to Education."

From conversations with school leaders and our review of documents, it was evident that the school had defined a more rigorous system of internal accountability. After a change in school leadership, the new administration was actively engaged in creating an internal structure of accountability through changes in subject area curriculum and adopting grade level content outcomes in conjunction with faculty and parents, and implementing strong internal evaluation measures. Nevertheless, the lack of clear and transparent expectations set by the authorizer made preparations for renewal difficult for the school. Changes in the administration of the authorizing agency brought new accountability initiatives after years of little or no oversight. With a fairly weak charter contract in place and stronger internal school controls over accountability, the school was left unsure about the kinds of progress information that would be evaluated and the standards to which they would be held.

Finally, a Florida school illustrates category (3). In this situation, both school officials and the authorizer were in agreement that few formal expectations were in place at the time of the decision. The authorizer's decision to grant the school's request for an early renewal was made based on "trust" and "good feelings." Although school leaders did an adequate job maintaining internal academic expectations and administering the required Sunshine State Standards, without explicit expectations for growth, it was difficult to assess progress. The school and its authorizer had plans to formalize this process in the near future, but not in time for the high-stakes decision.

As Figure 1 shows, there were 20 cases in all that did not rate a (1) in the eyes of the research team. We looked more closely at these 20 cases to determine what challenges prevented these authorizers and schools from coming to clear, agreed-upon expectations. Cases that lacked sound processes for setting expectations generally fell into one of four "complication" categories, with several cases being marred by multiple problems in this phase of the process.

The four main reasons for lapses in goal setting were: (1) Sheer neglect on the part of the authorizer; (2) Political influence on the process; (3) Disagreement between school and authorizer; and (4) Technical difficulties.

Sheer Neglect. The most common story (in 11 of the 20 cases) was sheer neglect on the part of authorizers. In these cases, the authorizer did not develop policies or procedures related to expectation-setting. In these cases, there was simply no process in place through which authorizers and schools could discuss, negotiate, and ultimately agree upon a clear set of expectations. Instead, schools operated for the greater part of their terms without any official, meaningful performance targets.

Political Influence. In six cases there was evidence of more explicit discussion of expectations, but political influence – whether on the part of the authorizer or by the school itself influenced the kinds of expectations that were set or in determining how these expectations would or would not be used in the decision process. In two cases schools were able to wield political power in the approval process due to their relationships with members of authorizing boards or perceived clout in the community. They were able to “win” a set of expectations that matched their own missions even though the expectations did not reflect the authorizers’ ideas about what constitutes success. In four other cases, however, the relative power of the authorizing agencies allowed agency agendas to override the mission and goals of the schools they authorized. In two Florida cases, for example, political differences fueled a rocky relationship between school and authorizer, culminating in a “reinterpretation” of performance expectations by the authorizing agency in order to justify final decisions on charter status.

Disagreement. In four cases, authorizers and schools had different understandings of the specific expectations schools would be expected to meet. For example, a Minnesota school believed the authorizer would consider a wide range of factors, named in the contract, in deciding the school’s future. The authorizer, on the other hand, regarded achievement on standardized tests as the primary criterion for renewal.

Technical Difficulties. In three cases technical challenges bedeviled efforts to set agreed-upon expectations. In two cases the schools involved served severely at-risk students, such as those recommended by juvenile courts or victims of abuse. The populations are highly transitory, with many students coming and going during the school year. Setting clear sets of expectations for academic performance in such environments is highly difficult. In the third case, technical difficulties arose due to district-wide changes in the charter contract as the whole district restructured as a charter district, resulting in an early renewal for all schools.

Though all 20 cases exhibited problems with expectation-setting, the majority of cases (30) approached high-stakes decisions with a clear understanding of the performance targets the schools needed to meet in order to obtain renewal or avoid revocation. And only five of the above 20 cases were given a rating of “3” on expectations. Therefore, 15 cases fell somewhere in the middle-ground

Gathering Information

To assess the extent to which authorizers are gathering information that allows them to determine whether schools are meeting expectations, we asked schools and authorizers what kinds of information authorizers gathered as part of their decision-making process. Table 12 shows the percentage of authorizers and schools indicating that certain types of information were gathered.

Table 12. How Information was Gathered to Determine Whether or Not Schools are Meeting Goals.

| Method of information gathering | % of authorizers reporting used | % of school officials reporting used |
|--|--|---|
| School self-reports | 90 | 97 |
| Standardized test data | 87 | 100 |
| Other student performance data | 14 | 59 |
| Site visits by staff | 81 | 72 |
| Site visit by contractor | 18 | 15 |
| Site visits by other parties | 15 | 41 |
| Survey of parents or others conducted by the school | 36 | 77 |
| Survey of parents or others conducted by authorizer or 3 rd party | 13 | 25 |
| Other | 14 | 10 |

Percentages add to more than 100% because respondents could indicate more than one response.

“School self-reports” and “standardized test data” were the most commonly reported forms of data-gathering used to measure success. However, the perceptions of authorizers and schools on other types of data actually used in forming decisions varied considerably. Over three-quarters of schools thought their own parent surveys were part of the information gathering process, but only 36% of authorizers agreed. Nearly six out of ten schools believed that “other student performance data” (other than standardized tests) were used in measuring a school’s success towards meeting established goals, whereas only 14% of authorizers reported this was actually the case. Forty-one percent of schools reported that findings from “site visits by other parties” were factored in to the decision process yet only 15% of authorizers said this was the case. Visits by “other parties” included visits by accreditation organizations, visits from staff of a particular design model such as Core Knowledge, visits from state or district department representatives not involved as authorizers, or technical resource centers. Disagreement between authorizers and charter school officials is addressed in Section 7.

Since tests are so widely used in school accountability, we asked both groups about the types of assessments used to evaluate school performance. Assessment choices ranged from required assessments chosen by the state or district to school selected or school created assessments. Table 13 shows a breakdown of these responses.

Table 13. Types of Assessments Used to Evaluate Charter Schools

| Assessment | % of authorizers reporting used | % of school officials reporting used |
|---|--|---|
| State mandated criterion-referenced | 76 | 61 |
| State mandated norm-referenced | 38 | 34 |
| Performance-based selected by school | 28 | 44 |
| Norm-referenced selected by school | 22 | 35 |
| Unique assessment developed by school | 20 | 35 |
| District mandated norm-referenced | 7 | 9 |
| Other | 7 | 22 |
| District mandated criterion-referenced | 5 | 4 |
| Criterion-referenced selected by school | 3 | 9 |

Percentages add to more than 100% because respondents could indicate more than one response

Authorizers (76%) and school officials (61%) both identified the use of state-mandated criterion referenced tests as the most common means to evaluate charter schools. But school officials consistently reported higher frequencies of school-selected assessments than did authorizers. Forty-four percent of schools reported using school-selected performance-based assessments, whereas only 28% of authorizers said this was the case. Similar discrepancies can be seen in data reported by schools regarding school-selected norm-referenced tests and unique assessments developed by schools. In these two instances schools were more likely to report their use than were authorizers by 13 –15 percentage points.

To document the kinds of comparisons authorizers are making using the assessments described above, we asked authorizers about the types of schools they used to make performance comparisons. Responses are summarized in Table 14.

Table 14. Types of Schools Used in Making Performance Comparisons

| Type of comparison | % of authorizers reporting use |
|-----------------------------------|---------------------------------------|
| Schools with similar demographics | 40 |
| No comparisons made | 22 |
| All district Schools | 15 |
| All schools statewide | 11 |
| Combination of comparison models | 9 |

The most common criteria used to select comparison schools was “demographics.” A smattering of authorizers made comparisons to all district schools, all schools statewide, or some other group of schools. A significant minority – one in five – did not make any external comparisons.

Finally, we asked respondents what steps authorizers used to inform their decision-making process. Table 15 summarizes authorizer and school official responses.

Table 15. Steps in the Decision-Making Process

| Steps in the Process | % of authorizers reporting used | % of school officials reporting used |
|--|--|---|
| Review of school’s written record | 92 | 83 |
| Evaluative site visit | 64 | 67 |
| Site visits made periodically | 85 | 62 |
| School submitted renewal application ¹² | 56 | 56 |
| Interviews with school staff | 49 | 49 |
| Public hearing | 40 | 38 |
| Interviews with parents | 37 | Not collected |
| Interviews with board members | 39 | Not collected |
| Surveys | 25 | 36 |
| Authorizer prepared written report on information gathered | 60 | Not collected |

Percentages add to more than 100% because respondents could indicate more than one response.

