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A HISTORY OF THE DEVELOPMENT OF CHARTER SCHOOL
LEGISLATION IN UTAH

by

Marlies Burns

A dissertation submitted in partial fulfillment
of the requirements for the degree

of

DOCTOR OF EDUCATION

in

Education

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2012

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ABSTRACT

A History of the Development of Charter School Legislation in Utah

by

Marlies Burns, Doctor of Education

Utah State University, 2012

Major Professor: Dr. Sylvia Read
Department: Education

The Utah Legislature enacted charter school legislation in 1998 in order to offer the state's first school-choice option. The legislation came following a task force discussion about the pros and cons of school choice and what school choice should look like in Utah. There was not agreement among task force constituents about what should be contained in the legislation, nor which entity should be responsible for the monitoring or oversight of the eight pilot charter schools.

Since enactment, Utah charter school legislation has changed during most legislative sessions with some establishing stronger charter school laws and some establishing weaker ones. Strong charter school laws are designed to provide for the establishment of high-quality charter schools. In contrast, weak charter school laws would not provide for the establishment (or accountability) of high-quality charter schools. Despite the legislative changes, 81 charter schools are now in operation, serving nearly 44,900 students and seven more charter schools are in queue to open in fall 2012.

Literature, interviewees, and the researcher all offered recommendations to strengthen the charter school environment in Utah that focused around topics such as flexibility from laws, changes in school funding, strengthening the authorizer environment, and working to create legitimate school choice options for all students.

(187 pages)

PUBLIC ABSTRACT

A History of the Development of Charter School Legislation in Utah

by

Marlies Burns, Doctor of Education

Utah State University, 2012

School choice is a continual hot topic of discussion among educators and the public alike. Utah, the 34th state to join the charter school movement, was a late comer to the game in 1998. This dissertation explores the history of the development of Utah's charter school legislation. Marlies Burns, researcher, identified events both in Utah and outside Utah that led to the introduction of charter school legislation, including divisions occurred among stakeholders concerning legislation.

In 1998, the legislature discussed and passed Utah's Charter School Act. Prior to passage, the legislature considered several proposals and modified the bill language significantly. Since 1998, charter school laws have been changed every year to strengthen the law. Strong charter school laws are designed to provide for the establishment of high-quality charter schools. Despite the legislative changes, 81 charter schools are now in operation, serving nearly 44,900 students and seven more charter schools are in queue to open in fall 2012.

The conclusion offers recommendations to strengthen the charter school environment in Utah on topics such as flexibility from laws, changes in school funding, strengthening the authorizer environment, and working to create legitimate school choice options for all students.

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The participants: eight thoughtful, generous interviewees. You spoke freely about topics fraught with potential controversy, and you moved my theory forward in bold new directions.

My family: especially Greg—you kept me grounded during this process and had a knack for showing up when I was hanging on by my fingernails and needed a visit and a pep talk.

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Marlies Burns

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CHAPTER I

INTRODUCTION

History of the Development of Charter School Legislation in Utah

The development of formal education in the United States differed from that of other Western societies in that ours had confidence in education as a principal means to achieve individual and social goals, provided more years of schooling for a larger percentage of children, and implemented mass schooling through a largely decentralized organization (Conley, 2003). American education, unlike the nationally directed and financed educational systems of other countries, became mainly the responsibility of the state and local governments; the word *education* does not even appear in the United States Constitution.

Educational reformers in the early 19th century, such as Horace Mann, became increasingly troubled by the absence of any system in American public schools (Graves, 1912). Mann advocated for systematic elementary education, arguing that, “A nation cannot long remain ignorant and free. No political structure, however artfully devised, can inherently guarantee the rights and liberties of citizens, for freedom can be secure only as knowledge is widely distributed among the populace” (Taba, 1962, p. 12). Repeatedly, reformers contended that elementary education should be available and free to all, financed by public funds, and accountable to state governments. By the end of the century, reformers achieved their goal. Beginning with Massachusetts (1852) and New York (1853), all states passed compulsory school attendance laws by 1918 (Katz, 1976).

Public education became fundamentally a state responsibility, because the Tenth Amendment to the United States Constitution reserved to the states all powers not specifically delegated to the national government. Although final authority for public education resided with the state governments, the dominant tradition in the United States was one of decentralized administration. The most significant unit of educational authority was the local school district, the boundaries of which usually coincided with those of a county or town. Therefore, schools were designed to reflect the educational values and financial capacities of the communities in which they were located (Powe, 1993).

Since the start of public education in the United States, educators and policy makers have struggled to find the one best system for organizing schools and educating children. Early 20th-century reformers believed that centralized districts and schools would offer educational services more efficiently than would small, scattered, or disorganized schools (Tyack, 1974). The result was unified districts, larger schools, and increased distance between those setting policies and those carrying them out (Brown, Henig, Lacireno-Paquet, & Holyoke, 2004). Critics argued these well-meaning reforms brought about numerous, unintended negative consequences, such as districts laden with layers of bureaucracy, individual schools with countless rules and regulations, a structure that empowered administrators far removed from the classroom, and constraints on the empowerment of those who were in close contact with students, families, and communities (Brown et al., 2004; Elmore & McLaughlin, 1983; Hill, Pierce, & Guthrie, 1997).

The public, when dissatisfied with the state of education, has demanded more effective classroom instruction and higher student achievement from schools. In response, educators, civic leaders, and policy makers have often turned outside the field of education for new governance and management models to enhance organizational capacity (Wohlstetter, Malloy, Smith, & Hentschke, 2004). *A Nation at Risk* (National Commission on Excellence in Education, 1983), published while Ronald Reagan was in the White House, sounded an alarm regarding the status of public education and opened the door for “competition” through the application of business principles. Two decades later, the No Child Left Behind initiative created new policies that intended to provide schools and educators with incentives to innovate. Although researchers correctly disputed the actual need for such alarm (Berliner & Biddle, 1996), states adopted legislation that allowed for school choice, including charter schools, and at an unprecedented rate (Renzulli & Roscigno, 2005).

Two historically significant moments demarcated the shift toward the creation of charter schools and the legislation upon which they were based (Renzulli & Roscigno, 2005). The first was the use of the term “charter” by Ray Budde, a University of Massachusetts education professor and education reformer, who, in a conference paper presented in 1974 and later published in 1988, called for school districts to create new kinds of schools by granting a charter to teachers to explore new pedagogical, curricular, and assessment approaches (Budde, 1989). In Budde’s (1996) system of education, no one would stand between the school board and the teachers when it came to matters in instruction, including the superintendent or principal. Educational reformers initially

resisted the idea and instead proposed and implemented other, less politically loaded, school-choice programs, such as distinctive, alternative, and magnet schools (Renzulli & Roscigno, 2005). It was the late Albert Shanker, President of the American Federation of Teachers (AFT), who embraced the charter idea 14 years after the initial suggestion, as an innovative and effective education reform movement at the individual teacher level and put charter schools on the national policy agenda with a speech at the national Press Club and a subsequent editorial on the topic (Shanker, 1988). Shanker explained charter schools created the opportunity for trying new approaches as a permanent feature of each and every school. He said this did not mean giving every teacher and administrator a license to “do their own thing” without supervision or accountability. It did mean, however, giving every teacher and administrator the opportunity to analyze policies and practices, to abandon practices that didn’t work, and to create a structure that more closely reflected what teachers knew about how students engaged in the learning process (Shanker, 1988). His strategy was to promote teacher professionalism as a reaction to what he saw as a looming gauntlet of state assessment and accountability that would force teachers to “march in lockstep.”

The second historical development was a legislative initiative in Minnesota that eventually led to the passage of the first charter school law. Minnesota policy entrepreneurs, such as State Senator, Ember Reichgott-Junge, nonpartisan policy analyst, Ted Kolderie, education reformer, Joe Nathan, and others, developed a charter strategy that allowed multiple organizations to enter into a charter agreement, permitted converted schools to be public and non-sectarian, and provided accountability for student

achievement. In addition, this strategy waived many state rules and regulations, allowed for schools of choice to be discreet entities, provided comparable per pupil allocation of state funds, and allowed movement of teachers between district schools and the newly-created charter schools (Nathan & Power, 1996). Policy entrepreneurs (political actors who make major investments of political capital in a specific issue in the expectation that the issue can be used to political advantage) from other states also became involved. By persuading state political leaders to adopt charter schools, policy entrepreneurs in Minnesota changed the landscape of contemporary education reform and opened the gateway for charter school laws across the nation (Wong & Langevin, 2005).

As charter schools spread across the nation, an opposing coalition and policy issue network formed to restrict further charter expansion and impose more state and local regulations (Kirst, 2007). These pro and con advocacy networks engaged in major policy disputes and minor skirmishes across the United States (Sabatier & Jenkins-Smith, 1999). It is noteworthy, however, that, in many cases, coalitions of charter school advocates overcame both internal divisions and powerful opponents to achieve significant policy changes. The resulting conflicts between charter school advocates and opponents produced intrinsically important changes to American public education that affected how educators operated and governed public schools and other institutions. Equally important, these conflicts were complex and fascinating cases that were used to improve the understanding of policy change, which will be discussed in Chapter II.

Created under an innovative and complex approach to public governance that must be authorized by state law, charter schools have been extensively debated in state

legislatures all over the country (Hess, 2002). The positions of various interests and the arguments they used generally followed similar patterns, but the specifics of the debates and the policy proposals varied from state to state. The laws themselves addressed several aspects of how chartering takes place, who can get or grant a charter, and what a school can or must do once it is chartered, among many other details.

According to some, charter schools were the latest incarnation in a series of efforts to create new or distinctive types of schools within American public education, including the alternative school movement of the 1960s and 1970s and the magnet school movement of the 1970s and 1980s (Nathan & Power, 1996). Others viewed charter schools as a key element in the educational marketplace that both enhanced competition and created new opportunities for children (O’Leary & Beales, 1994). Some viewed charter schools as the natural evolution of the education reform process, linked with efforts towards decentralization and school restructuring (Hart & Burr, 1996), while others lambasted false charter schools that carried the name but were really just minor variations on the theme of site-based management (Vanourek, Manno, Finn, & Bierlein, 1997). These visions reflected different ideas about what charter schools were like in regards to instructional programs, teacher requirements, and business operations, and how they affected the system of public education. Supporters believed charter schools offered school choice to families with the support of public funding without micromanagement by government bureaucracies (Manno, Finn, Bierlein, & Vanourek, 1998b). Opponents argued that charter schools weakened the public schools and were not likely to benefit students educationally, because they competed for limited resources and

were often exempted from traditional public education requirements, such as teacher licensure (Richards, Shore, & Sawicky, 1996).

All these dimensions, shaped by intense debates, yielded an array of divergent charter school laws. Although charter school laws varied considerably from state to state, the basic premise of charter schools was that, in exchange for considerable flexibility in operation and design of curriculum, pedagogy, and other aspects of running a school, the school agreed formally to certain standards of accountability through a written contract with an authorizing authority. Unlike voucher programs, but similar to magnet schools, charter schools were public schools, supported by public monies. Depending on the state, private schools might hold charters, and most states allowed public schools to convert to charter status. At present, religious private schools cannot become charter schools.

Charter schools were allowed flexibility in how they complied with a variety of regulations and rules that affected traditional public schools in exchange for increased accountability for results. Their increased autonomy included relief from collective bargaining contracts, in most cases, and provided the charter schools with control over its staffing, budget, curriculum, and pedagogy. The charter schools remained accountable for compliance with health, safety, and civil rights laws, for oversight of the use of public finances, and for academic results on state assessments. Legally independent of their authorizers, charter schools were administered under the direction of their board of directors, and, according to Wolfe (2000), the primary oversight responsibility for a charter school rested with the charter school's board of directors. If a charter school violated its charter, chartering entities reported the violation to the school's board of

directors for resolution. The chartering entity was also obligated to report certain violations of laws and regulations to the governmental entity responsible for administering and enforcing a particular law or rule (Wolfe, 2000).

Charter schools in many states were schools of choice that received funding based on the number of students they served (Wohlstetter, Wenning, & Briggs, 1995). Additionally, charter schools gained autonomy, because parents and students selected them and they, thus, did not have to be “one-size-fits-all” institutions. The charter school could not pick and choose students, charge tuition or fees that would not be allowed in a traditional public school, or be affiliated with a church or operate as a religious institution. If the school did not comply with remaining rules and regulations, if too few students enrolled to create a viable budget, or if results were not as good as promised, the entity that granted the charter closed the school.

This study explored the history of the development and implementation of charter school legislation in Utah, including a review of Utah’s political environment during the initial charter school legislation discussion, and will add to the growing pool of state legislative histories. To better understand the purpose for the introduction of charter school legislation in Utah, the effects of charter school legislation on the creation of charter schools, and the effects of changes to charter school legislation on the operation of Utah’s 81 existing charter schools, I analyzed historical documents and interviewed several individuals involved in Utah’s charter school movement between 1998 and 2011. This research might assist states seeking to write new legislation or assist Utah to modify existing legislation with new ideas that better support its charter school movement.

Purposes and Objectives

By understanding the evolution of Utah charter school legislation and the expectations of legislators adopting this legislation is important, those involved in policy decisions can help modify existing laws, policies, and practices to support the legislative intent. Because Utah is rarely studied or mentioned in charter school literature, due in part to its small population and relative late entry to the movement, there is little data available regarding the relative situation of the state compared to others or the impact of the legislature's initiatives over the span of the program. Adding Utah's charter school legislative history to the growing body of charter school research may increase the public's awareness of the charter school movement, as well as create awareness of the unique circumstances faced by the state.

Since Utah charter school legislation adoption in 1998, it has gone through a series of changes as evidenced in the history of the Utah Code. Brian R. Allen, former Chair of the State Charter School Board and the legislator who sponsored the original charter school legislation in Utah, has stated on many occasions that the way the law is written and interpreted now is not how he intended it (personal communication, September 20, 2009). In his opinion, the law was written to help charter schools be an innovative means of education while providing them with the support and resources needed to accomplish that goal. However, other legislators have expressed that they passed the legislation in expectation that charter schools would accomplish higher accountability, using less state funding (R. Bigelow, personal communication, August 20, 2008).

To better identify, understand, and describe the legislative and educational environment in Utah during the discussion and passage of charter school legislation, I developed the following research questions.

1. What event(s), either internal or external to the state of Utah, led to the introduction of charter school legislation?
2. What division(s) occurred among stakeholders concerning legislation?
3. What proposals were introduced to the legislature? What changes did proposed charter school legislation undergo before members of the Utah Legislature approved the final legislation for passage and implementation?
4. What event(s) affected the legislature in its decisions?
5. Between 1998 and 2011, what changes to Utah's charter school legislation have occurred?
6. What led the legislature to remove the cap on the number of charter schools? What led the legislature to create the State Charter School Board? What led the legislature to modify charter school funding? What led the legislature to change charter school governance?

Theoretical Lenses and Positionality

As a researcher, I bring both personal and professional theoretical lenses to my study. By explicitly describing those lenses and the experiences that made them up (a) I was more aware of my theoretical lenses in order to have kept them in check, (b) readers of my research knew what assumptions and experiences I brought to the research, and, (c)

particular experiences that made up my theoretical lenses were used as a tool to make the research richer and more rigorous. Below is a description of the theoretical lens that I believed was salient to this research and then a description of how I utilized it in this study.

Charter schools are vehicles for both justice and oppression. The same charter school law can provide for multiple scenarios. For example, the Ute Indian Tribe applied for a charter to serve tribal students and increase Utah's American Indian graduation rate. There are, however, Utah charter schools that have located in demographically homogenous neighborhoods and have chosen not to spend significant time or funds to seek diverse populations. Charter laws are not monolithic in design, however, and some charter laws are more aligned to meeting the needs of under-represented students than are others. The AFT came up with some criteria for judging the merits of various charter school laws.

“Good” charter legislation includes features that allow for experimentation, while at the same time ensuring quality schooling within a system that protects the public interest and the integrity of public education. “Bad” legislation encourages charter schools to become the basis of an alternative school system created for a few, but operating at the expense of many. “Good” charter legislation ensures public accountability for student achievement, guarantees the accessibility of all students to charter schools, empowers the professional educators in those schools, requires local school district approval of charter schools, and requires charter schools to conduct their business and issue reports in accordance with public “sunshine laws.” (AFT, 1998, p. 1)

Henig (1999) argued that school choice can be shaped toward progressive ends, stating that “when public officials have committed themselves to the task, they have proven they can design and implement magnet schools and controlled-choice programs that serve the neediest neighborhoods and facilitate integration.” Such progressive aims require firm

regulations and aggressive enforcement, however, and may be politically vulnerable in these times.

But as states pursue charter laws that serve under-represented students, legislatures must not neglect the traditional public school model, either. Charter and other choice options have sometimes been sought as a way to replace the traditional public school, but I do not advocate charters as a means toward the abandonment of the traditional school model. Charters are a specialized remedy to the injustices that the traditional school model seemingly cannot fix, offering needed, immediate solutions to the problems of under-represented students. Charters are not a magic bullet for all of public education's ills, nor should the pursuit of charter reform be an excuse to neglect further those public schools that are not "choice" schools.

My lens looks at whether or not Utah charter school legislation has supported the creation of charter schools that are accountable to the students it serves. Through the research process, it became clear that the actors in this history created their own realities shaped by the state's cultural, political, religious, and economic values over time. For example, although legislators thought they had created charter schools that would use different and innovative teaching methods to improve student learning (and report the findings to the greater educational community), looking at the data it is apparent that there are limited models of charter schools and most are located in suburban neighborhoods serving white students.

From a national view, seven of ten charter schools have a student racial/ethnic composition that was similar to its surrounding district (U.S. Department of Education,

1999). However, some studies of charter schooling are also identifying class-based segregation, finding that the poor remain behind in traditional public schools when school choice programs are introduced (Levin, 1999). A recent report analyzing school enrollment patterns in 2007-2008 suggested charter schools were more racially isolated than traditional public schools, leading opponents to assert that charter schools have not met the promise to foster integration and equality in American education (Frankenberg, Siegel-Hawley, & Wang, 2011)

According to Van Dunk and Dickman (2002), it appeared that parents who had attained a higher level of education were more likely to have chosen to have their children access educational choices beyond their designated neighborhood school. In Fuller and Elmore's (1996) 3-year Harvard study of choice programs around the United States, the authors concluded that when parents were more involved with their children, they participated in choice more frequently.

Parents in higher social classes are also more likely to select the school for their children, as evidenced by interview data Diamond and Gomez (2004) analyzed of middle-class and working-class African American parents. Holme (2002) likewise concluded that parental status heavily influenced school choice. Not surprisingly, wealthier parents had the means to send their children to schools of their choice with more frequency (Fowler, 2002; Levin, 1997; Payne, 1993). Finally, parents connected with community networks are more likely to choose to have their children take advantage of educational choices beyond local schools (Howe, 2002; Smrekar & Goldring, 1999). Howe concluded that school choice practices tend to "favor parents with savvy, time, and

resources” (p. 22).

For some families, participating in school choice was a matter of running from a low performing school. For others, the pull of a better school was the primary motivation (Howe, 2002; Smrekar & Goldring, 1999; Wronkovich, Robinson, & Hess, 1998). Most decisions were likely based on a combination of both push and pull forces. Other studies (Cooper, 2005; Neild, 2005) have tried to discern specific parental motivations such as school reputations, physically and emotionally safe environments, challenging academic programs, unique curricular emphasis, athletics or other extracurricular programs, convenience, distance, and the availability of transportation. However, low-income parents were seldom asked what kind of schools they would seek, so their perspectives or expectations were not readily available (Holme, 2002).

Choices were typically made based on available or known information. Quality information is needed to increase the likelihood of making appropriate choices, and free-market theories assume that this information was readily available and accessible. Stigler (1961) analyzed this economics of information and noted how reputation greatly impacts the purchasing decisions of consumers.

I am an advocate of school choice, for all students, but with a critical eye towards accountability to its partners—students, parents, chartering entity, and state. I maintain that charter school legislation should free charter schools from most bureaucratic processes governing public education that are not essential to providing a high-quality education for students (e.g., following an orderly termination act compared to at-will employment, flexibility to seek and appoint governing board members with specific skills

needed by the school, curriculum selection outside of the state's approved book list, opportunity to pilot alternative assessments and be exempt from some or all state mandated assessments, freedom from being required to follow district policies, etc.) and in return for the freedom, charter schools should be more accountable for school performance. Since they are freed from red tape, student achievement should exceed minimum standards, as well as make annual progress, more money should be put into the classroom, teachers should be able to function as professional educators, developing innovative methods of instruction and applying them in the classroom, and charter schools should meet the purpose for which they were chartered. This lens was important to the research in that it helped determine whether or not school accountability was a legitimate impetus for Utah's charter school legislation.

When freed from bureaucratic processes, I believe school change at the individual school level will occur more readily and frequently than system wide because it involves fewer people in decision making and implementation. Wohlstetter, Smyer, and Mohrman (1994) contend that site-based management is an innovation that has its roots in the private sector, which encourages self-management and empowers the employees, leading to improved morale and higher productivity. Site-based management theory was transferred from the corporate world to the realm of public education, giving schools authority over budget, personnel, and curriculum. Site-based management operates under decentralization, the development of internal human resources, and the wide participation of school members in the decision-making process, which closely accompanies the tenets of critical theory.

Researchers contend, however, that even when changes are implemented at the school level, schools frequently encounter problems after adoption and terminate a short time later, often within the first two years, without achieving full implementation (Anyon, 1997; Fullan, 1991; Lipman, 1997; Louis & Miles, 1990; Muncey & McQuillan, 1993). Explanations of failure include: incorrect assumptions about the behavior of students and teachers by policy makers; planning deficiencies; implementation difficulties; the culture of the school resisting reform; ideological contradictions that create destructive conflict; and a variety of social, financial, and political obstacles. When educational innovation is studied over a long time, however, short-term implementation failure emerges as central to the process of change and as a critical element in a comprehensive explanation of educational change (Sarason, 1996). This school-change lens was considered in the following ways: first, to determine whether or not innovation was an impetus for Utah's charter school legislation and, second, to determine if Utah charter schools have changed the public education landscape over the past 10 years.

Because I believe that charter schools are tied to political, social, and ethical questions, school accountability becomes more of a challenge to define. Several models of accountability have been promoted as the best model to measure charter school performance including the free market or consumer model, professional accountability model, standards-based performance accountability, and bureaucratic accountability (Fusarelli & Crawford, 2001). I contend that a combination of the models would be the best measure of charter school accountability, in addition to a political model, and, in Chapter IV, I provide a suggested model for Utah charter school accountability.

I came to this study deeply involved in issues of school choice. This gave me many insights and advantages in carrying out this research but also required that I carefully consider how my role and position is implicated in how I carried out the research. I began my career in education as a teacher in a magnet school, a school-choice option operated and managed by a school district. After teaching, I was a school administrator for one year in a traditional district system, but quickly moved to be a school administrator at an independent charter school. I chose to work in an independent charter school because site-based management and increased school accountability mattered to me. Following a few years as a charter school administrator, I took a position with a state department of education where I first worked as a grant writer and a year later was appointed as a manager of charter schools. As the head of the organization that (a) provided oversight and monitoring of school performance to state authorized charter schools, (b) worked with legislators to strengthen charter school legislation, and (c) ultimately answered to the a state level school board, I recognized that I had a unique viewpoint regarding the legislative and educational environment surrounding Utah's initial charter school legislation, the strength of Utah's charter school legislation, and the state of Utah's charter school accountability. Due to my position, I also had privileged access to legislators, charter school leaders, state level data, and state data analyses. Given my employment history and position, I took care to carefully consider multiple viewpoints regarding charter schools.

Because I intended my research to explore why there was charter school legislation in Utah and the political and educational climate at that time, I (a) identified

and interviewed several individuals who had privileged information, having been involved with the initial discussions surrounding charter school legislation, (b) coded the interviews to ensure consistent coding across multiple interviews, and (c) reviewed multiple printed publications widely circulated in the state that identified the public's perception of the charter school discussion.

Procedures

Historical research generates descriptions, and sometimes attempted explanations, of conditions, situations, and events that have occurred in the past. This method comprises the techniques and guidelines by which historians use primary sources and other evidence to research and then to write histories in the form of accounts of the past (Howell & Prevenier, 2001). It is noted that historical research can illuminate current problems and act as a tempering influence (Cohen, Manion, & Morrison, 2011). There is a need for historical research to produce a faithful record of events. There is need also for historical research aimed at suggesting, through a study of previous events, generalizations for guiding behavior. Three essential processes in using historical methodology are (a) data collection from documentary primary and secondary sources (b) criticism of data through assessing the genuineness of information sources, and (c) the presentation of information in accurate and readable form (Cohen et al., 2011; McDowell, 2002).

This study was based on a nonemergent qualitative research design with two steps, namely, standardized, open-ended interviews, and document analysis, because

these methods best align with the prescribed steps used in historical research methodology. Maykut and Morehouse (1994) defined a nonemergent, predetermined research design as study in which the focus of inquiry is pursued using qualitative methods of data collection and data analysis, but the data is completely collected first and analyzed afterwards.

In standardized, open-ended interviews, the same open-ended questions were asked of all interviewees. This approach facilitated faster interviews that were more easily analyzed and compared. The qualitative research interview seeks to describe and understand the meaning of what the interviewees say (Kvale, 1996). In other words, it is a method of learning about a topic by finding out what others feel and think about the topic. The purpose of interviewing is to generate insights and concepts, expand understanding, search for exceptions to any perceived rule by charting extreme cases, and document historical idiosyncratic cases. The result is to understand the major points of the interviewees' message and how it compares to our own situation (Rubin & Rubin, 2005). Standardized, open-ended interviews were conducted with a former member of the Utah legislature and other individuals deemed to be uniquely knowledgeable about charter school legislative development, such as lobbyists, charter school founders, Centennial Charter School task force members, state administrators, and local administrators. The findings were not generalizable for all state legislation, but they pertained to the context that limited my study.

Oral history, a type of historical research, follows the same general steps as historical research. McCulloch and Richardson (2000) contend that oral history based on

interviews has become increasingly popular over the last decade. They assert oral history offers a different view from the documentary sources' top-down view of the history of education, allowing the memories and relationships in education to be considered as part of the history. Though oral history, occasionally, has been criticized for its interviewing techniques, research standards for preparation, and questions of historical methodology (Champion, 2008; Frisch, 1989; Lamont, 1998; Perks & Thompson, 1998; Thompson, 2000), I will lessen these concerns of oral history technique by using an already existent body of knowledge concerning interviewing and questioning techniques and, triangulation of data.

