The Impact of No Child Left Behind On Charter School Legislation and Practices - Policy Implications

Joice Eaddy Conyers
Virginia Commonwealth University

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THE IMPACT OF NO CHILD LEFT BEHIND ON
CHARTER SCHOOL LEGISLATION AND PRACTICES -
POLICY IMPLICATIONS

A dissertation submitted in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy
Public Policy and Administration
Virginia Commonwealth University

By

Joice Eaddy Conyers,

MS, American University, 1999
BS, Virginia Union University, 1972

Director: William C. Bosher, Ed.D.
Distinguished Professor of Public Policy and Education
Executive Director, Commonwealth Education Policy Institute
School of Education

Virginia Commonwealth University
Richmond, Virginia
March, 2006
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ABSTRACT

THE IMPACT OF NO CHILD LEFT BEHIND ON CHARTER SCHOOL LEGISLATION: A POLICY ANALYSIS

The charter school movement is considered one of the fastest growing education reform efforts in the United States today, serving over 1 million children nationwide. The demand to improve the quality of education in the United States has been paramount over the last twenty years.

In December 2001, Congress approved a reauthorization of the Elementary and Secondary Education Act (ESEA) and renamed it the No Child Left Behind Act of 2001 (NCLB), P.L. 107-110, H.R. 1. Although ESEA was enacted in 1964 by President Lyndon Johnson to supplement state and local efforts to provide all children with high-quality education, NCLB has a broader and more ambitious scope than previous school reforms in that it focuses on student test results. It is believed that this legislation is a conduit for charter schools becoming the likely alternative to public education.

This study will advance the discussion of the key factors of four states' charter school movements and how charter
school legislation varies from state to state. Additionally, the study will examine how NCLB was conceived and determine if there now exists a relationship between NCLB and the status of charter schools in the nation.

Public school systems in the United States have operated as educational monopolies, creating barriers to other forms of elementary and secondary education, such as magnet schools. In crafting the NCLB, some policymakers viewed passage of legislation supporting NCLB as an opportunity to make dramatic changes in the delivery of education in this country.
CHAPTER 1
INTRODUCTION

The purpose of this dissertation is to examine the key components of charter school legislation in the states of Arizona, Georgia, North Carolina, and Virginia to determine the impact of the No Child Left Behind Act of 2001, (NCLB) P.L. 107-110, H.R. 1 on the delivery of education to charter and public schools. This law sets deadlines for the scope and frequency of student testing, accountability, teacher quality, and identifiable pupil progress each year.

The NCLB law poses enormous challenges for states by imposing on state and local boards of education a potent blend of new requirements, incentives and resources.¹ The idea of high standards, testing and consequences are appealing to many lawmakers. However, the evidence of their effectiveness in reshaping educators' behaviors and student learning is limited.

The ideology supporting the charter schools movement grew out of the belief that carefully developed competition among existing public schools and new kinds of schools developed by local educators, parents, community members, school boards and other sponsors could provide both new models of schooling and incentives to improve the current system of public education. Charter schools typically have three-to-five year performance contracts. Performance contracts are regulated and authorized through government organizations such as local school boards, city councils, county boards, state boards of education, colleges and universities. The contract is used to hold the charter school accountable for improving student performance and achieving the goals of the charter.

Charter schools are normally exempt from restrictions and technical regulations of traditional public schools while being held accountable for achieving educational results.\(^2\)

The implicit message underlying the charter schools movement is that communities, through their local boards, should seek innovation in the way students are educated, and that more desirable outcomes will result from easing the rules, regulations, that drive public education. However, authorities

have not given an explicit explanation as to the manner in which charter schools have contributed to the general improvement of education (Sarason, 1998). Sarason further noted,

Several developments historically contributed to schools, as we know them today. Each in its own, concerned the nature and limits of the state to make policies for and oversee the educational system. Today’s charter school movement is testimony to the state’s power to exempt a public school from the obligation to be bound by burdensome and confining state regulations that are obstacles to the achievement of its educational goals. Understandably, charter schools are seen as a challenge to and a devastating critique of existing school systems.³

Conservative think-tanks, such as the Goldwater Institute and The Heritage Foundation offer a view of charter schools as a first step toward privatization of public schools. Conversely, liberal education groups view charter schools as a new trend in how public education services are provided to students. Charter schools, whether independent or public, offer substantial challenges to the current system of educational governance in this country.

It is believed that the charter school movement has roots in a number of other educational reforms, such as alternative

schools, site-based management, magnet schools, public school choice, privatization, and community-parental employment.⁴

Other alternative schools, such as magnet and governor’s school, differ from charter schools in their purpose and mission. Magnet schools have their roots in the concept of district-wide specialty schools. Those schools offer special curricula, such as math-science or performing arts programs, or special instructional approaches.⁵

The governor’s school concept and practice began in North Carolina in 1963. As of 1996 there were approximately 100 governor’s schools in 28 states. The common features among those schools were the creation of a program for gifted and talented youths of high school ages. Each school has highly selective criteria for student selection. Educational funding support for most of those schools comes entirely or in large part from their state legislatures.⁶

Regardless of its roots, the development of charter schools is strongly reflected by the goals and mission of individual state legislatures, thus explaining the variations in charter schools from state-to-state.


The Center for Education Reform (CER) compared and ranked state charter school laws by the number of independent charter schools a state’s law allows. Each state’s law differs, depending on the intent to generate additional charter school activities.

There are five policy and legal areas that charter school legislation covers. They are: (1) increase students’ access to quality education and opportunities for learning; (2) provide an avenue for choice within the public school system for parents and students; (3) establish an accountability system; (4) promote innovative teaching practices; and (5) support new professional opportunities for teachers.  

---

7 U.S. Charter Schools (2002). Overview of Charter Schools. [online]
Increasing Access.

The basic difference between charter schools and regular public schools is that charter schools exist on a fee-per-student basis. As long as charter schools can attract students, they will flourish. "In short, charter schools combine elements of regular public schools and private schools and therefore interest people who want to see reform in American education but who worry about a laissez faire market for education". CER ranks each state’s charter school legislation using a ranking from strongest to weakest.

Based on the Center’s ranking, Arizona charter school legislation is considered among the strongest charter school laws in the nation, while Virginia’s charter school legislation is considered to be one of the weakest. The Center considers the strength of the charter law has a direct bearing on the quantity and viability of charter schools in each state. The Center further concludes that there is a direct correlation between academic achievement and the strength of the charter school law.

---

A comparison of the charter school legislation for Virginia, North Carolina, Arizona and Georgia are shown in Figure 1. The charter school legislation in North Carolina is considered strong while the charter school legislation in Georgia is considered weak.

**Figure 1**

<table>
<thead>
<tr>
<th>State</th>
<th>Year Law Passed</th>
<th>Ranking</th>
<th>Number of Charter Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>1998</td>
<td>D - Weak</td>
<td>5 charter schools serving 1,440 students.</td>
</tr>
<tr>
<td>North Carolina</td>
<td>1996</td>
<td>B - Strong</td>
<td>94 charter schools serving 21,030 students.</td>
</tr>
<tr>
<td>Arizona</td>
<td>1994</td>
<td>A - Strong</td>
<td>509 charter schools serving over 73,542 students</td>
</tr>
<tr>
<td>Georgia</td>
<td>1993</td>
<td>D - Weak</td>
<td>36 charter schools serving 15,117 students</td>
</tr>
</tbody>
</table>

Center for Education Reform, 2005

CER distinguishes a strong charter school law from a weak law by the states of laws that constrict operations, impose administrative burdens, stifle creativity and require charters that rely heavily on existing education rules and offices.10

In addition, weak charter laws that are normally managed by school districts create tension. This finding is supported by data on charter school closures conducted by the Center that revealed 459 closures since 1992 as a result of school district imposed burdens or control issues.
Some states have enacted tax credits to their charter school law as a benefit to parents of students attending charter schools. In Figure 2, Arizona has included this provision into their charter law. Arizona has also enacted mandatory intradistrict and interdistrict provisions, which enhances the opportunity to increase the establishment of more charter schools in the state.

**Figure 2**
**School Choice State Laws**

<table>
<thead>
<tr>
<th>State</th>
<th>Open Enrollment Law</th>
<th>Publicly Funded Voucher Law</th>
<th>Tax Credit/Tax Deduction Law</th>
<th>Dual Concurrent Enrollment Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Has not enacted an open enrollment law.</td>
<td>Has not enacted a publicly funded voucher law.</td>
<td>Has not enacted a tax credit/tax deduction law.</td>
<td>Has not enacted a dual/concurrent enrollment law.</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Has not enacted an open enrollment law.</td>
<td>Has not enacted a publicly funded voucher law.</td>
<td>Has not enacted a tax credit/tax deduction law.</td>
<td>Has enacted a comprehensive dual/concurrent enrollment law.</td>
</tr>
<tr>
<td>Arizona</td>
<td>Has enacted an open enrollment law that contains intradistrict/mandatory and interdistrict/mandatory provisions.</td>
<td>Has not enacted a publicly funded voucher law.</td>
<td>Has enacted a tax credit law.</td>
<td>Has enacted a limited dual/concurrent enrollment law.</td>
</tr>
<tr>
<td>Georgia</td>
<td>Has not enacted an open enrollment law.</td>
<td>Has not enacted a publicly funded voucher law.</td>
<td>Has not enacted a tax credit/tax deduction law.</td>
<td>Has enacted a comprehensive dual/concurrent enrollment law.</td>
</tr>
</tbody>
</table>

Education Commission of the States 2000

In Figure 3, the four states' charter school policies are compared. All four states allow existing public schools to convert to charter schools. The four states also require standards and assessment of the students at charter schools.

---

10 The Center for Educational Reform (2004). Charter Schools Laws Across the States
Among the studied states, Virginia is the only state to require charter school teachers to be certified.

**Figure 3**  
**State Comparisons - State Policies for Charter Schools**

<table>
<thead>
<tr>
<th>State</th>
<th>Does the State allow existing public schools to convert to charter schools</th>
<th>Is the charter school part of a local education agency (LEA)?</th>
<th>Are the state's standards and assessments applied to charter schools?</th>
<th>Do teachers in a charter school have to be certified?</th>
<th>Does the state require charter schools to submit annual reports?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yes</td>
<td>Is its own LEA</td>
<td>Yes</td>
<td>No</td>
<td>Yes, must prepare an annual report card and undergo an annual financial audit.</td>
</tr>
<tr>
<td>Georgia</td>
<td>Yes</td>
<td>Is its own LEA</td>
<td>Yes</td>
<td>No</td>
<td>Yes, must prepare annual reports and undergo annual financial audits.</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Yes</td>
<td>Is its own LEA</td>
<td>Yes</td>
<td>Up to 25% of teachers in grades K-5 and up to 50% of teachers in grades 6-12 may be uncertified.</td>
<td>Yes, must prepare an annual report and are required to submit financial reports.</td>
</tr>
<tr>
<td>Virginia</td>
<td>Yes</td>
<td>Charter school is a part of the LEA that is the school district.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes, must describe the manner in which an annual audit of the financial and administrative operation of the charter school.</td>
</tr>
</tbody>
</table>

Education Commission of the States, 2005

The four states selected for this study have similar demographics as shown in Figure 4. Based on the ranking criteria advanced by CER, this research will determine the degree to which NCLB impacts charter school legislation that
is considered to be weak or strong. Determinations will be made as to instances where NCLB has no effect on charter school legislation.

Figure 4
Demographics of States

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>North Carolina</td>
<td>8,407,248</td>
<td>72.1</td>
<td>21.6</td>
<td>4.7</td>
<td>1.6</td>
</tr>
<tr>
<td>Virginia</td>
<td>7,386,330</td>
<td>72.3</td>
<td>19.6</td>
<td>4.7</td>
<td>4.1</td>
</tr>
<tr>
<td>Georgia</td>
<td>8,684,715</td>
<td>65.1</td>
<td>28.7</td>
<td>5.3</td>
<td>2.5</td>
</tr>
<tr>
<td>Arizona</td>
<td>5,580,811</td>
<td>75.5</td>
<td>3.1</td>
<td>25.3</td>
<td>6.9</td>
</tr>
</tbody>
</table>


A comparison of the state demographics reveals that all four states are similar in population size, and are comprised of similar racial groups. The minority population in Arizona is largely Hispanic/Latino.

No Child Left Behind (NCLB)

NCLB is one of the most significant federal educational policy initiatives of modern times.\textsuperscript{11} This law establishes timelines and benchmarks for the scope and frequency of student testing,
school accountability, and teacher quality and identifiable pupil progress each year. Within the scope of the law, schools must show Annual Yearly Progress (AYP) across a specified time period. Congress approved the revised Elementary and Secondary Education Act (ESEA), or NCLB legislation in December, 2001. ESEA has continually been reauthorized since its inception. It also has the distinction of being the first major attempt by the federal government to provide resources to meet the needs of educationally disadvantage students.

NCLB is distinctly different from previous reauthorizations because of the emphasis on accountability. This law poses enormous challenges for states to blend new requirements, incentives and resources.\textsuperscript{12}

Some parents, students, and legislators believe that the public school system as it exists is failing to educate the student population effectively and is not accountable for pupil progress. The ramifications of NCLB have the potential to advance charter schools as a substantive educational issue, which creates a healthy competition for public education.

\textsuperscript{11} Education Commission of the States (2003). Helping State Leaders Shape Education Policy [online]
\textsuperscript{12} Education Commission of the States (2003). No Child Left Behind. [online]. Available
States are required to provide annual reports of the achievement levels of students in each district of the state. The reports must include information on students' progress toward attaining academic proficiency, the professional qualifications of teachers, and the progress each school makes toward AYP targets. The purpose of the annual report is two fold. First, the report serves as a tool to be used by parents to determine if the school is meeting their child's needs. Second, they provide valuable information about how to assist policymakers in making decisions regarding school improvements and determining resources and interventions that may be needed.