Echoing the results from Table 13, review of schools’ written records was the most common type of step taken, according to both authorizers and school officials. Majorities of both groups also reported “evaluative site visits” and “periodic” site visits as steps in the process. Authorizers were substantially more likely to cite the more frequent periodic type of site visit than were schools. About half of both groups reported that authorizers reviewed renewal applications submitted by schools and conducted interviews with school staff as part of the information-gathering effort. Public hearings and surveys were used but less frequently than other methods.

Authorizers varied in the extent to which they relied on outside evaluators to carry out these steps. Almost seven out of the ten evaluations discussed in Table 15 were considered “internal,” or done by authorizing agency staff alone. About 30% of authorizers said evaluations included both agency and non-agency evaluators, and 3% reported that evaluations were completed solely by an external group.

To what extent did all of this data-gathering activity yield the information authorizers needed to make high-stakes decisions? The research team evaluated each of the 50 cases on the extent to which the authorizer gathered the information needed to determine whether the school had met its expectations or not. Using the scoring rubric in Appendix A, we sorted the cases into three main categories:

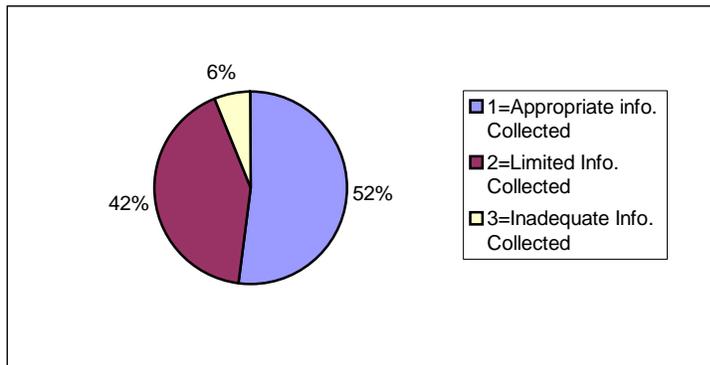
- 1) Authorizers collected the appropriate kinds of information to make a high-stakes decision.
- 2) The authorizer gathered limited information to make a high-stakes decision.
- 3) The authorizer gathered inadequate or inappropriate information to make a high-stakes decision.

Consistent with the scoring process described for the process of setting expectations, we averaged two reviewer scores for each case. The discussion and analysis of the research team’s judgments are based on the scorers’ averages and presented in the data below in the following breakdowns: (1) = cases with an average score of “1” or “1.5”; (2) = cases with an average score of “2” or “2.5”; (3) = cases with an average score of “3.”

Figure 2 illustrates our judgments on the process of information gathering in all 50 cases.

¹² Cases figured into this statistic reflect only schools that went through a renewal process.

Figure 2. Judgments Made on the Process of Gathering Information



We determined that authorizers in just over half of the cases under study (52%) had gathered the appropriate kinds of information to make a high-stakes decision. These category (1) schools are cases where authorizers used measurements aligned with agreed upon expectations. One Michigan authorizer, for example, used a yearly school self-analysis and external review process to maintain an on-going information gathering system that provides detailed information about the growth of student and school progress.

In the 24 other cases we placed in categories (2) and (3), we deemed the quality of information-gathering to be limited or insufficient for the purposes of making high-stakes decisions. What went wrong in these cases? Of the 24 cases that fell in to categories (2) and (3), we found that difficulties surrounding the processes of gathering information centered on four recurring problems: (1) The authorizer had no system in place to guide the collection of information about set expectations; (2) The authorizer gathered information selectively or collected partial information. (3) There were political influences on the process or kinds of information collected; and (4) Authorizers perceived the information gathering process to be irrelevant to the decision at hand.

Lack of Policies & Procedures. As with expectation-setting, the culprit was often simply a lack of policies and procedures. In 12 of the 24 cases, authorizers simply did not have coherent systems in place to gather the data they would need to make decisions. When decision-time came around, they found themselves without the information in hand to judge success. For one state board of education authorizer, for example, a school ran into financial problems and became the state's first potential revocation. However, the state had no system in place to determine the school's status. What resulted was an ad hoc information-gathering process marked by a lack of clarity that led to years of court battles over the correctness of the state's ultimate decision to revoke. In the case of one district authorizer, the district simply had no information gathering systems in place. The authorizer found out about the school's problems only when the state intervened by withholding the school's special education funds due to compliance issues.

Insufficient Collection or Selective Use. In six cases, authorizers had procedures in place, but they were narrowly focused on a small range of indicators, rather than the full set of expectations set for the school. In three of these cases, the authorizer narrowly focused on easily available standardized test data, rather than the broader set of mission-specific expectations in

the school's charter. In the same three cases, the schools' charters were renewed. However, the information-gathering process fell short of the ideal matching of expectations and data.

In the three other cases, authorizers used information selectively to generate the desired outcome. In one Wisconsin case for example, the authorizer selected one component of enrollment data and used this as the basis for a contentious renewal.

Political Influence. In six cases, we documented evidence of political forces influencing the information-gathering process. In four of the cases, the district authorizer appeared intent on revoking or not renewing the school's charter. These districts gathered only information they thought would justify the negative decision (some of these cases overlap with the above category charging partial use of information.) For example, one district hired a private investigator to dig up unfavorable information about the school that had little to do with school performance or student achievement, which state officials described to our researcher as very good. On the basis of the information, the district revoked the charter. In another case, a third party review showed strong improvement in leadership, parent satisfaction and achievement. Nevertheless, the district built a case against the school by focusing on certain factors, such as disproportionate enrollment of African-American students, which cast the school in a negative light. This manipulation of information ultimately led to nonrenewal. In a third district, minutes from local school board meetings indicate a continual effort on the part of district officials to "catch" the charter school out-of-compliance on governance issues such as the number of charter school governing board members. The school's charter was revoked due to insufficient and inconsistent board membership.

Politics worked the other way, however, in one case. In this instance, the school's political clout in the community was strong, with a well-connected governing board. Although the school was barely entering its second year of operation and therefore had little performance information because of its infancy, it was able to spin this information into a grand scale picture of achievement in order to obtain an early renewal.

An Unnecessary Step. Finally, in three cases, authorizers appeared to have gathered little information because the charter renewals were essentially by-products of other processes (e.g. contract revisions) or were perceived as a "no brainer." In these instances, no one doubted that the schools were living up to or exceeding expectations. For two of these schools, charter renewal was a "bonus" in the process of receiving a new contract. In both cases, the district initiated a new contract in order to establish consistent policies among all their charter schools. In the third case, the rural district authorizer said that the initial oversight of the charter school was more intensive. As time went on and the school became more independent and successful, the oversight intensity dropped off. Therefore, at the school's last renewal, very little information was collected because it was deemed "unnecessary." All three schools in this category had sterling reputations in the community. As a result, authorizers did not feel compelled to gather extensive data on the schools' performance.

In summary, authorizers in this study, for the most part, used a diverse set of measurements to evaluate charter school progress towards established expectations. While reviewing the written records of schools was most common, authorizers also visited schools, interviewed various stakeholders, and conducted surveys. Many also hired outside organizations to assist in information gathering and evaluation.

All in all, however, information-gathering was more problematic for authorizers in these cases than was expectation-setting. In 24 cases, authorizers fell short of the ideal of gathering data that would shed light on the full range of expectations set for the school. In three of

these cases – the “no brainers” – perhaps this approach was less a shortcoming than a wise decision not to allocate limited resources to gathering information to reach a foregone conclusion. The other 21 cases, though, were marked either by a lack of policies and systems, by undue political influence on the information-gathering process, or insufficient use of information or collection of partial information.

Making Decisions

Expectation-setting and information-gathering culminate in an actual high-stakes decision to renew, not renew or revoke a charter. To document the extent to which authorizers made decisions based on a comparison of actual performance with expectations, we examined what kinds of factors proved decisive when authorizers rendered their judgments. Prior to examining this question, a prefatory note is necessary. Many of the questions we asked regarding the decision-making process required school officials to make judgments about the quality of the process used by the authorizer. It is reasonable to expect that schools whose charters were not renewed or revoked would have more negative impressions of the process than schools whose charters were renewed. In an effort to isolate potential bias on the part of certain charter officials, when appropriate we break out renewed schools’ answers from non-renewed or revoked schools’ answers.

Since these decisions were “high-stakes,” and since decision-makers are typically political or quasi-political bodies, it is reasonable to expect that schools (and those that support and oppose them) would have mobilized politically in order to influence the decisions. We asked authorizers and schools a series of questions about the degree of such mobilization, and the results are displayed separately for renewals and nonrenewals/revocations in Tables 16 and 17. As the tables show, advocacy was much more common in nonrenewal and revocation cases.