Criticisms of historical research interviewing techniques include that interviewees are often asked about events years after they happened, people tell a story in a way that reflects well on them, and they have a tendency to telescope events together (Partington, 2010). All of these criticisms equally apply to biographies, autobiographies, newspapers, and most other forms of evidence relied upon by historians. However, the main criticisms of histories are the reliability of memory and the societal factors that influence and manipulate perceived memory. Further, because oral histories are inherently unique to each individual, their generalizability and power to understand wider social developments are also questioned (Batty, 2009). Hobsbawn (1997) questioned how far the recollection of one person can be generalized and suggested that one person is not representative beyond him or herself.

Additionally, document analysis was used to analyze all legislative documents pertaining to charter school legislation, including minutes from meetings, draft

legislation, and enrolled legislation from Utah's 1998 General Session through the 2011 General Session. Enrolled legislation is an exact, accurate, and official copy of a passed Senate or House bill. This copy is sent to the governor for executive action. Interviews and document analyses provided a comprehensive history of the evolution and implementation of charter school legislation in Utah.

All sources of data were analyzed for the establishment of authenticity (external criticism), and accuracy (internal criticism). To reduce the chance of bias, I employed both positive and negative criticism. Positive criticism is a strategy for internal criticism and it refers to making sure that the researcher understands the meaning conveyed in the source. Negative criticism refers to establishing the reliability or authenticity and accuracy of the content of documents and other sources of information. To determine if the content in the document or source was accurate, I used the following three heuristics (a) corroboration—comparing documents to each other to see if they provide the same information and lead to the same conclusions, (b) sourcing—identifying the author, date of creation, place of creation, or other information that identifies the source, and (c) contextualization—identifying when and where the event took place and the context in which it took place.

In addition, triangulation was used. Some see triangulation as a method for corroborating findings and as a test for validity. This, however, is controversial. This assumes that a weakness in one method will be compensated for by another method, and that it is always possible to make sense between differing accounts, but, this is unlikely. Rather than seeing triangulation as a method for validation or verification, qualitative

researchers, generally, use this technique to ensure that an account is rich, robust, comprehensive, and well-developed.

Denzin (1978) and Patton (1999) identified four types of triangulation.

1. Methods triangulation, or checking out the consistency of findings generated by different data collection methods;

2. Triangulation of sources, or examining the consistency of different data sources from within the same method, such as comparing people with different viewpoints;

3. Analyst triangulation, or using multiple analysts to review findings or using multiple observers and analysts; and

4. Theory/perspective triangulation, or using multiple theoretical perspectives to examine and interpret the data.

To conduct this research project, I completed the following tasks: (a) devised a sampling procedure; (b) validated interview questions and identified interviewees; (c) developed a structured interview protocol using approved open-ended questions; (d) scheduled and conduct face-to-face interviews; (e) collected and analyzed minutes, proposed legislation, and enrolled legislation from 1997 to 2011; and (f) transcribed interviews and analyzed data. These tasks allowed me to determine if the content in the source was accurate.

The interviews were called “elite interviews” because of the technique of interviewing small populations of elite or influential people, which in this case included legislators, state level educational leaders, and charter school founders. In elite

interviewing, a small number of interviewees are acceptable because it is assumed that their knowledge and insights are privileged and unique. As mentioned previously, the recollections of one person are not representative beyond anyone other than himself or herself (Hobsbawn, 1997). However, the purpose of oral history is to tell a person's story, and the rationale is the need to uncover stories from the past so that we can preserve more than a bureaucratic account of a person's life (Janesick, 2007).

By concentrating on fewer interviewees, I can acquire an understanding of a particular phenomenon that is available to only "insiders" and not commonly known. By limiting the interview process to those individuals who were closest to the charter school legislative process in Utah, it will be possible to better focus on their perceptions to form a coherent network of themes or issues without introducing "noise" in the form of hearsay or anecdotal commentary into the data record. Further, in elite interviewing, it may be assumed that individuals vary in their proximity to the phenomenon studied and, thus, are not equally or similarly knowledgeable in every aspect (Dexter, 1970).

For this study, individuals deemed uniquely knowledgeable and involved with writing charter school legislation were interviewed in depth. Collective oral history finds many individual stories surround a particular theme or stories in which all people share a particular experience (Janesick, 2007). Many oral historians prefer to interview a participant more than one time and as needed in order to get a more detailed and richer picture. This type of interview relies on what Rubin and Rubin (2005) call hearing the data or qualitative interviewing.

As is consistent with qualitative interviewing techniques, purposeful sampling

coupled with some degree of snowball sampling was used to identify possible respondents and select those who were interviewed to reach a targeted sample quickly (Trochim, 2006). In research, “sample sizes in qualitative studies can range from one to as many as the researcher needs” (Padgett, 1998). To increase maximum variation, only those individuals who had different positions and expert knowledge from the primary interviewees were considered.

Interview Questions and Identifying Interviewees

Prior to scheduling interviews, interview questions were designed and interviewees identified. Once the primary interviewees were identified, I developed an interview protocol. The initial protocol included initial contact via email to introduce the interviewer, explain the purpose of the research project, discuss the confidentiality of the interview, request the interviewee’s participation in the project, secure permission to take the interview, and confirm the interview date, time, and location.

I submitted interview questions to the interviewees to ensure that they had the information to provide answers to the questions in advance of our meeting. In addition, this ensured everyone received the questions in a consistent way, the questions communicated what the interviewees were supposed to describe, and that the questions were not so sensitive as to get only socially acceptable answers. Initial interviewees were selected based on their level and type of participation in the development of Utah’s charter school legislation and initial charter schools.

Face-to-face interviews were conducted with the seven interviewees. During the

interviews, 11 preselected, open-ended questions were asked. Open-ended questions did not give interviewees answers to choose from but rather are phrased so the interviewees are encouraged to explain their answers and reactions to the question. The value of open-ended questions is they allow interviewees to include more information, such as feelings, attitudes, and understanding of the subject (Salant & Dillman, 1994).

Open-ended questions included the following.

1. How would you describe your vision to improve education in Utah?
2. In your role as a parent, educator, or legislator, what experiences have you had with any school choice options?
3. How would you describe your involvement in the development of charter school legislation in Utah?
4. What were the main influences or driving forces that supported charter school legislation being adopted in Utah?
5. What influences can you identify in opposition to the adoption of charter school legislation in Utah? What debates occurred on the legislative floor, in Centennial Charter School task force meetings, in caucus meetings, or in private meetings?
6. What impact, if any, do you believe charter schools in Utah will have on public schools?
7. What were your expectations for charter school legislation?
8. In your opinion, how could the current Utah charter school legislation change to meet your expectations?
9. In your work with the charter school legislation, did you use or rely on models

from other states? If not, where did you receive your knowledge on charter schools?

10. If you were doing this study, whom would you recommend I speak with about the development of Utah charter school legislation?

11. Is there anything else I have not asked you, you would like to say about charter schools?

When interviews are used in a qualitative study, it is essential to let the voice of the interviewees speak by not asserting my own views during data analysis and interpretation (Patton, 2002). However, it is important to determine how much inconsistency is present among the interviewees in both their recollection of factually verifiable data and their individual perceptions of the processes (Watson, 2006). To assist in detecting misinformation in this study, clarifying questions were asked during each interview to further reconcile, if necessary, perceptions provided by the interviewees.

I employed several methods in this study to establish the trustworthiness and credibility of the data obtained, including, specifically, looking for nonexamples, using triangulation, and member checking, a process by which the transcript is provided to interviewees to amend or to supplement their remarks or content prior to conducting the final analysis (Creswell, 2002; Guba & Lincoln, 1981). The interviews included standardized, open-ended questions, which were audio taped to provide primary data (Hannay, 2002) and later transcribed. Peters (1994) also postulated that “there is something about thoughts expressed spontaneously in conversation that is different from the more carefully chosen words put in writing.”

The seven tape recorded and transcribed interviews ranged in length from 0.5 to

1.5 hours, with an average length of 0.75 hours. The analysis of the interview data entailed coding of the responses according to the primary topics the Centennial Charter School Task Force (1997) was tasked to discuss: (a) establishment of charter schools within public education, administered and staffed by public employees; (b) funding of the charter schools through weighted pupil units so that no tuition would be charged; (c) creation of charter schools to provide alternative education; (d) need for strong parental involvement at the schools; and (e) performance standards for the schools. Analysis also included the identification of key patterns and anomalies in the responses.

Document Analysis

The second form of data collection included the review of various public state and national documents. The documents were catalogued chronologically into three-ring binders to assist in the analysis and to serve as part of the audit trail used to document the procedures of the study. Each document was reviewed for type, purpose, and significance to determine if it was central or crucial to a particular activity, event, or individual in the study. Documents collected for review included: (a) codified legislation; (b) letters, memoranda, and other communications; (c) agendas, announcements, meeting minutes, and other written reports; (d) administrative documents; and (e) newspaper clippings and articles (Yin, 1994).

Once all data was collected, it was analyzed using content analysis. Using this method, I systematically worked through each transcript assigning codes to specific characteristics within the text. I did not use a predetermined list of categories, but rather let the categories emerge from the data. Coding is an interpretive technique that both

organizes the data and provides a means to introduce the interpretations of it into certain quantitative methods. Most coding requires the analyst to read the data and demarcate segments within it. Each segment is labeled with a “code” (usually a word or short phrase) that suggests how the associated data segments inform the research objectives. Some qualitative data that is highly structured, such as open-end responses from interview questions, is typically coded without additional segmenting of the content. In these cases, codes are often applied as a layer on top of the data.

A frequent criticism of coding method is that it seeks to transform qualitative data into quantitative data, thereby draining the data of its variety, richness, and individual character. Analysts respond to this criticism by thoroughly expositing their definitions of codes and linking those codes soundly to the underlying data, therein bringing back some of the richness that might be absent from a mere list of codes. Coding and analysis of these interviews revealed the following potential themes (a) legislative history, (b) interested party discussions, (c) funding, (d) parental involvement, (e) reasons for choice, and (f) challenges for charter schools.

CHAPTER II

LITERATURE REVIEW

This chapter reviews literature on the national charter school movement, states' charter school legislation, the expansion of charter school policy, evaluation of charter school legislation, changes in charter school legislation since inception, and describes the public education landscape in Utah.

Charter School Movement

Since the early 1960s, as a part of the Great Society reforms initiated under presidents Kennedy and Johnson, the federal government became involved in the funding and management of education (DiMaggio & Powell, 1983). Continuing the federal involvement, in the last eighteen years, Presidents Obama, Bush, and Clinton and Congress have placed charter schools in a prominent position in federal education reform efforts. Specifically, they have granted millions of dollars to charter schools nationwide, and the Race to the Top Fund, President Obama's major education reform, has special provisions for charter schools (Krueger & Ziebarth, 2002; U.S. Department of Education, 2009).

A federal public charter schools program, passed into law by President Clinton as part of the 1994 amendments to the Elementary and Secondary Education Act, helped support charter schools in the states where they were legally allowed. The law authorized funds for charter school development and for a national study to assess the impact of charter schools. The federal legislation that gave momentum to the charter school

movement, however, was the Charter School Expansion Act of 1998, also signed into law by President Clinton. The purpose of the Act was to “improve and expand charter schools” (Charter School Expansion Act, 1998). The Act articulates the nation’s efforts to provide parents and students with better schools, more choice, and higher levels of accountability in public education.

From a political perspective, the charter school concept is a response to political pressure for increased site-based control of education policy setting, implementation, and accountability (McGree & Mutchler, 1998). From an educational perspective, the concept draws upon an array of values with familiar themes in school reform since the early 1980s, including state mandates to improve instruction, school-based management, school restructuring, and private/public-choice initiatives. Multiple researchers note the frequency with which reform advocates, policymakers, and analysts endorse expectation of educational innovations has been notably consistent over time and is overwhelming (J. Allen, 2001; Anthes & Ziebarth, 2001; Bierlein & Mulholland, 1994; Brandl, 1998; Education Commission of the States and the National Conference of State Legislature, 1998; Finn & Manno, 1998; Flake, 1999; Halpern & Culbertson, 1994; Hassel, 1999b; Hill, 1996; Kolderie, 1990, 1994; Lane, 1999; Little Hoover Commission, 1996; Manno, Finn, Bierlein, & Vanourek, 1998a; Manno et al., 1998b; Nathan, 1996a, 1996b; Nathan & Power, 1996; National Governors’ Association, 1986; Rofes, 1996; Vanourek et al., 1997). The charter school model attempted to merge these often competing values, such as balancing autonomy with accountability, teacher professionalism with parental choice, and private-sector principles with public-sector values.

Still, choice in education is one of the most significant and hotly contested public policies, with efforts such as charter schools garnering substantial media and policy attention and often reflecting and defining the broader political debates in the United States (DeBray-Pelot, Lubienski, & Scott, 2007). Many reformers argue against the “one-size-fits-all” model for education and believe that market-style mechanisms of consumer choice and competition between autonomous schools will encourage diverse and innovative approaches for increasing achievement (Finn & Gau, 1998; Nathan, 1996a). Evaluations of charter school programs, however, found negligible to moderate impact on achievement (Center for Research on Education Outcomes, 2009; Hoxby, 2002, 2004; Lubienski & Lubienski, 2006; Nelson, Rosenberg, & Van Meter, 2004). Other predicted outcomes from choice, such as greater innovations in teaching and learning, are also somewhat less impactful than originally anticipated (Lubienski, 2003).

Despite these findings, efforts to free schools from burdensome bureaucratic regulations continued. These efforts are intended to undercut monopolistic political control of public education and end the “exclusive franchise” long enjoyed by districts, giving educators in charter schools the opportunity and motivation to experiment with new instructional strategies (J. Allen, 2001; Hill et al., 1997; Kolderie, 1990).

States’ Charter School Legislation

The charter school movement renewed momentum in, or otherwise altered, a variety of education reforms, including school choice, deregulation, student-based funding, accountability, school leadership and teacher professionalism, and whole school

reform. Some groups in public education looked at the charter movement and saw a threat to long-established mechanisms of funding, governing, staffing, managing, and building and maintaining support for public schools. Regardless, a broad group of educators has pursued this opportunity. Charter schools have been created by parents, educators, school leaders, community-based groups, advocates for special populations, and whole new sectors of for-profit and not-for-profit education providers. They have redefined what public schools are and can do. They have allowed reformers to create the types of schools that they imagine can succeed (Finn, Manno, & Vanourek, 2000; Nathan 1996a) and are contributing to new ways of thinking about the definition of a public school (Hess, 2004; Lubienski, 2004; Tyack & Cuban, 1995; Vergari, 2002).

Virtually every description of these schools either asserted or assumed that charter schools were “public” schools that operated free from some or most of the regulations that applied to traditional public schools (Kolderie, 1990; Manno et al., 1998a; Peterson, 1997; Rofes, 1998; Vergari, 2007). Diverse coalitions supported charter school legislation, including conservatives, moderates, and liberals who advocated for increased school level control “united in their rejection of what they consider to be a stifling bureaucracy-heavy system of public education embracing conformity over innovation” (Brown et al., 2004). Since 1991, charter school laws have been adopted across the United States despite strong opposition. Many charter opponents believe charter schools threaten current education practices that are crucial to fostering equity and providing necessary and quality services to children. Alternately, charter advocates argue that what charter schools really threaten is an unacceptable status quo that fails far too many

American children, as well as the interests of the adults defending current practices and the associated outcomes. As a result, broad and powerful conflicts have erupted almost everywhere the charter concept has been proposed, debated, and implemented (Medler, 2008).

The conflicts have involved all levels of our government, from three presidents, to policymakers in state capitals, to mayors or school board members interacting with local communities. Indeed, politically powerful teachers' unions have worked to prevent the charter school reform from achieving legitimacy (AFT, 1998; National Education Association [NEA], 2006). The charter school laws in place, however, demonstrated that the power of an idea sometimes prevails over the power of established political interests (Derthick & Quirk, 1985; Kingdon, 1995). These differing state reactions reflect political culture, or "the set of acts, beliefs, and sentiments which give order and meaning to a political process and which provide the underlying assumptions and rules that govern behavior in the political system. It encompasses both the political issues and the operating norms" (Pye, 1968, p. 218).

The policy process of market-based education reform has been analyzed using multiple theories, such as the advocacy coalition framework developed by Sabatier (1988) and Sabatier and Jenkins-Smith (1999), the punctuated equilibrium model developed by Baumgartner and Jones (1993, 2002), and the policy streams model developed by Kingdon (1995; Mintrom & Vergari, 1996).

The advocacy coalition framework focused largely on periods of policy stability. An advocacy coalition consists of people from a variety of positions, including elected

and agency officials, interest group leaders, researchers, and so forth, who share a particular belief system and who show a nontrivial degree of coordinated activity over time (Sabatier, 1988). Coalitions aim to have their shared beliefs translated into public policies. They operate within a policy subsystem that includes a broad range of interested parties concerned with a particular policy area, such as public education. Participants in the subsystem include interest groups, administrative agencies, legislative committees, journalists, analysts, researchers, others who generate, disseminate, and evaluate policy ideas, and interested parties in government who are active in the policy formation and policy implementation processes (Sabatier, 1988). Within the advocacy coalition framework, significant policy change stems from events outside the policy subsystem.

In the punctuated equilibrium model developed by Baumgartner and Jones (1993, 2002), a policy monopoly creates stable policy outcomes that endure over long periods. A policy monopoly is supported by particular ideas and institutions. The ideas constrain how issues are understood and discussed by policy makers, and institutional structures limit who can participate in policy debates. Outsiders are discredited as being “uninformed, irresponsible, or dangerous” and, thus, not qualified to engage in decision making for the policy area (Baumgartner & Jones, 2002, pp. 12-13). Indeed, “Policy monopolies are often supported by the acceptance of a positive image and the rejection of possible competing images” (Baumgartner & Jones, 1993, p. 26). This equilibrium is punctuated by periods of major policy change. When new understandings of problems take hold and new interests are mobilized, the policy monopoly’s ideas may lose support and break down. In public education, school districts are the monopoly and have looked

virtually the same for the past 100 years.

According to Kingdon's (1995) model of the policymaking process, policy changes emerge when three streams—problem definition, policy response, and political process—come together to create a “window of opportunity.” Changes in local and state leadership, a fiscal crisis, a massive program failure, or creeping incrementalism may help trigger an opportunity. The tipping point, or whether or not an opportunity translates into policy change, requires political leadership or a policy entrepreneur. The policy entrepreneur manages the policy network by anchoring the new agenda to a well-defined set of problems and solutions (Smrekar, 2011). For any given issue area, once a precedent is set and a new principle is established in law, public policy in that area is significantly altered. Because future policies are based on the new principle, people become accepting of new practices, “and it becomes as difficult to reverse the new direction as it was to change the old” (Kingdon, 1995, p. 191). As noted by Kingdon, when an old coalition that was blocking a reform is defeated, “life is never quite the same” (p. 191) because the coalition can no longer be viewed as invincible or as the dominant interested party in the policy area.

Table 1 provides a summary of the policy process of market-based education reform theories discussed above.

Many politicians and policy makers operated under the assumption that free market forces would naturally encourage good school choices (Chubb & Moe, 1990; Friedman & Friedman, 1980). The realities of school choice, however, are more complex and bear closer scrutiny (Cohen-Vogel, 2003; Ridenour, Lasley, & Bainbridge, 2001).

Table 1

Summary of the Policy Process of Market-Based Education Reform Theories

Advocacy coalition framework	Punctuated equilibrium model	Policy streams model
Periods of policy stability	Policy monopoly	Policy change
Variety of participants that share a belief system	Ideas and institutions that constrain discussions	New ideas drive policy changes
Operate in policy subsystem	Relies on insiders	Starts new momentum
Policy change comes from outside events	Monopoly breaks down when new ideas take hold	Coalitions are no longer viewed as invincible

For example, the *No Child Left Behind Act* of 2001 supported this free-market approach and allows students in low-performing schools to transfer to other schools. However, as reported by the U.S. Secretary of Education, only “about 1 percent of students eligible to transfer out of a low-performing school actually exercise their right to do so under the federal law” (Hoff , 2006, p. 28).

Additionally, Marshall and her colleagues asserted that, within a state’s political culture, there is an assumptive world involving “the understandings of the rules among those who participate in state education policy-making” (Marshall, Mitchell, & Wirt, 1989, p. 10). This assumptive world includes issues (e.g., which people have the right to participate in policy discussions, what are legitimate policy goals, and what problem-definitions and alternatives are not available for consideration). The multiple streams literature suggests the specific timing of a decision, particularly in respect to what other activities are going on at the same time, also has important implications for the decision that is, or is not, made.

A significant aspect of that timing is who is involved in a particular policy discussion. Clearly, not everyone has access to elite policy discussions. The political culture plays a role in determining who does, or does not, have access to the policy discourse surrounding charter schools (Mintrom, 1997, 2000). People with access vary in how much attention they give to a particular policy issue and what resources they choose to expend on that issue. Those policy issues supported by people with access, attention, and resources are expected by interested parties to be weighed more heavily than policy issues supported by less influential people.

Policy entrepreneurs are highly influential actors in motivating state governments to lead the nation in education reform during the first phase of policy innovation (Mintrom, 2000). Mintrom and Vergari (1998) viewed policy entrepreneurs as interested, primarily, in selling ideas designed to bring about dynamic policy change. Unlike interest group lobbyists, who, typically, are not considered agents for dynamic policy change, policy entrepreneurs are not content simply to push for changes at the margins of current policy settings. Rather, they seek to radically change current ways of doing things. In thinking about selling their policy ideas, policy entrepreneurs must also take into account the interests of others. The better able they are to persuade a winning coalition of people that the idea has merit, the more likely they are to see the policy innovation adopted. This is not an easy task. North (1990) argued that many political institutions, such as state legislatures, may function smoothly and yet produce policy settings that, when judged in terms of achievement of the intended outcomes, are highly unsatisfactory.

Charter School Policy Expansion

Despite what some may view as highly unsatisfactory state charter school policies, charter school policy expansion began with only one state in 1991 but now includes 41 states and the District of Columbia. Many policy entrepreneurs and traditional service delivery groups propose different interpretations about the present condition of school choice, as well as contradictory explanations of the reasons for policy expansion (Wong & Langevin, 2007). Several accounts have suggested that both Democrats and Republicans support charter schools (Pipho, 1991; Teske & Schneider, 2001). On the one hand, republicans who support the concept of school choice sometimes support charter schools because they perceive that a voucher plan will not pass in their state (Cookson, 1994). In this case, charter schools offer parents public dollars to facilitate their own decisions about schooling (Teske & Schneider, 2001). On the other hand, Democrats may see charter schools as a way of leveling the playing field by giving school choice to all students while avoiding radical market options, such as vouchers (Cookson, 1994).

Not surprisingly, political partisanship did not seem to lead to better-quality charter schools, although which party controls state government may affect their numbers. There is some evidence that the number of Republicans in a state legislature positively influences the number of charter schools by a small but significant measure, and the presence of a Republican governor does so substantially (Hassel, 1999a; Mead & Rotherham, 2007). In general, however, partisan disputes complicate efforts to improve charter quality and negatively impact the availability of funding and support for charter

schools (Shober, Manna, & Witte, 2006).

Furthermore, the charter school issue was highly politicized in some states yet largely consensual in others (Hassel, 1999a). One explanation was that charter advocates in diverse states understand the concept to mean different things and seek different goals in passing charter legislation, based on a range of assumptions about what motivates educational reform. While this explanation seems plausible, with a few important exceptions (Hassel, 1999a; Mintrom & Vergari, 1997; Wohlstetter et al., 1995), analysts who have addressed differences among state charter school laws have not probed beyond the specific components of the laws (Buechler, 1996; Mulholland, 1996). A number of works on public policy has advocated the need to examine the goals, rationales, and assumptions that lead to the passage of a particular law in order to better understand the creation of the law and its implementation (Hill & Celio, 1998; Schneider & Ingram, 1993).

The majority of recent studies have examined state legislative responses to national government influence in several policy domains where federal statutes dominate the state regulatory environment and frequently supplant the power of local political interests (Allen, Pettus, & Haider-Markel, 2004; Balla, 2001). Bulkley (2005) claimed it is through the national discourse on education, or particular pieces of it, that state policymakers learn of new ideas. Other reform ideas under discussion nationally, at a particular time, may also influence the political construction of a new idea and set the stage for the policy discourse within states, helping to shape the types of problems and alternatives that policy maker's debate. National discussions can influence state policy

discussions in a variety of ways, as state policy makers read pieces by national organizations or influential educational thinkers, attend conferences about reform ideas, or talk informally with colleagues in other states.

Bulkley (2005) found that in Arizona, Michigan, and Georgia policymakers gathered information about charter schools and other reforms from a variety of external sources. While the most common source of data was the actual laws adopted by other states, there were also partisan national organizations that provided information. While policymakers maintained that they had made the charter idea their own, they still strived to connect their law to the national charter movement, and the state variations reflect the lack of unity among charter advocates at the national level. National discussions about more general education reform also provided policy arguments for state-level construction of charter schools, but which aspects of this national discourse policymakers attended to most varied based on specific state contexts (Bulkley, 2005).

Mintrom and Vergari (1998) asserted individuals in each state could be identified as successful policy entrepreneurs and played a more important role than anticipated in the conceptual framework of charter school legislation. Each individual supported a particular construction of charter schools, was able to influence the actions of important policymakers, and obtained, at least, some of what the individual sought in the content of the bill. Absent these individual advocates, it is unclear whether charter legislation would have been passed in these states. When necessary, they made compromises to make the idea more politically viable (Mintrom, 2000; Mintrom & Vergari, 1998). After witnessing policy entrepreneurs successfully persuade the first state to adopt a new policy measure,

neighboring states and regional leaders considered passing the same legislative bill in their home state (Gray, 1973). Political leaders often look to neighboring states, states with the same population, and states with the same economic makeup for policy ideas because of the high opportunity costs of comparing the strengths and weaknesses of all policy alternatives (Walker, 1969).

Political scientists studying state politics have frequently noted how states appear to borrow policy ideas from one another. The significant policy autonomy that states enjoy permits ongoing experimentation with approaches to addressing policy decisions. Thus, the states have often been described as “laboratories of democracy” (Osborne, 2000) and “policy laboratories” (Gray, 2008). However, while states may act autonomously, they do not act in isolation from one another. Should they desire, it is relatively easy for state policymakers to observe the experiments of their counterparts and consider the advantages and disadvantages that such approaches might hold for their own states (Mintrom & Vergari, 1997).