NCLB also requires the U. S. Department of Education (USDOE) to provide technical assistance to states. States, in turn, must provide technical assistance to school districts. Technical assistance to school districts can encompass a variety of services such as selecting new textbook series, evaluating the professional development of teachers, or it can be more comprehensive in providing assistance from trained educators.

Another component of NCLB is the required provision to apply sanctions to those schools failing to meet AYP. Sanctions only
apply to Title I schools, but states have the option to apply this provision to all schools.

States will not face sanctions for failure to meet AYP until 2013-2014. Once sanctions are applied, the U.S.D.O.E. may withhold funds from a state’s administration until the state has brought students to "proficient" status. If the state fails to meet deadlines established for waivers granted under the 1994 ESEA reauthorization, the secretary must withhold 25 percent of the state’s administration funds.

Implementation of corrective measures may be delayed for one year if the districts make AYP for one of the two years or if failure to make AYP was due to a natural disaster or unforeseen decline in financial resources.

NCLB has three basic features: goals, assessments and incentives. It is believed that tests can be developed to measure student learning and determine whether students have mastered academic content defined by a state’s standards. Improvements in test scores will lead to rewards; poor test
scores will lead to sanctions and efforts to modify ineffective behavior.\textsuperscript{13}

**Figure 5**

*Figures of the No Child Left Behind Accountability Model*


\textsuperscript{14} Rand. 2003.
components of NCLB. The state educational agency begins the process by approving content standards in reading and mathematics. Science will be included by 2005-2006. These standards guide local education agencies in making policy decisions regarding curriculum, textbooks and materials, instruction and support services. These policies are designed to create a positive learning environment.

The policy and instruction boxes are shaded to indicate that they are not a part of the accountability system, instead, these elements are consequences of the accountability mechanism.\textsuperscript{15}

President George W. Bush and other policy makers believe this approach to accountability will help improve student achievement across all groups of students and will close the achievement gap that currently exists between disadvantaged and minority students and their majority counterparts.

\textbf{Focus and Rationale of Study}

This study examined the movement that has led to NCLB and the conception of this extensive accountability system. It also studied the charter school movement and examined whether the

\footnote{\textsuperscript{15} Rand. 2003}
application of NCLB relative to charter school legislation varies from state-to-state.

Harold Silver argued that historical perspectives should inform policy analysis to a greater degree than usually occurs.\textsuperscript{16} He stated a historical approach underscores the process of policy development by emphasizing that policies do not spontaneously appear, but emerge from long and complex series of actions. Further, historical studies can assist future researchers in assessing the implementation of a policy, particularly regarding the degree to which the policy eventually matches the aim of its framers.

The history of the reauthorization of the Elementary and Secondary Education Act and its transformation into NCLB redefines the face of our national educational system and the possible sanctions to be imposed on those school systems that fail to meet established criteria. Additionally, focus was placed on incentives for the creation of charter schools and if a lack of incentives creates barriers in establishing such schools as an alternative approach to education.

Insufficient time has passed for definitive studies on the impact of NCLB on charter schools. However, future studies may build on the analysis contained in this study. Using a qualitative methodology and historical descriptive approach, this study answered the following research questions:

1. What impact has NCLB had on charter legislation and policies in the states identified?
2. Are charter schools used as a mechanism to address problems identified by NCLB?
3. Are charter schools held to the same standards as the public schools for which they are alternatives?

**Methodology**

Historical case study analysis was used to present the data in this study, which was collected through archival research and interviews. The technique of pattern-matching or common themes was utilized to strengthen the internal validity.17

**Organization of the Dissertation**

In Chapter Two, this study is supported by a review of the literature on charter schools, NCLB, and charter school legislation in the states of Virginia, Georgia, North Carolina and Arizona. The chapter sought to explain policy issues that

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led to the revision of the ESEA. It examined the incentives for establishing charter schools, and examined the barriers that exist to establishing charter schools as an alternative to public education. Chapter Three describes the research design and methodology used in accomplishing the research goals of this study. Strategies for conducting interviews are explained, the population of the study is identified, and the selection of the unit of analysis is explained. Interviews appear as guided conversations rather than structured queries.

Chapter Four reports findings of the qualitative data, including a discussion of the prevalence of certain conditions and situations as states attempt to carry out the provisions of NCLB. Chapter Five discusses the philosophy and practices of the states in aligning the law with best practices. Conclusions and recommendations for future research are presented in Chapter Five.
CHAPTER 2
REVIEW OF THE LITERATURE

Introduction

Charter schools are a part of the landscape of public education. They grew out of a belief that a carefully developed competition among existing public schools and new kinds of schools would provide new methods in educating students and establish a system of accountability. Charter schools have a time imposed, which usually is three to five years, to achieve the results they promised.

The reality is, the legislation on charter schools and the schools created from the legislation is too new and varied to draw conclusions on the success or failure of this venture. Many opponents of charter schools believe that charter schools are for the elite or the "cream" of the best students and teachers from public schools, thus leaving the public educational system as a dumping ground of the poor. Those arguments are proving to be unjustified. States that presently have charter schools in operation often cater to "at risk" or hard to educate students. The Hudson Institute Report (1996) states, that nearly all charter laws identify minorities and
other "special" or "at risk" populations as preferred students.\textsuperscript{18}

Another argument made by opponents of charter schools is that charter schools will create competition among schools, allowing parents to choose the school that best serve their children's needs. Prior to charter schools, reform and experimentation with curriculum and school restructuring which were responsive to parental choice only occurred in magnet and other special schools. Those schools were few in number and usually had long waiting lists. With charter schools, more children will have access to specialized education that fits their interests and learning styles.

Charter schools are nonsectarian public schools of choice that operate with some freedom from regulations applied to traditional public schools.\textsuperscript{19} The term "charter school" represents a diversity of school types. Charter schools are normally exempt from many of the restrictions and technical regulations imposed on traditional public schools while being held accountable for achieving educational results.\textsuperscript{20}

\textsuperscript{18} Hudson Institute Report (1996).
\textsuperscript{20}
In 1988, Ray Budde, an educator, introduced the word “charter” into the educational field.\textsuperscript{21} The late Albert F. Shanker, past president of the American Federation of Teachers (AFT), popularized the term, and a group of interested citizens and legislators in Minnesota worked to pass the first charter school law in the nation.\textsuperscript{22}

Former President Clinton, in his State of the Union Address, originally called for the creation of 3000 charter schools by 2002.\textsuperscript{23} President Bush was a strong and early supporter of charter schools as governor of Texas. In 2002, President Bush requested $200 million to support charter schools under NCLB and proposed another $100 million for new credit enhancements for the charter schools facilities program.\textsuperscript{24}

While rapid growth has clearly characterized the charter movement, so has diversity of both approach and goal. Charter schools represent widely differing specific educational visions, making generalizations difficult.\textsuperscript{25} The most critical differences concern the degree of autonomy effectively granted to charter schools. Since seeking freedom from traditional

\textsuperscript{21} Nathan (1996). P.63
\textsuperscript{22} American Federation of Teachers (2002). Do charter schools measure up? The charter school experiment after 10 years: American Federation of Teachers
\textsuperscript{23} U.S. Charter Schools (2003)
\textsuperscript{24} America’s Charter School Finance Corporation (2002). The Charter School Experience
public school regulations is a major reason for the existence of charter schools, how much and what kind of freedom obviously become important questions. From the early days of the charter school movement, a distinction was noted between "strong" and "weak" charter laws. These terms are used such that strong laws are those allowing greater autonomy, while weak laws are more restrictive. Groups opposed to charter schools usually dispute the use and meaning of this terminology.

The Center for Educational Reform (CER) has been a strong supporter of charter schools since its inception. This group ranks each state's charter legislation according to how much autonomy is allowed. Most observers agree that Arizona grants charter schools the greatest degree of autonomy. However, the Arizona Department of Education and the State Board for Charter Schools is currently exercising a moratorium on the approval of new schools. Arizona established its first charter school in 1994. To date, Arizona has 509 charter schools, serving 73,542 students. Michigan and the District of Columbia provide other examples of high autonomy legislation by CER. North Carolina received a high ranking for their

charter school legislation. North Carolina passed their charter school legislation in 1996. Currently there are 94 charter schools in operation in North Carolina serving 21,030 students. Virginia and Georgia's charter school legislation is considered among the lowest ranking by CER having the lowest autonomy legislations in the nation. Virginia passed its first charter school law in 1998. Currently, there are five charter schools operating, serving 1,440 students. Georgia passed its charter school legislation in 1993. Currently, there are 36 charter schools operating in Georgia, serving 15,117.

Philosophical Thinkers

Although the charter school movement is still new, the American debate about increased public school choice has existed for several decades, and questions about the proper role of government in education date back centuries. To provide a deeper context for examining charter schools, this subsection offers a brief sketch of some individuals who helped to shape the debate on related issues.

---

28 Center for Educational Policy (2002, June 27). Supreme Court Ruling Supporting School Choice for Cleveland Children [online]
The idea of free public education in the United States began around 1779 with Thomas Jefferson. Jefferson displayed concern with education and sought to establish publicly supported schools.\textsuperscript{29} Despite Jefferson's concerns, his vision did not include a centralized government exerting control over the content or methodology of education.\textsuperscript{30}

John Stuart Mill was a nineteenth century philosopher, who expressed the centrality of liberty by speaking candidly to the issue of government involvement in education:\textsuperscript{31}

> If the government would make up its mind to require for every child a good education, it might save itself the trouble of providing one. It might leave to parents to obtain the education where and how they pleased, and content itself with helping to pay the school fees of the poorer classes of children, and defraying the entire school expenses of those who have no else to pay for them. An education established and controlled by the State should only exist, if it exist at all, as one among many competing experiments.\textsuperscript{32}

Milton Friedman, an economist, proposed taxpayer-supported vouchers. Under Friedman's conception, the government would provide a minimum education grant, in the form of a voucher for each child, and parents could then use those funds to send

\textsuperscript{29} Jefferson, Thomas (1797/1976). Notes on the State of Virginia, Peter Smith Publishers
\textsuperscript{30} Jefferson, Thomas (1797/1776). Notes on the State of Virginia, Peter Smith Publishers
their child to any educational institution they wished.\textsuperscript{33} Friedman believed that vouchers would improve education for the rich hardly at all; for the middle class, moderately; and for the poor, enormously. His contention is based on the idea that the wealthy already choose the schools they desire; vouchers would theoretically open that opportunity to a much broader segment of the population.\textsuperscript{34}

Myron Lieberman, chairman of the Education Policy Institute, argued that our current system of public education is beyond repair and resistant to numerous attempts to reform. He believes market mechanisms are necessary to infuse competition, and that such competition could enhance the accessibility of information to parents about schools.\textsuperscript{35} Andrew Coulson, director of the Cato Institute for Educational Freedom, believe the indirect benefit of education would include harmony, political stability, and a striving economy.\textsuperscript{36} Coulson stated the public education system is capable of producing the aforesaid benefits, while a competitive market may not produce them at all, or do so only at an exorbitant regulatory cost.\textsuperscript{37} In using a market approach to education,

\textsuperscript{34} Friedman & Friedman (1980). Free to Choose. New York: Harcourt, Brace & Company
Coulson argues that charter schools can be the right mechanism to spur competition, but only in an insignificant way, as they limit competition and make no use of the profit motive.38

There are many other social and political theorists that could be cited regarding their philosophical theorems to education; however, taken together, these thinkers provide the basic intellectual framework for the proposition that the best form of education is limited to government intervention.39

**Elementary and Secondary Act (ESEA), No Child Left Behind Act of 2002 and Its Influence on Public Education**

Sixteen years after the creation of EASA, Secretary T.H. Bell, Secretary of Education for the U.S. Department of Education, created on August 26, 1981, the National Commission on Excellence in Education.40 The Commission was directed to present a report on the quality of education in America. Secretary Bell was concerned with “widespread public perception that something was seriously remised in the public educational system”.41 The Commission’s charter contained several specific charges:

38 Coulson, Andrew (1999). *Education Policy Analysis* [online]
41 Ibid
• Assess the quality of teaching and learning in public and private schools, colleges, and universities;
• Compare American schools and colleges with those of other advanced nations;
• Study the relationship between college admissions requirements and student achievement in high school;
• Identify educational programs which result in notable student success in college;
• Assess the degree to which major social and educational changes in the last century have affected student achievement; and
• Define problems that must be faced and overcome to successfully to pursue the course of excellence in education.

When the National Commission on Excellence in Education presented its findings in April 1983, the report, A Nation at Risk: The Imperative for Educational Reform, informed the nation that for the first time since the formation of our educational system, other countries were either matching or surpassing our educational attainment. "A Nation At Risk" called for the public to demand that educational and political leaders act forcefully and effectively to address those educational issues.

Fifteen years after "A Nation at Risk", the Thomas B. Fordham Foundation presented a report "A Nation Still at Risk: An
Education Manifesto” on April 30, 1998. The authors of this report concluded large portions of our student population still remained at risk. The report estimated that at least thirty percent (30%) of entering freshman at our colleges and universities were in need of remedial courses in reading, mathematics, and writing. Poor and minority students disproportionately attended the worst schools, had low expectations from their teachers, were taught by less knowledgeable teachers, and had the least power to alter bad situations.

Education had been a substantive issue of major impact on America before “A Nation at Risk.” Since Brown v. Board of Education in 1954, “to the close scrutiny of public education over the last thirty years,” it has been difficult to resolve these issues.