Table 16. Incidence of Advocacy in Renewal Cases

| Type of advocacy | % of authorizers reporting “yes” from renewals | % of school officials reporting “yes” from renewals |
|--|---|--|
| Received contact in support of or opposition to decision | 24 | 23 |
| School lobbied for positive decision | 27 | 13 |

In renewal cases, a minority of respondents recall significant advocacy for or against renewal. About a quarter of both authorizers and schools reported that authorizers received contact in support of or in opposition to a decision, but authorizers were more than twice as likely (27% vs. 13%) to report that renewed schools had lobbied for a positive decision. Of the 24% of authorizers that said they received contact, 37% reported that it did have an effect on their assessment. But only 19% said lobbying efforts had an influence on the final outcome. Among school respondents, 27% thought that contact had an effect on the decision, and just 13% thought their lobbying had an effect. Relatively small percentages of authorizers (6%) and school officials (17%) reported significant media coverage of the renewal issue in advance of the decision.

In cases of nonrenewal and revocation, both authorizers and schools were much more likely to recall advocacy and media coverage. As Table 17 shows, fully 85% of authorizers said

they had received contact in support of or in opposition to the decision and 70% of school officials concurred. Nearly six in ten authorizers and seven in ten schools recalled that the school had lobbied actively against the nonrenewal or revocation decision.

Table 17. Incidence of Advocacy in Nonrenewal/Revocation Cases

| Type of Advocacy | % of authorizers reporting “yes” from nonrenewals/revocations | % of school officials reporting “yes” from nonrenewals/revocations |
|--|---|--|
| Received contact in support of or opposition to decision | 85 | 70 |
| School lobbied for positive decision | 58 | 70 |

As in the renewal cases, 37% of authorizers said the contact received on revocations or nonrenewals had an effect on the school’s assessment. Nonrenewed or revoked schools, however, were much more likely than renewed schools (50% vs. 27%) to believe contacts with the authorizer had an effect. Some charter school officials in these cases stated that authorizers’ contact with charter school opponents weakened the chance for the school’s survival. Media coverage was also more common in these closure cases. Sixty-six percent of authorizers and 60% of school officials recall significant media coverage in advance of the decision.

We also asked respondents to select from a long list the factors that were “very important” or “somewhat important” to the authorizer’s final decision. Responses are charted below in Figure 3 for renewals and Figure 4 for nonrenewals and revocations.

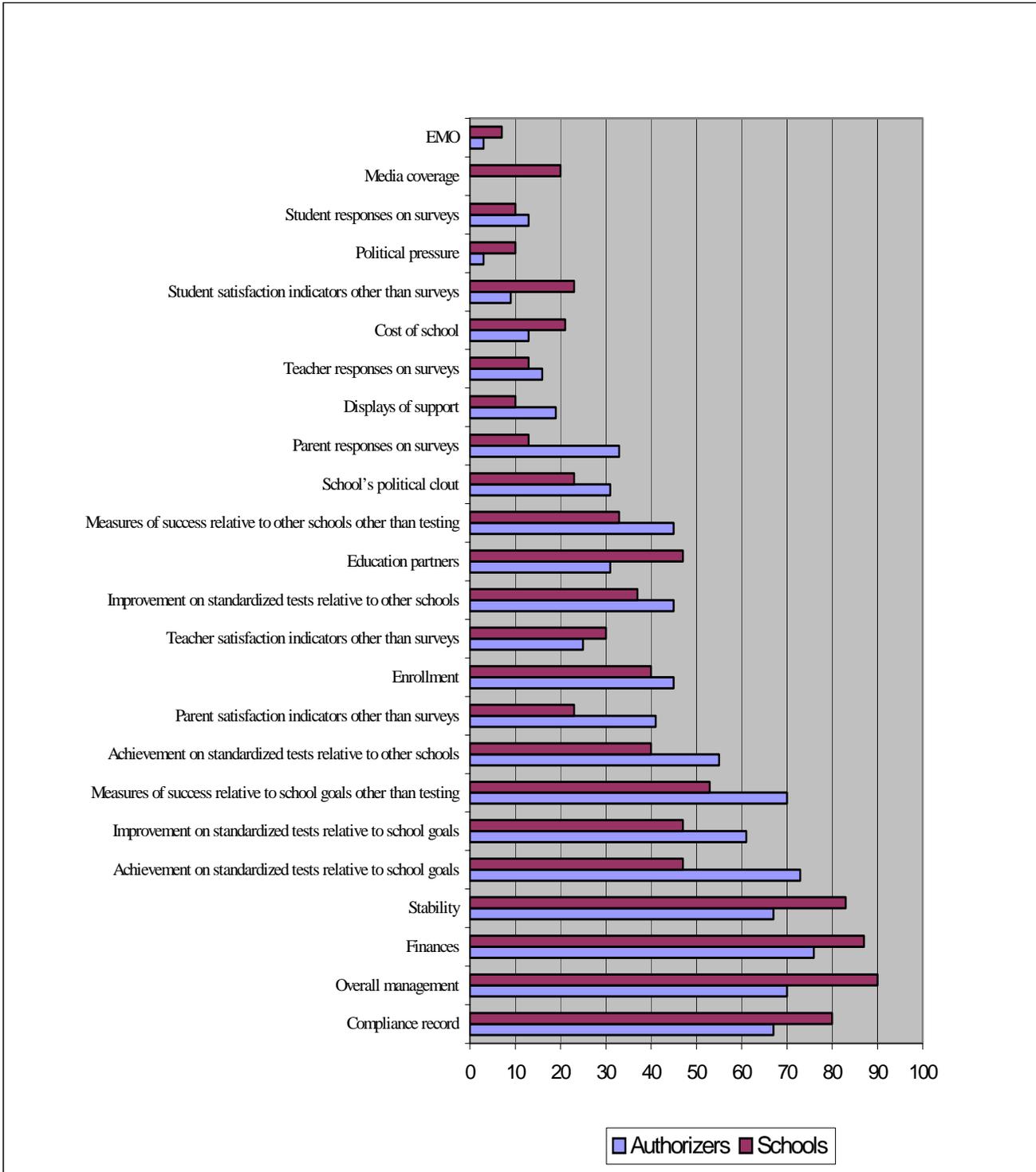
According to school officials in renewal cases, the most important factors in the renewal decisions were organizational rather than academic. The four most common school responses were “overall management,” (90%) “finances,” (87%) “stability,” (83%) and “compliance record” (80%). The only academic factor among the top five school official responses – “measures of success relative to school goals, other than testing” – was a distant fifth with 53%. All of the other possible academic factors were cited by school officials in less than 50% of renewal cases. In general, schools did not think they were renewed based on academic factors. These findings align with those of previous studies of authorizing, which have found that compliance and organizational concerns outrank academics in importance (Hill et al., 2001; Bulkley, 2001).

Authorizers also rated non-academic factors highly. “Finances” was the most common response (76%). “Overall management” was tied for third, cited by 70% of respondents. Two other organizational issues, “stability” and “compliance record,” tied for fifth with 67% of responses. Academic factors, however, loomed larger in the minds of authorizers. Some 73% of authorizers rated “achievement on standardized tests relative to school goals” as very important, a close second to “finances.” Seven in ten said “measures of success related to school goals other than testing” were very important. And relatively high percentages said other academic factors were very important to their decisions, such as improvement on standardized tests relative to school goals (61%) or other schools (45%) and achievement on standardized tests relative to other schools (55%).

Interestingly, 31% of authorizers cited the “school’s political clout” as very important to the decision. Though 31% is a minority of cases, it may be considered high given authorizers’

likely reluctance to admit to being swayed by this factor in the decision-making process. Below we will explore some specific cases in which schools' political clout helped them gain renewal.

Figure 3. Factors Considered “Very Important” to Authorizers and Schools of Renewal Cases



As Figure 4 below illustrates, the picture looks different for nonrenewals and revocations. In these cases, authorizers were much more likely to cite organizational factors than they were any other indicators. Compliance record, overall management, stability and finances were by far the most commonly noted factors in their decisions, with no other factor cited by even 40% of authorizers.

Not surprisingly, schools took a much different view. In the eyes of most school officials who had lost their charter to nonrenewal or revocation, “enrollment” was a very important factor in the authorizer’s decision. Many schools suggested that once the authorizer began to consider closing the school, families fled. Student flight caused enrollment problems that justified the authorizer’s closure decision. Schools were also likely to point to financial factors – either the condition of their own finances, or the costs their schools imposed on districts – as decisive. As with authorizers, none of the other potential influences, including academic factors, were cited by even 40% of school respondents. Figure 4 illustrates these responses.