Renzulli and Roscigno’s (2005) research on charter school policy, implementation, and diffusion across the United States used event-history analyses, competing risks, and random-effects negative binomial regression, to examine how interstate dynamics and intrastate attributes affect the adoption of legislation on and the creation of charter schools within states. The findings revealed a strong mimetic tendency among adjacent states to adopt charter school legislation and regional similarities in the creation of charter schools. The adoption of state-level policy, for example, may be shaped by both internal attributes of states, such as interest groups and voting

constituencies, and inter-state processes, in which states look to their neighbors for legislative blueprints and legitimacy in the adoption process (Renzulli & Roscigno, 2005). Once policy is adopted, however, it is likely that intrastate political structures, the presence of formal organizations and social movements, and demographic features will influence educational policy as they do other social policies to various degrees (Meyer, Ramirez, & Soysal, 1992).

Consistent with the argument Renzulli and Roscigno (2005) made is the core finding in diffusion research that spatially proximate players influence one another by increasing their mutual awareness of an innovation (Strang & Soule, 1998). By virtue of their proximity, these players are likely to “infect” one another with new ideas. Relating this point to charter schools, one would expect that sharing a border with a state or states that have already adopted charter school legislation will increase the likelihood that a state will adopt such legislation itself.

Strong Versus Weak Charter School Legislation

Several reviews attempted to identify the reasons that state legislators have supported charter school legislation, as well as identify which legislation is strong versus weak. For the purpose of this dissertation, strong charter school law means legislation that meets the 20 essential components identified by the National Alliance of Public Charter Schools and “fosters a development of numerous, genuinely independent charter schools,” and a weak law is “one that provides few opportunities or incentives for charter school development” (Center of Education Reform, 2001; Ziebarth, O’Neil, & Lin,

2010). Nathan (1998) surveyed 50 legislators and policy leaders in several states trying to identify why they proposed charter school legislation. The major reasons legislators cited were to help students who had not succeeded in existing schools, to expand the range of schools available, to increase student achievement, to provide an opportunity for educational entrepreneurs, and to pressure the existing system to improve. Legislators also felt charter school legislation could be strengthened by (a) giving charter school students the same per pupil allocation as district school students; (b) permitting more than one chartering entity to create charter agreements; (c) eliminating the cap on the number of charter schools; (d) giving charter schools a great deal of independence; and (e) providing some start-up funds.

In addition to other reasons, Marshall and colleagues (1989) examined the influence of cultural values on policy making in six states, using survey, case study, and statistical methodologies. The authors identified four common values in policy formation. These values were quality, equity, efficiency, and choice. Marshall and colleagues identified seven policy mechanisms available to policy makers. These were school finance, personnel training and certification, student assessment, school program definition, school organization and governance, curriculum materials, and school facilities.

In the Marshall and colleagues (1989) study, policy makers ranked the values according to their relative importance, placing them in the following order: (a) quality, (b) efficiency, (c) equity, and (d) choice. The researchers found that asking the policy makers to rank these values did not mean that they rejected others. “When forced to

choose, however, respondents gave clear priority to quality, efficiency and equity values” (p. 94), though the authors found receding support for educational equity as evidenced by no legislative requirement to provide transportation, thus effectively eliminating school choice for parents who cannot afford to transport their child to school, and minimal expenditures on special education. This seminal study grounded the competing-values approach in empirical study. There are related values and policy instruments, especially when one considers school choice policies, meriting examination as well. Researchers of charter school reform have teased out these values. Garn (2000) applied the competing-values framework to a study of Arizona charter schools, finding emphasis on choice above all other values. Others have proposed criteria for charter schools that emphasize equity and access (Good & Braden, 2000). Finally, some researchers examined the tension between autonomy, innovation, and accountability (Fusarelli & Crawford, 2001).

Levin (1999) argued that school choice initiatives, like charter schools, reflect the importance placed on different values or goals. Often, these goals can complete or contradict one another, but they are not necessarily mutually exclusive. Rather, he imagines the possibility of balancing the goals in the formation of school choice initiatives. Specifically, Levin proposes that four major concerns inform school choice policies: freedom to choose, productive efficiency, equity, and social cohesion. In addition, as policy makers craft legislation and policies aimed at achieving these goals, Levin suggests they use available policy tools such as finance, regulation, and support services to shape the initiatives.

Although the major reasons for proposing charter school legislation were similar,

the specifics varied by state, with greater flexibility, freedom from regulations, and ease of entry defining “strong laws,” according to advocates. These are qualities that shape the scope, adequacy, quality, innovativeness, and educational value of charter schools (Bierlein, 1997; Center for Education Reform, 2011; Molnar, 1996; Vanourek et al., 1997; Viteritti, 1999). For example, Michigan legislators passed laws intended to encourage the creation of large numbers of charter schools, hoping that large numbers would create competition with traditional public schools. In Georgia, on the other hand, policymakers were uninterested in competition and sought methods to deregulate and decentralize education after a period of increasing centralization. Charter schools were one method to move toward these goals (Vergari, 2002).

State charter school laws have addressed a wide variety of issues, such as who can apply to start a charter school, what entities can authorize a charter school, and how charter schools are funded. In addition, other important areas of state law include what rules are waived for charter schools, whether charter teachers must be certified, and how charter schools are held accountable. Some states maintain a regulatory hold on charter schools by limiting the agencies that have the authority to grant a charter, restricting the types of organizations that can receive a charter, capping the number of charter schools or number of students who can attend, and constraining school autonomy in decision making, such as requiring charter schools to hire certified teachers or requiring charter schools to administer all state standardized tests (Lubienski, 2004). Others provide a legislative environment that fosters the development of numerous, genuinely independent charter schools (Center for Education Reform, 2011).

Most charter laws invite at least some people from outside the existing public school system to submit applications. These commonly include individual citizens, informal groups, and nonprofit organizations (Hassel, 1998). State charter laws also determine which public bodies have the power to issue charters, and the central issue is the role local school boards play in the process. In some states, local school boards have the power by law to veto any charter school proposed in their jurisdictions. In other states, other entities, such as the state board of education, can approve charter schools, even if the local school board does not agree. Still other states remain in between, requiring applicants to approach their local school boards first but allowing rejected applicants to appeal local decisions to the state board of education. A third way in which state legislation affects the selection process is by the placement of limits on the number of charter schools that may open. Some of these provisions cap the number of charter schools statewide. Others limit the number within a single school district or region of the state. Some are absolute caps, limiting the number of schools that may be open at any one time, while others are annual limits, restricting the number of schools that may open in a given year. A fourth important aspect of state charter laws is the criteria for obtaining a charter. With these provisions, legislators indicate the factors chartering entities must use when deciding whether to grant a charter to a specific applicant. Some laws state these criteria explicitly, while others imply criteria by specifying the information applicants must provide to chartering entities as part of their petitions.

As followers of the charter school movement have come to realize, not all charter school laws are created equally (Bierlein & Mulholland, 1995; Millot, 1995). Some state

laws have spawned dozens of self-governing schools that are operated by a variety of organizations and individuals, free from most regulations, and legally and financially autonomous. In other states, years have come and gone since the initial passage of the legislation without a single charter school having been established, so limited are the incentives for charter schools and so burdensome is the process of becoming one. Strong charter school laws are designed to provide for the establishment of high-quality charter schools (U.S. Department of Education, 2004). In contrast, weak charter school laws would not provide for the establishment (or accountability) of high-quality charter schools. Bierlein (1996) found that in the six states with the strongest laws, there were 222 charter schools operating, compared to 14 operating in the six states with the weakest laws.

To assist states in passing a strong charter school law, several groups and individuals have proposed components that should be included. The Morrison Institute for Public Policy at Arizona State University created a list in the early 1990s. These criteria focused on legal components that best supported the creation of autonomous public charter schools, such as the number of schools allowed, multiple chartering authorities, automatic waivers from laws and regulations, and legal and operational autonomy. Vergari (1999) identified nine components: organization, sponsorship, legal status, regulations, accountability, admissions, funding, teachers, and number.

Most recently, however, the National Alliance for Public Charter Schools (NAPCS) identified the 20 essential components of a strong public charter school law: (a) no caps on the number of charter schools; (b) variety of public charter schools allowed;

(c) multiple authorizers available; (d) authorizer and overall program accountability system required; (e) adequate authorizer funding; (f) transparent charter application, review, and decision-making processes; (g) performance-based charter contracts required; (h) comprehensive public charter school monitoring and data collection processes; (i) clear process for renewal, nonrenewal, and revocation decisions; (j) educational service providers allowed; (k) fiscally and legally autonomous schools with independent public charter school boards; (l) clear student recruitment, enrollment, and lottery procedures; (m) automatic exemptions from many state laws; (n) automatic collective bargaining exemption; (o) multi-school charter contracts allowed; (p) extra-curricular and interscholastic activities eligibility and access; (q) clear identification of special education responsibilities; (r) equitable operational funding and equal access to all state and federal categorical funding; (s) equitable access to capital funding and facilities; and (t) access to relevant employee retirement systems (Ziebarth et al., 2010). It is my contention this evaluation tool is the most comprehensive. As such, I use this tool as my source of “quality” judgments.

The NAPCS and Center for Education Reform (CER), as well as other groups and individuals, used these types of standards, with minor revisions, to issue specific grades or ranks for each state against a set of criteria. The CER, an independent, national, non-profit advocacy organization providing support and guidance to individuals nationwide who are working to bring fundamental reforms to their schools, conducted a 5-year study that evaluated charter school laws in all states where legislation had been passed as of November 2001 (Center for Education Reform, 2001). The laws were not only judged on

content but on effect as well. The CER defined a strong law as one that “fosters a development of numerous, genuinely independent charter schools,” and a weak law as “one that provides few opportunities or incentives for charter school development.” The study looked at 32 major components of each state’s law, and these components were then factored into nine major categories that defined the law’s strength: (a) strong laws place no limits on the number of charter schools allowed; (b) strong laws allow multiple charter granting agencies; (c) strong laws allow diverse eligibility in charter applicants; (d) strong laws allow new, start-up charter schools; (e) strong laws allow schools to start without evidence of local support; (f) strong laws grant automatic waivers from state and district laws; (g) strong laws provide legal, fiscal, and operational autonomy; (h) strong laws guarantee full per-pupil funding; and (i) strong laws provide exemptions from collective bargaining agreements or school district work rules. The state laws are scored in each area, on a scale of one through five. States with a total score of 40-50 receive “A” grades, states with scores of 30-39 receive “B” grades; “A” and “B” states have strong laws. Because the ranking is based upon the perspective of those who value choice over other public policy goals, the CER ranking represents a particular political point of view (Center for Education Reform, 2011; Scott & Barber, 2002).

Since 1996, the CER released an annual state-by-state report card, grading each state’s charter school legislation on a scale of “strong” to “weak.” These ratings have been influential. Each year when the grades are released, newspapers publish stories identifying their home state law as strong or weak. As an example, *Education Week’s* “quality counts” has uncritically incorporated CER’s charter law grades into its own state

rankings (Orlofsky & Olson, 2001). It should be noted that evaluation criteria are not value free (House & Howe, 1999). Rather, these criteria can arise from such sources as a client's request, the evaluator's own values, or a desire to make the evaluation useful (Joint Committee on Standards for Educational Evaluation, 1994). In addition to the CER's approach, at least six other approaches have been proposed as alternatives for gauging the value and success of charter school laws (AFT, 1998; Buechler, 1996; Miron, 2005; Scott & Barber, 2002; Witte, Shober, & Manna, 2003; Ziebarth et al., 2010).

The evaluation approach advocated by the AFT penalizes in its ranking system charter school legislation that tends to create an alternative school system serving a few, select students; it praises charter school legislation that serves a broader public interest and facilitates improvement of the public education system (AFT, 1998). Miron (2005) argues that charter school laws should have key features that lead to anticipated outcomes. The seven key features he identifies are (a) rigor of approval process, (b) rigor of oversight, (c) provision of technical assistance, (d) extent of education management organization involvement, (e) financial support, (f) rate of growth, and (g) bipartisan support. Scott and Barber (2002) claimed that charter school laws should be analyzed based on choice, productive efficiency, equity, and social cohesion, defined as "the extent to which the public school systems promote common educational experiences to diverse populations of students" (p. 30). Buechler (1996) argued a charter school law will be strong to the extent that it (a) permits a large or unlimited number of schools to form, (b) permits a variety of operators to start schools, (c) permits a variety of sponsors, (d) permits existing schools to convert and new schools to start, (e) establishes an appeals

process for denied charters, (f) provides a blanket waiver from education laws and regulations, (g) gives the school complete control over personnel decisions, and (h) defines the school as a legally and financially autonomous entity, among other criteria. Witte and colleagues (2003) proposed yet another list of features in sought-after charter school legislation, including (a) applications and authorization, (b) financial support, (c) governance, (d) employees, (e) students, (f) performance accountability, and (g) public accountability.

It does not appear that there exists universal agreement on the reasons that charter school legislation was written, nor what defines weak and strong state legislation. Together, these different approaches highlight the arbitrariness of any given ranking system (Chi & Welner, 2008). Table 2 compares select components of strong charter school laws according to the researchers discussed above.

In practice, some state laws are more like one set of strong charter school law components than the others, but each state's charter law has grown out of its individual state context, regulatory environment, balance of political forces, and perspectives on how charter schools might be implemented. Therefore, charter laws vary widely across states regarding the extent to which they follow model charter law guidelines (RPP International, 1997).

In addition to ranking charter school legislation, important work has been done examining social, political, and educational values embodied in charter school laws, with researchers examining the tension between accountability and autonomy, for example (Millot, 1994). Others have provided broader, philosophical examinations of the

Table 2

Comparison of Select Components for Strong Charter School Laws

	Buechler (1996)	Vergari (1999)	CER (2001)	Scott & Barber (2002)	Witte et al. (2003)	Miron (2005)	NAPCS (2011)
New, start-up and conversions; Variety of operators	Organization	Allow new, start-up schools; diverse applicants	Multiple authorizers		Education management organizations		Educational service providers allowed; variety of operators
Variety of sponsors	Sponsorship	Legal, fiscal, and operational autonomy	Legal, fiscal, and operational autonomy		Technical assistance		Multiple authorizers
Legal and financial autonomy	Legal status	Waivers from state and district laws/policies	Waivers from state and district laws/policies		Governance	Bipartisan support	Independent and autonomous
Blanket waiver from state laws and regulations	Regulations	Accountability	Social cohesion				Exempt from many state laws
	Admissions	Productive efficiency	Productive efficiency		Performance and public accountability	Rigorous oversight	Authorizer and program accountability; Performance-based contracts
	Funding	Equity	Equity		Students		Clear recruitment, enrollment, and lottery
Complete control over personnel	Teachers	Full per-pupil funding	Full per-pupil funding		Financial support	Financial support	Adequate funding
Unlimited	Number of schools	Collective bargaining exemption	Collective bargaining exemption		Employees		Collective bargaining exemption
Appeal process for denied charters		No limit	No limit			Rate of growth	Multi-school contracts; no caps
						Rigorous approval process	Transparent application, review, and decision-making

competing goals of public education (Labaree, 1997) and the public and private purposes of education (Levin, 2002). Scott and Barber (2002) contended this work should be continued, with educational researchers continuing to provide assiduous study of the legislative and policy conditions that shape charter schools as participants jockey for their values to be represented in the reform (Keller, 2001; Kemerer & Maloney, 2001; Olson, 1994).

Changes in Charter School Legislation

As charter schools mature, there is conjecture about forthcoming legislation. In a study surveying education policy experts in 50 states, Mintrom and Vergari (1997) found that charter legislation is more readily considered in states with a policy entrepreneur, poor test scores, Republican legislative control, and proximity to other charter-law states. Legislative enthusiasm, gubernatorial support, interactions with national authorities, and use of permissive charter-law models increase the chances for adopting stronger laws. Seeking union support and using restrictive models presage adoption of weaker laws.

Yet, public policies are not frequently replicated with the same rules and regulations (Wong & Langevin, 2007). In fact, charter school laws differ significantly in the details, and these details affect the extent to which charter schools are likely to proliferate in a given state (Hassel, 1998; Mintrom & Vergari, 1997; Wohlstetter et al., 1995).

Additionally, state charter school laws are not static. They define the parameters in which a state's charter sector operates, and the marks of specific state policies are

visible in state charter sectors. However, state laws are not the only factor shaping a state's charter sector. The political, educational, and other climate factors in a state also have an impact and help determine the provisions of state charter laws and how easy or difficult it is to change those (Mead & Rotherham, 2007). In fact, as charter school legislation entered into the eleventh year of existence, state legislators in several key states revisited their charter school laws (Scott & Barber, 2002). During the 2000-2001 school year, policy makers in Minnesota, California, and Texas reexamined original charter school laws and proposed measures to readdress loopholes and, in some cases, abuses (Keller, 2001).

All the states in Mead and Rotherham's (2007) sample amended their laws multiple times, some modestly and some substantially. States added authorizers (CO, FL, MN, OH), created appeals processes (CA), clarified authorizer responsibilities (CA), and restricted or eliminated some authorizers (AZ, OH). They increased oversight (OH, MI), added reporting requirements (TX), and strengthened accountability (AZ, TX). They raised (NY), eliminated (CO, MN), or instituted (MI) caps on the number of charter schools that can open. They tweaked charter school funding formulas and created new funding streams for transportation and facilities (AZ, Washington DC), and they enacted a variety of other regulatory and technical changes.

Taken together, these state law changes seem to point in contradictory directions: some states adding restrictions and requirements for charter schools, others creating more openings for charter schools. However, from another perspective, state charter school laws appear to be converging. States such as Minnesota and Colorado, which started out

with fairly narrow laws allowing charter schools as an experiment, have opened things up by raising caps and adding new authorizers. States such as Arizona, where an initially laissez-faire approach to chartering inevitably led to some poor quality charter schools, have increased oversight of both charter schools and authorizers (Mead & Rotherham, 2007). Also, the quality of a state's charter schools can affect the politics around them. "Blowups" and scandals involving low-performing or corrupt charter schools have strengthened the hand of charter school opponents in Michigan and Ohio, making it difficult to change those states' laws to meet more of the attributes of strong legislation. The strong performance of the Washington, DC's, first major class of charter schools in 1998, on the other hand, helped build political support for charter schools among Washington, DC, leaders who were initially skeptical about the congressionally imposed reform.

State charter school laws remain incredibly varied. Over time, however, they appear to be opening up opportunities for establishing charter schools by adding new authorizers and raising charter school caps. At the same time, they seem to be moving toward a greater emphasis on quality by strengthening oversight and accountability, defining authorizer responsibilities more clearly, creating new high-quality authorizers, and encouraging better authorizing. What follows is the history of Utah charter school legislation and its transition from initial policy to the seventh highest ranked charter school legislation in the nation, according to the National Alliance for Public Charter Schools (Ziebarth et al., 2010).

In summary, the charter school movement started in the early 1990s when

Minnesota passed the first charter school law. Charter schools were an education reform movement intended to provide parents with choice regarding which school their child would attend, the authority for parents and education leaders to make site-based decisions for that school, the requirement that the school be accountable to its patrons, and to improve academic outcomes with increased school flexibility from bureaucracy. Charter school policy expanded into several states, but not all were strong laws opening high-quality schools, holding schools accountable to the promises made in its charter. Currently, charter school laws have been passed in 41 states and the District of Columbia by 2011, opening 5,275 charter schools nationwide and enrolling 1.8 million students.

CHAPTER III

CHARTER SCHOOLS IN UTAH

Utah has 41 school districts, containing 913 schools, serving 542,853 students statewide. Additionally, it has 81 operational charter schools, serving 44,892 students, with another seven schools approved to open in 2012 (Utah State Office of Education, 2011d). In the 2011-2012 school year, charter schools served over 7.5% of Utah's public school enrollment. Of the 81 charter schools now open, the majority, about 74%, are along the Wasatch Front, including 28 charter schools in Salt Lake County (Salt Lake, Jordan, Granite, and Canyons Districts), 20 in Utah County (Alpine, Nebo, and Provo Districts), 7 in Davis County (Davis District), and 6 in Weber County (Weber and Ogden Districts). This is consistent with the 75% of the population who live in the same four counties.

The larger communities along the Wasatch Front are served by ten medium to large-sized school districts, serving between 13,000 and 68,000 students each. These communities range from urban environments to affluent communities, with high-performing schools, in the suburbs. Figure 1 shows the charter school distribution and percent population attending charter schools in the school districts serving the four counties of the Wasatch Front.

The state also has many rural school districts serving sparsely populated areas throughout the state. Utah has around 14 districts that basically serve a single "feeder pattern" (i.e., the entire district contains one high school, one middle school, and one or two elementary schools; Utah State Office of Education, 2011a). Some of these small

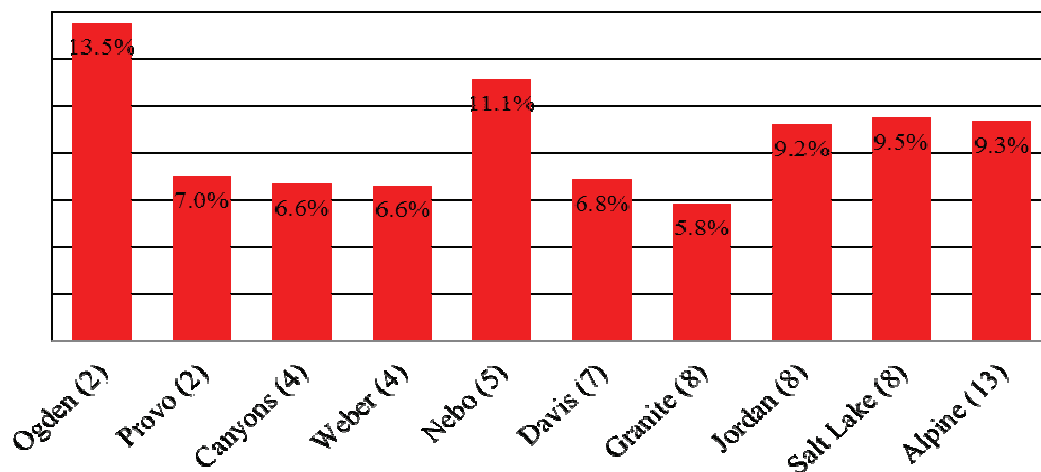


Figure 1. Number of operational charter schools and percentage of students enrolled in charter schools along the Wasatch Front in 2011-2012.

districts serve extremely large geographic areas as well as student populations with extremely high rates of persistent childhood poverty. The remaining eighteen Utah charter schools are scattered throughout the rest of the state.

While charter schools serve fewer than 8% of the state's overall public school students, there are districts where the market share for charter schools is much greater and clearly being felt. In Carbon School District and Ogden School District, for example, charter schools now serve approximately 15.2% and 13.5% of the districts' public school enrollments, respectively. Utah district leaders have been particularly conscious of the growing competition from charter schools. Other Utah districts with high concentrations of charter students include Park City School District, with one charter schools and about 12.2% of district public school enrollment and Nebo School District, with five charter schools and 11.1% of district public school enrollment.

Racially and ethnically, Utah's public school districts serve a predominately white

population. More than 77% of the students in the district are white, 15.3% are Hispanic, 1.8% Asian, 1.4% are Black, 1.5% Pacific Islander, and 1.3% Native American (see Table 3). Similarly, Utah's public charter schools serve a predominantly white population. More than 81% of the students in charter schools are white, 11.0% are Hispanic, 1.9% Asian, 1.2% are black, 1.3% Pacific Islander, and 0.5% Native American. Statewide, more than 63% of Utah's families earn too much to qualify for free or reduced price lunches (Utah State Office of Education, 2011b).

The differences and distances between Utah's school districts reinforce a history of local control that is enshrined in the state's constitution. Despite the structural weakness of the state role, Utah has been involved in many of the education reforms that consolidate state authority, including the creation of state standards, the implementation of a state-wide testing regime and related accountability structure, and the creation of policies that allow and facilitate public school choice, including open enrollment and charter schools.