The issues of education are often redefined and have become a part of the political process as triggering mechanisms. Educational issues have been effectively used to reorder the

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43 Center For Education Reform (1997)
consciousness levels of both the public and policy makers during presidential, congressional, and local elections.\textsuperscript{45}

There have been eight reauthorization cycles of ESAS since its inception, including the No Child Left Behind Legislation of 2002. President Richard Nixon's idea of "parochiaid" was intended to provide public money to religious schools with the idea of providing a public benefit to educate children and for the public good.\textsuperscript{46} President Ronald Reagan attempted to tie vouchers to Title I programs to fund the education of children living in poverty.\textsuperscript{47} President George H. Bush in 1990 attempted to pass the GI Bill of Rights for Kids. President Bill Clinton reinvented Ronald Reagan's idea of public choice, and introduced Goals 2000 in January 1994.\textsuperscript{48}

Six goals were establish with deadlines for merit by the year 2000. Those six goals are believed to have been the impetus for education reform in this country.\textsuperscript{49} The six goals were as follows:

- All children will start school ready to learn;
- 90 percent of all high school students will graduate from high school;
- All students will achieve competence in core subjects at certain intervals in their progress;

\textsuperscript{43}Ibid
\textsuperscript{44}Lieberman, Myron (1990). Public school choice. Technonic Publishing Company, Inc. Lancaster, Penn
\textsuperscript{46}Tooley, James (2000). Reclaiming Education. Cassell London and New York
- American students will lead the world in math and science achievement;
- Every adult in the nation will be literate and possess the skills to become functional citizens and productive workers; and
- All American schools will be free of drugs and violence and will provide an environment conducive to learning.

The Goals 2000: Educate America Act was designed to improve learning and teaching by providing a national framework for education reform. It was meant to promote research, consensus building, systematic changes needed to ensure equitable educational opportunities with high levels of educational achievement for all students, and to provide a framework for reauthorization of all Federal education programs.\footnote{U.S. Department of Education (1999). \textit{A Diverse Educational System}. Chapter 6}

Additionally, Goals 2000 promoted the development and adoption of a voluntary national system of skills standards and certifications. Goals 2000 provided federal program grants to help states reach these goals. By 1996, 86 percent of students enrolled graduated from high schools, national tests scores in math and science improved one full grade, and 50 percent of all four year-olds were attending programs to prepare them for school.\footnote{U.S. Department of Education (1999). \textit{A Diverse Educational System}. Chapter 6}
On January 8, 2002, President George W. Bush signed into law the revised ESEA which is said to be the most significant federal education policy initiative in a generation. The new law, No Child Left Behind (NCLB) sets deadlines for states to expand the scope and frequency of student testing, revamps their accountability systems and guarantees that every classroom is staffed with qualified teachers.

Under NCLB, states must demonstrate progress each year by raising the percentage of students proficient in reading and math, and narrowing the test-score gap between advantaged and disadvantage students. It requires that schools failing to meet adequate yearly progress (AYP) for three or more consecutive years must offer students from low-income families supplemental services.

Supplemental services, as defined by the U.S. Department of Education, may include academic assistance such as tutoring, remediation and other educational interventions. Remediation and other supplemental services must be provided at times outside of the regular school day and must be of high quality,
research-based and specifically designed to increase student academic achievement. States are required to identify public and private organizations that are qualified to provide these services under established criteria.\textsuperscript{56}

Several states have already developed standards and programs to expand the scope and frequency of student testing in the four-core subject areas of English, mathematics, science, and history.\textsuperscript{57} Virginia, for an example, adopted (1995) the Standards of Learning (SOL) in those four subject areas. This initiative included a new testing program to assess student achievement of the standards, revised school accreditation standards, and a report card to inform citizens of the performance of each public school.\textsuperscript{58} The SOL set clear, concise, and measurable academic expectations for students, and encourages parents to work with teachers and children to help them achieve success.\textsuperscript{59}

Mark Christie, former President of the Virginia Board of Education in 2003, stated that Virginia would comply with

\textsuperscript{55} U.S. Department of Education (2002). Grants to Local Educational Agencies [online]
\textsuperscript{56} U.S. Department of Education (2002). Grants to Local Educational Agencies [online]
\textsuperscript{57} Ibid
\textsuperscript{59} Ibid
NCLB, "but under strong protest".\textsuperscript{60} A major point of contention was the U.S. Department of Education's requirement of how to count students who speak limited or no English, and those with disabilities.\textsuperscript{61} Virginia's Standards of Accreditation, adopted in 1997, require that special education students take SOL tests only if the team developing individualized education programs approves. Students entering the country are not required to take SOL tests in the first year of school.\textsuperscript{62} The U.S. Department of Education requires Virginia to count those special education students not participating in the SOL program, which essentially means the students failed the SOL tests. Students with limited English proficiency must take the test also. However, in their first year entering the country, their test score does not count. As a result of the federal NCLB requirement, many of the schools in Virginia will be found as not meeting the adequate-yearly-progress standard because of the higher failure rates as calculated under NCLB.\textsuperscript{63}

The state of Arizona faces similar problems with high concentrations of "language minority" students, or students who are learning English as a second language (Arizona Sun,

\textsuperscript{60} Richmond Times Dispatch (2003, June 14). No Child Left Behind Causes Woes [online]
\textsuperscript{61} Richmond Times Dispatch (2003, June 14). No Child Left Behind Causes Woes [online]
\textsuperscript{62} Virginia Department of Education (2002)
\textsuperscript{63} Ibid
2003). Data analysis by the Arizona School Boards Association revealed that "minority demographics are the single biggest reason that schools fail to meet the state's education standards and measure up on standardized tests".

The Arizona Instrument to Measure Standards (AIMS), was adopted by the State's Board of Education in 1996. AIMS measures a student's knowledge of the state curriculum standards for reading, writing and math. A source of controversy for AIMS is the graduation requirement. Beginning 2002, students are required to pass the AIMS reading standard to get a diploma, and by 2004 pass the math standard. An attempt to eliminate the use of the AIMS test as a graduation requirement was initiated by a public law firm and presented to the U.S. Department of Education in 2001. The William E. Morris Institute for Justice cited statistics that showed minorities were less than half as likely as Anglos (whites) to pass the three-part exam. Tom Berning, the attorney for the Institute, stated that only 31.2 percent of Hispanic juniors and 33.2 percent of African Americans juniors could pass the

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65 Ibid
67 Arizona Daily Sun (2003, April). Everyone Needs to Take AIMS Seriously [online]
reading test while 55.4 percent Anglo (whites) juniors passed.  

The AIMS test is critical to both Arizona’s schools and school districts’ compliance with the accountability component under Arizona LEARNS and NCLB. Arizona LEARNS is the process under NCLB that insures all Arizona schools are testing students in specific content areas that measure the students’ progress toward state academic standards. 

Under the Arizona accountability initiative, more than half of the state’s 47 schools receiving Native American impact aid are labeled as underperforming. “In Arizona’s underperforming schools, 80 percent of students are language minorities, 71 percent are eligible for the federal free or reduce lunch program (a poverty indicator), and half attend schools where more than 85 percent of students are racial minorities.”

Arizona’s state school superintendent, Tom Horne, stated that children not proficient in English must learn English as quickly as possible because the curriculum in public schools

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68 Ibid
69 Ibid
70 Arizona Department of Education (2003). No Child Left Behind: Arizona
71 Arizona Daily Sun (2003, April). Everyone Needs to Take AIMS Seriously, [on line]
72 Ibid
is in English.\textsuperscript{72} His view was supported by Proposition 203, known as "English for the Children in Arizona."

Harold Begay, Tuba City Unified School District Associate Superintendent, recommends using native languages in curricula to strengthen academic achievement among Native students.\textsuperscript{73}

The NCLB law is forcing State policymakers to focus their attention on holding school districts and schools accountable for the performance of their students. Two mechanisms used to ensure this degree of accountability are rewards and sanctions. States can reward school districts and schools by providing monetary and non-monetary rewards. Additionally, school districts and schools can also be sanctioned.\textsuperscript{74} There are several types of sanctions in place across the states, ranging from a written warning to a school district or school, to a state takeover of a school district or school.

Schools in the Commonwealth of Virginia that are given the state's highest rating (fully accredited), may be considered failing under the federal definition.\textsuperscript{75}

\textsuperscript{72} Ibid
\textsuperscript{73} Education Commission of the States (2003). Helping State Leaders Shape Education Policy [online]
\textsuperscript{74} Education Commission of the States (2003). Helping State Leaders Shape education Policy [online]
Mr. Christi predicted that many of Virginia’s schools would not meet the progress standard for the second consecutive year in 2004, making the schools a target for sanctions under the NCLB.  

Arizona, North Carolina, Georgia and Virginia have developed plans addressing sanctions for low performing schools. The states’ plan addresses eleven questions pertaining to low performing schools.  

Federal sanctions for low-performing schools include requirements for creating and implementing improvement plans (27 states are required to develop plans), and requiring another entity, such as the state or a school district to create an improvement plan for a low-performing school (18 states).  

In Georgia, children are eligible for public school choice when the school they are attending has not made adequate yearly progress for two consecutive years or longer in the same subject, and has been identified as a school that needs improvement. Not all high performing schools in a district are

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75 Richmond Times Dispatch (2003, June 14). No Child Left Behind Causes Woes [online]  
76 Ibid  
77 Education Commission of the States (2003)
required to accept children from a school deemed as needing to improve. The final decision rests with the district. Exceptions are made for students enrolled at a Title I school. The U.S. Department of Education has been specific that systems cannot use capacity as a reason to deny choice if students want to move from Title I schools to another school in the system.\footnote{Georgia Department of Education (2005). http://www.doe.k-12.ga.us/support/plan/nclb/choice.asp}

Eleven states are also placing low-performing schools on probation, removing their accreditation (13 states) or withholding funding (four states). Nineteen states are authorized to reconstitute low-performing schools, ten states may close low-performing schools, and fifteen states can take over low-performing schools.\footnote{Education Commission of the States (2003) Education Commission of the States (2003)}

By spring of 2002, fifteen (15) states plus the District of Columbia met the NCLB assessment requirements for annual reading and math assessments in grades 3-8 (Alabama, Alaska, Arizona, California, Delaware, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and West Virginia). It is unclear if all of

those states that met the NCLB requirement for alignment of assessments with challenging state standards.80

Seventeen states plus the District of Columbia test annually for reading in grades 3-8 (Alabama, Alaska, Arizona, California, Colorado, Delaware, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, Utah, West Virginia).81

NCLB is pushing states to rely heavily on research-based approaches for improving school quality and student performance.82

Federal spending on ESEA programs will increase significantly by nearly one billion dollars each year over the next five years to help states and districts strengthen K-3 reading programs. There will be increased federal support for other school programs, including those that occur before and after regular school hours.

According to the ECS, only 15 states currently have the testing programs that meet the new requirements and most states lack the infrastructure to support the level of data

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80 Ibid
81 Education Commission on the States (2003). Helping State Leaders Shape Education Policy
82 Education Commission of the States (2003). Helping State Leaders Shape Education Policy
collection, desegregation and reporting that the NCLB requires.\textsuperscript{83}

Twenty-four states test annually in science in one of grades 3-5, 6-9 and 10-12 (Alabama, Arkansas, Delaware, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Mexico, New York, Oregon, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wisconsin).\textsuperscript{84} Seven states presently meet the assessment requirements in reading, math and science (Alabama, Delaware, Georgia, Louisiana, New Mexico, Tennessee, and West Virginia).\textsuperscript{85}

Twenty-four states test annually in science in one of grades 3-5, 6-9 and 10-12 (Alabama, Arkansas, Delaware, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Montana, Nevada, New Mexico, New York, Oregon, South Dakota, Tennessee, Utah, and Virginia). Fifteen states plus the District of Columbia test annually for math in grades 3-8 (Alabama, Alaska, Arizona, California, Delaware, Florida, Georgia, Louisiana,

\textsuperscript{83}Education Commission of the States (2001). \textit{No State Left Behind: The Challenges and Opportunities of ESEA}

\textsuperscript{84} Education Commission of the States (2003). \textit{Helping State Leaders Shape Educational Policy}

\textsuperscript{85} Ibid
Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and West Virginia). 86

States also will be required to report graduation rates for secondary education students under the NCLB. Presently, thirty-two states report graduation rates. Of these, eight use graduation rates as measures of school quality (California, Illinois, Indiana, Kansas, Ohio, Oklahoma, Pennsylvania, and South Carolina). 87

The term "scientifically-based research programs" appears throughout the law. This terminology means research that involves the application of systematic and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs, and includes research that employs systematic empirical methods that draw on observation or experiments with data analysis that are adequate to test the stated hypotheses and justify the general conclusions drawn, and to clarity and allow for replication on the findings. 88

86 Education Commission of the States (2003). Helping State Leaders Shape Educational Policy

87 Ibid
88 Education Commission of the States (2003). Helping State Leaders Shape Education Policy
Jeanne Allen, president of the Center for Educational Reform, refers to the NCLB bill as landmark education legislation that makes it possible for students in chronically failing schools to attend schools that work. She stated that for "the first time in the history of federal education support, the issues of quality and accountability overcame Washington's previous fixation on resources only".  

Senator Jack Reed, a Rhode Island Democrat, referred to NCLB as rhetoric. He considered the legislation "not a one-month promise or a one-year promise, but a promise for the life of the bill".

Gerald Bracey, a leading scholar of U.S. education, states that emphasis is being placed on the decline in standardized test scores used to measure suitability of college and university applicants.

This decline over the last twenty-five years is being used as an indicator of the U.S. education system. Bracey points out that twenty-five years ago the tested group represented the top quarter of U.S. secondary school students. However, today...