We were also interested in respondents’ judgments about the validity of the decision-making process. First, we asked schools if authorizers’ decision processes were based on clearly written policies and if these policies were applied consistently. Again, we see divergence between renewals and nonrenewals/revocations. In answer to the first question, 43% of renewed schools said the framework was based on clearly written policy, and 53% said it was not. Just over half (52%) of renewed schools said criteria were applied consistently across schools, whereas 41% said they were not.

Officials from nonrenewed and revoked schools gave an even more negative assessment. All but 10% said there was no written policy in place to guide the process. Eighty percent reported that there was no consistency in applying a framework across schools. The other 20% could not judge consistency because they were the first schools to go through the process.

Second, we asked respondents whether, all things considered, the process was “too easy,” “too hard,” or “well-balanced” (Figures 5 and 6). About three quarters of authorizers thought their own processes were well balanced. Of the remaining authorizers, two out of three thought their processes were too easy. Among schools, responses differed greatly between renewals and nonrenewals/revocations. About half of renewed schools thought the process was well-balanced, with the remainder divided equally between “too easy” and “too tough.” Among nonrenewed and revoked schools, by contrast, almost all (90%) viewed the process as “too tough,” with only 10% calling it “well-balanced.”

Figure 4. Factors Considered “Very Important” to Authorizers and Schools of Nonrenewal/Revocation Cases

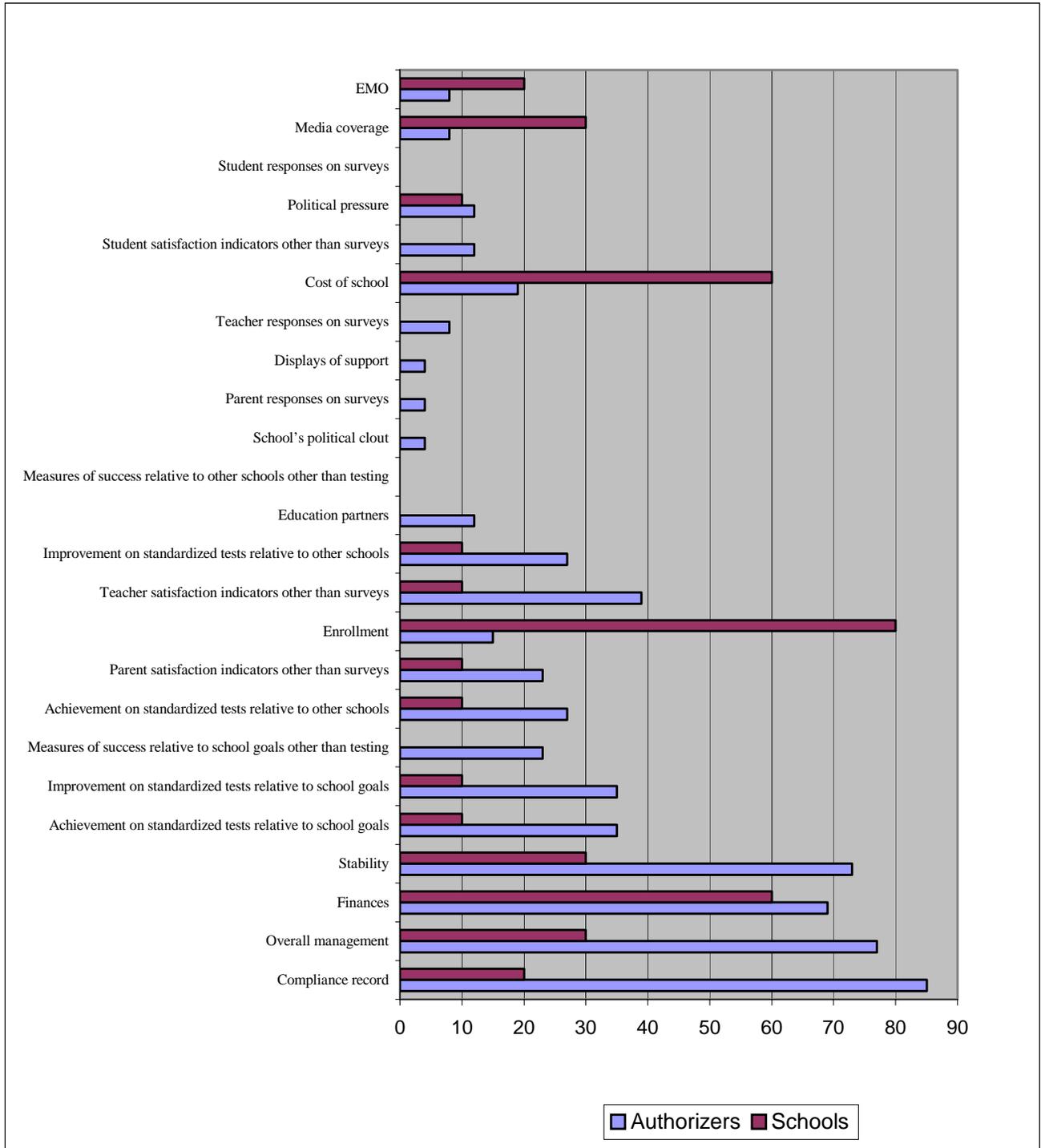


Figure 5. Opinions on Decision Process by Renewal Cases

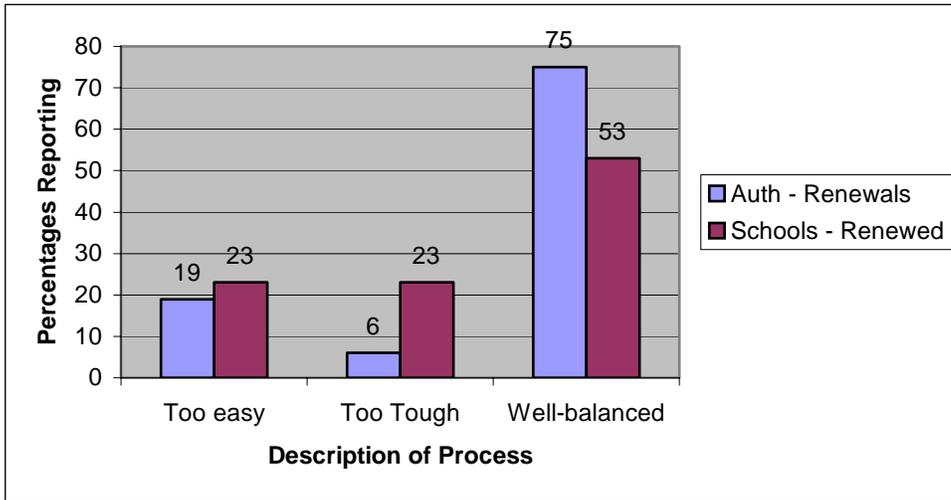
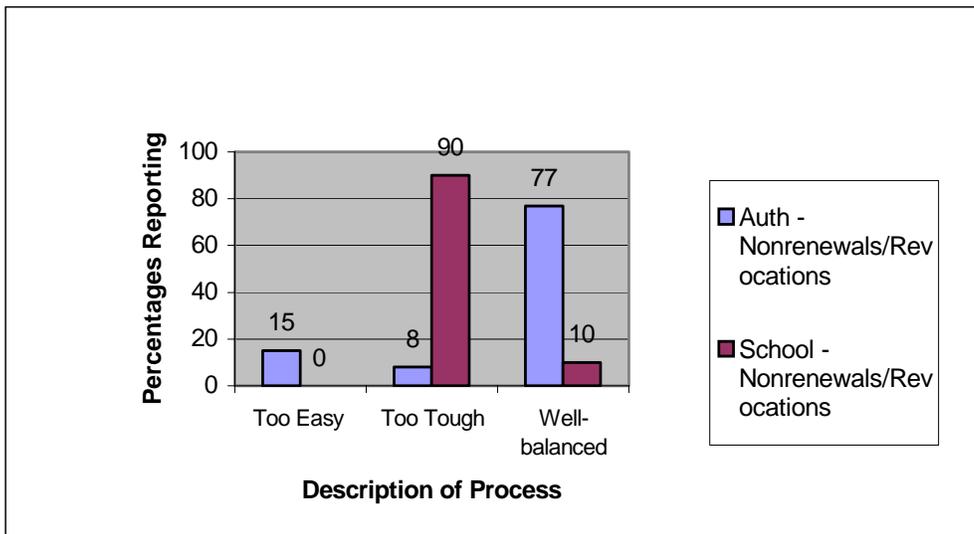


Figure 6. Opinions on Decision Process by Nonrenewal/Revocation Cases



Finally, we asked officials from renewed schools about whether and how the renewal process helped or harmed their schools (Tables 18 and 19). Table 18 shows the greatest benefit reported from the charter renewal decision-making process was that schools made academic or resource changes in their programs. Twenty-eight percent of school officials said the process was helpful in clarifying the school’s mission and 14% said the process helped to stabilize the school’s future.

