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## ABSTRACT

As of 1996, charter schools were just emerging in the Northwest region of the United States. This publication presents the proceedings of a symposium held to review information about charter-school policy, operations, and outcomes. A cross-section of leaders in education, government, and community from the states of Alaska, Idaho, Montana, Oregon, and Washington met to study charter-school legislation and literature, to share developments in their home states, and to examine the issues that define and shape the movement as it develops in the Northwest. The first part of the publication contains discussion highlights from the symposium, which focused on charter-school legislation in the Northwest and critical issues for charter schools. The second part, "A Review of Current Charter School Policy and Governance Issues," by Douglas J. Thomas, provides an overview of recent research on the policy and governance issues that charter schools face. It includes a guide for organizing and assisting new charter-school startups. Parts 3 and 4 contain a March 1996 Morrison Institute policy brief titled "Charter Schools: The Reform and the Research," by Lori A. Mulholland, and a November 1996 addendum by the same author. A chart lists key components of "expansive" charter-school laws in 10 states across the nation. The appendix lists participants and presenters. Articles contain references. (LMI)

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# CHARTER SCHOOLS at the CROSSROADS

## A Northwest Perspective

Proceedings of the  
Northwest Symposium for  
Charter School Policy

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Northwest Regional  
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**A Northwest  
Perspective**

**Proceedings of the  
Northwest Symposium for  
Charter School Policy**

Edited by Lee Sherman Caudell



Northwest Regional  
Educational Laboratory  
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## Prologue

National attention to charter schools as a strategy for spurring educational reform has not gone unnoticed in the Northwest. An invitational Northwest Symposium for Charter School Policy was conducted by the Northwest Regional Educational Laboratory November 7-8, 1996, to explore the current knowledge base on charter school policy related to operations and outcomes. The symposium participants represented a cross section of key agencies and associations concerned with equity and excellence in public education.

The symposium was organized by Dr. Steve Nelson and coordinated by Dr. Joyce Ley, both of the Northwest Regional Educational Laboratory. The session on charter school operations was moderated by Doug Thomas of the Center for School Change, Humphrey Institute of Public Affairs, University of Minnesota. The session on charter school results was moderated by Lori Mulholland of the Morrison Institute for Public Policy, Arizona State University. This report of proceedings was edited by Lee Sherman Caudell of the Laboratory. It is hoped that these proceedings will advance the collective use and understanding of the knowledge of charter schools thus far accrued.

The symposium was conducted with the support of a grant from the U. S. Department of Education under the auspices of the Regional Comprehensive Assistance Centers Program. Leadership and foresight for this activity was provided by Dr. Art Cole, Director of School Improvement Programs, and John Fiegel, Charter Schools Specialist.

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# The “Boiling Kettle”

Discussion Highlights from the  
Northwest Symposium for  
Charter School Policy

**T**he charter schools movement stands at a critical juncture. As the movement's earliest charters come up for renewal in bellwether states such as Minnesota and Arizona, this six-year-old experiment in public school choice is poised to prove whether it can pass the real test of school reform: Does it improve student learning?

Results are at the very heart of charter schools. The charters, or contracts, that grant public funding to schools launched by grassroots groups of parents or teachers hinge on outcomes. If the school fails to produce the results it pledged to produce, the charter is revoked. Charter schools promise the kind of direct accountability to public and parents that has too often eluded government-run public schools.

Until now, the promise of charter schools has been just that: a promise. Most of the evidence of charter schools' effectiveness has been scattered and anecdotal rather than comprehensive and scientific. But as the first of the nation's 500 charter schools are faced with proving their worth or losing their contract, charter schools' friends and foes alike will be closely watching the data. A number of national studies are in the pipeline, as well. The evidence will soon begin to come in—evidence that may spur the continued start-up of innovative new schools or spell the demise of yet another reform idea.

The issues swirling around this critical point in the charter schools movement coalesced in November 1996 when Northwest educators, parent activists, and policymakers gathered for the Northwest Symposium for Charter School Policy sponsored by the Northwest Regional Educational Laboratory. A cross section of leaders in education, government, and community from the states of Alaska, Idaho, Montana, Oregon, Washington, and Wyoming met to study charter schools legislation and literature, to share developments in their home states, and to sort out the issues that will define and shape the movement as it takes root in the Northwest region. (See Appendix for a list of symposium participants.)