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more than 60 percent of secondary students attend a college or a university. Therefore, a broader range of students are being tested so the average score has decreased. Bracey and other analysts argue that simplistic assumptions based on standardized test scores have led many to conclude the U.S. educational system is in trouble.

Society’s expectation for education is changing constantly, as are opportunities in the labor market. For the last fifteen years more than half of the increases in educational spending have been directed to special education programs for students with mental, emotional and physical conditions. The U.S. Department of Education has a commitment to providing equal opportunity to all students, but that comes at a great cost.

“Fifty years ago, students spoke sufficient English to accomplish basic educational tasks.” Today, the range of first languages other than English in some school districts is extraordinary. Among the students entering one suburban school district in Washington D.C. more than 81 different languages as a first language are spoken. This trend is also common

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92 Ibid
93 Ibid
throughout the largest states such as California, New York and Texas. Peters argues that the public education system faces great challenges in providing not only the standard curriculum for appropriate grade levels, but also instruction in English which enables these students to function successfully in classes. Peters calls for educators and policymakers to understand the complexity of U.S. education structure.

A more detailed analysis is required to fully understand the extraordinary challenges of the U.S. educational system in order to correct its deficiencies. "A system where almost two thirds of graduating secondary school students enroll in a college or university and participation in adult and continuing education is continuously expanding."96

Data Sources that have been developed since NCLB

A significant portion of the No Child Left Behind Act of 2001 requires the use of "scientifically based research". This law dramatically affects how all schools are held accountable for academic performance of their students.

In 2002, Shavelson and Towne proposed that research designs common in education research, such as case studies, may
qualify as scientific measures by adhering to certain general scientific principles.\textsuperscript{96} According to Shavelson and Towne, research can be accepted as scientific if it poses significant questions that can be investigated empirically; links research to relevant theory; uses methods that permit direct investigation; and, provides a coherent and explicit chain of reasoning.

Slavin (2004) argues that the lack of evidence from randomized experiments is precisely why a mandate for scientifically based research is necessary.\textsuperscript{97} To fulfill the requirement for evidence from scientifically based research as a justification for federal funding of products and programs, educational companies must become motivated to invest in clinical trails and evaluations. The RAND Corporation (2004) conducted a study examining the state of achievement in adolescent literacy in the nation.\textsuperscript{98} The RAND study provided a comprehensive depiction of where the nation's adolescents stand relative to state and national literacy goals, and underscores how far we are from the goal of 100 percent proficiency set under No Child Left Behind.


\textsuperscript{98} RAND Corporation (2004). \textit{Meeting literacy goals set by no child left behind}. Santa Monica, California. RAND Corporation Press
Data is also examined on state assessments to define and measure adolescent literacy and proficiency standards by using the National Assessment of Educational Progress (NAEP). Data from the NAEP and the state assessments provide multiple indicators of student performance in the states and show how students are shaping up with respect to national and state literacy goals.

The RAND report also concluded that while states are operating under a common mandate for proficiency, there are differences in the rigor of the assessments and cut-scores for proficiency rates that may lead to disparate outcomes.

The U.S. Department of Education, in an effort to clarify scientifically based research, proposed that states considering funding for educational practices or programs, should give priority to programs supported by research that uses an experimental design.\(^99\)

Harcourt Assessment is considered a leader in the use of rigorous, time-tested scientific research studies to support the reliability and validity of its assessment products. The

Sanford 10 is a product designed by Harcourt to enhance students’ ability to demonstrate accurately what they know.\textsuperscript{100}

Beyond 20/20 No Data Left Behind Solution was developed to streamline the creation and dissemination of Annual Yearly Progress (APY) and school, district or state report cards.\textsuperscript{101} This data source has the ability to migrate data from existing data sources into a format to customize analysis of large datasets.

**Tensions NCLB has created with Local Schools and Districts**

The State Legislature in Utah voted on April 20, 2005 to challenge obedience to the No Child Left Behind Act. This was the result of mounting frustrations over the costs local and state government must absorb in implementing the requirements under NCLB.

The National Education Association (NEA) has filed a lawsuit in efforts to force the U.S. Department of Education to fully fund the law’s mandates, which requires states to test public school children in grades 3 through 8 annually. The suit also seeks to prevent the federal government from denying federal

\textsuperscript{100} Zucker, Sasha (2004, March). *Scientifically based research: NCLB and assessment*. Harcourt Assessment, Inc
education funds to states that refuse to spend their own money to comply with the law.102

Connecticut filed a lawsuit against the federal government on August 22, 2005, for not funding NCLB and for forcing the state to use local tax dollars to pay for the law’s strict regulations.103 According to Connecticut’s Attorney General, Richard Blumenthal, the NCLB testing requirement will cost the state approximately 8 million additional dollars a year to fund.104 Ohio and Texas cost studies revealed NCLB could cost as high as $1.5 billion and $1.2 billion, respectively each year. The Texas education commissioner decided to ignore NCLB rules on testing students with learning disabilities, which places the state in violation of federal law.

Minnesota’s public education system has earned a reputation of producing some of the highest test scores and lowest drop-out rates in the nation. In evaluating NCLB, the state concluded that 99 percent of the state’s elementary schools would fail to make AYP 10 years from now, and 65 percent of elementary

schools receiving Title I funding would have to be restructured.\textsuperscript{105}

On September 29, 2005, Secretary Spellings of the U.S. Department of Education announced academic accountability standards for schools in the five major disaster states will be relax for one year. Other schools and other states accommodating an estimated 370,000 displaced students would still have to test those students. However, if school officials can determine that those student's test scores will cause the school to fall short of the law's requirements, it may ask for a waiver to not count the scores.\textsuperscript{106}

Possible conflicts seem to exist between two federal policy mandates; desegregation and school choice. Pinellas County, Florida challenged the NCLB Act on the grounds of potential disruption of a controlled-choice plan designed to achieve racial balance as a result of a court settlement of a desegregation case. The county is under court mandate until 2008. The county sought legal remedy due to political tension arising between local and federal officials resulting from the

\textsuperscript{105} Robson, B. (2004, March) The federal no child left behind law is threatening to wreck public education in Minnesota and elsewhere. That's what it was designed to do. City Pages Publisher, Vol. 25 [online] Available http://www.citypages.com/datatbank/25/1214/print11955.asp

changing nature of federal authority with respect to desegregation, and the policy-related conflict between test-based accountability and desegregation in southern school systems.\textsuperscript{107}

**Previous Studies of Charter Schools**

Eric Rofes provided the first study of charter school effects on surrounding local school districts. He concluded that charter schools tended to have less dramatic effects on their surrounding districts than either their supporters or detractors had predicted.\textsuperscript{108}

Bryan Hassel noted that charter school laws vary vastly from state to state, which pose significant consequences for the potential success of charter schools. He suggested momentum alone will not be enough for charter schools to realize their full potential.\textsuperscript{109}

With the proliferation of charter schools in the nation, three things would need to occur for these schools to have a real impact to public education: charter school laws will have to be strengthen; substantial infrastructure to sustain a large


scale reform; and develop new paradigms for agency oversight more appropriate for independent pubic schools.

Hassel notes the “one-size fits all” approach to regulating charter schools the same as traditional public schools is unrealistic. He suggests that states consider passing new charter school laws to include specific provisions central to the charter school idea. If states want to give charter schools autonomy and the opportunity to challenge other educational systems in the marketplace, Hassel notes that legislatures must: (1) empower non focal entities to approve charter schools; and (2) provide legal independence to charter schools.110 Retooling administrative systems will provide new methods of developing models capable of monitoring and enforcing public obligations while placing lighter burdens on charter schools. If these new models work in a charter school environment, Hassel believes the concept can be exported to traditional public schools as well.111

Marc Dean Millot, RAND Corporation, conducted a significant study that examined the relationship between autonomy and accountability, among other principles of public education.

111 Ibid
Millot suggested that while autonomy substituted for accountability an acceptable concept, these components are in tension with one another, and that underscoring one too strongly jeopardizes the feasibility of the other.\footnote{Millot, M.D. (1996). \textit{Autonomy, Accountability, and The Values of Public Education: A Comparative Assessment of Charter School Status Leading to Model Legislation.} Seattle: University of Washington, Center on Reinventing Public Education}

Wells and Associates in conjunction with UCLA, conducted a study of charter schools that raised questions about equity, and the accuracy of assumptions made by charter school advocates. The study concluded that charter schools in California were not being held accountable for student success, and that there were no systems in place for charter and regular public schools to learn from each another.\footnote{Wells and Associates (1998). \textit{UCLA Charter School Study.} Los Angeles: University of California at Los Angeles}

Diana Sirko conducted a study on two critical elements in the charter school phenomenon; parent satisfaction and parent involvement at selected schools in Colorado. The study revealed that parental satisfaction for parents of students attending charter schools was greater than those attending public schools.\footnote{114} Although parents in both school types were generally satisfied.
Charter schools are faced with a proliferation of criticism regarding racial or socio-economic segregation. However, data from the National Charter Schools Study (RPP International, 1999) suggest that such concerns are unfounded. According to their data, charter schools nationwide serve a similar proportion of disadvantage students as public schools and slightly higher proportion of minority students.\textsuperscript{116}

Cobb and Glass questioned the National Charter Schools findings. Cobb and Glass argued that such studies produce aggregate numbers, and that this method conceals stratification at more localized levels. The Cobb and Glass study used a map analysis to conclude that Arizona’s charter schools are significantly more segregated than its traditional public schools, except in circumstances such as Native American reservation schools.\textsuperscript{116} Their study connects with Willms findings which concluded that school choice was increasing social stratification in Scotland.\textsuperscript{117}


\textsuperscript{116}Cobb & Glass (1999). \textit{Markets & Myths: Autonomy in Public and Private Schools}. Education Policy Analysis Archives. 5.1. [on line]

\textsuperscript{117}Willms, D. J. (1996). \textit{Social Class Segregation and Its Relationship to Pupils' Examination: Results in Scotland}. \textit{American Sociological Review}. 51, 224-241
Other studies have examined the involvement of charter school teachers in administrative decision-making and curriculum development. Bomotti, Ginsberg, and Cobb conducted a survey of charter school teachers in Colorado and found that, while charter school teachers have more flexibility in the classroom than traditional public school teachers, they do not have a deep involvement in curricular decision-making or in innovative practices.\footnote{Bomotti, Ginsberg, and Cobb (1999). *Teachers in charter schools and traditional school.* New York: Longman}

Traditional public school educators concerned with the methods used by charter schools in selecting their students rather than vice versa, have diminished the competition arguments made by charter school advocates. Public school educators believed that charter schools have inequitable advantages.\footnote{Wells and Associates (1998). *UCLA Charter School Study.* Los Angeles: University of California at Los Angeles}

In recent years, accountability has been a focal point of many educational issues and debate. Unger defines accountability as an, "obligation to provide proof of having fulfilled one's responsibilities".\footnote{Unger, H.G. (1996). *Encyclopedia of American Education.* New York: Facts on File, Inc}

Before educational accountability can be significant, Barbee and Bouck suggested five prerequisites to be in place:

\footnotesize
\begin{itemize}
  \item Bomotti, Ginsberg, and Cobb (1999). *Teachers in charter schools and traditional school.* New York: Longman
\end{itemize}
school goals and objectives are known; schools can statistically measure attainment of goals and objectives; student achievement is continual; schools outcomes are related to cost accounting and resource distribution systems; and schools have procedures for making modifications based on outcomes.\textsuperscript{121}

Lieberman argued the possibility of applying market accountability to education. He notes, "The evidence is overwhelming that for-profit enterprise is quicker to develop and/or use technology than either the public or the non-profit sector. As critical as the issue is, however, educational policymakers pay virtually no attention to it".\textsuperscript{122}

Kenneth Strike noted the politics of accountability by calling for a "high, but narrow bar", meaning that states should "coerce to adequacy but inspire to excellence." Brent Thomas notes that Strike's advice appears sound. However, it does not address the particular implementation complexities that aggravate most accountability plans.\textsuperscript{123} This lack of attention to implementation difficulties is not uncommon to Strike, and perhaps indicates that accountability in education is

inherently difficult and complex. Thomas suggests a certain symmetry between the central concepts of autonomy and accountability; neither is obvious in meaning; however both are resistant to being defined too specifically.\textsuperscript{124}

R.J.S. Macpherson proposed that definitions of accountability can be anticipated based on values, political ideologies, and epistemologies. He suggested accountability research should be in three basic areas: policy content, policy process, and policy consequences.\textsuperscript{125}

Accountability has been an important issue to the four research states. Virginia’s Standards of Learning symbolized a growing emphasis on accountability and student achievement. The Arizona Instrument to Measure Standards (AIMS) has been the major vehicle in measuring a student’s knowledge of the state’s curriculum standards of reading, writing and math.\textsuperscript{126}

The North Carolina ABCs Accountability Model and Georgia’s Accountability Model are both the major vehicle for increasing school accountability for student performance.

\textsuperscript{123} Thomas, B.M. (2001). \textit{The development of charter school legislation in north Carolina and Virginia}. Virginia Commonwealth University, p. 42
\textsuperscript{124} Thomas, B.M. (2001). \textit{The development of charter school legislation in north Carolina and Virginia}. Virginia Commonwealth University, p. 42
\textsuperscript{126} Arizona Department of Education (2001). Background for public and charter schools. [online] Available
Recent Studies

Hoxby (2004) compared reading and mathematics proficiency of charter school students to that of their fellow students in neighboring public schools. The study covered 99 percent of the student population. The study concluded that students attending a charter school are 5 percent more likely to be proficient in reading and 3 percent more likely to be proficient in math. In states where charter schools are well established, charter school students' proficiency advantage tends to be greater. Her data also showed that Washington D.C. charter schools do a better job of teaching students than regular public schools.