Table 18. How Schools Said They Improved Due to the Accountability Process

| Type of improvement | % of schools reporting “improvement” |
|-----------------------------------|--------------------------------------|
| Made resource/academic changes | 35 |
| Clarified mission | 28 |
| Stabilized school’s future | 14 |
| Renewed school support | 11 |
| Created new long-term goals | 7 |
| Provided objective accountability | 4 |

Table 19. How Schools Said They Were Harmed by the Accountability Process

| Reported harm | % of schools reporting “harm” |
|--|-------------------------------|
| Loss of education time | 37 |
| Process was redundant with existing requirements | 30 |
| Not enough time to adequately complete process | 15 |
| Process did not accurately represent the school | 9 |
| Process was not open | 7 |
| Not applicable | 2 |

Table 19 shows the most common harmful effect attributed by school officials to the charter renewal decision-making process: loss of education time (37%). Thirty percent of schools felt the process was redundant with other reporting requirements already in place and 15% said that to adequately complete the process schools needed more time to prepare required submissions.

Following the same scoring mechanisms we used in previous sections concerning the process of setting expectations and collecting information, the research team assessed all the evidence about each case to arrive at a judgment about whether or not the final decision was based on a comparison of actual results with expectations. Based on this analysis and using the scoring rubric in Appendix A, cases fell into one of the following three categories:

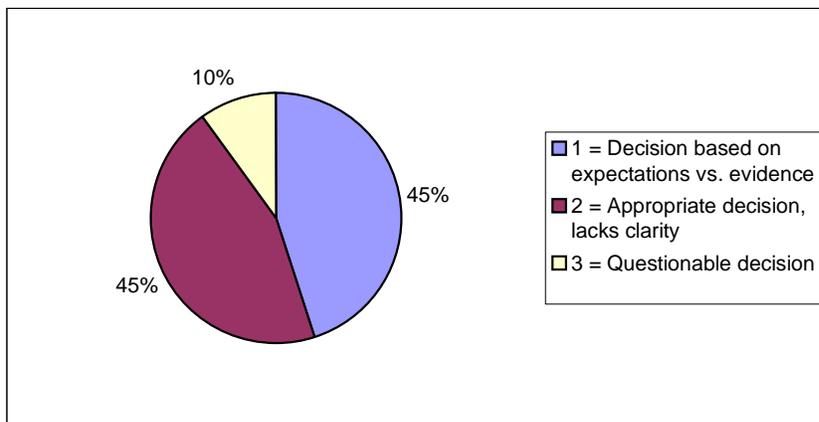
- (1) The decision was appropriate and based on a clear comparison of evidence with expectations. In these cases, authorizers had clear expectations in mind, weighed a reasonable base of evidence, and made a decision based on that comparison.
- (2) The decision was appropriate, but not clearly based on a comparison of evidence with expectations. In these cases, authorizers made a decision that appeared to be justified

based on what we were able to learn about the case. However, they did so without relying on a clear process of comparing evidence to expectation.

- (3) The decision was questionable . In these cases, authorizers failed to conduct an adequate comparison of expectation and evidence and arrived at a decision we termed “questionable.” Because of the authorizer’s poor processes, the research team often had limited information about these cases and we were therefore unwilling to call the decisions “wrong.”

Once again, scores for the final decision-making process were averaged between the reviewers. Category (1) cases were cases that received an average score of “1” or “1.5”; category (2) cases scored an average of “2” or “2.5”; and category (3) cases received an average score of “3”. What follows are explanations and descriptions of the final judgments made on 47 of the 50 cases under study. The research team determined that final judgments on the clarity of decision-making were not possible in three cases due to a lack of evidence about the decision process. Therefore, the data, figures, discussions, and analyses presented below are based on an average of reviewer scores out of 47 cases. Figure 7 provides an overview of the reviewers’ results.

Figure 7. Judgments on the Final Decision-Making Process¹³



In slightly less than half the cases the research team deemed the decision entirely thorough and cases were given a rating of (1), based on a reasonable comparison of evidence with expectations. In these cases, the authorizers appeared to have reached their conclusions based on a determination that the school’s performance did or did not measure up to pre-defined sets of expectations. Another 21 decisions fell into category (2). Although decisions in these cases were probably appropriate, the decision-process left something to be desired. These decisions were often shuffled through with little consideration of achievement evidence. There were different reasons for such “shuffling.” In some cases, renewal decisions came early, perhaps after just a year or two of a school’s life. Charter schools often seek early renewals for the purposes of attaining financing. For example, one Pennsylvania charter was renewed during its second year of operation. The charter school’s genesis was largely a community effort by politically connected individuals. Chiefly interested in securing its longevity, the school obtained

¹³ Percentages do not add to 100 due to rounding.

an early renewal in order to secure financing for facilities. Although little hard evidence of student achievement was available at the time, the school was known for its “success” and the early renewal seemed to be a “no-brainer” for the local school board. All interviewees from this case said the decision was a definite foregone conclusion.

In five out of 47 cases we found decisions to be “questionable.” As we stated earlier, a “questionable” decision does not equate with a “bad” decision. We are merely stating that in 10% of the cases, there was such a lack of information on which the decision was based, or political influences on the decision skewed the information so much, that our final analysis was to conclude that the decisions were “questionable.” In one Florida case, for example, the charter school was renewed after its first rocky start-up year. The school’s second year of operation was a “vast improvement,” according to several interviewees. The school had hired a “turn-around” principal, restructured its board, and revamped its curriculum. The district, which originally sponsored the school under tense circumstances, was approached by the school with a proposal for dividing the capital outlay monies the district received from the state for its continued support of charter school efforts. Rumors began flying about a potential vote of nonrenewal, with the district claiming the plans for corrective action from the previous year had not been fully implemented. In the end the local school board, regardless of the Governor’s Cabinet recommendation to keep the school open, did not renew the school’s charter.

In another example, a charter school in a Western state was closed due to district action that was subsequently ratified by the state. According to state officials, the district was unhappy with the student population attracted to the district as a result of the charter school and therefore terminated the charter. The states policies strongly favor local control, and therefore the state took action to close the school even though neither the district nor the state had evidence on hand of the school’s failure to perform. State officials admitted the ball was dropped in this case.

The source of the breakdown in these five cases varied. In two of the cases, authorizers simply did not have clear expectations and/or evidence to compare. There was no basis on which to make a defensible decision. In the other three cases, by contrast, the authorizer seems to have ignored the facts and made a decision on some other basis. In each of these cases, authorizers decided to close charter schools, even though the evidence suggests their performance may have been adequate for renewal or continuation. In all five cases, “politics” (defined broadly) drove decision-making.

After interpreting these results for decision-making, it is possible to arrive at either a “half-empty” or “half-full” conclusion. The half-empty story emphasizes that in fully 26 out of 47 cases, authorizers used a decision process that departed significantly from the ideal comparison of evidence with expectation. And in five of those, political considerations or sheer negligence led to questionable final decisions. The half-full story stresses that in 42 of 47 cases, the authorizer probably made the “right” decision, regardless of process. The next section explores these interpretations more fully.

7. Discussion and Analysis

As we noted at the outset of the paper, discussions of charter school accountability often feature more heat than light. Proponents hold up accountability as a key feature of charter reform, positing the possibility of closure as what distinguishes charter schools from district schools. Critics retort that charter accountability is a sham, that authorizers are unable, in practice, to close charter schools, especially for academic non-performance. For various reasons,

critics argue, authorizers will set fuzzy performance targets and make politically motivated decisions that bear little resemblance to the ideal model of comparing evidence and expectations. Yet neither “side” is able to muster much evidence in support of their claims. What does this study tell us about those debates?

Both sides can find some support in the findings of this study. On one hand, the study clearly demonstrates that authorizers are willing, in some cases, to take tough action against charter schools. As of fall 2001, authorizers nationwide had made 506 high-stakes decisions about charter school renewal or revocation. Eighty-four percent of the time, they decided to let the schools continue to exist. But fully 16% of the time – 82 cases in all – they elected to close the school. Compared to the regular district settings, where very few schools have been closed or reconstituted for performance reasons, that percentage is very high. For charter schools, the threat of closure has proven very real indeed. We found little evidence of charter authorizers keeping poorly performing schools open because they lacked the political backbone to close them. In fact, of our 50 cases, only one fit that profile. However, it is important to point out that some authorizers may be unlikely to recount political influences that occurred during the decision process. Or, there is also the possibility that “charter sympathetic” authorizers would be less likely to reveal influential circumstances that helped keep a borderline school open. As a research team, we acknowledge the complexities of tracing the “true” nature of each decision, recognizing that authorizers may be less likely to volunteer information on the political circumstances of internal decision-making, and that schools may be more apt to paint authorizers as the “bad guys” in the decision process.