Described as a “boiling kettle” by Douglas Thomas of the Center for School Change, the charter schools movement stirs up heated debate all along the political spectrum, often making strange bedfellows of people who are used to arguing against one another. Discussion at the Northwest symposium was no less impassioned than that found in the ballooning body of charter schools literature and in the nation's statehouses, where charter schools legislation is being drafted coast-to-coast. The discussion showed the movement's great power to inspire. Perhaps more important still, the discussion suggested charter schools' potential to unite warring factions of the school-reform forces. Thomas, a moderator at the symposium, described himself as “somewhere between a nostalgic fool and a progressive.” The charter schools movement, with its blend of down-home activism and forward-looking idealism, offers a salve to both sides of his educational outlook, he said. Because charter schools can take any shape, advance any theory, float any approach, they offer an unprecedented opportunity for choice and diversity within the public school system. Many advocates see them as petri dishes where parents and educators can grow new and exciting educational cultures.

Perhaps the biggest shift in thinking embedded in the charter schools concept is the idea that students and their parents are “consumers” or “customers,” said symposium presenter Lori Mulholland of the Morrison Institute for Public Policy. When parents and students have the option to go elsewhere in the educational marketplace—“to vote



with their feet,” in Mulholland’s words—schools are more likely to respond to families’ needs and concerns. By stimulating competition for scarce educational dollars, advocates argue, charter schools can catalyze innovation throughout the public school system. (The complete papers Thomas and Mulholland presented at the symposium follow this section.)

In tossing out questions and kicking around answers, the symposium furthered the debate on the pitfalls and promises of charter schools. Participant Jean Ameluxen of the Washington state education agency stressed the “enormous importance of civil discourse” in education reform generally, and in the charter schools movement in particular.

“There is no one way to teach a child,” she noted at the symposium’s close. “There is no one way to do charter schools. Nobody should say this is the right way, and this is the wrong way. They’re *all* right ways if they result in improved learning for children.”

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## A Northwest Snapshot

The term “charter schools” was coined less than a decade ago. The first U.S. charter schools were founded in 1991—only six years ago. Although more than half the states now have some kind of charter schools law on the books, those laws look very different from state to state. Some are drawn broadly, giving charter schools blanket waivers of state regulations and freeing them of local district oversight, for example. Others are written with more restrictions. They might, for example, limit charter schools’ options for sponsorship or require charter schools to apply for waivers one rule at a time.

Both the definition of charter schools (what they are) and the vision of charter schools (what they should be) are far from uniform across the land. Even advocates who share a common theory of the charter schools concept frequently disagree on how those schools should look in practice.

Still, certain themes or concepts crop up again and again in discussions of charter schools. When Northwest symposium participants were broken into groups and asked to identify the critical characteristics of charter schools, they came up with these key ideas:

- Freedom from rules and regulations
- Choice
- Innovation (“a laboratory for change”)
- Accountability
- Improved student achievement
- Competition
- Open enrollment (nonsectarian; nonselective)
- Public schools (public funding; “dollars follow scholars”)

- Parent involvement
- Site-based management

At this writing, charter schools are just emerging in the Northwest. Two states, Alaska and Wyoming, have charter schools laws on the books and a handful of charter schools in operation on the eve of 1997. While Oregon has no charter schools law, it has found a way to use federal funds to launch charter schools under existing school reform laws.

Symposium participants shared the history and current status of charter schools in their states.

**Alaska.** The Alaska Legislature adopted a charter schools law in 1995. Three charter schools, two in remote areas and one in Fairbanks, got up and running the first year. All three are small, with between 25 and 75 students. The Chinook Charter School in Fairbanks, founded by teacher Terri Austin, emphasizes parent involvement and student choice for its K-8 student body. A \$2.3 million federal planning and implementation grant will support start-up efforts around the state through 1998. Because typical Alaska residents live in isolated villages separated by hundreds of miles of wilderness, boarding schools should be part of the charter schools equation there, said Robert Gottstein of the State Board of Education.

**Idaho.** Rep. Fred Tilman of Idaho sponsored charter schools legislation in his state in 1994, 1995, and 1996. After passing in the House, the bill was defeated in the Senate each session. Tilman favors a law with minimal strings and restrictions to ensure maximum freedom for charter schools. His opponents have included the Idaho PTA and the state school boards association. Meanwhile, as “a challenge to all public schools to improve student performance with no rules in the way,” the state recently passed a law that eliminated all state education rules and regulations for two years, according to Tilman. Educators will then decide which rules should be reinstated and which ones eliminated.