Research by Nelson (2004) of the American Federation of Teachers contradicted Hoxby's study. Nelson's study indicated that charter school students lagged behind their traditional school counterparts on standardized test scores by roughly a half year. Roy and Mishel (2005) re-examined Hoxby's finding of charter school benefits. They found Hoxby's estimates of charter school proficiency advantage is not robust compared to

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alternative weighting strategies, and is not sustained when there are controls for observable differences in school socioeconomic composition. Using alternate weights often changes the results significantly, and perhaps more importantly, including student background characteristics as additional covariates neutralizes the apparent charter school advantage.

Solomon and Goldschmidt (2004) conducted a study comparing traditional public schools and charter schools on retention, school switching, and achievement growth. The study found that charter schools are providing solid early education that propels students through the advanced grades, even though they had lower achievement test scores on average than their traditional public school peers. Charter schools are reaching at-risk students in the middle and high school grades who might otherwise have slipped though the cracks.

Ladd and Bifulco (2005) studied the impact of charter schools on students attending traditional public schools in North Carolina. Their findings revealed that students make

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considerably smaller achievement gains in charter schools than they would have in public schools. The large negative estimates of the effects of attending a charter school are neither substantially biased, nor substantially offset by positive impacts of charter schools on traditional public schools. They also found suggestive evidence that 30 percent of the negative effect of charter schools is attributable to high rates of student turnover.

The National Assessment Governing Board (2004) released an analysis of charter school performance on the 2003 National Assessment of Educational Progress that found charter school students, on average, scored lower on the standard measures than students in traditional public schools.¹³² There were no measurable difference between charter school students and students in traditional public schools in the same racial or ethic subgroup. Charter school students eligible for free or reduced lunch not only scored lower than their peers in traditional public schools, but in central cities, they scored lower than their peers in 4th grade math.

Barriers Encountered by Charter Schools

Seymour Sarason cautioned that while charter schools may have encouraging potential in theory; however, in reality they are extremely vulnerable because of resource limitations and the lack of appropriate methods of assessing their endeavors or having the opportunity to learn from early mistakes.\(^{133}\) While not advocates of charter schools, Loveless & Jasin sighted organizational and political challenges as two key obstacles facing charter schools today. They noted the charter school movement could be stifled by political pressures and resource limitations before it has an opportunity to prove its worth.\(^ {134}\)

The Center for Educational Policy suggested that charter schools often have trouble with insufficient start-up funds and inadequate facilities. Budget cuts from school districts and low enrollments impact significantly on charter schools projected revenues.\(^ {135}\)

A U.S. Department of Education study reported nearly all existing and newly formed charter schools have sustained

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barriers during their development and implementation stages. Research has identified three major areas of resistance: access to resources, political resistance, and regulatory problems.\textsuperscript{136} Very few charter schools encounter resistance from labor unions, but in some areas local district staff and boards were highly resistant which resulted in intensive or hostile discussions and negotiations.

A major legislative issue nationwide for charter schools is deciding whether or not to grant local school boards the exclusive right of charter authorization.\textsuperscript{137} Although the movement is still relatively young, researchers have not had time to complete more than preliminary investigations, and legislators often have to consider many different views as they ascertain the best type of charter school suited for students, communities, and school systems in their state.

Finn, Manno, & Bierlein proposed that charter schools should be evaluated on what it accomplishes, not on who it employs. As schools move from a client satisfaction model, their independence to hire the best qualified candidates should be

\textsuperscript{135} Center for Educational Reform (2002). Charter school closures: the opportunities for accountability: CER, p.31
paramount, regardless of the extent of applicants formal academic training.

The American Federation of Teachers stated that charter school laws nationwide should require teachers to either possess certification or be in the process of obtaining alternative certification. Knowledge and skill in subject areas are essential components in the composition of an experienced teacher, as well as the ability to transmit information, evaluate student performance, and design strategies for student learning.138

Proponents of maintaining collective bargaining laws in charter schools are suspicious that decentralizing employment decisions will create an unfair system of wage and benefit distribution within the public school system.139 According to the National Educational Association (1995), charter schools should not be used to undermine the collective bargaining process; rather they should be used as vehicles to expand the possibilities of bargaining into new areas.140

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The National Education Association (NEA) action plan states that charter schools are experimental schools. Limiting the number of charter schools will allow a better opportunity for field testing the idea before wholesale expansion advocates a practice that may not be educationally sound. \(^{141}\)

Nathan noted that charter school legislation should expose every district to the possibility that a charter school may appear in its area. The plan further maintains that a state that wants the maximum stimulus to change will not limit the opportunity for charter schools to appear. \(^{142}\)

An article found in Education Week on the Web sighted a study conducted in Arizona and California regarding special education services. The findings revealed that fundamental difficulties exist in the delivery of suitable special education services in charter schools. \(^{143}\) Kolderie notes that "public policy doesn’t have to solve everything, and particularly write it all in laws and regulations". \(^{144}\)

\(^{141}\) National Education Association (1995) p.6
\(^{142}\) Nathan, (1996) p. 205-6
\(^{143}\) Schnaiberg, L. (1999, May 7). *Charters Likely to be Newly Created, U.S. Report Finds*. Education Week on the Web
The way that policymakers choose to address these and other issues determine the nature and to some degree, the success of each state’s law.

**Charter School Incentives**

U.S. Charter Schools report that the three most cited reasons for creating charter schools were to realize an educational vision, gain autonomy and serve a special population. Charter schools encourage innovative teaching practices while creating new professional opportunities for teachers (U.S. Charter Schools, 2002).

Charter schools are viewed as a vehicle to create educational laboratory schools or use the charter concept as leverage to promote system wide reform.

Henig Cookson emphasizes his own vision of charter school reform in that it “addresses the real needs of children and is committed to the preservation of democracy, the advancement of social justice, and the creation of schools that are oases of hope and intellectual ferment”.

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J.P Greene's report of Florida's "A-Plus" accountability system argued that it is the "intent of the Legislature that all public schools be held accountable for students performing at acceptable levels. A system of school improvement and accountability that assesses student performance by school identifies schools in which students are not making adequate progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards and sanctions based on performance".\textsuperscript{148}

Coons and Sugarman argued that educational choice is one of the most significant opportunities for students and their families. Educational choice offers the best prospect among policy options for increasing educational opportunities among disadvantage or economically deprived individuals.\textsuperscript{149}

These insights will help channel the analysis into the correlation of NCLB on charter school legislation in the four selected states. Kahne commented that educational policymakers and analysts are subject to take a "bag of virtues" approach, rather than following one consistent philosophical flow of

thought.\textsuperscript{151} Thus actions in the practical world of educational politics cannot usually be subsumed under neat academic categories.\textsuperscript{152}

\textbf{Policies and regulation changes in the sampled states}

Virginia passed its initial charter schools law in 1998. The 2002 session of the General Assembly amended the previous status governing public charter schools. Senate Bill 625 required all local boards to review and act on applications for public charter schools. This change reflected a change from the legislation passed in 2002 that allowed local school boards the option to review or not to review charter school applications. House Bill 734 required local school boards to report the number of public charter school applications that were approved and denied to the Virginia Board of Education on an annual basis. Annual evaluations of any public charter school must be submitted to the State Board of Education.

The local school district still authorizes the formation of charter schools. By law, the total number of charter schools can not exceed 10 percent of the school division's total number of schools, or two public charter schools, whichever is


greater. The length of the charter is five years. Charter schools must negotiate with local school districts for funds to operate the schools. The charter schools in Virginia received funding from the federal charter school start-up grant, however, this grant expired in September 2003.

Virginia did create a Board of Education Charter Application Review Committee to examine feasibility, financial soundness, curriculum, and other factors. Local school boards still have final decision-making authority and financial control.

Georgia passed its charter school legislation in 1993. It was amended in July 2002. The original law allowed freedom from the traditional regulations, the amended law required charters to comply with all rules that traditional public schools are subject to follow. The local school board approves the charter petition and may submit the petition for approval by the State Board of Education. The State Board of Education grants the charter. The local school board sponsors the charter. If a local board of education denies a charter petition, the State Board of Education may grant a charter for a state chartered, special school. The new law clarifies funding sources to

\[\text{153 Georgia Charter Schools Act of 1998 (as amended July 1, 2005). 20-2-2061}\]
enable additional monies to be sought. There are no limits to the number of charter schools that can be approved.

North Carolina passed its charter school law in 1996. There have been no changes to the original law. The North Carolina charter law provides for both newly created and conversion (public and private) charter schools, and grants automatic waiver from most regulations, although schools sponsored by local boards must negotiate waivers from district rules. One hundred percent of state and district funding follows students transferring from traditional public schools to charter schools.

The local school boards, the University of North Carolina or the state board of education can authorize the approval of charter schools. Charter schools approved by the local school boards and the University of North Carolina must also be approved by the state board of education. The length of any charter is five years, and the law restricts more than 100 charter schools statewide, with a maximum of five per school district per year.

Arizona’s charter school law was passed in 1994. In 2000, districts were given the authority to charter schools in their
own attendance area. Arizona’s law has numerous authorization agencies, the state Board of Education, the State Board for Charter Schools, and the governing boards of school districts. The initial term for the charter is 15 years, with a review every five years.

If a charter school is sponsored by a local district, a charter school receives per pupil funding equal to at least the average cost per pupil for the district as a whole. If a charter school is state approved, the charter school is funded directly by state based on the state funding formula for all schools.\textsuperscript{154}

**Summary**

Charter schools remain too recent a phenomenon for many definitive conclusions to be drawn. The No Child Left Behind legislation is newer. Studies to date present findings that may be described as tentative and sometimes conflicting. Interpretation of findings appear inherently controversial when the NCLB legislation and school choice questions are investigated, and political leanings seem to color interpretations on these issues even more than usual in educational policy debates. While certain patterns seem to be
emerging in the research, the questions of whether the NCLB law is good or bad, or whether it negatively or positively impacts charter schools will likely be debated for years to come.

This study attempts to fill in one piece of a still evolving puzzle by examining the impact No Child Left Behind has on charter school legislation in four states.

CHAPTER 3
RESEARCH DESIGN AND METHODOLOGY

This chapter provides a rationale for the selection of research methods for this project and describes the population studied.

The study employed a qualitative methodology using historical, explanatory, descriptive, and policy analysis dimensions to discover insights into an evolving policy of the No Child Left Behind (NCLB) legislation and looked at its impact on charter schools in the areas of accountability, teacher quality, and instruction.

Policy and legal analysis were employed to examine the provisions of NCLB and its impact on charter schools legislation in the states of Virginia, North Carolina, Georgia, and Arizona.

Content analyses of documents with qualitative coding category for interview responses were the methods of data analysis. Historical and descriptive research frequently uses similar sources of data as a means of collecting data. Explanatory research was employed to show the relationship between events
(NCLB and Charter Schools) and the meaning between these relationships.\textsuperscript{155}

This study relied on reporting of current events, since both charter schools and the NCLB legislation are recent phenomena and their policy implications are still evolving.

The research examined the relevant forces and actors that implemented NCLB and their subsequent impact on charter school legislation, including the political and social ramifications.

In relying on interviews with players involved with the formation of charter schools as a primary data source, the study represents a version of oral history.\textsuperscript{156} Hoopes states that oral history does not function as a substitute for written records, but rather as a complement to them.\textsuperscript{157}

The study analyzed the influence of NCLB legislation on charter schools, making a distinction between the degree of impact the legislation has had on charter schools in Arizona, Virginia, North Carolina and Georgia in the area of accountability. In addition, the laws were analyzed regarding

\textsuperscript{155} Marshall and Rossman, \textit{Designing Qualitative Research}, 1999
\textsuperscript{157} Ibid
whether their provisions either increase or decrease the probability of an alternative delivery system to education.

The research questions identified below were answered through content analysis of existing public documents, charter legislation of the four states, document research, NCLB legislation and interviewing of the key actors responsible for implementing the legislation.

The Research Questions are as follows:

(1) What impact has NCLB had on charter legislation and policies in the states identified?

(2) Are charter schools used as a mechanism to address problems identified by NCLB?

(3) Are charter schools held to the same standards as the public schools for which they are alternatives?

Sample

For this study, the qualitative research concept of purposeful sampling seemed most relevant. The states selected for study were chosen because they form an interesting contrast between a charter law characterized as relatively strong on autonomy (Arizona, North Carolina) and a

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charter law recognized as weak on autonomy issues (Virginia, Georgia).\textsuperscript{159} The four states are similar in demographic measures as shown in Figure 6 (2000 Census).

Figure 6
States Demographics

<table>
<thead>
<tr>
<th></th>
<th>Estimated Population - 2003</th>
<th>% Minority Population</th>
<th>% School Age Children</th>
<th>% Minority School Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>7,386,330</td>
<td>28.3%</td>
<td>24.6%</td>
<td>53%</td>
</tr>
<tr>
<td>North Carolina</td>
<td>8,407,248</td>
<td>24.4%</td>
<td>24.4%</td>
<td>52%</td>
</tr>
<tr>
<td>Georgia</td>
<td>8,684,715</td>
<td>28.9%</td>
<td>26.5%</td>
<td>58%</td>
</tr>
<tr>
<td>Arizona</td>
<td>5,580,811</td>
<td>35.3%</td>
<td>26.6%</td>
<td>51%</td>
</tr>
</tbody>
</table>

Purposeful sampling was used in selecting individuals for interviews. These individuals were identified from the four state departments of education. The researcher contacted the Department of Education officials in each state that oversees Charter School and NCLB issues. Then snowball sampling techniques were employed, as each figure was asked for names of others who played significant roles in the administration of charter schools or implementation of NCLB.\textsuperscript{160}

Procedures

Data was gathered from three basic sources: 1) the legislative history (including the actual legislation, archival legislative and committee reports, or other official

\textsuperscript{159} Center for Education Reform, 2000
documents); 2) interviews conducted with figures who played pivotal roles in the process or were closely observing it; and 3) news accounts from the relevant period.