The case studies provide further evidence of ways in which charter school accountability is “working.” In 30 of the 50 cases, our research team determined that the authorizer and the school had entered into a reasonably clear performance contract that established a set of measurable expectations for the school. In these cases, it was simply not true that charters were “fuzzy” in the way charter critics suggest they will be. At least at the beginning of the charter, authorizers had a clear set of expectations against which to judge the schools. In another 15 cases, schools had workable sets of expectations but the process was muddled by external influences or lacked clarity. Only five cases out of 50 were judged to have insufficient sets of expectations. The same holds true for the second pillar of our accountability model. In over half of the 50 cases, the research team determined that the information collection was thorough, covering the spectrum of set expectations. In just under half of the cases we found the information collection to be adequate yet encumbered by external factors that detracted from the ideal, objective range of information. When it came to the third pillar, decision-making, in the vast majority of cases (42 out of 47), authorizers ultimately made defensible decisions when it came time for high-stakes judgments.

The study also reveals, however, some shortcomings in authorizer practice when it comes to high-stakes accountability. Four in ten cases started off the life of the charter school without a clear set of expectations for the school’s performance. In nearly half the cases, the authorizer did not collect all of the information needed to make a decision on the basis of comparing evidence with expectations. In five of 47 cases, the authorizer ended up making a decision that the research team deemed “questionable” based on the limited information we had. In another 21 cases, the research team concluded that while the decision was probably the “right” one, the process used to arrive it was lacking.

This study also confirms prior research suggesting that authorizers generally have not closed charter schools due to *academic* non-performance, but with a twist. As in other studies,

the factors authorizers cited as “very important” to their decisions to revoke or not renew charters tend to be financial or organizational, rather than academic. However, in many of our cases, authorizers that closed down schools for non-academic reasons also had academic concerns about them. As they moved forward with actions to close the schools, they concluded that fiscal and compliance issues would be more likely to “stick” legally, because they were more straightforward to document and justify. Nevertheless, the schools’ poor academic performances also motivated authorizers to act.

Shortcomings in authorizers’ processes generally fell into two broad categories. The first and most common was a *sheer lack of systems and procedures* to carry out the processes of setting expectations, information-gathering, and decision-making that accountability requires. In these cases, there was nothing particularly sinister about authorizers’ missteps. Rather, for various reasons (discussed below), they simply did not put into place the processes they would have needed to fulfill these responsibilities. In the second category, “politics” rather than merit-based thinking guided the process. Authorizers closed schools that were performing fairly well because of opposition to charter schools in the jurisdiction (usually a school district), or, in a single case, allowed a poorly performing charter school to continue operating because of pressure from the school’s partisans to do so.

When it came time to make high-stakes decisions, many authorizers in these cases were handicapped by the lack of systems and processes or by political pressures that trumped merit-based decisions. Others were more able to approximate the theoretical ideal of charter accountability. We explored several possible variables that might underlie this variance in outcome from one decision to the next. First, we looked at the *volume of decision-making* in each authorizer. One might expect an authorizer with more experience making high-stakes decisions to have more well-developed systems. Second, we examined the *level of staff capacity in authorizers’ offices*. One might expect well-staffed authorizers to be more able to carry out high-quality processes. Finally, we investigated the *type of authorizing agency* making the decision. Our 50 cases included decisions made by local school boards, state boards of education and university boards. One fact hindered our ability to investigate the second and third questions: authorizer type is highly correlated with authorizer capacity. Specifically, of the 19 authorizers with “low capacity” all but one were local school boards. As a result, with our sample of only 50, it is challenging to tease out the separate effects of type and capacity.¹⁴

Volume of high-stakes decision-making. The authorizers in our sample varied in the amount of experience they had making high-stakes decisions. For 19 of the 50 authorizers, the decision under study was the *only* high-stakes decision the agency had made at the time of our interview. Fifteen other authorizers had made one or two other decisions. Nine had made more than three but fewer than ten decisions. Only seven had made ten or more high-stakes decisions. Decisions by authorizers in the highest experience category (ten or more) were most likely to be judged high-quality by the research team. As Table 20 shows, the team gave 100% of these decisions the highest rating for expectation-setting, information-gathering *and* decision-making, compared to 22% - 37% for the less experienced categories. Those differences were weakly significant in the statistical sense (0.08 level). Differences between high-volume and low-volume authorizers in judgments received were weakly significant (0.06 level) in the case of

¹⁴ These three variables also play a large role in Palmer and Gau (2003)’s analysis of determinants of effective authorizing at the state level. States receiving higher grades in this study generally had non-local authorizers, a smaller number of authorizers chartering more schools each, and authorizers with sufficient resources to carry out their responsibilities.

information-gathering judgments, but not significant in the case of expectation-setting or decision-making.

Table 20. Authorizer Experience in High-Stakes Decision-Making

| Amount of experience | Number of authorizers at this experience level | % of authorizers receiving the top rating (1) in all three areas of accountability theory |
|------------------------------------|--|---|
| One high-stakes decision | 19 | 37 |
| One or two high-stakes decisions | 15 | 33 |
| Four to nine high-stakes decisions | 9 | 22 |
| Ten or more high-stakes decisions | 7 | 100 |

Level of staff capacity. We asked authorizers how many staff were devoted to charter school oversight at the time of the decision.¹⁵ Nineteen of the 50 cases reported “zero” (low capacity); another 19 reported some staff, but fewer than three (medium capacity); the remainder (12) had three or more staff focused on charter school oversight (high capacity).¹⁶ As it turns out, the level of an authorizer’s capacity correlates highly with how thorough of a process it carried out in its high-stakes decisions. Though differences are not often statistically significant with such a small sample, they are suggestive of a potentially important (and logically plausible) relationship. Table 21 illustrates these comparisons.

Table 21. Staff Capacity Comparisons on Decision-Making Processes

| Type of Process | % of low capacity authorizers reporting process was used | % of medium capacity authorizers reporting process was used | % of high capacity authorizers reporting process was used |
|---|--|---|---|
| Goals were proposed by school and accepted fully | 82 | 66 | 52 |
| Goals were proposed by school and negotiated after charter approval | 2 | 8 | 23 |
| School submitted renewal application | 45 | 51 | 86 |
| Public hearing | 34 | 40 | 48 |
| Evaluative site visit | 39 | 74 | 88 |
| Interviews with school staff | 28 | 61 | 65 |
| Authorizer prepared written report on information-gathered | 39 | 71 | 77 |
| Authorizer used schools with similar demographics for comparison | 20 | 40 | 72 |

¹⁵ Number of staff is an imperfect proxy for staff capacity, since individual staff members’ capabilities differ widely. This was the best measure available to us in this study.

¹⁶ Of course, it is unlikely that the authorizers reporting “zero” had literally no staff devoted to charter school oversight. More likely, no one person was responsible for charter schools, with obligations spread across multiple departments or individuals. Still, a response of “zero” indicates minimal staff capacity for charter oversight.

The correlation begins in the expectation-setting phase. Authorizers with low capacity were significantly more likely (82%) than those with high capacity (52%) to report accepting goals proposed by the school fully without any modifications. By contrast, those with high capacity were much more likely (23%) than low capacity authorizers (2%) to report negotiating goals with schools after approval. On both variables, medium capacity authorizers fell in-between the two extremes. Similar discrepancies appear in authorizers' information-gathering practices as well. High-capacity authorizers were much more likely than low-capacity authorizers to report requiring a written renewal application (86% vs. 45%), holding a public hearing on the decision (48% vs. 34%), carrying out an evaluative site visit (88% vs. 39%), interviewing school staff (65% vs. 28%), and preparing a written report on the information gathered (77% vs. 39%). High capacity authorizers were also significantly more likely (72% vs. 20%) to report the relatively sophisticated approach of comparing schools' performance to that of other schools with similar demographics. As with expectation-setting, medium-capacity authorizers fell in-between on all of these variables.

In our judgments of authorizers' information-gathering processes, 53% of low capacity authorizers received the top rating, indicating they gathered the information they needed to make a solid decision. By contrast, 82% of high capacity authorizers received the highest rating. Similarly, our overall judgments of authorizers' decision-making processes suggest that high capacity authorizers are much more likely to live up to the ideal of evidence-and-expectation-based decision-making. Fully 82% of high-capacity authorizers met our standard of making an appropriate decision based on measured progress toward set expectations, compared with just 21% of low-capacity agencies (and 47% of medium capacity authorizers). These differences are all significant at the 0.001 level. Differences with regard to judgments of expectation-setting were not significant.