The state's K-12 education system is governed by an elected Utah State Board of Education (USBE), whose members compete in nonpartisan elections. Candidates for the USBE, vetted through the Governor's nominating committee, must have outstanding professional qualifications in areas such as business and industry administration, human resource management, finance, metrics and evaluation, manufacturing, retailing, natural resources, information technology, construction, banking, science and engineering, medicine and healthcare, higher education administration, applied technology education, public education administration and instruction, economic development, and labor. The

Table 3

Enrollment Data for Utah Public Schools in 2011-2012 Using Fall Enrollment Race/Ethnicity Data and Average Daily Membership Data (percentages shown)

School	African American	American Indian	Asian	Hispanic/Latino	Pacific Islander	Multi race	White	Students w/ disabilities
AMES	6.2	3.3	8.5	24.8	8.9	0.2	48.1	4.1
Alianza Academy	1.1	0.9	2.4	31.0	0.9	3.2	60.7	
Alpine District	0.7	0.5	1.0	8.7	1.3	0.7	87.1	10.3
American Leadership	2.2	0.8	0.5	12.1	1.2	0.7	82.4	14.9
American Preparatory	3.3	0.3	5.4	32.1	2.5	0.5	55.9	7.2
Bear River Charter	0.0	0.6	5.0	6.1	0.6	1.1	86.7	19.5
Beaver District	0.2	0.6	1.1	11.5	0.1	0.3	86.1	14.7
Beehive Sci. & Tech.	1.4	0.7	5.1	6.5	1.4	0.0	84.8	12.1
Box Elder District	0.6	0.7	0.7	9.2	0.3	0.9	87.6	10.7
Cache District	0.6	0.4	0.6	8.2	0.5	1.1	88.6	11.5
Canyon Rim	1.9	0.4	1.5	7.6	0.8	1.5	86.4	8.4
Canyons District	1.3	1.1	2.6	11.8	1.2	2.5	79.6	11.0
Carbon District	0.4	1.1	0.2	12.1	0.1	0.3	85.8	14.8
Channing Hall	0.6	0.1	4.3	4.8	1.2	0.0	88.9	8.9
City Academy	1.9	0.5	1.0	16.9	0.5	5.8	73.4	22.4
CS Lewis	1.3	0.2	0.2	11.8	1.1	1.3	84.1	23.9
Daggett District	0.0	0.6	0.6	3.0	0.0	0.0	95.9	10.6
DaVinci Academy	1.7	0.3	0.2	7.8	0.4	1.4	88.1	17.0
Davis District	1.5	0.5	1.6	8.5	1.1	1.3	85.5	10.3
Dual Immersion	0.9	0.5	0.0	83.0	1.4	1.4	12.9	8.3
Duchesne District	0.3	4.9	0.2	6.0	0.3	2.1	86.2	15.0
Early Light	0.8	0.3	1.3	5.7	0.9	2.3	88.7	11.6
East Hollywood	0.0	0.0	0.3	27.2	0.0	0.0	72.5	14.8
Edith Bowen	1.4	0.3	3.7	7.8	0.7	2.0	84.1	10.2
Emery District	0.6	0.8	0.3	8.1	0.2	0.6	89.4	16.7
Endeavor Hall	1.0	0.0	0.3	22.1	0.3	0.3	75.9	
Entheos Academy	1.0	0.4	0.8	14.1	2.7	2.5	78.6	11.9
Excelsior Academy	0.4	1.3	0.7	6.5	0.1	1.3	89.5	10.0
Fast Forward	1.4	2.3	0.5	16.4	0.5	1.8	77.3	23.8
Freedom Academy	0.2	1.5	0.2	6.5	0.1	0.1	91.4	11.7
Garfield District	0.6	1.4	1.4	5.2	1.1	0.9	89.4	14.1
Gateway Preparatory	0.9	0.1	2.9	21.4	2.9	0.6	71.3	11.4
George Washington	1.1	0.4	2.4	5.1	1.6	5.3	84.0	9.2
Good Foundations	1.0	0.0	0.7	9.9	0.0	3.9	84.5	7.2
Grand District	0.8	6.1	1.4	14.8	0.3	0.3	76.3	11.9
Granite District	3.0	1.6	4.3	30.8	3.8	0.4	56.2	10.8
Guadalupe School	1.6	0.0	0.0	94.4	0.0	0.0	4.0	8.6
Hawthorn Academy	1.1	0.1	2.3	8.6	0.7	1.8	85.2	7.7
InTech Collegiate	0.0	0.0	8.1	16.8	0.0	0.0	75.2	9.3
Iron District	0.5	2.7	0.4	9.3	0.5	1.9	84.7	13.7
Itineris Early College	0.8	0.0	5.1	17.7	1.2	2.8	72.4	0.4

(table continues)

School	African American	American Indian	Asian	Hispanic/Latino	Pacific Islander	Multi race	White	Students w/ disabilities
John Hancock	0.0	0.0	5.9	4.3	2.1	0.5	87.2	10.7
Jordan District	0.9	0.4	1.7	11.8	1.5	2.8	80.9	11.7
Juab District	0.6	0.3	0.6	3.1	0.3	1.1	94.0	12.6
Kane District	0.4	1.5	0.3	3.6	0.3	0.3	93.4	13.0
Karl G Maeser	0.2	0.3	2.7	6.2	1.1	2.4	87.1	4.5
Lakeview Academy	0.6	0.0	0.4	5.2	1.7	0.0	92.2	10.0
Legacy Preparatory	0.5	0.0	1.2	4.3	2.8	3.3	87.8	8.7
Liberty Academy	0.2	0.4	0.2	3.5	0.4	4.8	90.4	6.9
Lincoln Academy	0.8	0.0	0.9	5.1	0.6	3.9	88.6	13.2
Logan District	1.4	1.2	3.9	25.2	1.0	0.5	66.8	11.5
Maria Montessori	0.0	0.0	1.4	7.3	0.4	1.4	89.4	10.1
Merit College	0.5	0.7	0.5	10.0	0.7	1.5	86.2	14.1
Millard District	0.2	0.9	0.6	16.2	0.4	1.0	80.7	17.3
Moab School	0.0	5.1	2.6	2.6	0.0	0.0	89.7	7.1
Monticello Academy	0.5	0.3	4.5	21.3	5.3	2.8	65.3	8.5
Morgan District	0.4	0.2	0.2	2.4	0.5	0.6	95.7	7.6
Mountainville	1.1	0.4	2.9	4.7	0.5	1.9	88.5	8.8
Murray District	2.4	0.8	2.0	13.2	1.2	1.5	78.9	10.3
Navigator Pointe	0.8	0.8	1.9	6.2	0.6	4.1	85.7	9.8
Nebo District	0.6	0.6	0.5	10.1	0.8	1.0	86.5	13.5
NUAMES	2.0	0.4	3.3	9.4	2.2	1.3	81.3	0.8
Noah Webster	1.2	0.3	6.3	14.7	2.9	0.5	74.1	8.9
North Davis	2.0	0.4	1.3	13.1	0.8	2.0	80.5	6.7
N. Sanpete District	0.5	0.5	0.3	12.0	0.2	1.1	85.2	14.0
North Star	1.2	0.0	0.8	2.9	0.0	0.8	94.3	9.2
N. Summit District	0.3	0.2	0.0	12.0	0.2	1.9	85.4	10.8
Odyssey	0.4	0.0	2.6	7.3	0.8	3.8	85.2	9.0
Ogden District	1.5	1.0	0.8	48.2	0.5	1.1	46.8	11.5
Ogden Preparatory	1.9	0.1	1.7	31.3	0.7	2.2	62.1	9.6
Open Classroom	1.6	0.5	0.3	2.1	0.3	4.2	91.1	9.5
Open High	0.6	0.0	0.3	6.1	0.3	4.0	88.7	3.9
Oquirrh Mountain	1.4	0.1	4.4	3.4	0.3	1.7	88.7	11.3
Paradigm High	0.7	0.0	0.4	5.5	1.1	0.5	91.8	9.1
Park City District	0.4	0.3	1.6	18.9	0.3	2.1	76.4	7.5
Pinnacle Canyon	0.8	0.4	0.2	11.9	0.0	0.4	86.3	32.3
Piute District	1.9	0.0	0.0	10.1	0.6	0.0	87.4	16.6
Providence Hall	0.9	0.0	0.6	3.5	0.6	0.1	94.3	8.7
Provo District	1.0	1.1	2.5	26.6	2.3	1.2	65.2	13.8
Quail Run	1.5	0.7	0.9	9.3	9.9	7.6	70.1	12.2
Quest Academy	0.0	0.8	0.5	8.4	0.3	0.9	89.1	12.2
Ranches Academy	0.3	0.0	0.6	7.2	0.0	5.2	86.7	12.3
Reagan Academy	1.2	1.3	1.3	11.7	0.7	0.0	83.7	14.4
Renaissance	0.9	0.0	3.4	6.2	0.7	1.8	87.0	7.4
Rich District	0.0	0.6	0.0	2.6	0.0	0.2	96.5	11.2
Rockwell High	0.3	0.3	1.3	3.9	1.2	0.3	92.6	16.0
Salt Lake Arts	3.3	0.0	6.0	6.0	1.0	0.3	83.3	5.8
Salt Lake Science	3.6	1.2	3.0	34.0	4.5	1.5	52.2	10.4

(table continues)

School	African American	American Indian	Asian	Hispanic/Latino	Pacific Islander	Multi race	White	Students w/ disabilities
Salt Lake District	4.4	1.7	4.4	37.3	4.5	1.9	45.8	12.6
Salt Lake SPA	3.2	0.5	0.9	4.1	1.8	1.8	87.7	6.4
San Juan District	0.3	51.0	0.1	2.9	0.3	0.7	44.7	11.2
Sevier District	0.5	1.6	0.4	4.7	0.4	0.0	92.4	12.3
Soldier Hollow	0.4	0.0	0.0	4.1	0.4	2.4	92.7	11.9
S. Sanpete District	0.8	0.6	0.3	11.3	0.7	1.0	85.4	14.4
S. Summit District	0.3	0.0	0.1	12.3	0.0	1.6	85.6	10.2
Spectrum Academy	0.5	0.2	0.0	3.2	0.2	2.0	93.8	84.1
SUCCESS Academy	0.0	0.0	2.0	6.3	0.9	0.9	89.9	0.3
Summit Academy	0.7	0.0	1.5	2.3	0.3	0.5	94.7	9.5
Summit High	0.0	0.4	0.0	4.9	0.0	1.8	93.0	7.4
Syracuse Arts	2.0	0.2	0.7	4.9	2.5	0.5	89.2	12.1
Thomas Edison	0.8	0.7	2.8	12.1	1.7	0.9	80.9	7.6
Timpanogos	0.2	0.0	3.9	9.1	0.0	1.4	85.4	11.6
Tintic District	0.0	0.5	0.0	1.4	0.0	0.0	98.1	8.3
Tooele District	1.1	1.2	0.6	11.5	1.1	1.1	83.5	11.8
Tuacahn High	0.3	0.3	1.5	7.5	0.6	0.0	89.8	2.9
Uintah District	0.5	7.4	0.3	6.4	0.5	1.0	83.9	10.8
Uintah River High	0.0	94.5	0.0	0.0	0.0	0.0	5.5	8.8
Utah Connections	1.8	0.7	2.9	6.1	1.1	6.1	81.4	26.2
UCAS	0.5	0.5	4.1	9.0	1.5	0.5	83.8	1.3
Utah Virtual	2.0	0.7	1.1	5.1	0.8	0.0	90.4	10.9
Venture Academy	0.8	0.0	0.0	5.1	0.0	2.5	91.6	9.3
Vista at Entrada	0.6	0.6	0.6	5.7	0.9	1.6	90.0	13.2
Walden School	0.9	2.4	1.8	6.8	2.7	1.5	84.0	18.0
Wasatch District	0.3	0.2	0.6	14.8	0.1	0.3	83.6	13.0
Wasatch Peak	2.1	0.5	1.3	6.7	4.8	1.6	82.9	8.4
Washington District	0.9	1.8	0.6	11.9	1.8	0.4	82.5	10.8
Wayne District	0.2	0.6	0.6	2.6	0.6	1.1	94.4	11.6
Weber District	0.9	0.6	1.2	11.5	0.6	2.2	83.0	13.5
Weilenmann School	0.4	0.0	1.9	3.2	0.4	3.0	91.2	12.3
Charters	1.2	0.5	1.9	11.1	1.4	1.6	82.2	10.8
Districts	1.4	1.3	1.8	15.3	1.5	1.3	77.4	11.5
Statewide	1.3	1.2	1.8	15.0	1.5	1.3	77.8	11.5

nominating committee, consisting of 12 members appointed by the governor, represents diverse business and industry and education sectors (Election Code, 2 Utah Code Ann. § 20A-14-104, 2011). The composition and purpose of the nominating committee remains a hotly contested topic among legislators and the public (Moss, Nielsen, & Stephenson, 2011).

The state education agency, the Utah State Office of Education (USOE), is overseen by a State Superintendent of Public Instruction (superintendent) who is hired by the elected USBE members. Thus, neither the legislature nor the Governor exercises direct influence over the personalities or leadership controlling USOE.

Utah Charter School Legislation

As discussed in Chapter II, studies have frequently noted how states appeared to borrow policy ideas from one another (Gray, 2008; Mintrom & Vergari, 1997; Osborne, 2000). Additionally, studies have revealed a strong tendency among adjacent states to adopt charter school legislation, and regional similarities in the creation of charter school laws were shaped by both internal attributes of states and interstate processes (Renzulli & Roscigno, 2005; Strang & Soule, 1998). Of the six states surrounding Utah, five adopted charter school legislation prior to Utah. Colorado and New Mexico both passed charter school legislation in 1993, Arizona in 1994, Wyoming in 1995, and Nevada in 1997. Idaho, along with Utah, passed charter school legislation in 1998.

Although charter schools had not yet been introduced in Utah, Governor Michael Leavitt was very interested in supporting their implementation. He believed that school choice for parents and some competition for school districts was important. As a first step, he supported the state's Centennial School initiative. Enacted into law by the 1993 Legislature, through House Bill 100, *Centennial Schools Program*, the law embodied Governor Leavitt's goal to move Utah's public schools to a new level of performance. The program commemorated Utah's 100th birthday, which would occur in 1996. The

Centennial School Law was scheduled to expire on June 30, 1996, but was extended by the 1996 Legislature until June 30, 2000.

The Centennial Schools program was designed to foster the following.

1. Implementation of a strategic planning process that (a) defined performance goals for students and the means for evaluating those goals, (b) established strategies to involve business and industry with the school, (c) focused on the totality of the student through the involvement of other local or state agencies, (d) provided for the extensive involvement of parents in the development of personalized student education/occupation plans (SEOPs) for each student, and (e) included the basics of education as well as higher learning skills in new designs to improve learning.

2. Creation and operation of a site-based, decision-making body that consisted of parents, teachers, classified employees, students, and administrators with delegated authority to make decisions about the matters that were critical to the achievement of school goals established by the group. The decision-making authority of each Centennial School was specifically outlined in the delegation document developed by the school and approved by the local school district, the Governor's Office, and the State Board of Education.

3. Implementation of procedures whereby the school was held accountable, according to the authority delegated to it through its site-based decision-making body.

4. Integration of technology into curriculum, instruction, and student assessment.

5. Provision of procedures for receiving waivers of those local and state rules, regulations, and agreements that prohibited or hindered the school from achieving its

performance goals.

Over 600 Utah schools applied for Centennial School status during the first 5 years of the program. Special committees reviewed the applications and submitted the names of recommended schools to the Governor's Office and State Board of Education for approval. The first group of 98 Centennial Schools was named in 1993; 93 additional schools were added in 1994; 72 more schools were approved in 1995; 69 schools received Centennial School status in 1996; and 62 more in 1997. Each designated Centennial School received special grant funds based on its size.

Governor Leavitt's next step was to support House Bill 56, *Modified Centennial Schools Program*, which passed in the 1996 general legislative session. Although the term modified implies that they were something less than a Centennial School, in fact this legislation created a new program that afforded two additional flexibilities to public schools that participated, which included (a) exemptions from state and local board rules and policies when required to meet performance goals and (b) provisions for program funding to flow directly to the school for maximum local control.

As of September, 1996, 10 Utah schools were named as Modified Centennial Schools. "This takes our Centennial Schools program another important step forward. It provides maximum local control and flexibility to schools to help students reach their highest level of performance" (Leavitt, 1996, as cited in Cortez, 1996). To qualify as a Modified Centennial School, the school had to demonstrate widespread parental and school staff support. It also had to have completed or be in its third year as a Centennial School. Each of the selected schools had a team of directors that consisted of an equal

number of school employees and parents or guardians of students attending that school.

Directors could request and receive waivers from the state or local board of education for any rule or policy that prevented or inhibited the school from achieving its performance goals. This allowed the school autonomy to make local decisions for the students, faculty, staff, and patrons of schools regarding teacher employment, student performance, school calendars, budgeting practices, and faculty professional development.

Governor Leavitt introduced Centennial Schools at the beginning of his administration to increase parent involvement, local control, and student performance. He indicated the Modified Centennial School program would run at least three years and would then be evaluated to determine the success of student performance goals. The Governor was generally perceived by the public education community as a strong supporter of public education. However, he was also well known for being forward thinking about education, and it was not unexpected when, in 1997, he proposed the creation of charter schools, even though most of the public education community did not support them. In fact, many in Utah had already likened Modified Centennial Schools to watered-down charter schools, because they provided site-based decision making to the principal of the school, included parents on the team of directors, and provided for waivers from rule and policy.

The Governor's position created an interesting dichotomy. Because the public education community generally recognized the Governor as a proponent of a strong public education system, they did not want to oppose the Governor full force regarding

his charter schools proposal. But, they also did not want charter schools. He was open, however, to listening to the opinions from all of the stakeholders (Salisbury, 2000).

Despite the verbalized concerns of several public education special interest groups (e.g., Utah School Superintendent's Association [USSA], Utah Education Association [UEA], Utah School Boards Association [USBA], etc.), the Governor listed the creation of charter schools as one of his education priorities for the 1998 general session of the legislature. One of the interviewees introduced later in this chapter, a state government employee, did not think school districts and the public would have opposed charter schools had they really been a pilot project with research to support their continuation. She identified:

Instead, it appeared to school districts that legislators were saying that charter schools were going to be in Utah whether anyone liked them or not, and that charter schools were going to compete for the limited resources, and that districts were obligated to like charter schools. A simple change in message could have changed the charter school movement from one of competition to one of partnership and innovation. People just got the wrong impression in the very beginning, and it has taken a long time to get over that.

During the summer of 1997, the Centennial Charter Schools Task Force (task force) was organized by the legislature and studied the possibility of creating charter schools in Utah (Centennial Charter Schools Task Force, 1997). The 15-member, governor-appointed task force consisted of three members of the Senate, Senator David H. Steele (R), Co-Chair, Senator Joseph L. Hull (D), and Senator Howard A. Stephenson (R); five members of the House of Representatives, included Representative Brian R. Allen (R) Co-Chair, Representative Judy Ann Buffmire (D), Representative Brad King (D), Representative Evan L. Olsen (R), and Representative Bill Wright (R); one member

from the governor's office, Dr. Gary Carlston, Governor's Education Director; one member from the State Office of Education, Steven Laing, Associate Superintendent at the USOE; one certified public school teacher, Pat Rusk; one school district administrator, Superintendent Steven Baugh, Alpine School District; one private school representative, Margie Coombs; one parent of a student, Sharlene W. Hawkes; and one representative of the business community, William P. Moore.

As the historical record in Utah specific to precharter school legislation discussions was found in the task force minutes and recordings, the researcher gained most information from the review of these documents. In addition to reviewing the task force minutes and recordings, the researcher also identified and interviewed seven individuals involved with initial charter school legislation. The interviewees had varied experiences with education and charter school legislation. Despite Utah's growing diverse population, around the time of initial charter school legislation there were only 10.8% minorities (U.S. Census Bureau, 2000) and 28.8% democrats in the Utah legislature (Utah State Legislature, 2011a). Therefore, the limited diversity in the interviewees represented the state's demographics at the time. Below is a brief summary of each interviewee, including his/her involvement with public education and Utah charter schools. Throughout this document, each will be referred to by his/her role.

Charter school principal (Republican), white female, was a former teacher and current administrator. Her involvement with Utah charter schools included writing and submitting a charter application, participating with a local charter association, administering currently operational charter school, serving on the board of a chartering

entity, and advocating for improved charter school legislation.

State government employee (Republican), white female, was a former teacher, former administrator, and current staff in a government organization. Her involvement with Utah charter schools included serving on the Centennial Charter Schools Task Force, working with staff for a chartering entity, and advocating for improved public education legislation.

Charter school founder (Democrat), white male, was a former teacher and advocate in Utah's not-for-profit arena. His involvement with Utah charter schools included working as business manager of an original charter school, participating and holding leadership positions with a local charter association, partnering with USOE on multiple trainings and projects, and developing local governing board capacity.

Former legislator (Republican), white male, was a former legislator and current lobbyist. His involvement with Utah charter schools included serving on the Centennial Charter Schools Task Force, serving on the board of a chartering entity, lobbying for improved charter school legislation, and developing local governing board capacity. His original influence to pursue charter school legislation was because of his experience as a parent and the lack of accessibility to leadership at the school district, as well as his lack of ability as a parent to influence change. This situation prompted the idea that the current public education model in Utah was broken and legislators needed to find a different model.

District superintendent (Republican), white male, was a former teacher, former administrator, and current district superintendent. His involvement with Utah charter

schools included authorizing a former charter school, working with staff for a chartering entity, and advocating for improved public education legislation.

Parent lobbyist (Republican), white female, was a parent of students in public education, both charter schools and district schools. Her involvement with Utah charter schools included writing and submitting charter application, participating and holding leadership positions with a local charter association, partnering with USOE on multiple trainings and projects, and lobbying for improved charter school legislation.

Higher education employee (Republican), white male, was a former teacher, former public school administrator, former state level administrator, and current administrator in higher education. While at the USOE, he was involved in advising the USBE regarding charter school applicants and helping operating charter schools by providing technical support.

As the charter school discussion progressed during the summer of 1997, minutes from the 10 task force meetings held between June and November, 1997, showed various challenges to the concept of charter schools, debated among legislators and stakeholders alike, such as: What entities should be granted authority to authorize and approve charter school applications? How many charter schools should be authorized? How would charter schools be funded? Should teachers be certified? What community and parental involvement should be required? and To whom would the charter schools be accountable? These questions were very challenging to resolve due to the variance of charter school laws that had been enacted across the nation and the diverse political views that existed at the time. Moreover, legislators held very divergent views, although it was

anticipated there would be sufficient support to enact some sort of charter school legislation. Public education officials were generally unsupportive or only slightly supportive as charter school legislation was considered. Through all the debate, Governor Leavitt remained committed to gaining legislative approval for charter schools.

In the remainder of this chapter, I address the commonalities and differences between discussions of the legislature's task force and individuals I interviewed regarding charter schools and school choice. A topical history of these discussions follows.

Purpose of the Centennial Charter School Task Force

June 19, 1997, was the inaugural meeting. The task force met and reviewed the legislation that created the task force and the statutory duties of the task force, which included reviewing existing charter school legislation and programs in other states and, if applicable, other countries, as well as ultimately making recommendations regarding (a) the establishment of charter schools within the state, either administered and staffed by public employees or private providers, (b) the funding method through weighted pupil units (i.e., no tuition), (c) the need for strong parental involvement, (d) the modification of open enrollment policies, including the possibility of dual enrollment for home school students, and (e) the creation of charter school performance standards.

Public educators in Utah felt that school districts already offered school choice through the Centennial Schools and Modified Centennial Schools programs and, at the inaugural meeting of the task force, members of the USOE and principals of Centennial

Schools spoke passionately about the effectiveness of these programs already in place (Centennial Charter School Task Force, 1997).

Early task force meetings began with listening to experiences and observations of different individuals within Utah public education regarding the Centennial Schools program. Ms. Pam Hallam, principal of Orem Junior High School, reported that the answer to a better education system was not to recreate schools but to help them become better. Ray Morgan, principal of Canyon Crest Elementary, stated his school was permitted to waive policies and procedures that stood in the way of reaching goals and objectives. Both administrators noted that being able to make decisions regarding what was best for their schools and students allowed them to achieve school goals (Centennial Charter School Task Force, 1997). Mary Voelker, Granite School District administrator and former principal of Olympus Junior High School, and Paul Sagers, principal of Olympus Junior High School, addressed the committee on their Centennial School experiences. They answered questions regarding why, as principals, they chose the Centennial Schools program and indicated they desired to establish a democratic system and greater accountability at their school. They also stated that while waivers from district policies were, indeed, necessary, the waiver requests were perceived as not politically acceptable by district leaders and boards of education (Centennial Charter School Task Force, 1997).

The Utah PTA also reported parents' frustration with the increased legislative efforts to innovate public schools. Ms. Paula Plant conveyed the PTA's concern that the task force was promoting yet another innovation when the Centennial Schools idea had

not been given ample opportunity to prove itself as effective (Centennial Charter School Task Force, 1997). Despite the apparent lack of support for the charter school concept by agencies and associations that represented public education, the governor and legislators felt there could be more autonomy and choice in education through charter schools.

James L. Wilson, Associate General Counsel assigned to the task force, reported that it was difficult for him to find a standard legislative model, as charter school legislation was unique to each state (Centennial Charter School Task Force, 1997). The Education Commission of the States and the National Conference of State Legislatures paper entitled, “The Charter School Road Map” identified the common components of charter schools. These common components included that all states grant exclusive powers to charter schools, including charter schools sponsored by local districts, which operated independently under a non-profit corporate status. Similarities in state laws led to the conclusion that they were public schools that adhered to the following conditions: (a) charged no tuition, (b) were nonsectarian, (c) subjected to state and federal laws prohibiting discrimination, (d) complied with all state and federal health and safety laws, (e) instructed students the required minimum number of days, and (f) followed compulsory attendance regulations. Differences in components of state charter school laws included: (a) some states required charter schools to serve a specific percentage of at-risk students, (b) requirements found in performance agreements, (c) funding, (d) freedom from district and state regulations, and (e) teacher certification requirements (Centennial Charter School Task Force, 1997).

Chartering Entity

Shortly after the task force met for the first time, the question as to what entity (e.g., government, public, private) should be granted authority to authorize and approve charter school applications surfaced as the first discussion point. Across the states and the District of Columbia, legislatures at that time permitted four different types of public entities to serve as chartering entities: (a) school districts, (b) state boards of education, (c) other existing public entities (e.g., cities, counties, universities), and (d) public boards created for the specific purpose of serving as chartering entities (Vergari, 2001). Looking to the surrounding states with enacted charter school legislation (i.e., CO, NM, AZ, and WY), the task force found that most states either legislated school districts (i.e., local education agencies) or state organizations (e.g., State Boards of Education or independent charter boards) as chartering entities.

Each type of chartering entity presented pros and cons in terms of the growth of the charter school movement and the quality of charter school accountability process. Among the chartering entities in existence, school districts had the most direct experience with the actual day-to-day operation of public schools and all that this entails. This expertise seemed to be a real asset for a chartering entity, whether in reviewing applications for new schools or in the oversight of charter schools. However, school districts that embraced charter school reform were uncommon (Hassel & Vergari, 1999). Administrators of the traditional public school system frequently viewed charter schools as a distraction from other reform initiatives and as an unreasonable burden on school district budgets and personnel.

School districts also placed implicit or explicit conditions on charter approval that were unappealing to charter school applicants. Thus, charter school advocates favored permitting an entity other than the school district to authorize charter schools. However, most state boards of education are less than enthusiastic about charter schools on the basis of philosophical, political, and logistical reasons. Charter schools are often viewed with a skeptical eye by administrators and staff who have long been faithfully devoted to the institution of the traditional public school (Vergari, 2001). Moreover, charter schools placed new burdens on state departments of education, frequently without a commensurate increase in capacity for meeting the new obligations. In some cases, this was a deliberate attempt on the part of state legislatures to discourage the development of robust regulatory regimes for an education reform rooted in deregulation.

Publicly funded entities have faced political pressures from the governor or state legislature to assume an active role in the charter school arena or a different set of political pressures from formal or informal partnerships with local school districts to not become involved with charter schools (Vergari, 2001). Finally, public boards created for the specific purpose of serving as chartering entities were not immune from bias. The Utah State Charter School Board was recognized as being decidedly sympathetic to the aims and interests of the charter school movement.

Chartering entities fulfilled three key roles. First, they reviewed applications for new charter schools and determined whether the proposed schools were likely to be sound educational entities. Second, after a charter was issued, the chartering entity monitored the school's performance under its charter and applicable laws and regulations.

The charter included provisions pertaining to matters such as governance, curriculum, student achievement, fiscal management, and personnel. Third, the chartering entity made decisions about whether and how to intervene in lagging charter schools and whether to terminate charters.

Successful fulfillment of each of these roles was made more complicated by four features of the institutional arrangements within which chartering entities operated. First, many of the most significant tasks performed by chartering entities were technically complex. Second, chartering entities determined the appropriate balance between charter school autonomy and accountability. Third, chartering entities operated in a politically charged arena. Finally, successful implementation of an accountability system was a complex task that required adequate capacity not only on the part of the charter school being held accountable but also on the part of the chartering entity charged with oversight (Cohen, 1996; Elmore, Abelman, & Fuhrman, 1996). Yet, chartering entities often operated under resource constraints (Hassel & Vergari, 1999).