Borg and Gall suggest four steps for historical analysis: 1) problem definition, 2) search for historical facts, 3) critical evaluation of historical data, and 4) presentation of pertinent facts within an interpretive framework. Coding categories for emerging themes were developed to analyze the interviews and public statements, based on recurring phrases, patterns and topics. These categories emerged from the interview responses rather than being imposed a priori.

Interviews will be recorded, with permission of the subjects, and later transcribed. When a face-to-face meeting is impractical, the interview will be conducted by telephone.

Document research began with content analysis of the NCLB legislation and the charter school legislation as passed in each state. Other public records, including documents, Department of Education memoranda, White House working papers, and the U.S. Department of Education documents were reviewed

as available. News reports from the time period were also examined. Other published studies of charter schools in the four states were examined as well.

Instrument

A list of interview questions for officials at state education agencies and charter school administrators was developed (See Appendix A). Beyond the questions listed in the protocol, probes requesting for clarification, were used to expand the respondents' comments. Most questions for the subjects within these groups were taken from the same list.

Limitations of the Study

Generalizability is limited with this type of study. The primary goal is descriptive analysis rather than hypothesis testing. The study was limited to policy analysis and policy implications for educational governance, and did not attempt to evaluate any aspect of charter school operation, beyond references to numbers and basic characteristics of the schools. Long-range consequences for charter school policies are also beyond the scope of this study.
The researcher attempted to triangulate findings as much as possible, comparing multiple interviews, official records, and news accounts. Interpretation of findings may be affected by researcher bias. Elimination of bias is unlikely when dealing with political issues; however, the researcher attempted to minimize bias by using the same interview format with interviewees.
CHAPTER IV
FINDINGS

Introduction

Charter schools are public schools that operate under a charter or a contract. Charter schools are expected to meet the terms of their contract or face closure by their authorizing entities. They are also expected to meet the accountability requirements of the federal Elementary and Secondary Education Act of 1965 (ESEA), as amended by the No Child Left Behind Act of 2001 (NCLB).

Authorizers play an important role in the establishment of charter schools and serve as intermediaries between charter schools and the state policymakers who created charter school legislation. Local education agencies are the most common authorizing bodies, although state education agencies, universities and other private entities may serve as authorizers as well. Authorizers may sponsor charter schools for a number of reasons; however, the main reasons given are: to create competition in the public school system; to respond to public and political pressure; and, to create alternatives for students and parents.  

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Charter schools may be categorized as newly created or converted from their previous status as public or private schools. These schools are subject to terms of an individual state's charter school legislation and require the charter school's authorizer to hold a school accountable for particular outcomes through the school's individual contract. Flexibility (freedom from many policies and regulations affecting traditional public schools) and autonomy (control over decisions) are central to this educational reform.

Charter schools began to receive federal support in 1995 with the authorization of the Public Charter Schools Program (PCSP), administered by the U.S. Department of Education. The name of the Public Charter Schools Program changed to the Charter Schools Program (CSP) when the U.S. Department of education issued non-regulatory guidance in August, 2003. PCSP money is primarily used for start-up funding for charter schools. Nearly two-thirds of charter schools have received federal PCSP funds during their initial start-up phase.164 This money is used primarily to purchase technology and curricular and instructional materials.

According to the U.S. Government Accountability Office, Congress has appropriated over $1 billion of federal funding since 1995 to encourage new and expanding charter schools. Charter schools also receive payments from 18 federal grant programs, most notably Title I and special education grants.\textsuperscript{165}

The major programs in 2005 include the Charter Schools Grants program ($218.7 million), State Charter School Facilities Incentives Grants ($200-$300 million), and the Credit Enhancement for Charter School Facilities program ($37 million).

While the number of charter schools has continued to grow nationally, the growth is most substantial in a limited number of states. The median enrollment in charter schools has steadily increased, although charter schools remain considerably smaller than traditional public schools serving similar grade ranges.

Many states provide flexibility to charter schools in their hiring practices and certification and licensure of teachers. While charter schools must meet the accountability requirements of NCLB, they may be allowed flexibility in

\textsuperscript{165} U.S. Government Accountability Office, January 2005, 1, 10
individual state chartering laws in the area of teacher qualifications.

The profiles of students in charter schools tend to differ from those in traditional public schools. In 1999-2000, charter schools served fewer white students and more minority students (including African American and Hispanic) than traditional public schools. More students from lower-income families attended charter schools, but few special education students with Individualize Education Plans (IEPs) attended.

Under the NCLB, charter schools are subjected to the same performance standards as traditional public schools. Most of the charter schools in this study met state performance standards.

This chapter will provide information on the current status of charter schools in North Carolina, Virginia, Georgia, and Arizona and the impact that the No Child Left Behind legislation has had on these schools. The first subsection provides a brief account of how the research was conducted. The remaining subsections provide answers to this study’s research questions by state.
Methodology

The data used in this study were obtained from several sources. Documentary research was conducted by analyzing the charter school legislation status in the respective states. News articles, published research studies, websites of the states studied, public documents, and other supporting sources were also studied. Interview data with key participants was included as another source of information. People were selected for interviews based on their involvement with charter schools and NCLB in the researched states. Fifteen interviews were conducted, two in-person, and thirteen via telephone. Among those interviewed were two school board members from the City of Richmond and representatives from both the Virginia Education Association (VEA) and the National Education Association (NEA). Other interviewed were representatives of state education agencies, state boards of charter school agencies, and representatives of charter schools. A listing of their roles is found in Appendix C. The interview questions may be found in Appendix B and Appendix C. Each interview was tape recorded. Transcripts were then made from the audio taped recordings. Coding categories were used to analyze the interview data.
Virginia passed its charter school legislation in 1998. As delineated in the Code of Virginia (§22.1-212.5), public charter schools in Virginia are nonsectarian, nonreligious, or non-home-based alternative schools located within a public school division for the purpose of stimulating the development of innovative educational programs. They must provide opportunities for innovative instruction and assessment, provide parents and students with more options within their school divisions, provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management, and structure, and encourage the use of performance-base educational programs. In addition, charter schools meet establish and maintain high standards for both teachers and administrators, and develop models for replication in other public schools.

Since passage of the initial charter legislation, eight charter schools in eight Virginia school divisions have been approved by local school boards. Five of the eight schools had been in operation for three or four years prior to the 2004-2005 school year. For the current school year (2005-2006), only three charter schools remain operational. The current charter school legislation permits a charter to be approved or
renewed for a period not to exceed five years. A charter school may request and be granted multiple renewals that permit it to operate for more than a total of five years. Figure 7 below provides summary information of these schools.

**Figure 7**

**Virginia Public Charter Schools 2001-2005**

<table>
<thead>
<tr>
<th>Division</th>
<th>School</th>
<th>Year Opened</th>
<th>Operation Status</th>
<th>Reason for Closure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Franklin County</td>
<td>New Opportunities for Winning</td>
<td>2001</td>
<td>Closed - Fall 2003</td>
<td>Insufficient Funds to Operate</td>
</tr>
<tr>
<td>Gloucester County</td>
<td>Victory Academy</td>
<td>2001</td>
<td>Closed - during the 2003-2004 School Year</td>
<td>Financial Resource Problems</td>
</tr>
<tr>
<td>Greene County</td>
<td>New Directions Academy</td>
<td>2001</td>
<td>Closed - after the 2003-2004 School Year</td>
<td>Financial Resource Problems</td>
</tr>
<tr>
<td>Roanoke</td>
<td>Blue Ridge Technical Academy</td>
<td>2001</td>
<td>Closed - 2004</td>
<td>Financial Reasons</td>
</tr>
<tr>
<td>Chesterfield County</td>
<td>Chesterfield Community High School</td>
<td>2002</td>
<td>Closed - 2004</td>
<td>Need for Greater Flexibility in selecting students</td>
</tr>
<tr>
<td>Albemarle County</td>
<td>Murray High School</td>
<td>2001</td>
<td>Still Operational</td>
<td></td>
</tr>
<tr>
<td>York County</td>
<td>York River Academy</td>
<td>2002</td>
<td>Still Operational</td>
<td></td>
</tr>
<tr>
<td>Hampton City</td>
<td>Hampton Harbour Academy</td>
<td>2001</td>
<td>Still Operational</td>
<td></td>
</tr>
</tbody>
</table>

*Virginia Department of Education, 2005*

According to staff at the Virginia Department of Education (VDOE), no new charter school applications were received by
local school divisions during the 2004-2005 school year. In July, 2005, the U.S. Department of Education awarded three federal charter school grants for proposed public charter schools in Charlottesville, Richmond, and Norfolk. New charter schools have been proposed for the 2006-2007 school year, but none of the respective school divisions' boards have approved operation of the schools to date.

Research Questions

Question 1. What impact has NCLB had on charter legislation and policies in the states identified?

The 2005 session of the Virginia General Assembly generated no amendments to previous statutes governing public charter schools. The 2004 Virginia General Assembly amended Section 22.1-212.11 of the Code of Virginia requiring local school boards to report annually to the Virginia Board of Education the number of charter school applications approved and denied by local school boards. A representative from the Virginia Department of Education (VDOE) noted that this action was a positive approach that will strengthen the charter school legislation in the state.

According to a representative from the VDOE Office of Program Administration and Accountability, NCLB has had no impact on
charter legislation in the Commonwealth of Virginia. Staff at the Virginia Charter School Resource Center agrees. The center was created to provide information and other assistance to help energize a robust charter school movement for the Commonwealth.

The center staff suggested that the pressure of NCLB accountability provisions, in tandem with lingering questions about what to do with schools that do not achieve full accreditation under the Standards of Learning (SOL), were contributing factors to the Virginia legislature’s decision to improve its charter school laws in 2004. However, in practice, NCLB has no impact on charter schools in Virginia.

When asked whether NCLB legislation threatens the autonomy of charter schools, all subjects responded negatively. The Virginia Charter School Resource Center noted that the NCLB legislation explicitly states that if a state’s charter laws allow for an alternative assessment (e.g., a value-added assessment), that will be adequate for meeting NCLB accountability requirements.

With regard to barriers encountered in establishing charter schools in the state, several factors were expressed. First
noted were financial deficiencies in operating the schools. The charter schools that have been established in Virginia thus far are the result of federal grants awarded to localities for that purpose. Once the funding expired, the respective school districts were not providing additional funds to continue the schools. There was a tendency among local leaders to shut down charter schools as soon as their initial federal funding has expired.

A second barrier is the influence of the Virginia Education Association (VEA). This association has more than 56,000 members. It is thought that this organization neither wants nor supports the concept of charter schools. A third barrier is weak charter school legislation. This factor was expressed by many respondents during this research.

A representative from the Virginia Charter School Resource Center noted that the primary factor limiting the growth of Virginia’s charter school movement is the lack of an adequate number of strong applications. He thinks that this might change as a result of the three applications from Charlottesville, Richmond and Norfolk winning federal funding during a competitive year.
Respondents also cited the absence under Virginia’s current law of other chartering authorities other than local school boards. It is believed this factor is beginning to subside for a variety of reasons, “especially as reform-minded board members come to realize the advantages of the charter model.” Others interviewed on this subject believed that the interpretation of Virginia’s constitution prohibiting multiple chartering authorities is excessively narrow. Some predict a strong legal case supporting the authority of the General Assembly to pass legislation allowing public institutions of higher education to become chartering authorities in the future.

**Question 2. Are charter schools used as a mechanism to address problems identified by NCLB?**

Presently, there are too few charter schools in Virginia that would cause a significant impact to traditional public schools. It is anticipated by observers that Mayor L. Douglas Wilder of Richmond, Virginia, the most visible leader in Virginia to support charter schools, has come the closest in making charter schools an alternative in addressing problems identified by NCLB. Richmond has been identified as one of the school districts where charters could be an effective mechanism for change.
It is not apparent that NCLB has created tensions in local schools and districts. Apparently there have not been enough strong charter school applications to cause tension. According to one representative from the Virginia Charter School Resource Center, before NCLB can booster support for charter schools, it must first do a better job in communicating to the public what these schools are and how they can significantly impact children’s academic performance. Additionally, Virginia still must bring current charter schools into full compliance with NCLB testing and accountability requirements if charter schools hope to compete with traditional public schools.

The accreditation system used by private and public schools should be adopted for charter schools to regulate themselves. Overall, there are more good charter schools than bad charter schools. But if the charter school movement waits for NCLB to apply pressure on existing charter schools to develop better methods of learning to sustain its momentum in education reform, there will be negative implications for its momentum around the country.
Question 3: Are charter schools held to the same standards as the public schools for which they are alternatives?

Virginia's charter schools provide an alternative educational approach and environment to improve educational results for at-risk students. Modest testing of these at-risk students might reflect significant improvement and represent a small portion of the actual educational achievement realized. Consistent quantitative data do not exist, and resources needed to produce and analyze such data are generally not available.

The charter schools in Virginia must administer the Standards of Learning (SOL) to their students. The SOL test results vary each year. Since many of the students were poor performers in previous traditional public schools, the SOL test history and expectations of these students are weak. Given these caveats, three charter schools met their Adequate Yearly Progress (AYP) for the school year 2003-2004. They were Blue Ridge Technical Academy (now closed), Murray High School (charter renewed), and York River Academy (charter renewed). Chesterfield Community High School, which relinquished its charter school status, and Hampton Harbour Academy (charter renewed) did not make their AYP objectives. Murray High School, York River Academy, and Blue Ridge Technical Academy have produce SOL
test scores that were comparable to or superior to the overall scores from their host divisions. Chesterfield Community High School and Hampton Harbour Academy student scores were consistently below the overall scores from their host divisions.