**Montana.** Montana’s experience with charter schools legislation was a reversal of Idaho’s. While in Idaho the state school boards association opposed the charter bill, in Montana the school boards association not only supported, but actually sponsored, the bill proposed in 1996. Of 400 members, only 10 opposed the bill, according to Robert Anderson of the Montana School Boards Association, who noted that in many states, school boards can be a “roadblock” to charter schools. And in Montana—a rural state with 90 one-room schoolhouses and nearly 150 districts with no administrators—the teachers’ union was the major opponent of the legislation, according to Anderson. In contrast, Idaho’s teachers’ union stayed out of the fray. Montana’s charter schools bill failed in the House.

**Oregon.** A 1995 charter schools bill introduced in the Oregon Legislature was defeated in the Senate. That same year, a petition drive sponsored by the Center for Educational Change to put a charter schools measure on the ballot through a citizens’ initiative failed to gather enough signatures to qualify. Charter schools bills will be introduced in 1997 by the Oregon School Boards Association and Associated Oregon Industries. Meanwhile, even without a formal charter schools law, the state will receive

\$1.3 million in federal charter schools funds for planning, implementation, and capacity-building grants statewide for 1996, 1997, and 1998. Oregon qualified for the federal grants under its alternative schools program (which allows groups of teachers and parents to design innovative educational programs and apply for waivers of certain state rules and regulations) and under its 1989 school reform law, the 21st Century Schools program.

**Washington.** Although Washington has no charter schools bill on the books, statewide school reform laws allow for the creation of charter-like schools, according to Lee Ann Prielipp of the Washington Education Association. Under existing laws, waivers of state regulations are available, alternative schools may be created, accountability is mandated, and open enrollment allows any student to attend any school in the state. In 1996, Washington voters defeated a bill that would have allowed state dollars to be funneled to independently operated schools. While its sponsors called it a variation on a charter schools bill, opponents, including the Washington Education Association, argued that the bill lacked the basic ingredient of a true charter school: a binding contract (“charter”) between the school and its sponsor that would ensure accountability. Meanwhile, the state education department is looking at providing technical assistance to districts that want to start charter schools, according to Jean Ameluxen. In 1997 legislators will consider several charter schools bills being drafted by the Senate, the House, and the Business Roundtable.

**Wyoming.** Although Wyoming has a charter schools law on the books, the charter schools movement has not yet taken hold in the state, according to Roger Hammer of the state education department. “There’s not a whole lot of demand for charter schools,” Hammer noted. While no charters currently exist, there are a number of “schools of choice” and alternative schools in the largest 10 of the state’s 49 districts. The state’s vast, thinly populated rural areas may spawn “regional charters,” which could pull students from a 30- to 40-mile radius in remote areas, Hammer predicted.

The many-hued Northwest picture brings into focus a theme that emerged strongly during the symposium: There is no “one size fits all” pattern for charter schools. How a given state approaches charter schools will depend on existing law, educational practice, political climate, community attitude, and local need. Policymakers should use other states’ laws and experiences as starting points, not prescriptions, the symposium participants agreed.

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## Critical Issues for Charter Schools

**Accountability and Evaluation.** With the charter schools movement now in its sixth year, educational research institutions increasingly are turning their attention to accountability questions. The immediate questions revolve around practical matters: which student outcomes to look for, how to design an evaluation plan, how to make assessment match instruction, how to revoke the charter of a school that fails to fulfill its promises.

At stake, however, are even bigger questions—questions that test the very viability of charter schools: Do charter schools work? Should scarce local, state, and federal dollars

be used to fund new charters? Are charter schools a desirable component of the public school system?

Student assessment is a hurdle that could trip up charter schools individually and collectively. Charter schools typically use unconventional, creative approaches to teaching. But, as is often the case in government-run public schools as well, when it's time to measure the effects of teaching on learning, the tired old standardized tests get trotted out. Research has shown that assessment drives instruction. By relying on traditional tests to assess the effectiveness of instruction, schools and districts risk skewing instruction to make it match the tests. In so doing, they are in danger of recreating the status quo.

"We're expecting charter schools to be different," said Doug Thomas, "but then we're evaluating them on the same content standards as other public schools. We've got to understand that we can't rely only on standardized tests."