All in all, authorizer capacity was highly predictive of good processes. As noted above, however, there is one vital caveat: all but one of our low-capacity authorizers were local school boards. As a result, it is important to try and separate the effect of these two variables, a topic to which we return after reviewing the information on authorizer-type.

Type of authorizer. Mirroring the national picture, about two out of three decisions in our sample were made by local boards of education. The rest were made by non-local entities, either a state board of education or the trustees of a public university.

With regard to expectation-setting, local school boards were more likely (74%) to accept goals proposed by schools without any modifications than were states and universities (58%). Only 6% of local authorizers negotiated goals with schools, compared with 16% of non-local authorizers. In the area of information-gathering, local school boards were less likely to require written renewal applications (51% vs. 68%), carry out evaluative site visits (56% vs. 80%), conduct interviews with school staff (35% vs. 80%), or prepare written reports on their findings (45% vs. 92%). They were *more* likely, however, to conduct public hearings on their decisions (46% vs. 26%). Table 22 summarizes these comparisons. As with authorizer capacity, these differences were generally not statistically significant with a sample of 50.

Table 22. Authorizer-Type Comparisons on Decision-Making Processes

| Type of Process | % of local school boards reporting process was used | % of states and universities reporting process was used |
|---|--|--|
| Goals were proposed by school and accepted fully | 74 | 58 |
| Goals were proposed by school and negotiated after charter approval | 6 | 16 |
| School submitted renewal application | 51 | 68 |
| Public hearing | 46 | 26 |
| Evaluative site visit | 56 | 80 |
| Interviews with school staff | 35 | 80 |
| Authorizer prepared written report on information-gathered | 45 | 92 |

In the research team’s judgments of authorizers’ information-gathering processes, less than half of local authorizers received the top rating (41%), compared with nearly seven in ten non-local authorizers (69%). In our judgments of the overall decision process, 28% of local decisions received the highest mark, compared to 80% of non-local decisions. These differences were statistically significant at the 0.01 level.

To document how much of these gaps is simply a function of the fact that local school boards also tended to be low-capacity authorizers we compared local vs. non-local authorizers again. However, this time we limited the comparison to the sub-sample of medium and high capacity authorizers. Table 23 illustrates these comparisons.

Table 23. Medium and High Capacity Authorizer-Type Comparisons on Decision-Making Processes

| Type of Process | % of medium and high capacity local school boards reporting process was used | % of medium and high capacity states and universities reporting process was used |
|---|---|---|
| Goals were proposed by school and accepted fully | 69 | 53 |
| Goals were proposed by school and negotiated after charter approval | 12.5 | 13.3 |
| School submitted renewal application | 54 | 60 |
| Evaluative site visit | 75 | 87 |
| Interviews with school staff | 56 | 80 |
| Authorizer prepared written report on information-gathered | 56 | 100 |

When low-capacity authorizers are excluded, local school board authorizers begin to resemble their non-local peers more closely. With regard to expectation-setting, medium and high-capacity local school boards were still more likely (69%) to accept goals proposed by schools without any modifications than were states and universities (53%). But at these capacity levels, a roughly equal percentage of local and non-local authorizers (12.5% vs. 13.3%) reported

negotiating goals with schools. In the area of information-gathering, medium and high capacity local school boards were less different from their non-local peers in their propensity to require written renewal applications (54% vs. 60%), carry out evaluative site visits (75% vs. 87%), conduct interviews with school staff (56% vs. 80%), or prepare written reports on their findings (56% vs. 100%). But they were still less likely to undertake these activities than non-local authorizers with similar capacity. Differences, again, are generally not statistically significant with the sample of 50.

When it comes to judgments of their processes, however, statistically significant differences remain between local school board authorizers and their non-local peers. Starting with judgments made on the process of setting expectations, only 43% of medium and high-capacity local authorizers scored a (1), compared to 80% of non-local sponsoring agencies of similar capacity (significant at the 0.01 level). Differences are not so remarkable in comparing scores for the process of collecting information, but there still remains a 17 point gap, with 56% of local authorizers receiving the top rating and 73% of non-local authorizers scoring the same (significant at the 0.06 level). In our judgments of the overall decision process, there was a large gap – only 36% of decisions by medium and high-capacity local authorizers received the highest mark, compared to 86% of non-local decisions by authorizers of similar capacity (significant at the 0.01 level). All in all, differences in capacity explain some, but not all, of the local-non-local gap in practices and ratings.

In one key respect, local authorizers stand out strikingly from other authorizers. In cases where “political” factors seemed to have dominated decision-making, the authorizer was almost always a local board of education. As described above in the section on making decisions, the research team concluded that in five of the fifty cases, political considerations overrode merit-based thinking in the decision-making process. Four of these cases were local school board decisions. In three of them, district or board opposition to the charter school led to questionable decisions to revoke or not renew. In the other case, internal administrative politics swayed the authorizing agency to downplay the school’s shortfalls, leading to a questionable decision to renew the school’s charter.

Perhaps this pattern is not surprising, for a couple of reasons. First, in the broad politics of charter school policymaking, local school boards tend to oppose the passage of “strong” charter school laws (Hassel, 1999). Though there are many exceptions, boards tend to regard charter schools as threats to their standing as *the* purveyors of public schooling in a jurisdiction. As a result, when charter school legislation passes, it generally does so over the objections of local school boards. Local boards in such states then come to chartering reluctantly, rather than eagerly. Consequently, they may be more likely to turn around a few years later and aim to terminate schools’ charters, even though their performance is up to snuff. Second, local school boards are simply “closer to the action” politically than are state boards of education and university boards. Over 96% of the local school board authorizers in our sample were elected by the people, versus only 54% of non-local authorizers. In that context, it is predictable that more politicization of authorizing decisions will arise.

8. Recommendations

The findings of this study suggest recommendations for three sets of actors: state policymakers who establish the framework within which charter school authorizers work,

authorizers themselves, and researchers. In addition, state and district policymakers may find some of the lessons learned about charter school authorizing to be useful in their more general efforts to “hold schools accountable.” This is particularly relevant at this point in history as state legislation and the federal No Child Left Behind Act requires states and districts to take more dramatic corrective actions when schools fail to improve.

Recommendations for State Policymakers

1. **Non-local authorizers.** State policymakers should ensure that multiple - including non-local - entities can grant charters in their states. According to this study, local school boards are more likely to be “low capacity” authorizers, devoting minimal staff and resources to the authorizing function. In many cases, this reflects their reluctance to be charter authorizers. Low capacity, in turn, translates into a lack of clear systems for setting expectations, gathering information, and making decisions. In addition, local school board authorizers appear to be the most prone to making decisions based on considerations of politics rather than of merit. Finally, authorizers with a high *volume* of decisions tended to have higher quality processes. Empowering authorizers with a wider geographic scope than a single district, such as statewide authorizers, makes such high-volume authorizing much more likely. At the same time, state policymakers could encourage local authorizers to do more chartering. Since the evidence suggests that higher-capacity and higher-volume authorizers engage in more rigorous processes, moving local boards up the curve could improve local authorizing in a state.
2. **Authorizer resources and capacity.** States should take steps to ensure that authorizers have the resources and capacity needed to carry out their complex jobs. The findings strongly suggests that the work of setting expectations, gathering the requisite data, and making merit-based decisions is labor intensive, and is likely to fall by the wayside if authorizers lack the resources to carry out these responsibilities. As Table 7 illustrated earlier, 42% of authorizers participating in this study reported receiving *no funding* to conduct oversight. This situation must change in order for authorizers to enforce develop and enforce meaningful accountability agreements. The study does not shed any light, however, on how states might ensure that authorizers have the necessary resources. Possibilities include direct state appropriations for this purpose and allowing authorizers to charge fees or retain a portion of per-pupil school funding for the schools they charter.
3. **Transparency and accountability for authorizers.** It is likely that more authorizers would design and execute high-quality systems if they believed their performance was being observed and measured. In general, the research team found that most authorizers’ activities were not highly “transparent.” Even the research team, which had resources to devote to tracking down information about authorizers’ work, found it difficult to obtain even basic information about authorizers’ high-stakes decision-making. Examples of information that are often not readily available - but should be available - in order to enhance transparency are: comprehensive and current lists of charter school status’, including charters that have been renewed, not renewed, or revoked; descriptions of what expectations were set in schools’ charters; lists of what information was gathered on schools’ performances; and summaries of the formal reasons for authorizers’ high-stakes decisions. States could remedy this problem by requiring certain kinds of disclosure on

the part of authorizers. This would shine a bright light on how they are fulfilling their responsibilities.