Although most interviewees discussed both local education agencies and state organizations as authorizing entities, interviewees almost singularly preferred a state organization as the chartering entity due to the perceived objectivity of the state to see the merit of school choice and the state's willingness to listen to parents' concerns.

Experiences of two interviewees included statements that they attempted to work with their school district regarding specific instances of frustration but felt that they were not heard. The charter school principal went to her local school district when her son had a panic episode at school and no one at the school responded to his needs. She recalled:

When my son stood in the hallway at his school for over an hour in a state of panic, and no one at the school tried to help him, I decided to go to the district to see what could be done. The administrator I met with told me “if you people would stop having babies then you wouldn’t have these problems.” I knew then and there that I had to find an educational alternative for my son, but the only others available at the time were private schools and home schooling, neither of which was acceptable to me as a public school educator.

Parent lobbyist also knew that she needed to find an alternative for her third son who was in an overcrowded class in an overcrowded school. When he was in the first grade, he wrote a Thanksgiving story about the lonely turkey and his Christmas story was the sad Christmas mouse. Parent lobbyist recognized that her son was not enjoying his school experience, even at that young age, and wanted to provide an educational environment for him that would make him happy, and, subsequently, flourish.

Following the review of several other charter school legislative models, Representative Brian R. Allen (R) distributed to the task force some tentative charter school language describing three autonomy models: full autonomy model, discretionary autonomy model, and permitted autonomy model (Centennial Charter School Task Force, 1997). The full autonomy model allowed the USOE to be the sole authorizer of charter schools. Applicants were public or private organizations, or nonprofit groups. The state-supported weighted pupil unit and school district money flowed directly to the charter school. Authority was granted from the state to the school and accountability was directed to the USOE. The school was responsible for all aspects of management, including academic decisions and school operations, would contract with employees directly, and was required to meet additional charter-specific criteria outlined in legislation.

The discretionary autonomy model allowed the USOE or school districts to be the authorizers of charter schools, but required that the authorizers provide oversight and monitor school performance. The state-supported weighted pupil unit and school district money flowed directly to the charter school, and it could contract with the district for various services (e.g., transportation, human resources, reporting). The school was responsible for all aspects of management, including academic decisions and school operations, would contract with employees directly, and was required to meet additional charter-specific criteria outlined in legislation. The main difference between the full autonomy and discretionary autonomy models was the right and responsibility of the chartering entity to provide direct oversight.

The permitted autonomy model looked similar to the Modified Centennial Schools program in that the school district authorized charter schools and funding flowed to the chartering entity for distribution to the charter school as they saw fit. The local school board worked with the charter school to determine the amount of authority and money available to the applicant. The school's governing board oversaw various services at the school level (e.g., building, supplies, curriculum, auxiliary services, etc.) based on what the authorizer allowed.

Senator Howard A. Stephenson (R) recommended that the task force look into the New Zealand model, which relied on a parent council that determined how funding was spent (Centennial Charter School Task Force, 1997). Research revealed that the New Zealand education model offered many of the same characteristics as charter schools in that the model included a site-based board of trustees that was elected by the parents, had

full responsibility for what happened at the school, and made all spending decisions (Centennial Charter School Task Force, 1997).

Senator Joseph L. Hull (D) moved that the task force recommend the discretionary autonomy model in its the proposed legislation, and that the legislation provided for the establishment of new charter schools and included language that permitted existing public schools to convert their status to charter school. The motion passed unanimously (Centennial Charter School Task Force, 1997). At a subsequent task force meeting, Senator David H. Steele (R) proposed that “charter schools be established with local boards with an appeal to the State Board of Education, and charters may be granted by the State Board of Education.” Discussion ensued and ended with the motion being divided into two parts: “Charter schools may be established through local boards with an appeal to the State Board of Education” and “Charter schools may be sponsored by the State Board of Education.” The second motion caused great debate among task force members about the merits of requiring the State Board of Education to grant charters to applicants denied by their school district. Much of the discussion centered on restricting the number of charter schools the State Board of Education could create. A substitute motion was proposed by Superintendent Baugh permitting the State Board of Education to grant a total of ten charters to applicants appealing or referred by local boards. Both motions passed with Reps. Bill Wright (R) and Evan L. Olsen (R) voting against the first motion and Senator Howard A. Stephenson (R), Reps. Brian R. Allen (R), Evan L. Olsen (R), and Bill Wright (R), Dr. Carlston, and Ms. Hawkes voting against the second (Centennial Charter School Task Force, 1997).

Charter School Funding

Once the chartering entities were determined, the task force moved on to charter school funding. The task force reviewed fiscal roadblocks encountered by other states in the establishment and maintenance of charter schools. They also noted that the U.S. Department of Education's evaluation of charter schools indicated the top three concerns on establishing charter schools included start-up costs, capital facilities, and transportation (Centennial Charter School Task Force, 1997). Representative Brian R. Allen (R) challenged task force members to propose language that addressed the concerns expressed in the U.S. Department of Education's evaluation while still providing a great amount of autonomy for charter schools in determining how funds were spent.

As expected, funding was a topic of great debate among task force members, interviewees, and public educators alike. Senator David H. Steele's (R) initial funding methodology proposed each charter school students received the fiscal year's state weighted pupil unit and 50% of the weighted pupil unit from districts. A spirited discussion followed regarding the use of the local contribution to help finance students attending charter schools. On one hand, task force members argued that public dollars should not be spent on what may be conceived as private education (Centennial Charter School Task Force, 1997). On the other hand, Senator Howard A. Stephenson (R) expressed concern that 50% of the local contribution was not sufficient. He argued that a laboratory of innovation required an infusion of funds to support its mission, which may be more expensive than a traditional school. The Utah School Boards Association asked if the proposed dollars to fund charter schools represented a legislative allocation of new

monies or increased competition for tax dollars now used to fund district schools (Centennial Charter School Task Force, 1997).

The funding discussion continued over 2 months. Representative Brian R. Allen (R) brought five funding options to the task force for consideration. In November, Senator Joseph L. Hull (D) moved that applicants might apply for start-up costs in the form of a grant through state funding identified by the legislature but which would not be part of current education funding. The motion passed with Representatives Evan L. Olsen (R) and Bill Wright (R) voting against the motion. Subsequently, Senator Joseph L. Hull (D) moved that the State Superintendent of Public Instruction might allocate grants for start-up costs based on the size, scope, and special circumstances of the charter school applicants. The motion passed and Ms. Rusk and Superintendent Baugh voted against the motion (Centennial Charter School Task Force, 1997).

General funding of charter school students, however, was not as simple. Five options were considered, but only three were found in the meeting minutes. Option 1 provided for a full weighted pupil unit (WPU) and 50% of local contributions. Concerns were voiced regarding Option 1, especially by Senator Howard A. Stephenson (R) who felt the proposal's idea to permit charter schools to receive only 50% of the local contribution was too little, considering the charter school's fiscal needs at start-up, including facilities. He suggested that it be increased to 75% of the local contribution. Option 2 funded charter school students the same as district students, including funds received through taxes levied. Concerns voiced regarding Option 2 included the feeling that the overall funding for districts would be reduced, if charter school students were

funded as if they were in a regular program. Option 5 funded charter school students at a full WPU and additionally required that the school districts provide transportation for charter school students and offer any unused facilities to charter schools for first right of refusal. This caused considerable discussion around the concepts of student transportation and capital facilities (Centennial Charter School Task Force, 1997).

Dr. Carlston moved that the task force endorse funding options not disadvantageous to charter schools and yet causing no financial harm to district bonded indebtedness already in place. School districts should be held harmless in their debt service funding. Senator Howard A. Stephenson (R) offered a substitute motion and the task force adopted the language of Option 2, with the additional language that “debt service and similar school district obligations be excluded.” The motion passed unanimously (Centennial Charter School Task Force, 1997).

Although the motion passed, there were remaining concerns regarding the details of charter school funding (Centennial Charter School Task Force, 1997). Representative Brian R. Allen (R) recommended that an ad hoc committee be created to meet during the 1998 legislative session to help review charter school funding and help prepare “a general philosophical bill and allow all entities involved in chartering to work out the details.” However, since the task force was able to align on the proposed legislation, this committee was unnecessary and was never created (B. Allen, personal communication, July 20, 2011).

During 2003-2011, public schools in Utah received revenue from three main sources: (a) the federal government (12.4%), (b) the state government (64.9%), and (c)

local revenues generated by their own property tax levies (22.7%; Utah State Office of Education, 2011c). Despite passing legislation intended to fund charter school students equitably, charter schools remained unable to capture local revenues in the same way districts can (i.e., levy property taxes). Most federal money in Utah public schools came in the form of grants and No Child Left Behind Act (NCLB) funds, as well as Individuals with Disability Education Act (IDEA) special education funding. Additionally, from 2003 through 2011, Utah received grants from the Public Charter Schools Program (PCSP; 2003-2011) and State Charter School Facilities Incentive Grants Program (2005-2009). Under these grant programs, 83 Utah charter schools received an average of \$157,607 with the PCSP and 66 of the same Utah charter schools received an average of \$125,219 with the State Charter School Facilities Incentive Grants Program (USOE Grant documents in charter school office).

The PCSP was designed to increase the number of quality charter schools. Charter schools were eligible to receive PCSP grant monies for three years to offset start-up costs incurred during their first years of operations. The grant money was used to offset costs incurred for obtaining education materials and supplies, developing curriculum, and other limited operational costs. According to a study by the Utah Foundation in 2005, more than two-thirds of the PCSP grant money received by Utah charter schools was spent on property (school equipment) and supplies. New charter schools also spent some of the grant funds for personnel costs, professional services, and other services related to the opening of a new school.

Utah charter schools were also able to receive grant monies under the State

Charter School Facilities Incentive Grants Program (2005-2009). Implemented under the Elementary and Secondary Education Act and amended by the NCLB Act of 2001, the Facilities Incentive Grants Program was designed to encourage states to expand facilities and to help share in the costs associated with charter school facilities. For states to be eligible to compete for grants, they were required to have a program currently in place and specify in state law a provision for per-pupil funding on an annual basis for charter school facilities. To be eligible for this grant opportunity, Utah amended its charter school funding law in 2004 to include language stating that at least 10% of the local replacement funds must be used for charter school facilities (S.B. 3; Utah State Legislature, 2004b).

Several school districts looked to these grant programs as a way to fund needed projects under the guise of a charter school umbrella. District Superintendent, former superintendent of a rural Utah school district, sponsored one of the original eight charter schools and recalled:

The main reason behind starting a charter school was financial. The district had need for an alternative high school, but didn't have the funding to support it. As a charter school, however, we were eligible for federal startup money, as well as state startup money. That provided enough money for us to develop a charter school campus. The difficulty I saw, even within the district, was at the other side of the district - about a 35 minute drive. A lot of the students had the same need for an alternative school, but didn't have the means to drive across district to attend, as charter schools do not receive funding for transportation.

The largest portion of revenue for Utah public education was derived from state sources, mainly the Uniform School Fund, which was funded primarily through personal and corporate income taxes. Governed by the Minimum School Program Act (MSP), the state distributed funds to districts and charter schools using a myriad of formulas based

on enrollment, student characteristics, and school location. The MSP was designed in part to equalize funding capacity between poorer and richer districts (Minimum School Program Act, 2 Utah Code Ann. §53A-17a, 2011). The basic program provided support to all public schools for students in grades K-12. The basis for distribution of this program was the WPU.

WPU, a measurement unit calculated according to program specific formulas, usually involved prior year average daily membership (ADM) plus growth. The Legislature determined the dollar value of the WPU annually during the General Session. How many WPUs a district or charter school generated was contingent upon various student characteristics. For charter schools, Kindergarten students generated 0.55 WPUs, students in grades 1-6 generated 0.9 WPUs, grades 7-8 generated 0.99 WPUs, and grades 9-12 generated 1.2 WPUs (The Utah Charter Schools Act, 2 Utah Code Ann. §53A-1a-513, 2011). One WPU for FY 2011 was \$2,577; for FY 2012 it was valued at \$2,816 (H.B. 2; Utah State Legislature, 2011b).

Under the MSP, every district in the state was required to levy the basic minimum property tax rate in order to qualify for funding from the state's Uniform School Fund. The basic levy rate was applied uniformly to all districts statewide. The more revenues an individual district received from the levy, the less revenue that district received from the state. School districts were also then able to impose levies in addition to the basic rate. As discussed below, charter schools did not have the ability to levy taxes.

School districts could levy 13 different property taxes. Utah charter schools did not have boundaries or taxing authority and so were unable to levy property taxes for

these programs. Until 2003, districts provided to charter schools 50% of their per-pupil local property tax revenue for the number of pupils enrolled in charter schools (H.B. 145; Utah State Legislature, 1998). In 2003, the Legislature enacted changes that allowed districts to retain all local revenues derived from property tax collection and created ‘local replacement funding’ for charter schools (H.B. 3; Utah State Legislature, 2003). In the opinions of charter school founder and parent lobbyist, however, the formula used in law to calculate the amount of local replacement funding for charter school students was flawed as it only included a few of the 13 allowable levies, leaving charter school students underfunded.

Parent lobbyist would often attend dinners and meetings with legislators that spouses were invited to, and as she got more into the finances of the charter schools, she found that “charter schools were under-funded by a thousand dollars per student as compared to a district student.” That frustrated her and she soon began asking her legislator friends “how can you justify taking a student that left a traditional school and chose to go to a charter school, how can you justify underfunding them to that degree” (Parent Lobbyist, personal communication, October 8, 2010)? Eventually she helped form the Utah Association of Public Charter Schools (UAPCS), a group who’s job was to educate legislators on what was happening and why we needed to change the funding formula so that charter school students could be funded equally.

Ensuring funding parity between charter schools and districts has been a concern for many legislators, educational professionals, and the charter school community since the inception of charter schools in Utah. A study by the Utah Foundation (2005)

calculated that Utah charter schools received \$4,955 per pupil in ongoing funds in FY 2004, while districts received \$5,756 per pupil. This placed charter school funding at about 86% of traditional public schools' funding. The study identified that the \$801 per pupil gap in funding between charter schools and district schools was the result of three primary forces: (a) differences in student populations served (e.g., Title I, economically disadvantaged, ethnic minorities, etc.), (b) ineligibility for some funds (e.g., transportation funding), and (c) a local replacement funding formula which did not fully compensate charter schools for the lack of property tax revenues.

According to the study, local replacement funding issues included several shortfalls in the formula for replacing local property tax revenues (Utah Foundation, 2005). For example, the formula created by 2003 legislation attempted to provide state funds equal in per-pupil amount to the property taxes levied by districts. However, at the time, debt services revenue, state guarantees used to supplement local property taxes in districts with low property values, and capital outlay foundation funds were excluded in the formula. Utah Foundation calculated that had these revenues been included, it would have accounted for an additional \$552 per charter school student. It became clear since that legislation passed that bond proceeds were not included in debt service fund revenues, state guarantees used to supplement local property taxes in districts with low property values might have been considered a "quasi-property tax," and that capital outlay foundations funds also should have been added.

Nevertheless, charter school advocates, parent lobbyist and charter school founder recognized that unless changes were made to the local replacement funding formula,

charter schools would be at a perpetual disadvantage financially. Since the time the local replacement formula originated in 2003, it changed multiple times and eventually included a more comprehensive list of districts levies (The Utah Charter Schools Act, 2 Utah Code Ann. §53A-1a-513, 2011). In FY 2012, the average local replacement funding rate for charter schools was \$1,687 per student, an increase of \$80 per student from FY 2011, leaving only a \$170 gap in funding disparity between charter school students and district school students (C. Bleak, personal communication, August 10, 2011).

Parental Involvement in Charter Schools

Another highly discussed topic of the task force was the level and type of parental involvement at their child's charter school. Decades of research pointed to the numerous benefits of parent involvement in education for not only students but also for the parents involved, the school, and the wider community (Epstein, 2001; Fan & Chen, 2001; Jeynes, 2003, 2007). Despite the challenges in establishing a causal link between parent involvement and student achievement, studies utilizing large databases showed positive and significant effects of parent involvement on both academic and behavioral outcomes (Fan & Chen, 2001; Jeynes, 2003, 2007). Research also found that parent involvement was related to a host of student achievement indicators, including grades, attendance, attitudes, expectations, homework completion, and state test results (Dearing, McCartney, Weiss, Kreider, & Simpkins, 2004; Sheldon, 2003).

The rise of the charter school movement was seen as an opportunity for parents to play a more central role in the education of their children. Charter schools were touted as

a setting in which the traditional barriers to involvement could be alleviated, since charter schools were typically small “community schools” that were schools of choice with missions tailored to their student populations. In 15 states, the opportunity for parent participation was one purpose written into the charter school law. Tennessee’s law stated, “The purpose of this chapter is to...afford parents substantial meaningful opportunities to participate in the education of their children” (Tennessee Public Charter Schools Act of 2002, Tenn. Code Ann. §49-13-102(a)(6)) and Utah’s law said, “The purposes of charter schools are to...provide opportunities for greater parental involvement in management decisions at the school level” (The Utah Charter Schools Act, 2 Utah Code Ann. §53A-1a-503, 2011). In addition, parent contracts were a common approach for charter schools to encourage parent involvement once the school is operational (Corwin & Becker, 1995).

Not surprisingly, there was an underlying assumption that charter schools involved more parents both quantitatively and qualitatively. Theory posited that charter school parents, because they actively chose to send their child to a charter school, were more involved than parents whose children were automatically assigned to a district-run school (Goldring & Shapira, 1993). Due to the greater autonomy enjoyed by charter schools, researchers found that these schools tended to adopt stronger and more specific parent involvement policies than traditional public schools (Bulkley & Wohlstetter, 2004; Finn et al., 2000). An early study of charter schools that compared charter school parent involvement to that of traditional public schools in the same neighborhood reported greater parent involvement in charter schools (Becker, Nakagawa, & Corwin, 1997).

Other researchers also found that parents were more involved in charter schools and most importantly, they were involved in more significant ways: for example, serving on charter-school governing boards (Finn et al., 2000). While charter school laws varied a great deal across the nation, many states emphasized the role of parents in the creation as well as the governance of a charter school, as noted above.

Murphy and Shiffman (2002) noted that parent involvement was the “cornerstone of many charter school visions” (p. 97). Despite lofty goals and good intentions, charter schools varied greatly in how they involved parents. A 2007 survey of charter leaders in three states found that parent involvement was one area in which charter school leaders struggled to translate intent into practice (Gross & Pochop, 2007). Becker and colleagues (1997) discovered that despite a greater level of involvement, charter schools did not necessarily take a more active role in trying to involve parents. Parent contracts were the only notable outreach method. The researchers also voiced concerns that parent contracts excluded minority and working-class parents from enrolling their children in the school, afraid they would be unable to fulfill the requirements of such contracts. Fuller’s (2002) case studies suggested that charter schools did not necessarily escape the issues that plagued parent involvement in traditional public schools. Issues like social class differences, language and culture barriers, and the intimidating role teachers presented to some parents who did not experience success in school themselves created obstacles for meaningful involvement and communication in charter schools as they did in traditional schools.

At the July 2, 1997, meeting, several individuals mentioned the importance of

parent participation in a child's education. Mrs. Susan Lawrence, parent, commented on the value of parental involvement in a child's education. Mrs. Gayle Ruzika, president of the Eagle Forum in Utah, indicated that the Eagle Forum supported tax credits for education costs and did not support the charter school concept. She believed that parental involvement was the key to resolving most problems in public education. Mrs. Jana Rae Shaw, parent, also raised concerns of a district board not being well informed on critical issues and the lack of responsiveness and intimidation exhibited by board members and administrators towards parents (Centennial Charter School Task Force, 1997).

The task force discussed the need for more community involvement in public schools, the changing mind set of educators and families regarding better partnerships and relationships with schools, giving more flexibility and power at the school sites, providing necessary training for educators, and increasing accountability (Centennial Charter School Task Force, 1997). To this end, Senator David H. Steele (R) recommended that a charter school governing board should include the principal and equal numbers of educators of the school and interested citizens, and the governing board should have site-based authority to operate in lieu of the district board of education. The task force discussion regarding Senator David H. Steele's (R) recommendations focused on charter school governance issues and concerns over gridlock and stagnation between parents and staff when issues come to a vote (Centennial Charter School Task Force, 1997).

However, there was still discussion as to who determined the type and amount of parental involvement. It was clear to the task force that charter schools would provide

opportunities for substantial parental involvement, but they found it difficult to conclude if parents should be allowed to participate in the development of school policies. Senator David H. Steele (R) felt the charter school application should describe how parents would be involved and participate in the school. Senator Howard A. Stephenson (R) suggested that specific charter schools may not even require parental involvement, but this concept was met with disagreement by most task force members. Senator David H. Steele's (R) proposal established a site-based authority and governance model that was completely defined by each charter applicant, with the exception of basic health and safety standards. Superintendent Baugh noted that the chartering entity typically accepted, rejected, or modified a proposal to become a charter school. Dr. Laing moved that a site-based governance model be completely defined by the charter applicant, except for basic standards of health and safety. The motion passed unanimously (Centennial Charter School Task Force, 1997).

The task force also discussed whether or not parental involvement could be a condition of enrollment. Some members felt that it was a key component in the entire charter school movement and should be required, but others felt it was up to the parent to decide their level of involvement. Ms. Rusk moved that charter school legislation ensure an opportunity for parental involvement with the plan identifying and describing their involvement. The motion passed. Representative Brad King (D) voted against the motion (Centennial Charter School Task Force, 1997).

In addition to the discussion of the importance of parental involvement by the task force, all interviewees also mentioned the importance of parental involvement in the

education of children. The charter school principal stated, “It makes all the difference in the world. I think one of the best things we can do to improve education is to be receptive to parental input and allow for more parental involvement in whatever facet each school wants to make available.”

Most Utah charter schools were started by passionate groups of parents, not for-profit companies, which were not allowed to apply for or operate charter schools according to state law (The Utah Charter Schools Act, 2 Utah Code Ann. §53A-1a-504(1), 2011). Following a frustrating episode with her school district, Charter School Principal turned to charter schools as a possible alternative in the public education arena.

I felt that the general education population at the time was nonresponsive to parental input or parental needs. So, my motivation in working within public education was to improve the mechanism for parental input and parental involvement in the schools.

One expectation of the 1998 legislature was increased parental involvement. Former Legislator was pleased at the level of parental involvement, “and the sense that parents have that they can actually influence school policy and direction and things that are happening at the school level.” He has long believed and held:

The best way to improve education in Utah is to increase local community involvement, increase parental involvement, and make the parents more responsible for the education that is being delivered to their children, and more engaged in the process. I think having the parents and the community involved, would by very nature, increase the school’s accountability.

Waivers from Laws and Rules

By very definition, charter schools were supposed to be created through a contract between a chartering entity and an applicant. In theory, that contract contained several

waivers from state laws that mainly by-passed bureaucratic red tape and hampered the charter school's ability to be innovative, as well as provided greater accountability to the school's stakeholders. One of the legislatively assigned questions tackled by the task force centered on whether or not charter school teachers should be licensed (Centennial Charter School Task Force, 1997). Representative Brian R. Allen (R) stated charter schools needed to be part of the state's education system, but waivers could be included in the legislation that would provide the flexibility that was needed for charter schools. The motion passed unanimously (Centennial Charter School Task Force, 1997).

The task force debated whether or not Utah charter schools would be waived from any laws or Board Administrative Rules. Some state legislators wanted charter schools to be free of many rules and regulations imposed on regular public schools, including the certification of charter school teachers and principals, but others argued that all educators in a public school should be appropriately licensed and endorsed for their assignments. Flexibility in teacher certification was the first issue discussed.

Senator Joseph L. Hull (D) argued that there was not a need for flexibility from teacher certification because state law and board administrative rule already made provisions for some certification flexibility. Alternately, Representative Brad King (D) felt that employing uncertified teachers would be an acceptable consideration for charter schools, if they met the same standards and requirements as certified teachers. Representative Bill Wright (R) offered a third opinion in that he felt individuals with subject matter expertise should be allowed to teach. To help educate the task force regarding options already available, Dr. Laing, USOE Associate Superintendent,

summarized the four ways for a noncertified person to teach and expressed his opinion that, on a day-to-day basis, university prepared teachers learn instructional and presentation expertise that often is subtle but extremely important to student learning. Senator Howard A. Stephenson (R) felt that an orthodox teaching methodology may not be essential in a charter school setting. Senator Joseph L. Hull (D) moved that each charter school plan allowed for flexibility in employing noncertificated personnel. The motion passed. Representative Brad King (D) and Ms. Pat Rusk abstained and Dr. Steven Laing voted against the motion (Centennial Charter School Task Force, 1997).

Senator David H. Steele (R) suggested the task force reconsider adopting language that would state the charter plan should allow teacher licensure flexibility. Superintendent Baugh proposed they begin with certification as a requirement and, then, provide for specific elements of flexibility. He felt for the good of the child, teachers should be certified. He explained that high-quality teaching would not be attained without some kind of certification requirement. Some committee members contended, however, that if charter schools are to enjoy freedom, there should be very limited stipulations on teacher qualifications. Others pointed out that every other professional field has requirements and standards, and a process is typically required through which a professional learns and qualifies himself or herself to be part of that profession (Centennial Charter School Task Force, 1997). No action was taken on this topic at this meeting.

The final task force discussion at this meeting contemplated the merits of the idea that waivers from rules and regulations were necessary to provide flexibility to charter

schools so they could focus on educational results rather than process. Representative Brad King (D) moved that applications for waivers from “rules and regulations” were to be heard by the waiver granting authority. The motion passed with all present voting in favor (Centennial Charter School Task Force, 1997).

As of early 2011, there were four states that enacted charter school legislation that did not require teachers to be licensed and 20 states that required licensure, but with exceptions (Education Commission of the States, 2011). Utah was one of the seventeen states requiring charter school teachers to be licensed the same as any other teacher in public education. There was an entire section of Utah code dedicated to the requirements of educator licensing and professional practices (Educator Licensing and Professional Practices Act, 2 Utah Code Ann. § 53A-6, 2011).

District Superintendent agreed that charter school teachers should be licensed. He stated that when working with legislators to determine which waivers charter schools should receive from Board Administrative Rule, he felt his role was to:

help legislators understand why some State Board of Education rules were in place, such as why administrators needed to be licensed, why teachers needed to have licensure and background checks, why school buildings needed inspections, etc. and why it would hurt public education if the legislature completely did away with those kinds of requirements.