Some of the charter schools used, in addition to the SOL test data, other quantitative approaches to measure improvement. Among the measures used were Preliminary Scholastic Assessment Test (PSAT), reading assessments, Brigance Test, and the Test of Adult Basic Education.

North Carolina

Research Questions

Question 1. What impact has NCLB had on charter legislation and policies in the states identified?

According to a representative from the League of Charter Schools, NCLB has made it difficult for proponents of charter schools to get positive changes through the North Carolina state legislature. All focus has been shifted to the impact of NCLB on traditional public schools. It is the sentiment of proponents that the General Assembly is unfavorable to charter schools at this time and has given the Department of Public Instruction an opportunity to re-regulate charter schools as
much as possible. One of the freedoms experienced by charter schools is the freedom from regulations. The respondent stated that one of the problematic areas for charter schools in North Carolina is hiring qualified teachers, especially in the elementary grades. The law permits half the teachers in grades 6-12 to be certified. While three-fourths of the teachers in K-12 need to be certified.

In talking to charter school administrators, the greatest problem facing charter schools in North Carolina is financial. They do not believe charter schools are getting their fair share of educational funds. One area in particular where the financial impact is seen is in the area of transportation. Traditional public schools are provided new buses, and can transport students to their respective schools. If transportation is provided by charter schools it must be funded through their budgets. Those costs would include buses, salaries for drivers, insurance, and other incidentals. Charter school administrators concede it would be impossible to provide transportation and remain open, because a large portion of the budget would go to transportation.
Transportation has been a barrier. However, in some instances parents have been organized into carpools. This method has proven to be very successful.

Since the implementation of NCLB, traditional public schools have had to use their funding sources to implement certain phases of NCLB. Charter schools also are impacted by these actions. Although North Carolina does a decent job in funding charter schools as documented in a Fordham survey, it is believed that most charter schools receive $1,000 per child. When charter schools were first established, charter schools received the state per diem. That has now changed. The schools get a little less money.

Money's received from the localities are sometimes problematic according to one charter school administrator. Local money follows the child, and if more than one child from another county chooses to attend a charter school outside that county, the county either delays the payment or may elect not to pay at all.

This year, the General Assembly passed legislation that does not allow supplemental money from the counties and cities to follow a child from a traditional public school to a charter
school if that charter school is outside the supplemental tax school district. Supplemental money constituted the one percent (1%) sale tax. Additionally, charter schools do not receive capital funds as a result of the state lottery.

**Question 2: Are charter schools used as a mechanism to address problems identified by NCLB?**

Charter school administrators believe that the traditional public schools in North Carolina were poor choices from the beginning with the exception of a few. The state has placed limitations on the number and size of charter schools to be established. Schools are allowed to grow 10% a year over what is stated in the original application. Anything more requires approval from the state board of education. It is a common belief that the charter schools in North Carolina have multiple authorizers. However, according to charter school administrators, the school board is the only authorizer.

Charter schools are schools of choice. Therefore, charter school administrators believe that the traditional public school administrators were fearful that the outcomes of AYP from NCLB would result in an influx of applications to charter schools. The school board, for purposes of NCLB, allowed each
charter school to become its own LEA. Charter schools can establish attendance agreements with an adjoining LEA.

Controlling the size of the charter school is not an issue, since the building would do that. NCLB doesn’t affect charter schools. Parents of students attending low performing schools must be notified when the school does not make AYP, and the parents have the option of allowing their child to remain in the school. Except for federal mandates, charter school law supersedes NCLB. Most schools teach what the state school board dictates.

Questions 3: Are charter schools held to the same standards as the public schools for which they are alternatives?

According to a representative of the State Board of Education, charter schools in North Carolina must follow the ABCs Accountability Model used in traditional public schools. If a school is designated as low performing, the State Board of Education can revoke the charter. The model is based on accountability, recognition, assistance, and intervention.

Each year students must take required state tests. In the first year of the school’s charter, there are two options for
accountability: Option 1 applies to schools where less than 75 percent of students have end-of-grade test scores from the previous year; Option 2 applies to schools where 75 percent or more students have end-of-grade test scores from previous year. These schools will follow the ABCs Accountability model for rewards that is used in the North Carolina public schools. In the second and subsequent years of operation, all schools will follow the ABCs Accountability Model for rewards.

Georgia

Research Questions

Question 1: What impact has NCLB had on charter legislation and policies in the states identified?

Several significant changes have occurred to Georgia’s charter school law since 2000. A representative from the State Board of Education did not attribute the changes to NCLB. In 2000, the charter law was amended to allow charter petitioners who had been denied approval to establish a charter school by a local school board. The petitioners can appeal the decision to the State Board of Education. The charter schools also were required under this amendment to participate in the State Accountability System.

The 2002 General Assembly made further amendments to the charter law. Charter school representatives had both positive
and negative feedback regarding the amendments. The most significant changes to the law that had a negative impact on charter representatives were the removal of the "blanket exemption" provision. The amendment required petitioners to list specific rules the school wanted to be waived and had them explain why this waiver was necessary. This amendment also gave the state board the authority to draft petition requirements without the aid of charter representatives and the removal of majority parents on the governing board from the state board rule. Local school boards were then required to submit a written explanation to the state Board of Education of all denials of charter petitions. The amendments had a few caveats, such as extending the charter to five years and clarification of funding. Most charter school representatives felt they had been stabbed with a two-edge sword.

Charter school representatives stated that the General Assembly for the past two years has been more favorable toward charter schools. In 2004, the law was amended to direct the State Board of Education to create a facilities fund for local charters and state charter special schools to establish a per pupil, need-based facilities aid program. The funds could be used to purchase real property, construct school facilities,
purchase or lease school facilities, purchase vehicles to transport students, renovations, and to maintain facilities. The 2005 session gave charter schools blanket exemption from state board rules and local policies. It increased the charter to ten years and provided provisions for charter clusters within school districts and multiple districts. Additionally, the amendments allowed charter schools preferential student enrollment.

Georgia has four types of charter schools: Conversion charter schools existed as a public school prior to becoming a charter school and operated under the terms of a charter between the public school, local board of education, and the State Board of Education; Start-up charter schools are started by private individuals, private organizations, or state and local public entities that operate the school according to the terms of a charter contract between the charter petitioner, local board of education, and the State Board of Education; LEA start-up charter schools (Local Education Authority) are started by a LEA as a charter school and operates under the terms of a charter between the charter petitioner, local board of education, and the State Board of Education; and State charter special schools, which are public schools that operate according to the terms of a charter, or contract approved by
the State Board of Education when a charter has been denied by a local board of education, mediation has not been successful, and the charter petition meets the requirements of the State Chartered Special School described in the Charter Schools Act of 1998 and the State Board of Education Charter Schools Rule 160-4-9.04.

Question 2: Are charter schools used as a mechanism to address problems identified by NCLB?

According to a representative from the State Board of Education, charter schools were established to provide an effective alternative to failing traditional public schools. The objective was to increase student achievement. With the establishment of charter schools, it was hoped that a healthy competition with traditional public schools would spur achievement with special education students, disruptive students, gifted and talented students, and those students seeking to study specific areas like science and math. Charter school representatives believe the success of charter schools is reflected in the number of charter schools in the state (38) and the students they serve (15,000).

According to the State Board of Education and the Georgia Charter School Association, charter schools offer programs
that better meet the needs of the child, such as college prep courses, fine arts and science curriculum. Four charter schools have closed due to lack of sound fiscal/administrative management. A representative from the Georgia Charter School Association does not look upon the closures negatively, "nothing that it just proves that charter schools are held to a strict accountability standard, whether it is academic or operational; something that does not happen to traditional public schools."

Charter schools that have existed since 1993, appear to do better and provide better services then those developed since 1998. The Charter School Association stated various reasons for this phenomenon. First, the initial charter school law only allowed for conversion charter schools. Secondly, the early charter schools were founded by public school educators who were seeking to operate a school in a less bureaucratic environment. They were able to utilize theories and practices that they knew were effective. In 1998, start-up charter schools were granted charters. The early charter schools suffered financial burdens. Many faced problems securing and paying for buildings and enrollment growth. These schools were thought out and the academic issues voiced by parents determined the objectives of the schools.
Once the financial start-up problems were resolved and charter schools began to thrive in Georgia, business oriented petitioners entered the charter school market. It is believed that as the system grows and thrives there will be a greater variance in the qualifications of the people starting charter schools.

Question 3. Are charter schools held to the same standards as the public schools for which they are alternatives?

According to a State Board of Education representative, charter school applications must provide specific measurable academic achievement goals. In 2004, 84% of Georgia charter schools made school-wide AYP compared to 79% of traditional public schools. Of the 12.9% that did not make AYP in 2004, only two were placed in "Needs Improvement" status. Four of the five missed AYP by one category. According to the 2003-2004 Georgia charter school annual reports, roughly half of all charter school goals were academic related.

Georgia charter school students are subject to the same testing as traditional public school students.
Arizona

Research Questions

Question 1. What impact has NCLB had on charter legislation and policies in the states identified?

According to a representative from the Arizona State Board for Charter Schools, there has been little change to Arizona charter school laws since NCLB. An attempt was made to amend the law exempting charter schools from NCLB guidelines. However, that amendment did not pass. Additionally, the State Board of Education, one of the authorizers, currently has requested a moratorium from authorizing additional charters. It has been debated whether this change has been positive or negative. Some in the state feel that the change weakened the law because multiple authorizers created a good system for charter schools. This may be partially true, however, others think that the charter school law is very strong given the fact there is an independent charter authority that is not linked exclusively to local school districts.

Charter schools in Arizona are organized and operated in a variety of ways. Each charter school as a governing board, a sponsoring entity such as the State Board of Education, the
State Board for Charter Schools or a school district, and must comply to everything in its charter contract as well as with all applicable state, federal and local laws and regulations. Some charter schools are organized as non-profit corporations. Others are for-profit corporations or operate under management structures. The term of the charter school contract is fifteen years with a review every five years. Charter schools must serve all children, including special needs children.

**Question 2: Are charter schools used as a mechanism to address problems identified by NCLB?**

Charter school representatives explained that charter schools are filling market interests that are needed in the state and the communities by working with at-risk students and with students who are not succeeding in traditional public schools. Students who are under-performing in traditional public schools are doing well in charter schools. One explanation given was that they are focused on academics or because charter schools have smaller learning environments.

Charter schools and traditional public schools are competing for the same students. Thus, they are competing for the same funds since both are paid based on a per-pupil attendance. Charter schools are paid for the current year, while
traditional public schools are paid on a prior year. There exists some tension between traditional public schools and charter schools in retaining students. This tension has led to increased resources and quality education being provided from the traditional public school or from the charter schools to maintain those student populations.

Obtaining and maintaining facilities have been major challenges for charter schools, probably the number one challenge according to a charter school representative. The second major challenge is funding. There are not many barriers of legal entry in the state of Arizona. Thus, there are currently 514 charter schools that are opened and operating this year.

Some charter school closings may be linked to enrollment, according to a representative from the Arizona State Board for Charter Schools. According to the representative, if a charter school doesn’t maintain a certain population that gives them the funding to operate, then you can hypothesize that the charter school does not have a good enough program to attract students.
Some charter school closings have been linked to facilities issues where the administrators have not been able to maintain a constant enrollment depth. Other closings are due to fiscal management issues. There have been 134 school closings in the state since the initial opening in 1993. The charter school representative pointed out that Arizona has so many charter schools that it is hard to determine the rationale for a closing, other than to cite poor management decisions that possibly resulted in a financial crunch.

In some ways charter schools are used as a mechanism to address problems identified by NCLB. According to a representative from the State Department of Education, charter schools are held to a certain criteria. Charter school representatives voiced that charter schools are becoming frustrated with some aspects of the law, but for the most part, the focus is learning. Parents are given information on charter schools not meeting AYP, this is considered positive.

**Question 3. Are charter schools held to the same standards as the public schools for which they are alternatives?**

Statutory charter schools have to meet most of the same requirements with regard to academics and the alignment of their curriculum with the state academic standards that
required of traditional public schools. Charter schools have as many hours and days of instruction they have to provide that is also consistent with state requirements. Charter schools exercise flexibility in the area of governance structure and their ability to define their mission and the size of their schools. Charter school representatives stated that the freedom rests in those areas just stated, and not so much on accountability. Both traditional public schools and charter schools are held accountable by Local Educational Agency according to the states accountability system as well as AYP as stipulated by NCLB. The difference between the two, lies with state intervention and take over of traditional public schools if they consistently fail to meet AYP. Obviously, closure is the mechanism of enforcement for charter schools.

According to a representative from the State Board of Education, Arizona is in the first phrase of school improvement. The criteria for Arizona Learns are clearer than that of NCLB, as far as revoking charter licenses. The 2006 academic year will be the first year for the state to consider such an action based on the states accountability system.
Summary

Charter schools have faced many difficulties in their endeavor to provide innovative methods in educating students across the country. The four states researched in this study exhibit some of the challenges that exist in trying to do things differently from established norms. Almost five centuries ago Nicolo Machiavelli stated:

And it ought to be remembered that there is nothing more difficult to take in hand, more perilous to conduct, or more uncertain in its success, than to take the lead in the introduction of a new order of things. Because the innovator has for enemies all those who have done well under the old conditions and lukewarm defenders in those who may do well under the new.\(^{166}\)

The concept of charter schools appears to be thriving thirteen years after the first charter school was established in Minnesota. In 2004, ninety-two percent (92%) of children in the United States live in states where a charter school

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law exists and almost a million students attend charter schools.\textsuperscript{167}

The charter school model encourages continuous improvement by providing certain freedoms to the schools, at the same time holding them accountable for results. Nelson Smith, president of the Charter School Leadership Council, explained that the charter school model works well at three levels: the schools that flourish and serve children; the schools that do well are given the opportunities and resources needed to do better; and the schools that fail are put out of business.\textsuperscript{168} 


CHAPTER V
SUMMARY AND CONCLUSIONS

Introduction

More than 3,500 charter schools were opened across the nation during the 2005-2006 school year, serving more than a million children.\(^{167}\) Some charter schools are providing superb educational opportunities, while the output of others is quite dismal. Charter schools have established themselves as one of the major sources of educational opportunities for students in the nation, although they continue to face major challenges in acquiring start-up monies, and dealing with revised regulations, caps, lawsuits, capacity constraints, misinformation, inadequate funding, facilities and a host of other problems.