Recommendations for Authorizers

The second and third recommendations for state policymakers – ensuring adequate resources and transparency – also apply directly to authorizers themselves. Even if state policymakers do not act to increase authorizer resources or require transparency, authorizing agencies should themselves do what they can to amass the needed capacity and make their operations transparent to the public. In addition, the findings of the study suggest two other sets of recommendations for authorizers.

1. **Deliberateness.** By far the most common shortcoming in authorizer practice in these 50 cases was the sheer lack of policies and procedures for carrying out authorizers' roles. When it came to setting expectations, gathering information, and making decisions, too many authorizers were not following clearly defined, pre-established protocols in their work. Agencies that take on the responsibility of authorizing need to prepare for that role by developing clear policies, following them, and improving them over time. The growing knowledge and experience base among authorizers and their efforts to disseminate that base through their association, the National Association of Charter School Authorizers, should help authorizers in that endeavor.
2. **Insulation.** In addition to a lack of systems, the other most common impediment to merit-based decision-making was political influences on decisions. To some degree, these are inevitable. At least in an idealistic rendering of "politics," they also carry some value, to the degree that they represent "the people" exerting influence over public education. In our most political cases, however, it was not "the people" but a particular interest that wielded influence over the process. The interest was usually a school district eager to close a charter school and less often, school-backers intent on keeping "their" school open. Authorizers committed to merit-based decisions would do well to consider how to minimize these kinds of influences. Transparency of operations can help by making it more difficult for decision-makers to act in ways that run against the evidence. But authorizers might also consider ways of insulating high-stakes decisions from politics. Some possibilities include creating specialized appointed committees who make recommendations to the final decision-making bodies and employing outside evaluators and making their reports public.¹⁷ These suggestions appear particularly important for local school board authorizers.

Recommendations for Additional Research

1. **Further exploration of explanatory variables.** Three of the variables that differentiated authorizers most starkly were the volume of their high-stakes activity, their capacity, and their institutional setting (local vs. non-local). Higher-volume, higher-capacity, and non-local authorizers were more likely to meet the standard of evidence-and-expectation-based decision-making. Since these three variables are highly related, however, further research could shed more light on the true importance of these variables.

¹⁷ For more on insulating high-stakes charter decisions from political influence, see Hess (2001).

2. **Tracking change over time.** Future researchers will be able to capitalize on the fact that as time passes, authorizer practices and the environment in which they work changes. Do changes in authorizers' resources lead to changes in practice? Do changes in the way states report on authorizers' activities hold them accountable? How much do individual authorizers improve their practices over time? All of these questions are important, but beyond the scope of our snapshot of 50 high-stakes decisions.
3. **Comparisons to other agencies' accountability practices.** When evaluating charter school authorizers' work, a natural question is "compared to what?" In this study, we have compared authorizers' practices to a theoretical ideal of evidence-and-expectation based decision-making. However, as more states and districts begin to implement high-stakes accountability systems with non-charter public schools due to requirements established by NCLB, it will become possible to compare how charter authorizers relate to charter schools with how districts and states relate to non-charter schools. For example, are charter authorizers more or less likely to close low-performing schools? To be swayed by political rather than merit-based considerations? To have systems and processes in place to set clear expectations and gather decisions?

Above all, charter authorizing has reached the point that it is possible for researchers to study charter school accountability in practice, moving beyond theoretical debates to determine what is actually happening in the field. As the nation enters a new era of school accountability, ten years of high-stakes decision-making in the charter sector could serve as a valuable experience base not just for charter authorizers, but for all states and districts charged with holding schools accountable for results.

Appendix A

Scoring Rubric for Determining Judgments on Case Decision-Processes

Answer each of the following questions based on a review of all information sources for each case under the following three categories: Expectations, Gathering Information, and Decision-Making. Follow the flow chart.

(A) Expectations

- 1) Did any of the interviewees report a sheer lack of expectations? If “yes” stop and the case receives a (3) for expectations. If “no” proceed to question 2.

Question 1 Indicator:

- a. Interviewees stated that few or no expectations were in place prior to the decision.

- 2) Is there documented evidence that agreed upon expectations were in place at the time of the decision? If “yes” go on to question 3A. If “no” proceed to question 3B.

Question 2 indicators:

- a. Case study participants provided documents pertaining to expectations such as: charter agreement, charter application, evaluations, correspondences, etc., *or*
b. (If applicable) documents were on hand showing revisions to expectations, *or*
c. Written findings on the final decision process refer to expectations.

If question 2 is “yes”



3A) Were both authorizer and school officials clear on the kinds of expectations to be used in the decision process? If “yes” go on to question 4. If “no” stop and the case receives a (2) for expectations.

Question 3A indicators:

a. Interviewees were clear about the expectations to be used in the decision process, *or*
b. Interviewees were clear about how the expectations would be measured.

If question 2 is “no”



3B) Did interviewees verbally identify or describe expectations that were in place at the time of the decision? If “yes” go to question 3A. If “no” stop and the case receives a (3) for expectations.

Question 3B indicators:

a. Interviewees identified/described expectations from the protocol list of possibilities, *or*
b. Interviewees identified a process by which expectations were set, *or*
c. If applicable, interviewees differentiated between original and modified expectations.

If Question 3A is “yes”



- (4) Were the expectations measurable? If “yes” the case receives a (1) for expectations. If “no” stop and the case receives a (2) for expectations.

Question 4 indicators:

- a. Expectations described by interviewees were not too broad/general for measurement, *or*

- b. Specific assessments were identified as measurements, *or*
- c. For expectations requiring non-standardized measurements, appropriate assessment tools were described/documented.

Ratings for Expectations

- (1) = Agreed upon expectations were in place at the time of the decision
- (2) = Expectations were in place but the authorizer and/or school was unclear on how/which would be used in decision-making or how the expectations would be measured
- (3) = Few or no expectations were in place at the time of the decision

(B) Information Gathering

(1) Was the information gathered insufficient or used inappropriately to make a decision about the school's success at meeting expectations? If "no" go to question 2. If "yes" stop and the case receives a (3) for information gathering.

Question 1 indicators:

- a. The authorizer made no independent effort to collect information, *or*
- b. The information collected was severely manipulated for political purposes, *or*
- c. The information collected did not provide sufficient information about whether expectations were met.

(2) Were the types of information collected limited in scope or applied to the decision in a limited fashion? If "no" go to question 3. If "yes" stop and the case receives a (2) for information gathering.

Question 2 indicators:

- a. The information collected or used in the final decision by the authorizer reflected only a portion of the agreed upon expectations. For example, the authorizer relied solely on standardized test data or parent surveys to make a decision.

(3) Is there evidence that sufficient information was collected to make an evidence-based decision about expectations or verbal confirmation from interviewees with specific descriptions of information that were used in the decision process? If "yes" the case receives a (1) on information gathering. If "no" stop and the case receives a (2) for information gathering.

Question 3 indicators:

- a. Interviewees provided documentation of various information used to measure expectations, *or*
- b. Interviewees provided verbal descriptions of information used to assess the school's ability at meeting expectations, *or*
- c. Interviewees indicated various processes for gathering information.

Category Ratings

- (1) = The appropriate information was gathered to make an evidence-based decision about (A)
- (2) = Only limited information was gathered to make an evidence-based decision about (A).
- (3) = Not enough information or appropriate information was collected about (A)

(B) Decision-Making

(1) Based on what you know about this school's performance, do you think the authorizer made the "right" decision? If "yes" go to question 2. If "no" stop and the case receives a (3) for decision-

making. If you do not have adequate information to render a judgment, stop and the case receives a (4) for decision-making.

Question 1 indicators:

- a. In the case of renewal, the school's overall performance was high enough that renewing its charter was in the best interest of students, *or*
- b. In the case of a revocation or nonrenewal, the school's overall performance was low enough that closing the school was in the best interest of students

If Question 1 is "yes":

(2) Were the judgments for both (A) Expectations and (B) Information Gathering given scores of (1) in this case? If "yes" stop and the case receives a (1) for Decision-Making. If "no" stop and the case receives a (2) for Decision-Making.

Category Ratings for Decision-Making

- (1) = An appropriate decision based on comparison of (B) against (A)
- (2) = An appropriate decision yet lacking evidence or clarity from (A) or (B)
- (3) = A questionable decision based on lack of comparison of (B) with (A)
- (4) = Not enough is known about the decision to render a judgment

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