Recruiting, paying, and retaining qualified teachers ranked high on the list of challenges facing charter school operators (Utah Foundation, 2005). Of the 574 teachers who transferred teaching assignments in Utah public schools between the 2008-2009 and 2009-2010 school years, 7.7% (44 teachers) transferred from a charter school to a district, 15.2% (87 teachers) transferred from a district to a charter school, and 10.1% (58

teachers) transferred between charter schools (Utah State Office of Education, 2010). With the annual charter school teacher turnover rate reported as 33.0%, there was concern over the ability of charter schools to attract and retain quality teachers.

There was speculation that due to the lower pay and benefits, charter schools could only attract teachers with qualifications lower than those employed in districts (Utah Foundation, 2005). While it was possible to comment on the overall teacher compensation reported by charter schools, it was difficult to correlate this with the quality of teachers working at charter schools. Individual, highly qualified teachers may have been willing to sacrifice pay or benefits in exchange for working in a school that encouraged creativity or had adopted a curriculum they found favorable.

State government employee also alluded to the importance of hiring quality teachers, but did not go as far as to say they must be licensed to be high quality, when she said:

While we have shifted from education being a teaching profession to being a student-oriented classroom, I still think that we have a long way to go to make sure that every child has a great teacher, every child has every opportunity in the classroom to succeed, and every child has the opportunity to reach their highest potential.

The requirement for all charter school teachers to be licensed was detrimental to the state when applying for CSP grants. In July 2011, Utah received feedback on a CSP grant application that identified a weakness in state statute regarding the requirement for teacher licensure stating “Utah charter schools must still hire licensed teachers. This requirement can handcuff flexibility for charter schools to hire the most qualified individual” (U.S. Department of Education, personal communication, July 21, 2011).

Open Enrollment

Some districts provided open enrollment as an option to students to bring about choice options within district boundaries. District Superintendent, while a principal at a district laboratory school, tried to promote open enrollment within the district. “Families had the option between my elementary school and the one across town. It was probably one of the first schools that convinced the district that it wasn’t a bad thing to have open enrollment.” Former Legislator, however, indicated that:

The legislature tried to expand that notion so that more kids could choose between schools within a school district, or schools between school districts. However, what was found is that changing schools within the district really wasn’t much of a choice because they were all so similar. And, from district to district, there wasn’t much difference in the culture of the schools.

Charter schools were seen as the next open enrollment experiment (District Superintendent, personal communication, September 23, 2010).

Senator David H. Steele’s (R) first proposal required that charter schools accepted all students who applied, with no admissions requirements, and, if oversubscribed, held a lottery to determine which students could enroll. Discussion around this issue included several concerns. For example, if a student applied at a charter school established to pursue a physical or intellectual goal beyond his capability, would the charter school be required to change its mission to meet the student’s needs? Representative Bill Wright (R) felt most parents directed their children to a charter school that emphasized the kind of training they desired. Discussion alluded to the idea that open enrollment and specialization tended to be incompatible ideas that often were overridden by discrimination. Representative Brad King (D) moved that charter school legislation not

permit discrimination except for limitations in available space. The motion passed.

Senator Howard A. Stephenson (R) and Representative Evan L. Olsen (R) voted against the motion (Centennial Charter School Task Force, 1997).

During the time of the task force meetings, many special interest groups attended and then met and discussed their concerns regarding the direction of possible charter school legislation. As it appeared that the Representative Brian R. Allen (R) would move forward with charter school legislation in the 1998 legislative session, the Utah School Boards Association (USBA) and Utah School Superintendents Association (USSA) argued that charter schools diverted focus from the current public school system and weakened it. In fact, Kent Sadler, president of the USBA, presented the formal position of the USBA and USSA on charter schools, which suggested: (a) charter schools should be chartered by, governed by, and accountable to local school boards; (b) funding should not exceed allocations for districts; (c) charter schools should comply with all state and federal laws that protected the health, safety, and welfare of students, prohibited discrimination, and insured access to all students; (d) charter schools should demonstrate fiscal responsibility and accountability; (e) professional staff must be certified; (f) waivers from state law and Board Administrative Rule should be made available to charter schools and districts; and (g) student demographics should reflect the district schools in the same attendance area. Kent Sadler also said that both associations believed charter school legislation should not include provisions that allowed them to have a negative impact on district schools (Centennial Charter School Task Force, 1997).

On February 18, 1998, House Bill 145, *Schools for the 21st Century*, was

introduced by Representative Brian R. Allen (R) to the House Education Committee. The bill provided for 3-year schools for the 21st Century program of continuous improvement and the creation of up to eight charter schools. Specific requirements of charter schools included defining the charter process, designating the State Board of Education as the sponsor, providing requirements, identifying issues to be addressed in the application, outlining the accountability report, allowing for termination, and providing some exemptions and waivers.

Considerable discussion among House Education Committee members occurred on February 24, 1998, requiring Representative Brian R. Allen (R) to “defend” the bill for two hours. At the end, it “squeaked out of Committee” by a vote of 5 yes, 4 no, and 3 absent, resulting in a favorable committee report and a substitute bill, House Bill 145 1st Substitute. The Committee Chair, Representative Lloyd W. Frandsen (R), sent the recommendation that House Bill 145, *Schools for the 21st Century*, be replaced with a favorable recommendation that House Bill 145 1st Substitute, *Schools for the 21st Century*, should include the allowance for charter schools to participate in the Risk Management Fund.

The bill came before the House of Representatives on February 26, 1998, but was circled (i.e., to temporarily postpone action on a measure without removing it from its place on the calendar) and was not discussed by the House until the following day, February 27, 1998, day 40 of the 1998 General Legislative Session, where it was uncircled and discussion on the bill ensued. Representative Brian R. Allen (R) proposed the first set of amendments, including several technical changes and two substantive

changes. The first substantive change included adding a “protection clause for teachers,” who did not want to stay at a converted charter school, to allow them to receive preference to transfer to an open teaching position within the district, and the second substantive change was to provide permissive language regarding the State Board of Education’s decisions about requested waivers from Board Administrative Rule. The chair determined, on vocal vote, that House floor amendment number three passed.

Representative Brian R. Allen (R), as the House sponsor of the bill, led the discussion. He indicated that the task force “agonized” over the topic of charter schools but came to a consensus that a very controlled, 3-year pilot study, with a limit of eight charter schools would be an appropriate way to see if charter schools had a place in Utah public education. Representative Brian R. Allen (R) also reported that the bill’s proposal that the State Board of Education authorize charter schools, with local governing board input, was a “bone of contention” with the school districts. However, he indicated that the larger school districts would not oppose the bill because they wanted to see how charter schools would work.

Representative Brian R. Allen highlighted to House members that the State Board of Education would be tasked with developing rules regarding the distribution of funding to charter schools, which would include that the money went to the district for distribution to charter schools, so the district and state would know the financial status of charter schools. Additionally, charter school students would be required to take the same assessments and the school should submit the same performance reports to the state that are required of all public schools. Charter schools, however, would have an additional

report to the legislature and USOE regarding its attainment of the performance goals listed in its individual Charter Agreement.

Representative Susan J. Kohen (R) proposed House floor amendment number four, a substantial amendment to the bill that transferred authorizer authority exclusively to school districts following the pilot period. In response, Representative Brian R. Allen (R) indicated he felt it was unwise to “presuppose outcomes” and grant exclusive authorizer authority to school districts. He argued that some districts won’t want to authorize charter schools within their boundaries, but that shouldn’t preclude parents from being able to have a charter school in their district. He also indicated that he had worked with districts throughout the summer and had given them “everything they’ve asked for” in regard to the bill, “save this one thing.” Representative Brian R. Allen (R) opposed the amendment, as did Representatives Bill Wright (R), John W. Hickman (R), and Lloyd W. Frandsen (R). Other Representatives, including Ronnie Bigelow (R), supported the amendment. The chair determined, on a vocal vote, that the amendment failed.

After researching and weighing the roles and responsibilities of chartering entities, ultimately, the Utah legislature decided to designate the USBE as the chartering entity for the eight pilot charter schools. Chartering entities in Utah were responsible for reviewing applications from eligible applicants, seeking input from the local education agency in which the school will be located, and providing monitoring and oversight to any schools that it provided a charter (The Utah Charter Schools Act, 2 Utah Code Ann. § 53A-1a-501.6, 2011).

Representative Nathan C. Tanner (R) applauded the part of House Bill 145 1st Substitute that converted Centennial Schools to Schools for the 21st Century but indicated frustration that the part of the bill pertaining to charter schools was not a separate piece of legislation. To dump them together “is kind of forcing the issue, so to speak, and it’s really loading it so that 21st Century can carry the charter school program.” He argued that this bill is unconstitutional in that it removes the “general control and supervision” of public education from the State Board of Education. His amendment, House floor amendment number five, included removing all mention of charter schools from the bill. Representative Brian R. Allen (R) was offended that he was being portrayed as an opponent of public education and as trying to circumvent the constitution and he opposed the amendment, as did Representatives Tammy J. Rowan (R), John E. Swallow (R), and Brad King (D). Representative Richard M. Siddoway proposed a substitute motion reducing the number of pilot charter schools to four. The substitute motion failed. No other Representatives spoke in support of the original amendment. The chair determined, on a vocal vote, that the amendment failed.

Representative Bill Wright (R) proposed two amendments in House floor amendment number six, the first being that charter schools should have school performance “at least equal to that of similar public schools within the district in which the charter school is located, unless the uniqueness of the school prevents making such comparisons,” and the second being that charter schools could not accept any federal funds that would “compromise the integrity of the pilot program.” Representative Brian R. Allen (R) was not opposed to these amendments. The chair determined, on a vocal

vote, that the amendment passed, which amended the bill.

Representative Lloyd W. Frandsen (R), House Education Committee Chair, spoke in favor of the bill, but wanted to make a suggestion that some of the public education problems could be solved in a more fundamental way, such as providing money for quality in-service training and classroom size reduction, rather than continuing to fund education reforms such as Centennial Schools, Modified Centennial Schools, Charter Schools, Schools for the 21st Century, and so forth. Representative Ronnie Bigelow (R) spoke in overall support of the bill.

In summation, Representative Brian R. Allen (R) indicated the biggest concerns about House Bill 145 1st Substitute included the school districts' concern over not being in control. Representative Brian R. Allen (R) asked that the legislature allow the 3-year pilot program, with rigorous evaluation, and, then, decide how charter schools could better be implemented on a broader scope, if it "actually bears the fruit I hope it bears." The amended bill, House Bill 145 1st Substitute passed with a vote of 48 yes, 24 no, and 3 absent, and House Bill 145 1st Substitute went to the Senate for consideration.

The Senate received the bill on February 27, 1998, suspended its rules, and placed it on the bottom of the 2nd reading calendar, as it had generated a great deal of interest from the public. The bill was discussed and the Senate voted on March 2, 1998, with a favorable vote of 15 yes, 9 no, and 5 absent. House Bill 145 1st Substitute was forwarded for enrolling on March 9, 1998, and was signed into law by Governor Leavitt on March 20, 1998, signaling a significant change in the landscape of Utah public education.

CHAPTER IV

POLICY CHANGE AND CHARTER SCHOOL ACCOUNTABILITY IN UTAH

House Bill 145 1st Substitute effectively challenged the monopoly of local control by school districts. School district monopolies had gone unchallenged by a new education movement since the passage of the Utah Constitution in 1895. Because private schools existed concurrently in Utah prior to the passage of the Utah Constitution, they were also perceived as an acceptable alternative to public education and were not viewed as a challenge to the system.

As discussed in Chapter II, alternative options to public schools sprang up in the United States during the 1960s, including schools in protest against racially segregated schools and “open classroom” schools modeled after the British experience (Cuban, 2004). In 1970, with the assistance of \$6 million from the federal government, Minneapolis, Minnesota, mounted an alternative education experiment and opened four elementary schools and one high school with different organizational designs. Following Minneapolis’ success, other cities and states opened specialized schools, some of which were called “magnet” to describe how the school worked in attracting students. However, by 1975, the term was being used to describe types of schools and fiscal assistance to the school choice movement contemplated by the federal government. By 1980 most major cities had systems of magnets (Colorado Parent Information and Resource Center, 2011). Utah, however, did not join the magnet school movement because:

the prevailing wisdom at the time was that, with the open enrollment law, districts could create magnet schools if they wanted to. Since one hadn’t been created, and the districts seemed lukewarm on the idea when it was discussed, the legislature

assumed they simply didn't want to go to the extra work to create one. (Former Legislator, personal communication, December 23, 2011)

Therefore, community loyalty remained with school districts. In addition, the topic of school choice generated opposition within both political parties among members who felt loyalty to school districts and were moved by arguments emphasizing Utah's tradition of local control.

House Bill 145 1st Substitute provided a means whereby an individual or groups of individuals, including teachers and parents of students who would attend the school, might establish a public school that would be subject to a performance based contract, called a charter. As discussed in Chapter III, this bill caused several heated debates among legislators and public education officials.

Eventually it passed in the House, 48 to 24, and in the Senate, 15 to nine, despite Utah's opposition from mainline education interest groups, such as the teachers union (UEA), schools boards (USBA), and administrators associations (USSA). Utah officially joined the charter school movement in 1998, the 34th state to join, led by Utah State Representative Brian R. Allen (R) and Senator Howard A. Stephenson (R). Immediately after adoption, the USBA filed a lawsuit against the Utah State Board of Education (USBE) challenging the constitutionality of the Utah Charter Schools Act, claiming that the Act violated the Utah Constitution because the constitution granted the USBE only general rather than specific "control and supervision" over the Utah public education system (*Utah School Boards Association v. Utah State Board of Education*, 2001). The "friendly lawsuit" began when USBA disagreed with the legislature that the USBE should hold the supervisory position over charter schools. The USBA believed that the

local school boards were better suited to monitor the charter schools in their districts, given that they use mostly local funds.

In *Utah School Boards Association v. Utah State Board of Education* (2001) the Utah Supreme Court, in a unanimous decision, held that it was constitutional for the USBE to have authority to supervise the charter school program in accordance with the Utah Charter Schools Act. The Utah Supreme Court held that because the charter school program was part of the state's public education system, the legislature had plenary authority to decide whether the state or local school board had authority to supervise the charter school program.

Following the legal decision regarding USBE's authority to supervise charter schools, the Center for Education Reform deemed the Utah Charter Schools Act (1998) as relatively weak compared to charter school laws passed in other states. The law was considered weak because, originally, charter schools were a pilot program, limited to eight schools for a 3-year period, there was a single authorizer, and schools were forced to apply to the USBE for waivers from state rules rather than receiving some waivers automatically (The Utah Charter Schools Act, 2 Utah Code Ann. §53A-1a-511, 2011). Local and state education codes traditionally dictated nearly every aspect of school operations, everything from class size, to curriculum, to student assessment. Ideally, charter schools operated unconstrained by external rules and regulations (except those related to health, safety, and civil rights) and were free to make any or all changes to traditional school policy and practice that might enhance students' performance. According to Wohlstetter and colleagues (1995), charter schools' autonomy was highest

when schools were granted an automatic and “blanket” waiver from all local and state rules and regulations, freeing the schools to make all critical decisions at the school site. Autonomy was lowest when the law required charter schools to apply for waivers on a “rule-by-rule” basis, as found in Utah.

The limitations on sponsorship, the eight school cap, and the lack of automatic waivers from state laws were particularly discouraging to Utah’s charter school advocates, but charter supporters immediately went to work developing school proposals. Within one year, the USBE received and considered multiple charter school applications from various groups around the state, which included the Ute Indian Tribe, educators from the University of Utah, educators within the Utah School for the Deaf and Blind, and others. One of the first applicant groups, consisting of Charter School Founder’s wife and three other professors at the University of Utah, regularly met over lunch to discuss what the ideal school would look like. The only problem they faced was finding a way to make their vision of the perfect school a reality. Charter school legislation opened that door and within months of the legislation passing, they, along with 15 other applicant groups submitted the required documents to the USBE to start charter schools (J. Schmitt, personal communication, August 10, 2011).

The first approved was Jean Massieu School in Salt Lake City in September, 1998, and the first opened was Tuacahn High School for the Performing Arts in St. George in the fall of 1999. Other charter schools were soon approved in rural Wasatch County, Ft. Duchesne, Price, and Salt Lake City. In 1999, six charter schools opened, serving 390 students, and by 2000 all eight allowable pilot charter schools were open,

servicing 537 students. The charter school movement started small and former legislator believed that districts went along with the original bill thinking the charter school pilot program would be a failure and would go away after 3 years, nevertheless, he and a few supportive legislators envisioned a larger movement (personal communication, September 20, 2009). However, not many members of the general public or public education community were aware of the pilot program.

Originally known as the “fat ladies in the park,” charter school principal and some friends, frustrated with overcrowding in schools and the school district’s newly adopted math curriculum, joined efforts in the summer of 2000 to see what they could do to change the public education system. This is when charter school principal and parent lobbyist learned that the state had first attempted to offer school choice through open enrollment, inter- and intradistrict transfers for students opting for a school other than their neighborhood school, and then passed legislation allowing for a charter school pilot program. But, by the time they learned of the charter school pilot program, all of the pilot charter schools had opened and the cap of eight had been reached.

So, Parent Lobbyist went up to the (capitol) Hill and “just started asking questions, and asked for the cap to be removed. We worked with a handful of other schools to find a legislator that was willing to listen to us and try to remove the cap.” Although her initial goal was to lobby for legislation allowing ten additional autonomous charter schools statewide, there was the thought in the back of her mind, similar to Former Legislator, that charter schools could become a statewide movement, allowing more parents and more districts to become involved.

Charter school principal's original expectation was to, first, extend the pilot program, but she too quickly realized that there was more demand for charter schools and her tactic changed to one of proposing a graduated growth plan to legislators. The first year of the charter school lobbying effort and parental demand led to four additional charter schools, increasing the statewide total to 12, with another set number of charter schools approved annually until parent demand for school choice was met (S.B. 169; Utah State Legislature, 2001).

Despite the addition of four charter schools in 2001, parent groups wanted to open more charter schools, and they continued to lobby for legislative change. However, the lobbying group realized it was imperative that they prove the charter school movement was successful by providing legislators with parent surveys and academic data, and then, hopefully, they could lobby for more flexibility with things like required curriculum and required hours and days of instruction. The ability for the USBE to authorize 16 charter schools and six New Century High Schools (magnet schools focused on math, science, and technology) was legislated in 2002 (S.B. 138; Utah State Legislature, 2002), and in 2003 the number of students attending charter schools grew to 3,253, a 113% increase in student enrollment over 2002 (Utah State Office of Education, 2011d).

At this point the USBE was spending a significant amount of time reviewing applications and approving more schools. The USBE authorized the first twenty-eight charter schools during the period of regulated growth, but "once the cap was removed and more charter schools could open, it became an overwhelming task. The Board [USBE] found itself in a situation where it had more on its plate than it could deal with"

(state government employee). To this end they worked with legislators to create an independent charter board called the Utah State Charter School Board (SCSB). Utah experienced significant policy change in 2004 when the legislature established a charter granting authority that was independent of local school districts, called the Utah State Charter School Board (SCSB; H.B. 152; Utah State Legislature, 2004a). The creation of the SCSB expanded the power of Utah's charter school sector in several ways, and it dramatically decreased the power of local school districts to block charter schools within their boundaries (G. Hughes, personal communication, February 22, 2011). Additionally, it relieved the USBE from spending all of its time on the growing demand of charter schools and allowed them to focus on other aspects of public education impacting both district and charter schools.

The State Charter School Board originally consisted of seven individuals, appointed by the Governor, with expertise in finance or small business management and education (The Utah Charter Schools Act, 2 Utah Code Ann. §53A-1a-501.5, 2011). District Superintendent participated in recommending individuals to serve on the inaugural SCSB and when recommending people, he “wanted to ensure there was balance between charter advocates and those that would hold charter schools accountable.” As new appointments to the SCSB occurred over the years, debate among stakeholders ensued regarding the role of the SCSB (e.g., advocacy at any cost vs. authorizing only the most innovative and accountable applicants). Former Legislator, an original SCSB member, maintained that the Board's purpose was to promote charter schools and that the school's stakeholders would hold it accountable by “parents voting

with their feet” (personal communication, September 20, 2010). To this end, the legislature changed the law to require that two members of the SCSB have expertise or experience in developing or administering a charter school and that these individuals would be nominated to the Governor by “an organization that represents Utah’s charter schools” (S.B. 140; Utah State Legislature, 2011a).

In 2005, following the creation of the SCSB and seven years of charter school operation, caps were lifted from the maximum number of schools and charter schools began to proliferate throughout the state (S.B. 178; Utah State Legislature, 2005). By fall 2011, the SCSB authorized 47 new schools, in addition to taking over the oversight and monitoring responsibility for the existing 28 charter schools authorized by the USBE between 1999 and 2003, making them ultimately responsible for 75 schools, located in 21 school districts, serving 44,892 students. The SCSB helped grow the charter school movement from serving slightly over 1% (1.26%) of the public school population to almost 8% (7.64%) over the past seven years. Figure 2 shows the number of charter schools opened by school year over time and the number of public school students attending charter schools over time.

However, not all educators were thrilled by the number of charter schools being approved. District Superintendent understood the following.

There would be a study done during the pilot period with eight charter schools and then their effectiveness would be reviewed and future decisions would be made with evidence. The legislature, however, did not stick to that original three year study and determine the impact of choice in public education.

District Superintendent now sees charter schools as “Having created a dual system that the State can’t afford” and “They are not anything new or innovative, and not

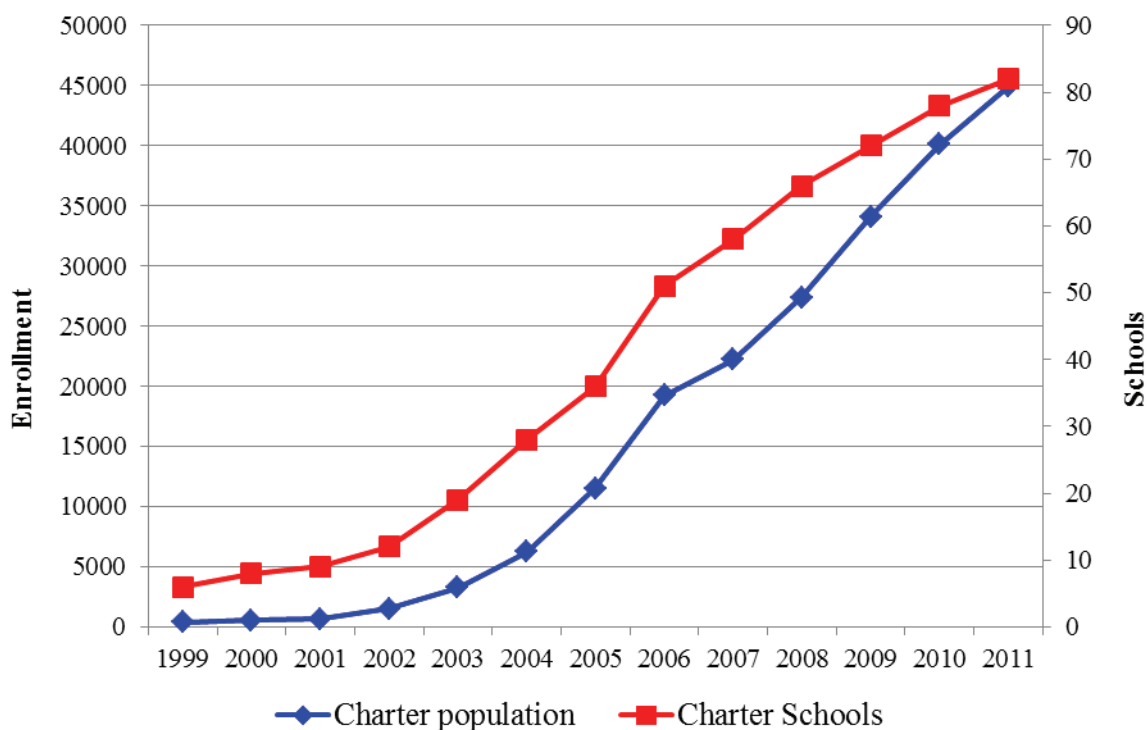


Figure 2. Number of operational charter schools and students enrolled in charter schools (on October 1 of the school year indicated) as approved by chartering entities (i.e., Utah State Board of Education, Utah State Charter School Board, and local school districts). Six schools began operations in 1999 with 390 students. By 2011, 81 schools were in operation with a total enrollment of 44,892 students.

held to higher accountability, they are just, you know, schools that just didn't want to be part of a district.”

Utah Legislative Changes Over Time

The Utah legislature continues to modify charter school laws in almost every session, as do most states. State charter school amendments have expanded the number of permissible charter schools, eased entry of schools into becoming charter schools,

increased the flexibility of charter schools, and increased fiscal support. Utah's charter school program exemplifies this evolution. Following is a summary of significant charter school policy changes in Utah since inception.

In 1998, House Bill 145 provided a relatively weak charter school law stipulating that, to qualify for conversion to a charter school, a public school must show evidence of support from two-thirds of its parents and teachers. The law instituted a cap of eight charters and required that teachers in charter schools must be certified

In 2001, Senate Bill 169 gave school districts the authority to approve new charter schools and allowed schools whose charters were rejected to appeal to the State Board of Education. The cap for state-issued charters rose to 16 for the 2002-2003 school year.

In 2002, Senate Bill 138 allowed the USBE to sponsor up to six New Century High Schools (magnet charter schools focused on math, technology, and science), allowed local school districts to sponsor an unlimited number of conversion schools and start-up charter schools, as long as they enrolled no more than 4% of a district's student population, and authorized the state superintendent to allocate grants for both start-up costs and ongoing expenses of charter schools.

In 2004, House Bill 152 created the State Charter School Board to authorize charter schools subject to the approval of the State Board of Education and expanded the number of charter schools the board may sponsor to 24. The bill also required the State Charter School Board to study existing state law and administrative rules for the purpose of determining which ones are burdensome to charter schools.

In 2005, Senate Bill 178 removed the cap on the number of charter schools that

the State Charter School Board may authorize, prohibited charter schools from being denied due to certain impacts on public schools, allowed a chartering entity to take certain actions if a charter school failed to remedy deficiencies within an established timeline, allowed a private management company to operate a charter school, if the school was terminated during a school year, and provided that rules governing licensing of administrative and supervisory personnel did not apply to charter schools. In addition, House Bill 36 exempted charter schools from certain municipal land use regulations.