The major growth of charter schools in percentage terms occurred from 1998-2002; however, the annual rate has slowed to around 10-15 percent. One reason for the slowdown is believed to be the result of charter caps that regulate the number of charter schools allowed statewide, as seem in North Carolina. Another explanation is that there has been a slow down in big new charter states such

as Arizona, that currently has over 500 charter schools. The preponderance of charter school growth has been driven by existing, not new, charter states. In spite of the many limitations, charter schools are believed to impact the spirit and terms of NCLB.\textsuperscript{168} 

**Overview of Study**

It was expected that the researcher would reveal that the NCLB legislation was a conduit for charter schools becoming the likely alternative to public schools. Further, it was expected to determine if there now exists a correlation between NCLB and the status of charter schools in the nation, specifically in the respective states studied.

Finn and Osberg believe that the ascendancy of standards-based reform have intensified the demand for charter schools.\textsuperscript{169} Both noted that standards-testing and accountability procedures are more adept at identifying low-performing public schools, thus presenting charter schools as terrific options.


The Policy and Program Studies Service concluded that charter schools are accountable to the federal government, in terms of compliance with key federal laws and regulations; particularly, charter schools are subject to NCLB.\(^\text{170}\) This study also noted that the accountability provisions of NCLB are based on the charter school model, in that no longer can public schools operate without sanctions for failure to meet academic standards. Charter schools are accountable both to the terms of their contract and to the adequate yearly progress (AYP) provisions of NCLB.

Todd Ziebarth has theorized that under NCLB, consistently low performing public schools may be converted to charter schools as an option for restructuring them.\(^\text{171}\) To date, there is no available documentation showing public schools closing and then reopening in the form of a charter school.

Findings on the Research Questions are discussed below:

Research Question 1: What impact has NCLB had on charter legislation and policies in the states identified?


\(^{171}\) Ziebarth, T. (2004). *Bringing life the school choice and restructuring requirements of NCLB*, Education Commission of the States, p. 2
Of the four states studied, all agreed that NCLB has had no direct impact on their charter school legislation. However, indirectly NCLB seems to have influenced policy changes to the states' charter school laws. Figure 8 reflects those changes.

**Figure 8**

*Changes in Charter School Legislation Since Enactment of Act*

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Establishment of Statewide Charter School Resource Center</td>
<td>None</td>
<td>None</td>
<td>Lack of strong applications, Chartering Authorizers, Adequate Funding</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Capping total schools to 100</td>
<td>None</td>
<td>Re-regulation</td>
<td>Hiring Qualified Teachers, Adequate Funding, Transportation, Limiting the number of schools in the state</td>
</tr>
<tr>
<td>Georgia</td>
<td>Established an appeals process, Removal of &quot;blanket exemption provision&quot;, Allows preferential student enrollment</td>
<td>Creation of Facilities Fund</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Arizona</td>
<td>Moratorium on additional charters</td>
<td>None</td>
<td>None</td>
<td>Funding Facilities</td>
</tr>
</tbody>
</table>
North Carolina and Arizona are experiencing moratoria on the total number of schools allowed statewide. Although Georgia is not experiencing a moratorium or capping on charter schools, the removal of "blanket exempt provisions" will restrict the number of application approvals for charters in the state. Virginia recently established a state-wide charter school coordinating agency that provides services similar to those of other state coordinating agencies researched in this study. The coordinating agencies provide guidance and contiguity in policies and procedures aligned with the charter legislation in the respective states.

With regard to barriers of entry, Virginia, North Carolina and Arizona shared a common theme for inadequate funding in establishing charter schools. The North Carolina Board of Education allocates to each charter school the same average per pupil allotment that is given to local districts where the charter resides, regardless of the charter school's teaching population.\textsuperscript{172} There is no separate capital outlay funding provided to charter schools in North Carolina or in Arizona. District schools in Arizona receive approximately fifty percent of their revenue from county and local

\textsuperscript{172} Thomas B. Fordham Institute (2005). Progress Analytics Institute, Washington D.C.
sources. That revenue is not available to charter schools. Charter schools in Virginia are funded by federal funds and state grants. Once federal and state funding is depleted, the school districts have opted not to continue funding those charter schools.

Although three of the four states reported no change in their charter school legislation with regard to autonomy; all charter schools were held to the same requirements as traditional public schools and to measurable goals sighted in their respective charters.

Research Question 2: Are charter schools used as a mechanism to address problems identified by NCLB?

Georgia and Arizona agreed that charter schools in their states address problems identified by NCLB (Figure 9). Representatives from both of the states' department of education stated that the traditional public schools in their state were not meeting the needs of their students. This was more prevalent in the counties, which tend to have more economically challenged families and resources than larger urban areas.
When asked whether NCLB bolstered support for charter schools in their states, charter school administrators as well as the respective state departments of education responded negatively. In a survey conducted by the Charter School Leadership Council, 803 registered voters that were randomly selected nationwide were asked their views on charter schools. Six-five (65) percent responded that they knew very little or nothing at all about charter schools.¹⁷³

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**Figure 9**

**Charter Schools Used as Mechanism to Address Problems Identified by NCLB**

<table>
<thead>
<tr>
<th></th>
<th>Address Problems Identified by NCLB</th>
<th>Tensions with Local Districts for Funding</th>
<th>Does NCLB Bolster Support for Charter Schools</th>
<th>Benefits of Charter Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Not enough Data</td>
<td>No</td>
<td>No</td>
<td>Serves at-risk students</td>
</tr>
<tr>
<td>North Carolina</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Allows charter schools to become LEAs</td>
</tr>
<tr>
<td>Georgia</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Offer programs that better meet the needs of students, such as, college prep courses, fine arts and science.</td>
</tr>
<tr>
<td>Arizona</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Serves at-risk students; smaller learning environment</td>
</tr>
</tbody>
</table>

Research Question 3: Are charter schools held to the same standards as the public schools for which they are alternatives?

Charter schools in the states studied are required to administer state accountability testing, as well as meet AYP according to NCLB. Figure 10 reflects the responses given by the respective states:

Figure 10
Are Charter Schools Held to the Same Standards as Traditional Public Schools?

<table>
<thead>
<tr>
<th>State</th>
<th>Same Standards as Traditional Public Schools</th>
<th>NCLB Requirement for AYP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Georgia</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Arizona</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Additionally, charter schools are subjected to an unprecedented level of scrutiny and transparency related to school performance.174 These schools are accountable to students and parents, to with education service providers, and to their governing boards. According to the U.S. Department of Education, more than 60 percent of charter school governing boards monitor staff performance and attendance, parent satisfaction and involvement,

instructional practices, test scores and other performance indicators.

**Implications for Further Research**

Since the establishment of the first charter school in the nation sixteen years ago, researchers are still trying to define the objective and purpose of this educational reform entity. Originally, charter schools were marketed as a new form of educational reform that would be healthy competition for traditional public education and bring accountability to America’s educational system. Overall, the presence of charter schools has not altered what happens inside traditional public schools nor have traditional public schools changed their operational practices significantly. When charter schools are juxtaposed against the multiplicity of challenges and their effectiveness on a large scale appears to be porous.

The No Child Left Behind Act of 2001 (NCLB), cited to be among the most significant educational policy initiatives, imposed major challenges for traditional public schools. They are required to meet established timelines and benchmarks for student progress each year. With imposed
sanctions, students attending public school systems not meeting adequate yearly progress are given the option to attend an alternative school. Charter schools were the likely alternative, promising innovative teaching methods and accountability.

Revenues that were once shared with charter schools by local school districts in order to support administrative costs and infrastructure are now being redirected to support the implementation of NCLB requirements on public education. If the notion of NCLB was to strengthen the opportunity to significantly increase the number of new charter schools due to the failure of traditional public schools, the idea has not been fully realized. The traditional public schools have proven to be more resilient and healthy than expected. Many states are establishing P-16 Educational Councils to address student success and school accountability.

Proponents of charter schools are resilient as well. A great deal has been accomplished since the Movement’s inception and the establishment of 3,400 schools serving more than one million children. With inadequate funding faced by many charter schools and their lack of
infrastructure, it would be interesting to research the emergence of virtual charter schools that could rapidly increase enrollment nation wide, thus eliminating the constraints presented by brick and mortar buildings.

NCLB has created national standards for traditional public schools; the same must be established for charter schools. Proponents of charter schools have argued about the lack of resources given to charter schools. However, in view of recent charter school closings in California, Arizona, and Texas due to mismanagement of funds and fraudulent activities by authorizers, it seems necessary to have an entity responsible for establishing and monitoring system-wide standards for all charter schools having financial accountability as one of the standards.

Other charter school research could examine whether the proposed Richmond charter school serve as a template for future success of charter schools in Virginia. A final possible research effort could examine whether the NCLB testing requirement has provided the accountability system for traditional public schools to parents and public policy makers to the extent, charter schools are insufficient as an alternative education reform effort.
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Appendix A

Interview Consent Form

I agree to be interviewed by Joice Conyers, a doctoral student at Virginia Commonwealth University, for a dissertation research project on the impact of No Child Left Behind on Charter School Legislation in Virginia, North Carolina, Georgia and Arizona. I grant permission for Mrs. Conyers to tape record this interview for accuracy and to use the data from this interview for her study. It is further understood that records of this tape recording will be destroyed upon the completion of this study. I realize there is no risk since information obtained through this interview is public record. I understand that I am agreeing to this interview voluntarily, and that I have the right to decline to answer any particular question and also to terminate the interview at any time.

__________________________ (name)

__________________________ (date)
Appendix B

Questionnaire

1. What impact has NCLB had on charter legislation in your state since the enactment of the Act in 2001?
2. What impact has NCLB had on policies pertaining to the operation of charter schools?
3. Are charter schools used as a mechanism to address problems identified by NCLB? If so, how?
4. Are charter schools held to the same standards as traditional public schools for which they are alternatives?
5. What tensions if any has NCLB created with local schools and districts within your state in regards to being a funding source for charter schools?
6. What are the standards for charter schools?
7. What is the likelihood of charter schools being closed or sanctioned for not meeting Adequate Yearly Progress as outlined in NCLB?
8. Do you believe the NCLB legislation threatens the autonomy in charter schools? In what ways?
9. What barriers have you encountered in establishing charter schools in your state?

10. Do you think NCLB will help to bolster support for charter schools?

11. Do you think NCLB will put pressure on existing charter schools to develop better methods of learning to sustain its momentum in education reform?

12. What are the benefits of charter schools in your state?

13. What do you think was achieved by the passage of charter school legislation in this state? Has the law been amended since the 2001 Act? In what ways? Did the amendment strengthen the law? How?
Appendix C

Interviews for this study were conducted with the following individuals. Elected public officials are named, while others are identified by interviewee numbers.

Stephen B. Johnson
Richmond Public School Board

Joan Mimms
Richmond Public School Board

1-1
A representative of the Virginia Education Association

1-2
A representative of the Richmond Public Schools

1-3
A representative of the National Education Association

1-4
A representative of the Virginia Department of Education, Program Administration and Accountability

1-5
A representative of the Virginia Charter School Resource Center

1-6
A representative of the Norfolk Public Schools

1-7
A representative of the Norfolk Public Schools, program Administration

1-8
A representative of the Charlottesville Public Schools

1-9
A representative of the North Carolina Department of Public Instruction

1-10
A representative of the North Carolina Department of Education
1-11
A representative of the League of Charter Schools for North Carolina

1-12
A representative of the Georgia Charter Schools Association

1-13
A representative of the Georgia Department of Education

1-14
A representative of the Arizona State Board for Charter Schools

1-15
A representative of the Arizona Regional Resource Center for Charter schools

1-16
A representative of the Arizona Department of Education

1-17
A representative of the Arizona Charter School Association
VITA

Joice Eaddy Conyers was born March 6, 1950 in Richmond, Virginia, and is an American citizen. She graduated from Armstrong High School in Richmond, Virginia in 1968 and attended Virginia Union University, where she received a Bachelor of Science in Sociology.

Prior to pursuing a Masters degree in Sociology from Virginia Commonwealth University, Joice was employed as a Pediatric Social Worker at Medical College of Virginia. In the course of her work as a social worker dealing with child abuse cases, she worked with state legislators, Commonwealth attorneys, and other health professionals to pass the 1975 Child Abuse legislation for the State of Virginia and for the creation of a child protective services division within the Department of Social Services. In subsequent years, Joice changed careers from social work to human resources. In 1978, she became the Equal Opportunity Specialist for the City of Richmond Commission on Human Relations. Joice has also held positions in human resources as a Personnel Practices Analyst and Analyst Senior with the Virginia Department of Corrections, as well as Executive Director of a non-profit organization.

In 1999, Joice received a Masters degree in Personnel and Human Resource Management from American University in Washington, D.C. In 1999, she was hired as Director of Human Resources with the State Council of Higher Education for Virginia.