In 2006, House Bill 172 modified local land use provisions relating to charter schools. In 2007, House Bill 318 created the State Charter School Financing Authority to issue obligations under the Utah Industrial Facilities and Development Act.

In 2009, Senate Bill 188 expanded the membership of the State Board of Education by including a member of the State Charter School Board as a nonvoting member and removed a statutory enrollment cap on charter schools. In addition, Senate Bill 55 allowed a board of trustees of a higher education institution to enter into an agreement with certain individuals or entities to establish and operate a charter school (subject to approval by the USBE).

In 2011, House Bill 388 provided that a chartering entity may use certain data to measure the performance of a charter school and prohibited a chartering entity from imposing performance standards, except as permitted by statute. In addition, Senate Bill 140 provided that of the seven members appointed by the governor to the State Charter School Board, three members shall be nominated by an organization that represents Utah's charter schools and have expertise or experience in developing or administering a

charter school.

Charter advocates in states initially passing laws often have to make a hard choice between accepting a relatively weak law or postponing their fight for another day. In Utah, a law with serious weaknesses was incrementally strengthened over time, as the constituency for the idea grew and made itself felt in the legislative process, as hard evidence of problems with certain provisions of the law emerged, and as myths and concerns raised earlier were dispelled (C. Bleak, personal communication, March 11, 2011). While many of the changes were seemingly small, it made charter school accountability a moving target.

As discussed in Chapter II, chartering entities sponsored charter schools and entered into an agreement that provided certain flexibility from rules and regulations in return for increased accountability found in its Charter Agreement, the terms and conditions for the operation of an approved charter school. Based on the increased number of charter schools and students attending charter schools, it appeared that Utah's charter schools were successful. However, Utah's charter school legislation passed with the promise that charter schools would make a difference in the state's public education system. But, have they?

Models of Charter Schools

Researchers contended the theory of charter schools had five core components, four of which dealt directly with autonomy, innovation, and accountability.

1. The adoption of a charter school law would lead to the creation of new

schools or the reinvention of existing ones, expanding both the variety of schools available and the choices offered to parents (Kolderie, 1990; Nathan, 1996a).

2. Charter schools would have more autonomy and flexibility than traditional public schools through their independence from school districts, waivers from state laws and regulations, and parental choice (Wohlstetter et al., 1995).

3. The interplay of autonomy and market forces would make charter schools more innovative and of higher quality than traditional public schools in such areas as instruction and curriculum, school organization and governance, and, in some cases, teacher qualifications and union involvement in schools (Arsen, Plank, & Sykes, 1999).

4. Charter schools would be more accountable than traditional schools because they would have to meet the demands of their parent and student “consumers” and because they have short-term performance contracts with government agencies that provide public funding (Kolderie, 1990).

5. The combination of autonomy, innovation, and accountability would lead to improved student achievement, high parental and student satisfaction, high teacher/employee satisfaction and empowerment, positive effects on the broader system of public education, and positive or neutral effects on educational equity (Bulkley & Fisler, 2003).

Charter school accountability was the legislatively assigned topic that received the most discussion in the 1997 task force committee meetings, as well as on the floor during the 1998 General Session of the Utah legislature. Once the State Charter School Board (SCSB) became the chartering, oversight, and monitoring entity for state-chartered schools in 2004, it began the process of defining its role as an authorizer and its

procedures for determining charter school accountability (SCSB, July 15, 2004).

Typically, chartering entities enjoyed a good deal of discretion in defining their roles and each developed their own procedures for determining how to hold charter schools accountable and whether to terminate or renew a charter (Vergari, 2001). A number of studies suggested that authorizers often focused their oversight on the familiar, such as compliance and financial stability, rather than on performance (Bulkley, 2005; Henig, Moser, Holyoke, & Lacireno-Paquet, 1999; Hill et al., 2001). In a SRI International study (2000), chartering agencies surveyed reported that they focused on curriculum, finances, and assessment during the charter-granting process and on student achievement, financial record keeping, and compliance with federal and state regulations once schools were operating. So, the SCSB sought to focus on multiple aspects of accountability, including performance (State Charter School Board, August 11, 2011).

Several models of accountability have been promoted as the best model to measure charter school performance including the free market or consumer model, professional accountability model, standards-based performance accountability model, bureaucratic accountability model, and political accountability model (Fusarelli & Crawford, 2001; Garn & Cobb, 2001). The assumption was that charter schools would be accountable to all models, which included that consumers would demand, among other things, high-quality education and that the accountability to all models would be mutually reinforcing.

The free market model assumed good schools achieve success through freedom of choice by families, educators, and school operators. It assumed that competition results in

schools providing good instruction for students and a positive working environment for teachers, and that competition rewarded schools that use money efficiently (Education Commission of the States, 2011). Under free market accountability, schools were not subordinate to bureaucracies, such as the SCSB, but rather were enterprises that succeed or fail solely on whether they could attract families and teachers.

The theory of market-based accountability in education focused resources on family-school connections instead of community-school linkages resulting in greater efficiencies in achieving educational goals. By pushing decision making down to families and allowing schools to respond independently to the variety of family interests, market approaches claimed to be more responsive and therefore produced greater accountability and public satisfaction (Education Commission of the States, 2011).

While a pure market model argued for competition without regulation, authors of market-based accountability models advocated for a mix of markets and government, termed a regulated market (Fusarelli & Crawford, 2001). A regulated market put a few rules and barriers into effect to protect children and parents, such as ensuring equality for students with disabilities and monitoring the legitimacy and credibility of school management. The scope of regulation was broad enough to ensure the legitimacy of market results, but was constrained enough to allow the market to function in the competitive framework that was intended.

As for state academic standards under regulated market arrangements, the standards served as thresholds for school licensure. Schools that failed to teach certain core skills effectively did not receive public funds. While all schools were required to

meet threshold standards, rigorous standards were set to trigger competition among schools.

The professional accountability model suggested that if teachers were freed from the rules and regulations of the educational bureaucracy, they would function as professional educators, developing innovative methods of instruction and applying them in the classroom (Fusarelli & Crawford, 2001). The goal of improving student learning through the improvement of teaching was at the heart of a professional model of accountability. Such a model regulated the qualifications and performance of teachers and school leaders. It relied on professional and state quality-assurance mechanisms that worked for other professions in America, such as professional accreditation and meaningful state licensing (Education Commission of the States, 2011). The professional model also included regular peer and administrator evaluation to ensure that teachers engaged in appropriate professional practice.

The professional accountability model relied on both state and the profession's involvement in developing standards and assessments for teacher preparation, teacher licensing, and teaching performance through coalitions of educators and education stakeholders, including national, state, and local policymakers, and members of the public (Fusarelli & Crawford, 2001). While a professional model of accountability for teaching coexisted with state-level accountability mechanisms and integrated state and professional expectations, eventually it worked better in a system of national expectations for teachers (Education Commission of the States, 2011).

Standards-based performance accountability was contingent on achievement gains

made by students in the classroom (Fusarelli & Crawford, 2001). A standards-based vision was enacted in federal law under the Clinton administration with the 1994 reauthorization of the Elementary and Secondary Education Act (ESEA) and carried forward under the Bush administration with the NCLB of 2001. In a recent survey of policy makers, standards were acknowledged as the central framework guiding state education policy (Massell, 2008). If charter schools and those who operate them demonstrated that their students were performing and meeting standards as set forth by the state, then the school met the criteria for accountability.

In a standards-based accountability system, state academic content standards provided descriptions of the domains that were formally endorsed by policymakers, educators, and the public. Standards writing committees consulted scientists, researchers, teachers, and others, and crafted descriptions of the content domain that served as the basis for curriculum and assessments. One might think that educators long ago reached agreement on the content of the public school curriculum, but, despite many efforts to codify content in the disciplines (e.g., National Research Council, National Council of Teachers of Mathematics), state standards still varied considerably in terms of breadth, depth, coverage, and format (Stecher, 2010).

The fourth model, bureaucratic accountability, referred to the accountability of schools to various levels of administration for student performance. Bureaucratic accountability was the basis for the vast majority of formal accountability systems. It was top down and held schools accountable to the district, state, or federal government for student performance on standardized tests. Rewards and sanctions served as external

motivators for improving student achievement. Because failure to improve test scores had significant consequences, these tests were often referred to as “high stakes” (Fuhrman, 1999). In the charter school movement, bureaucratic accountability was based on the superior-subordinate relationship and depended upon the formal definition of the responsibilities of positions within an organization. The chartering entity assigned responsibilities to charter school governing boards where bureaucratic accountability dominated (Adams & Kirst, 1999).

Political accountability in its purest form was between an elected official and the voters. As with professional accountability, the performances expected could be quite variable and hard to specify (Bulkley & Fisler, 2003). They might have also changed radically over time so that what the voters wanted at one point, they rejected at another. Political accountability facilitated the lobbying of elected officials to ensure that they acted on one’s preferences, and it might have included rewarding them by helping them get reelected. Political accountability extended to officers appointed by elected representatives, especially superintendents appointed by elected school boards.

Historically, American schools have primarily used a mix of political, bureaucratic, and professional accountability (Hill, Lake, & Celio, 2002). The elected school board set policy and appointed the superintendent, who held the highest position in the formal bureaucracy. Still, teachers had considerable autonomy to choose instructional methods, even if licensure standards were rarely challenging and peer accountability was the exception, not the rule.

Charter School Accountability Framework

Initially the SCSB enjoyed the same discretion in defining the performance measures by which an individual charter school's accountability was determined and placed them in the contents of its charter agreement. Utah Administrative Rule R277-481 defined a charter agreement as "the terms and conditions for the operation of an approved charter school." Rules and procedures were specified in advance, and criteria for good performance were established in the charter agreement. And, according to state law, a charter agreement "may be modified by mutual agreement of the chartering entity and the governing body of the school" (The Utah Charter Schools Act, 2 Utah Code Ann. §53A-1a-508(4), 2011). Once the charter agreement was signed, the chartering entity then observed the process and evaluated both the process and the results (Newmann, King, & Rigdon, 1997).

Because the SCSB desired to promote and authorize high quality charter schools in Utah, it began the process of creating a performance accountability framework in late 2009 as a way to objectively measure charter school accountability. The accountability framework incorporated aspects of all four models described above. In creating the performance accountability framework, the SCSB took a two-tiered approach in forming the list of metrics for charter school quality that could be considered for inclusion in a performance accountability framework. First, they looked nationally at what others in the charter school sector were doing. The SCSB hired the Center for Research and Educational Outcomes (CREDO) to look across the country to gather input into suggested metrics to be included in the performance accountability framework.

CREDO's starting point for creating a list of proposed metrics was the Building Charter School Quality Initiative (BCSQ), a national project focused on creating common performance measures for quality charter schools. This project itself sought input from a broad set of charter school constituents, including schools, authorizers, charter school support organizations and funders of charter schools. In addition to the BCSQ metrics, CREDO gathered current performance accountability materials from state charter support organizations, state departments of education and authorizers in Arizona, California, Colorado, Florida, New Mexico and Texas. CREDO combined the metrics to create a consolidated list that was used as the knowledge base to survey the Utah charter school community.

Second, the SCSB sought the input of the Utah charter school community. The survey distributed throughout the Utah charter school community focused on metrics, the precise computations associated with school performance, because metrics were both granular and specific, characteristics necessary for a successful performance accountability framework. Metrics were grouped by measure and there was opportunity under each measure for respondents to add their own suggestions. There were two purposes to the survey. The first was to build an understanding of the views of each of the stakeholders concerning a "formula" for charter school performance accountability, as revealed by their responses to a set of structured questions. The second was to provide an opportunity for engagement with the stakeholder groups at an important stage of the development cycle of the performance accountability framework.

For each metric the SCSB asked participants to give their thoughts on four

dimensions.

1. Do you already use this metric to monitor charter school accountability?
2. How valuable to do you find this metric for managing charter school accountability?
3. How feasible is it to track and monitor this metric?
4. How frequently do you feel this metric should be monitored and reported (e.g., never, weekly, monthly, quarterly, biannually, annually)?

Surveys were sent to all school principals and charter school governing board chairs for the operational Utah charter schools, as well as the SCSB, USOE Charter School Office staff, and the leadership of the Utah Association of Public Charter Schools. The survey results revealed significantly different views on the importance of key areas of performance (e.g., academic status, academic growth, student engagement, board performance, and parent and community engagement) across the groups of respondents. This divergence had clear implications for the feasibility and ease of creating a performance accountability framework that enjoyed widespread and enduring support (Center for Research on Educational Outcomes, 2011).

According to the survey, the SCSB and the USOE Charter School Section staff considered academic performance to be the most important area of accountability, with school-based respondents giving it less importance. The extent of the divergence between school principals and charter school governing board members was slight, but is significantly different from the SCSB and the USOE Charter School Section staff. The difference in perception between the SCSB and the USOE Charter School Section staff

was noteworthy and presented challenges as the details of the performance accountability framework moved towards finalization.

During the 2011 legislative session, however, legislation passed prohibiting the State Charter School Board from “imposing performance standards, except as permitted by statute, that would limit a charter school from accomplishing the purposes of charter schools” (The Utah Charter Schools Act, 2 Utah Code Ann. § 53A-1a-507, 2011). While the language could be interpreted as somewhat permissive, considering that the performance accountability framework does not limit charter schools from accomplishing their purpose, the Utah Association of Public Charter Schools published that the intent of the legislation was to “Ensure that the charter school board cannot increase regulations and rules on charters unless in statute” (C. Bleak, personal communication, March 11, 2011). Alternately, the State Charter School Board would like to see legislation holding the charter schools to a higher standard of quality and does not see performance accountability as an antithesis of autonomy and innovation (T. Morgan, personal communication, July 14, 2011).

Autonomy and Innovation

Autonomy has a variety of meanings, and autonomy for charter schools varied considerably across states and authorizers. Autonomy meant freedom from state regulation, autonomy with respect to a district or authorizer, and autonomy for parents and students through school choice (Wohlstetter et al., 1995). Parent lobbyist thought parents and choice were the keys because any parent knew that each child learned in

different ways. For her, that was the impetus of getting involved in charter schools.

So I think choice in education is imperative, not every district school is a bad school; not every charter school is a great school. But, it is a parent's responsibility to find the school that best suits, or fits, the needs of their kids and make an informed choice regarding where the child attends school.

Half of the states with charter school laws in 2000 allowed charter schools to waive many state laws, rules, and regulations, and waivers were uncommon in such areas as fiscal requirements and student assessment policies but more common in collective bargaining and teacher certification (SRI International, 2000). District superintendent, who believed charter schools should be held accountable to high quality education in return for greater flexibility, said, "It was frustrating to districts that the legislature was spending money on charter schools in Utah without having any research behind it."

Drawing a lesson from the business world, many educators and policymakers, including those in Utah, decided that to do their best work, schools also needed the luxury of freedom (Dillon, 2011). Just as autonomous cultures in the business world have improved employee morale and increased innovation (e.g., Google), greater autonomy could free charter schools to try new approaches with instruction, staffing, and schedules, so they could respond quickly and more effectively to student needs. With expanded autonomy, Utah charter schools made big decisions like how to spend the budget, what curriculum to use, and how to hire and train teachers. In theory, those who knew students best were best able to direct resources and took actions on students' behalf (Ouchi, 2003; Schmerler, 2002).

Experience with charter schools showed that granting charter schools more flexibility yielded more innovation in management, staffing, and instruction, bringing

high-quality schools to neighborhoods that greatly needed them (Dillon, 2011). But research also showed that not all charter schools had the capacity to fill the space created by autonomy with actions that held them accountable to actually improving student learning. Unlike many Fortune 500 companies, which hired employees specifically for their ability to thrive on their own, and which could easily fire those who could not, charter schools often didn't have the leaders, the staff, or the vision to make good independent decisions, and they just as often lacked the ability to build that capacity. Decades of research on school autonomy showed that without those tools, autonomy was unlikely to improve student achievement.

One review of 77 studies on site-based management found virtually no firm, research based evidence of either direct or indirect effects of site-based management on students (Leithwood & Menzies, 1998). Researchers in England also found no evidence that status as an autonomous school led to higher student performance (R. Allen, 2010; Levacic & Hardman, 1999). And research on charter schools here in the United States failed to show a direct connection between autonomy and achievement (Zimmer & Buddin, 2005). Indeed, the uneven performance of charter schools across the country, and even within districts, indicated that success demands far more than just regulatory freedom (Center for Research on Educational Outcomes, 2009).

CHAPTER V

RECOMMENDATIONS

Since adoption of Utah charter school legislation in 1998, multiple changes occurred, as evidenced in the history of the Utah Code. Former Legislator stated on many occasions, however, the way the law is currently written and interpreted now is not how he intended it (personal communication, September 20, 2009). In his opinion, the law's intention was to help charter schools be an innovative means of education while providing them with the support and resources needed to accomplish that goal. Other interviewees felt that Utah's charter schools were supported, but that not many chose to be innovative and a few did not add positive value to the educational landscape.

In addition to researching available evaluations of Utah's charter school environment, I asked the interviewees what impact charter schools had on Utah's public education system and what recommendations, if any, they had to improve the charter school landscape. Chapter V is an account of the interviewees' perceptions about charter school impacts and legislative and policy recommendations.

Charter School Impact

Overall, Utah charter schools show promising achievement, and there are clearly numerous examples of high performing, successful charter schools. But some charter schools are better than others and, as in every state with a charter school law, not every Utah charter school is effective. Researchers argue that the effectiveness of charter schools depends on many factors, including different features of charter school policy, as

well as the local contexts in which the policies are implemented (Levin, 2002).

Literature Recommendations

Recent literature reviews on the issue of relative effectiveness of charter schools, however, revealed the challenges of studying charter school effects. Of those literature reviews that met the standards of methodological rigor, most were longitudinal student-level studies in a handful of states and large cities (Betts & Tang, 2008; Evergreen, Miron, & Urschel, 2008; Teasley, 2009). Evidence from those studies regarding the effectiveness of charter schools for increased student performance was mixed. That is, depending on the student population served, operational years, and other factors, charter schools had produced negative, positive, and no effect on student achievement in these different studies.

National and multi-state studies provided a representative picture of charter schools, although they were generally limited by their study design (Center for Research on Educational Outcomes, 2009; Lubienski & Lubienski, 2006). State-specific studies, however, could use consistent measures of student achievement over a number of years (Ni & Rorrer, 2011). The evidence of state-specific studies was important to more fully understand the variations of charter school effectiveness in different policy environments. However, only a few states provided comprehensive longitudinal student level data for rigorous state-wide studies. Ni and Rorrer evaluated Utah's charter school effectiveness, based on longitudinal student-level data from 2004 to 2009, using (a) hierarchical linear growth models with matched sample and (b) student-fixed effects regression. Both methods yielded consistent results that charter schools on average performed slightly

worse as compared to traditional public schools, a result that was primarily affected by the low effectiveness and high student mobility of newly-established charter schools. Ni and Rorrer reported when charter schools gained more experience they became as effective as traditional public schools, and in some cases more effective than traditional public schools.

Conversely, CREDO did not find that Utah charter schools became more effective over time. As reported to the SCSB in 2011;

1. Overall Utah charter school performance was slightly worse in both reading and math compared to traditional public schools.

2. One third of Utah charter schools outperformed traditional public schools in reading and math.

3. Urban Utah charter schools performed better in both math and reading compared to traditional public schools.

4. Utah charter students performed better than their peers in traditional public schools after the first year of enrollment.

5. Utah charters were performing better with Hispanic students but worse with ELL students than traditional public schools in reading.

CREDO found virtual control records, determined by finding matched schools based on demographic variables such as race/ethnicity, gender, English proficiency, socioeconomic status, special education status, and grade level, and compared their performance to Utah charter school students' performance. In CREDO's earlier report, *Multiple choice: Charter school performance in 16 states*, they found that 17% provide

superior education opportunities for their students and 37% deliver educational results that are significantly worse than their student would have realized had they remained in traditional public school (Center for Research on Educational Outcomes, 2009).

These two reports, Ni and Rorrer (2011) and CREDO (2011), led to two implications for the SCSB. First, that quality focus begins at the authorizing stage. Second, that the SCSB should have a plan for dealing with low-performing charters. Therefore, policy change is warranted to ensure both the strength of Utah's charter school movement in the application and authorizing process and the monitoring and oversight process.

Interviewee Recommendations

All interviewees believed charter schools had an impact on Utah's public education system. The extent and importance of the impact varied, but all recognized system wide changes. According to Charter School Founder, "charter schools create new models of public education that, if successful, can be adapted by districts. In fact, there are five districts in Utah that sponsor their own charter schools to try innovative instructional methods and curricula." He viewed charter schools as laboratories of experimentation where quality programs producing good results could be implemented system wide.

Former Legislator indicated that charter schools had definitely offered an alternative to parents and students that were not successful in the traditional public education system. He also thought, to a certain extent, charter schools "keep the traditional system honest." Because the traditional system had to respond to students

leaving the district to go to charter schools, the districts had to self-assess and ask “why are people choosing the charter school over us?” His hope was the self-assessment would help districts improve offerings to their stakeholders. The system also kept the charter schools honest because “[the charters] know they must offer a high-quality program, which is responsive to stakeholders, as it is more convenient to go to the neighborhood school and they could lose the revenue if they don’t meet students’ needs.”

State government employee’s perception of charter schools is that, in the beginning, charter schools were started either for the very best or the very worst reasons. If created for the very best reasons, such as to create a different vision or mission of public school, they were the “best schools in the state.” Alternately, if they were started for the very worst reasons, such as to settle a score or a personal vendetta, then the charter school really struggled. “The charter school movement has evolved over time and authorizers have learned that they create a thoughtful application process that gets people thinking about all the right reasons to start a charter school.” State government employee applauded the USBE and SCSB for putting those mechanisms in place, as evidenced by the quality applications she now sees coming forward. “Charter applicants are very strong people. They have a vision of what they want to accomplish. They are in it for kids.”

Some charter schools were very effective schools, according to District Superintendent. During his tenure at the USOE, he visited several charter schools and found some to be excellent schools. Those excellent schools helped shape public education in Utah. Similar to former legislator’s statement that charter schools kept the system honest, as a district administrator district superintendent asked himself “what is it

that we are not doing, what are we not providing our patrons, so that they want to reach out and go to another school?" He thought the self-assessment was probably the biggest benefit of the new charter schools.

"I think (charter schools) have had a huge impact and I think that parents now know (a) that they have a voice, and (b) that they can do something with that voice, that there is an outlet for that voice," says parent lobbyist. Parent lobbyist's district, recently identified by the National Alliance of Public Charter Schools as "among the top ten nationally when it comes to the highest annual growth in the percentage of public charter school students," did not respond to parents' dislike of its newly adopted math program and, as a result, has nearly 9% of its student population attend charter schools (Warnock, 2011). Also, because parent lobbyist knew the local district was watching the charter schools within its boundaries, it caused the charter schools to "work harder to do what's best for kids." Instead of teaching to the lowest common denominator, charter schools differentiated and individualized their instruction to each student who chose to attend.

Charter School Principal, also located in the same school district as parent lobbyist, "thinks (charter schools) have proved the school district wrong." Her perception was the district thought she would go away once they finally relented to meet with her and she was able to share her concerns regarding curriculum with them. Instead she opened the first charter school in the district. As new charter schools opened within the same district, the school district began to recognize that they were not meeting all of their stakeholder's needs. The charter schools organized, made sure they were providing quality education and running quality schools, and provided accountability to their

stakeholders. “We weren’t afraid to open our doors and let people come in. We wanted the transparency. We wanted the parental involvement. We wanted the districts to come and look too.”

Researcher Recommendations

Today, parents’ choice of schools is largely predicted by the student racial and socioeconomic composition of choice schools (Holme & Richards, 2009; Schneider, Teske, & Marshall, 2000; Weiher & Tedin, 2002). Consequently, when choice was available, most parents preferred to send their child to a school where most students were similar to their child (Lacireno-Paquet & Brantley, 2008). While students benefited from attending schools with higher-achieving classmates, racially and socially isolated learning environments tended to negatively influence students’ opportunities for success in academic achievement and later in the labor market (Cobb & Glass, 2009; Ladd, 2002). Although the population in Utah was increasingly diverse, charter school enrollment in fall 2010 reflected a significantly lower portion of minority and economical disadvantaged students (Ni & Rorrer, 2011).

Utah charter schools continue to expand into school districts and communities currently not offering school choice. Currently, each school district in Utah has at least one student attending a charter school. Figure 3 shows the Utah school districts with more than 5.0% of its students choosing to attend a charter school.

Authorizing Environment

As mentioned in Chapter II, the authorizing environment is very important and

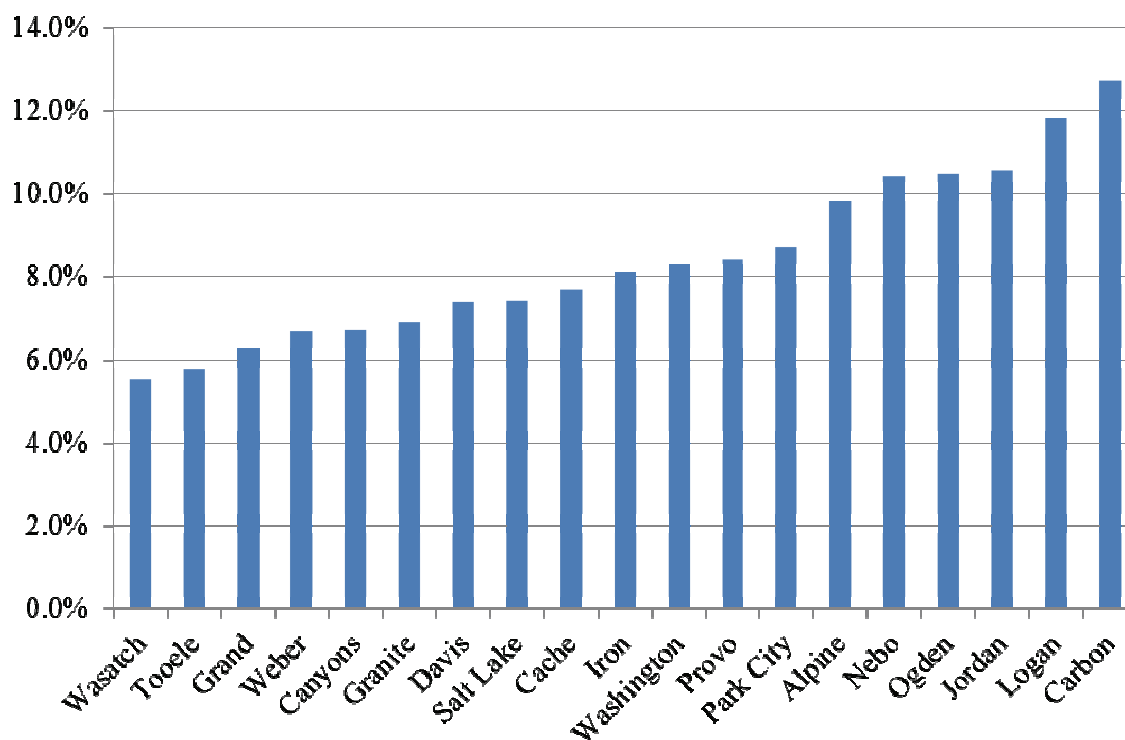


Figure 3. Percentage of students attending a charter school by district of residence for those districts with more than 5.0% of students choosing to attend a charter school in 2011-2012.

should ensure that only high-quality charter schools open and continue to operate. I have focused the next section on the SCSB as the predominant charter school authorizer in Utah, authorizing over 90% of Utah charter schools.

Literature Recommendations

In 2007, the Utah Legislature asked for a study to be completed of charter school issues by the Office of the Legislative Auditor General (LAG) due to the increased growth and cost of charter schools (State of Utah Office of the Legislative Auditor General, 2007). Several findings and recommendations came from the study.

1. Inconsistent data made it difficult to analyze charter school expenditures,

therefore the SCSB should review the guidance and training available to charter schools to identify ways to help ensure expenditures are reported accurately.

2. Most charter schools appear financially viable but more oversight is necessary, thus the SCSB should formalize their financial oversight process by establishing written policies and procedures, enhance their financial monitoring to include regular review and follow-up of problems addressed in audited financial reports, and establish a protocol for actions to be taken for failure to comply with reporting or state requirements.

3. Authorization process for charter schools can be enhanced, consequently the SCSB should improve the application process, improve the methods used to evaluate charter school applications, and identify critical benchmark dates that schools must meet during the preopening year.

4. Charter school accountability mechanisms should be strengthened, subsequently the SCSB should ensure reports are submitted, make certain site visits occur, adopt a clear and comprehensive site visit protocol, and ensure that the accountability of charter schools becomes a higher priority.

In the closing sections of the audit, the auditors found that there was a “concern that the dual role of facilitator and overseer are inherently conflicted” (State of Utah Office of the Legislative Auditor General, 2007, p. 95). This statement served as a philosophical summary for many of the findings in the report. It was fair to say that the rapid growth of charter schools, as well as the new experience that such growth provided, were the root cause of some of the concerns noted in the audit (P. Harrington, personal

communication, January 11, 2007). It was important to understand that the same inherent conflict of facilitator and overseer was applied over and over again in daily decisions and policy formation to provide support, ensure accountability, and yet respect freedom for each entity. The SCSB worked to minimize the conflict noted above by building a cohesive state leadership team, having frequent and ongoing dialogue with members of the USOE and USBE, and providing a roadmap of expectations to the staff director.

A follow-up LAG audit of the SCSB in 2010 determined the SCSB addressed the LAG findings of 2007 and effectively implemented Board-determined processes and policies. Recent evaluation of Utah's authorizer environment, by National Association of Charter School Authorizers (NACSA), CREDO, and LAG, revealed that the SCSB's key competencies included its (a) strong commitment to continuous improvement, (b) strong work relationship between the board and staff, characterized by trust and effective communication, (c) effective process for hearing complaints from charter school parents that respected school autonomy, and (d) clear and reasonable timelines for all stages of the charter application process (Center for Research on Educational Outcomes, 2011; State of Utah Office of the Legislative Auditor General, 2010; National Association of Charter School Authorizers, 2011).

Interviewee Recommendations

When asked about recommended changes to current legislation, former legislator indicated he would put some component in law that would give charter schools more flexibility in getting waivers from State Board Rule. He would go so far as to "give (charter schools) sort of a caveat that if they asked for a waiver, they would get it, unless

there was a compelling reason not to give it to them,” demonstrated by specific criteria. Some examples of waivers requested by charter schools that were denied by the SBE include teaching career and technical education introductions standards and objectives integrated in other classes rather than as a stand-alone class, holding four extended-days in a school week (144 school days) rather than five days (180 days as required in Board Rule R277-419, *Pupil Accounting*), and issuing course credit based on student proficiency in lieu of requiring students to attend classes a set number of seat hours. Former Legislator thought waivers should be easily secured for requests such as such as single-gender schools, schools serving specific high-risk students (e.g., teen mothers), and eliminating some required courses (e.g., P.E., art, CTE) to make room for more target classes geared towards the mission of the charter school (e.g., advanced science, foreign languages, American history) so students could graduate with specialized knowledge or skills.

Charter School Principal also advocated for more flexibility, including flexibility from reporting and teacher certification. In Utah, public schools have over 100 annual reports to submit to the USOE due to federal, legislative, and internal reporting requirements. She feels that all public schools should be able to determine which reports best capture the purpose of the school, along with the required reports for specific state and federal funding, and that should be all of the reports required. Additionally, although intended as an area for flexibility in the original charter school legislation, all teachers at charter schools must be licensed and endorsed for their assignments. This “dampens some of the innovation charter schools could have” by not allowing them to hire

individuals who could demonstrate the qualities necessary to be a good charter school teacher. Charter School Principal does not advocate that anyone can or should teach, but rather sometimes an individual with a specialized skill or knowledge brought something to the classroom. And, if the fact that they did not major in education was the only thing keeping them from sharing with others, it was unfortunate that this opportunity was missed due to a technicality. Despite the USBE's multiple avenues for teacher licensure, all of the routes are costly and require additional classes or examinations, along with approval from USOE.

State Government Employee thought it would be better to have the New Century High Schools, the six magnet charter schools focused on math, science, and technology authorized in 2002, to be authorized by institutions of higher education rather than local school boards or the SCSB due to their specific focus. Concerns, however, regarding the accountability of the New Century High Schools, if authorized by universities, would need to be addressed.

Charter school funding parity is an ongoing issue in Utah, as indicated by Charter School Founder and Parent Lobbyist, but because it has been a legislative discussion for several years, "I think the timeframe for making any meaningful funding changes is just about up," Charter School Founder stated. His solution to ensuring funding parity is for every Utah school district to raise money for all of their resident children, and then send the funding for each resident student to the school they attend, whether district or charter. "The devil in the detail is how would you do that, on what basis?" Arguments from higher education employee, who did not favor charter school founder's solution, included

that (a) if school districts raise taxes for charter school students too, then it is responsible to ensure the funds are spent appropriately, which would disallow charter school fiscal autonomy, (b) since school districts have not been collecting taxes for charter school resident students in the past, then districts should be allowed to create a separate “charter school levy” so parents know that they are paying for charter school students, and (c) the sponsoring legislators promised the education for charter school students would cost less, but now charter schools want the same funding.

Chris Bleak, Executive Director of the Utah Association of Public Charter Schools, indicated charter schools also had arguments regarding the way that school districts proposed to solve the financial problem, including (a) charter schools wanted autonomy from district rules and policies and did not want the district to have control of the charter school’s funds, (b) since charter schools received a state average of taxes collected for several years, to move to a district value would cause about half of the charter schools to receive less funds per student than before, and (c) charter schools wanted all allowable funds included in the formula for how the Legislature calculates the local replacement fund (LRF), a different formula than districts wanted (C. Bleak, personal communication, March 11, 2011). “Since Utah didn’t do it right from the beginning, [charter school funding] will be an ongoing issue that will eventually go away with no resolution” (personal communication, Charter School Founder, September 30, 2010).

Parent Lobbyist wanted to see improved legislation for charter school funding, including a corrected formula for determining the LRF.

[She] would love to see what is called backpack funding. The idea is that you look at the funding for students, and most kids get “X” amount of dollars. If a student had additional needs, such as special education or ELL, they would receive additional dollars in their backpack. The money for each student follows the student to the public school of their choice.

Former Legislator agrees:

The ability to make spending decisions at the local school level, rather than at the district office, would change the emphasis on how the money is spent at each local school. And each school would be able to tailor their educational program to better fit the needs of their community.

Researcher Recommendations

That being said, there were several notable recommended priorities for continued improvement. CREDO’s report led to two implications for the SCSB. First, that quality focus began at the authorizing stage. Second, that the SCSB should have a plan for dealing with low-performing charters. Therefore, policy change was warranted to ensure both the strength of Utah’s charter school movement in the application and authorizing process and the monitoring and oversight process (Center for Research on Educational Outcomes, 2011). The LAG’s report stressed that financial monitoring of charter schools by SCSB needed to be enhanced (State of Utah Office of the Legislative Auditor General, 2010). Finally, NACSA’s report recommended the SCSB must establish clear and meaningful expectations for school performance, including the development of a performance framework with clear, measureable outcomes for academics, finance, and operations. Additionally the SCSB must monitor school performance in relation to the established performance expectations (National Association of Charter School Authorizers, 2011).

As the SCSB made efforts to develop a performance framework for Utah charter schools, several roadblocks threatened to stop its desire to improve charter school accountability in these areas. The Utah Legislature, for one, seemed uncertain as to which side of the argument of charter school accountability it took. For example, the LAG's office issued a legislative report that recommended the SCSB define generally accepted standards of fiscal management and follow-up on school performance compared to those standards (State of Utah Office of the Legislative Auditor General, 2010). This report was accepted by the 2010 Legislature. The Legislature's Administrative Rules Review Committee, however, told the SCSB that such legislative audit recommendations did not need to be followed and should not be followed if the standards limited, infringed, or prohibited a charter school's ability to be innovative (M. Madsen, personal communication, December 15, 2010). Instead, the Committee recommended that the SCSB not set any financial, academic, or operational requirements of charter schools other than what is currently in statute, or the school's charter agreement. This recommendation emerged in House Bill 388 (2011), which stated:

A chartering entity may not impose performance standards, except as permitted by statute, that limit, infringe, or prohibit a charter school's ability to successfully accomplish the purposes of charter schools as provided in Section 53A-1a-503 or as otherwise provided in law. (The Utah Charter Schools Act, 2 Utah Code Ann. §53A-1a-507, 2011)

NACSA recommended the SCSB also establish and implement a process for making high stakes decisions, be prepared to manage orderly school closure, revise the contract amendment process, and improve its ability to assess applicant capacity (National Association of Charter School Authorizers, 2011). Each of these

recommendations required strong SCSB processes and procedures that addressed everything from the application to the charter agreement to monitoring and oversight.

Monitoring and Oversight

When asked what the SCSB could do to ensure charter schools were accountable, repeatedly Utah charter school leaders asked that they be held accountable to their charter agreement. To this end, Board Rule R277-481, *Charter School Oversight, Monitoring and Appeals*, passed the USBE in October 2011, which established procedures for oversight and monitoring of charter agreements and charter schools to encourage compliance with minimum standards. The rule required that the SCSB provided direct oversight to its authorized charter schools by requiring that they (a) complied with their charter agreement, (b) be accredited by the Northwest Accreditation Commission, (c) annually reviewed their charter agreements, (d) regularly reviewed their operations, and (e) audited and investigated claims of fraud or misuse of public assets or funds.

A streamlined oversight process was the goal, and charter school leaders were involved in continual assessments of how to achieve that goal. The group of charter school leaders determined that five minimum standards were warranted in addition to the school's charter agreement, which were (a) not having any unresolved findings in required independent audits, (b) maintaining a minimum of 30 days cash on hand, (c) not having violations of federal or state law or regulation, board rules or board directives, (d) having all teachers properly licensed and endorsed, and (e) ensuring all employees and board members have criminal background checks on file. A charter school that fails to

meet minimum standards may be placed on warning, probation, or, eventually, closed.

Literature Recommendations

Whether this is too much oversight for charter schools in Utah is a matter of judgment. According to the National Alliance for Public Charter Schools (2011), Utah's charter school law does not include any of the model law's authorizer and overall program accountability system, indicating that the SCSB does not provide any oversight. NACSA (2011) and CREDO (2011) also agree that state law should be strengthened and the SCSB should provide more oversight as to whether or not its charter schools meet the agreed upon performance measures in the charter agreement. Board Rule R277-481 is the first step (T. Morgan, personal communication, February 1, 2010). Most interviewees also agreed that changes to legislation were warranted to strengthen the support and quality of the charter school movement.

Interviewee Recommendations

Greater accountability is also a concern to District Superintendent, who believes that the 3-year pilot was never realized because the cap was lifted off the number of charter schools prior to a report of their success. He would want legislation holding charter schools more accountable to improved student achievement. "Despite the USOE's effort to monitor and hold charter schools accountable, it does not happen." A change to legislation is needed to give the SCSB and local school district's greater authority to close underperforming charter schools.

Researcher Recommendations

Through researching and writing this dissertation, I learned a great deal about the genesis of the Utah charter school movement. Specifically, I learned the reason charter school legislation passed in 1998 as compared to other school choice options (e.g., vouchers, tuition tax credits, magnet schools, etc.), I met the political actors involved in writing and lobbying for and against charter school legislation, and I gained a greater appreciation for the long and laborious process for making legislative change. As such, I gave some thought to important process and policy changes that could be implemented internally and later institutionalized in law.

“Charter friendliness” is important, but not good enough. Utah must make deeper changes to truly integrate charters with other district schools. It cannot continue to be us versus them. Utah has gone further than most states to embrace charter schools, but history has proven that school districts have a knack for knocking the wind out of reformers’ sails (National Association of Charter School Authorizers, 2011). Old habits, cultures, and interest group politics play a part, but much more mundane central office structural realities also need to be reconfigured to better support entrepreneurialism, equity, and autonomy. The USOE is designed for a centralized school system. The USOE needs to orient and challenge staff to serve both districts and charter schools effectively.

But even with nearly 8% of its students attending charter schools, the USOE still treats charter schools largely as a distinct and, for the most part, separate system of schools. For this to change, the Superintendent and USOE need to begin to truly integrate charter schools with other public schools. The USOE has begun that work by inviting

charter schools to attend the same statewide training as school districts. Charter school accountability requirements have also begun to influence conversations about accountability for other schools but not in any significant way to date.

Utah must update the first wave of state charter laws to allow for widespread access to charter schools. The Utah charter initiative demonstrates the potential impact of using chartering to improve all schools in a community. Most state charter laws, including Utah's, were not designed to support or promote system-wide chartering; they were crafted as compromises among interest groups primarily to get a number of charter schools up and running to demonstrate their potential. Now that the potential is clear, the next wave of state charter laws should (a) promote systemic change by allowing chartering entities to charter enough schools to reach all students in need of alternatives to traditional district schools and (b) increase the capacity for charter schools to be successful with the most challenging student populations by providing equitable funding and access to facilities or facilities funding.

Conclusion

The original concept behind Utah charter schools was to provide maximum flexibility for improved student achievement, an education reform that epitomized the theory of school-based management and promised to offer quality educational opportunities to traditionally under-represented students. In Utah, charter school legislation does not provide much, if any, flexibility to its charter schools, as evidenced by a minimal number of waivers from state laws found in statute (The Utah Charter

Schools Act, 2 Utah Code Ann. §53A-1a-511, 2011) and the limited waivers from board rule approved by the USBE. Whether or not this lack of flexibility plays into Utah charter schools not having a significant impact on the education of its students was outside the scope of this dissertation, but is an area for additional research.

Charter schools are de facto school-based management schools in that they have a representative decision-making body at the school. Utah charter schools are required by state law to have independent governing boards, constituted of volunteers, which enter into an agreement with a chartering entity to run a charter school (The Utah Charter Schools Act, 2 Utah Code Ann. §53A-1a-508, 2011). The governing board focuses on policy governance while the administration focuses on day-to-day management. For school-based management decisions to be sound, attention must be paid to who decides what. Sound decisions are best made by those who are informed about and care about the issues and who know the context in which the decision will be carried out. Otherwise, there is no guarantee that these decisions will be any better than those made by policymakers many steps removed. Participatory management does not mean that everyone decides everything. Some decisions are best left to the professionals in the school (David, 1995).

Charter schools are unlikely to improve unless community members, particularly parents, participate meaningfully. And in secondary charter schools, students should be involved as well. Charter schools are also unlikely to improve unless teachers, the main implementers of management decisions, shape the direction of change. In general, those who have the strongest personal stake in and the most immediate connection to the school

are the ones who should tackle the issues. The challenge is to maximize the likelihood that decisions will be appropriately participatory, informed, and sensitive to the context. Unfortunately, some charter schools have turned from being school-based to relying on for-profit companies to make some decisions.

In a recent conversation with parent lobbyist about a bill being considered in the Utah Legislature's 2012 General Session, she said, "charter schools can no longer survive without management companies" (March 5, 2012). She was referring to the charter schools' ongoing concern that they cannot keep up with providing both a quality education and successfully running a medium to large-size nonprofit corporation with the multitude of reporting requirements. In response to the reporting requirements, charter management organizations (CMOs) in Utah emerged around 2003, when there was an explosion of charter schools that opened, offering mainly business and human resource services for a fee. More recently, however, CMOs have begun hiring executive directors, administrative leadership, and, sometimes, teachers for charter schools, thereby creating a corporate environment in schools.

Preliminary data from CREDO found that only 31% of Utah's charter schools had a positive impact on student achievement in math and a 33% positive impact in reading when compared to student achievement in district schools (see Table 4). Alternately, 39% of Utah charter schools had a negative impact in math and 47% had a negative impact in reading, meaning that the students would have been better served in their district school. This means 30% of charter schools in math and 20% of charter schools in reading make no difference on a student's education (Center for Research on Educational Outcomes,

Table 4

Distribution of Charter School Academic Impacts

Academic area	Positive	No Difference	Negative
Mathematics	31%	30%	39%
Reading	33%	20%	47%
National	17%	46%	37%

2011). The national average is charter schools have a 17% positive impact, 46% no difference, and 37% negative impact.

Table 4 shows the distribution of Utah charter school academic impacts in the areas of mathematics and reading. Overall, charter school performance is slightly worse in both reading and mathematics compared to district schools. One third of charter schools outperform district schools in reading and math but a higher percentage of charter schools underperform district schools in reading and math, 39% and 47%, respectively.

CREDO found that Utah's urban charter schools perform better in both math and reading compared to district schools, giving hope that, perhaps, social justice might be served through school choice. School choice has addressed some problems in urban Utah, but in doing so it has created others. Typically, school choice benefits students with the means to choose but works to the disadvantage of students without the means to choose. For instance, Utah charter schools do not receive transportation dollars so most do not offer transportation, thereby limiting student attendance to those that can afford to provide their own transportation. Fall enrollment data for 2011-2012 indicates that charter schools serve 29.2% economically disadvantaged compared to school districts,

which serve 37.7%. Additionally, charter schools only serve 9.2% disadvantaged minorities compared to school districts serving 15.3%.

Based on CREDO's preliminary data, it appears that Utah charter schools do not serve the purpose of improved public education. Instead, it appears that the values of the actors involved in charter school legislation created their own realities, shaped by their cultural, political, religious, and economic values, and charter schools continue to open and serve predominantly higher socioeconomic students. Also, it is clear that underperforming charter schools are not closed by their chartering entity.

I contend that if the actors involved in writing and lobbying for legislation were concerned with social justice and creating opportunities for underserved students to receive a high-quality education, legislation would be passed that would correct funding inequities for charter schools so they could provide a higher-quality education, would hold charter schools accountable for what they said they would do, including improved test scores, and would use the school-choice movement as a mechanism to provide educational equity for all students in the state.

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CURRICULUM VITAE

MARLIES BURNS

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Summary

Experienced educator and administrator with 15 years in public education, the last eight of which are with Utah's public charter schools. Highly skilled in understanding Utah school law, creating effective educational communities among diverse constituencies, strategic planning, and program implementation. Proven ability to work professionally with State Charter School Board, State Board of Education, State Office of Education, State Associations, and school leaders to design and implement Utah's highly functioning and responsible charter school program. Respected leader with particular expertise in collaboration, consensus building, and resource management.

Professional Experience

Utah State Office of Education
Salt Lake City, UT

March 2007—present

State Director for Utah Charter Schools leading charter schools to accomplish significant educational improvement evidenced by the increasing number of high quality charter schools, consistent school academic performance, and rising number of parents seeking the charter school option

- Chief executive officer for the State Charter School Board promoting charter schools, training, and informing the Charter Board of pertinent changes and information
- Successfully crafted and proposed legislative elements that resulted in charter school accountability program (U.C.A. 53A-1a-519) and processes for closing a charter school (U.C.A. 53A-1a-510.5)
- Effectively formulated, interpreted, and implemented policy and programs specific to charter school accountability which resulted in improving the quality of education for charter schools
- Productively coaches, trains, and supervises Education Specialists, Auditor, Finance Analyst, and IT Analyst, as well as provides direct guidance to 78 LEA heads, improving the rate of on-time openings for new schools, increasing charter school attendance at state trainings, and minimizing the number of complaints and concerns received by the State Charter School Board and USOE administration.
- Efficiently builds high-functioning and cohesive teams through supervised autonomy resulting in the development of staff into respected and sought after leaders in the education community

Utah State Office of Education
Salt Lake City, UT

February 2006—March 2007

Education Specialist administering federal Charter School Program grants including determining program goals, setting objectives, defining measurable outcomes, and supporting the program. Applies USOE policies and procedures, State Charter School Board practices, and federal or state laws and regulations to charter school grant and subgrants.

- Organized charter school meetings, conferences, and workshops to provide training and technical assistance to charter school Governing Boards and Principals/Directors, including planning, coordinating, and promoting the first statewide annual charter school conference attended by over 350 individuals
- Coordinated and acts as a liaison between charter school section and other USOE sections resulting in improved communication among and between the two groups as evidenced by increased charter school invitation to and attendance at trainings
- Oversaw federal grant dissemination and reporting for over \$28 million and completed successful monitoring visit by federal CSP management and program analyst in 2006
- Created and implemented process outlined in *Accountability Handbook* to assist over 30 elementary charter schools with successfully self-monitoring and reporting school's compliance with charter agreement
- Expertly developed logic models, performed data analysis, and demonstrated data driven decision-making when designing the *Accountability Handbook*

Uintah River High School
Ft. Duchesne, UT

August 2003—February 2006

Principal successfully performing the role of the instructional leader in effecting school change, including implementing standards-based curriculum, evaluating and improving classroom pedagogical practices, and the administration of educational programs, funds, facilities, personnel, and staff development.

- Achieved full Northwest accreditation status through developing and implementing a comprehensive school improvement plan, administering and interpreting stakeholder surveys, and attaining buy-in from faculty, staff, and Board of Education members
- Created and implemented first school policy manual which assisted school in having procedural consistency and a workable understanding of state code and rules
- Reduced student drop-out rate from over 70% to less than 15% over three years in a population with historically high drop-out rate
- Strategically hired and retained highly qualified, licensed teachers and staff which increased school diversity to more closely match student demographics
- Produced and applied an effective teacher observation and evaluation tool for both formative and summative purposes, improving teachers' understanding of personal goal setting, designing measurable outcomes, and self-evaluation of performance

Sweetwater County School District Number One
Rock Springs, WY

August 2002—August 2003

Elementary and Middle School Principal knowledgeable of the educational process at the school level, including school leadership and research in educational performance standards. Successful experience in engaging the community in meaningful dialogue and involvement with the local school. Understood the important role of the school in a small community and strengthened school-family-community-business partnership.

- Created and maintained a balanced school budget
- Built strong community leadership role by becoming active member of the volunteer fire department, as well as receiving certification for mass care, shelter operations, and shelter simulations
- Implemented middle-school model of teaching including staff teaming and interdisciplinary projects which effectively utilized minimum staff and increased teacher collaboration

Management Recruiters of Provo
Provo, UT

September 2001—May 2002

Account Executive creating, maintaining, and managing key business relationships in highly competitive industry. Attracted best available candidates to fill open positions by matching candidate skills and qualifications with job description crafted following a telephone interview with hiring company. Expertise using extensive industry-specific database.

- Created professional business relationships with companies in the medical device industry by offering technical support in locating qualified job applicants
- Performed hundreds of candidate assessments and assisted best available candidates with resume writing and interview skills

Clark County School District
Las Vegas, NV

August 1996 - June 2001

Science Teacher, Varsity Swimming and Diving Coach, Student Activities Director at Magnet School teaching, directing, and modeling for students the importance of education, teamwork, and leadership. Direct, hands-on experience with large group, small group, and individual instruction.

- Improved student science scores on the TerraNova by several percent and designed in-class credit recovery options for struggling students which resulted in a nearly 90% pass rate
- Created and implemented leadership curriculum for year-long leadership course which required research of best-practices in leadership, focus-group meetings, understandable design at the student level, which led to improved student council activity attendance, increased teacher participation, and less wasted class time

Education

- Ed.D. Curriculum and Instruction, Utah State University, Logan, UT, 2012
- M.Ed. Educational Leadership, University of Nevada, Las Vegas, Las Vegas, NV, 2001
- B.S. Biological Science, Brigham Young University-Hawaii, Laie, HI, 1996
- A.A. Music, Brigham Young University-Hawaii, Laie, HI, 1996

Professional Qualifications

- Administrative Certification, Utah, renewed 2007
- Teaching Certification, Utah, renewed 2007
- Vice-President, American Association of University Women, Salt Lake City, 2007-2008
- Member, Executive Board, Utah NAME, 2006-present
- Member, National Association of Charter School Authorizers, 2006-present
- Member, National Alliance for Public Charter Schools, 2003-present
- Member, Utah Association of Secondary School Principals, 2003-2006
- Member, Utah Association of Public Charter Schools, 2003-2006
- Member, Association for Supervision and Curriculum Development, 2002-present
- Member, Wyoming Association of Secondary School Principals, 2002-2003
- Member, Wyoming Association of Elementary School Principals, 2002-2003
- Chair, Fundraising Committee, American Association of University Women, 2000-2001
- Member, National Science Teachers Association, 1996-2002

Awards

- Woodrow Wilson Fellowship, Princeton, NJ, 1998
- Howard Hughes Summer Science Institute Fellowship, Reno, NV, 1997

Publications

- Utah Charter School Accountability Handbook, Salt Lake City, UT, 2008
- Utah NAME Newsletter, Salt Lake City, UT, 2006-present (biannual)
- National Association of Public Charter Schools Conference, Albuquerque, NM, 2007, table talk session *“Journey of a charter authorizer in developing and implementing an accountability tool”*
- Utah Institute on Special Education Law, Ogden, UT, 2006, 2007, 2008, 2009 workshop presenter
- National Science Teachers Association National Convention, Orlando, FL, 1999, workshop presenter