Although freedom from rules and regulations is supposed to give charter schools the latitude to innovate, it would be a great irony, Leon Fuhrman of Oregon's state education department pointed out, if they then had to use traditional tests to prove their worth and ensure their existence. He predicted that for charter schools given "freedom from all regs except testing, the testing will kill 'em."

Choice, which implies diversity, is a square peg in the round hole of uniform standards, which imply sameness, observed Steve Nelson of the Northwest Laboratory.

"We tend to fall back into systems that paralyze a lot of kids, and kids become passive learners," Thomas observed. "It's a real struggle not to go back to the old ways."

As the charter schools mature, the public and policymakers increasingly are asking, Do they work? The next question is, If not, what then? One charter school, EduTrain in California, already has folded for financial malfeasance. Another charter school, Prairie Island Community School in Minnesota, failed because the local tribe withdrew support. A question that increasingly will surface is, What happens to students when a charter is revoked for fiscal or academic reasons? Students risk educational disruption when charter school operators fail to live up to the terms of their contract. Minnesota has addressed the issue in part by giving charter schools one year to "get their act together" when their charter is in danger, Thomas said.

To those who worry about what will happen if a charter school closes, Tilman had this to say: "Great. The system works."

"The sad thing," he continued, "is a public school that is failing kids but *doesn't* close and just keeps on chugging and chugging."

Being accountable—knowing that the doors stay open only if students succeed—gives an urgency to charter schools' mission that often is missing in public schools that get funded year after year regardless of outcomes.

“The accountability is on our minds all the time,” said Terri Austin of the Chinook Charter School in Fairbanks, Alaska. “We see that charter as our personal promise to the school board and the parents.”

**Autonomy.** The degree of independence enjoyed by charter schools is determined largely by two bodies: the state legislature and the sponsoring agency. So-called “strong” charter states grant broad autonomy through laws that waive state regulations, that offer a number of options for sponsorship, and that provide a process for appeal when an application is denied (see “Sponsorship and Appeals” below). Some states grant a “superwaiver,” which sweeps away volumes and volumes of bureaucratic red tape that can hamstring schools’ efforts to innovate. In Alaska, “We waived everything we could possibly waive except state testing,” said Robert Gottstein of the State Board of Education. This “freedom from administrative constraints,” said Austin, “offered great professional opportunities” for creativity and innovation at the charter school she founded. Other states require schools to request waivers regulation by regulation, providing justification for each.

But although rule waivers are central to the charter school concept, it’s not always clear to charter schools or to sponsors which rules are void under the charter. Thomas describes the approach in many jurisdictions as “don’t ask, don’t tell.”

“No one really defines which ones are waived,” with the exception of health and safety standards, he notes.

Charter schools advocates argue that the whole rationale for charter schools hinges on the red tape-accountability tradeoff: giving maximum operational and instructional freedom in exchange for strict accountability for student outcomes. States or sponsoring agencies that hold charter schools to the same kinds of regulations that stifle experimentation in government-run public schools risk recreating the very system that charter schools were designed to circumvent.

“This is a contract process,” said Tilman. “You can write anything in that you want to. The more you can make it permissive rather than mandated, the better off you will be. The fewer hoops, the more likely you’ll get the program up and running.”

Leon Fuhrman of the Oregon education department argued that Oregon, along with many states, provides opportunities for innovation and regulatory freedom within existing school-reform laws. Passing charter schools legislation simply creates another layer of bureaucracy, he asserted.

“Charter school laws will grow up and become bureaucratic, and they will have rules and regs and, ultimately, they will become the same thing we have now,” Fuhrman said. He argued that states should “tweak” existing reform laws and “build on what exists” instead of writing new laws.

A number of autonomy questions remain to be hammered out: Should charter schools be allowed to own their building? Should whole districts be allowed to become all-charter districts, in which state regs are waived across the board? Should individual charter schools become districts unto themselves?

**Sponsorship and Appeals.** In charter schools' quest for freedom from entangling red tape, two questions loom large: Who can sponsor a charter school? And to whom can would-be charter school operators appeal if a sponsoring agency rejects their application? States are all over the map in the openness of their application and appeals process. In some states, only local school districts can sponsor charters. In others, an array of possible sponsors might include the state board of education and the governing board of a university. In still other states, special charter school boards have been created to review applications and oversee operations.

True autonomy for charter schools depends on giving them a variety of options for sponsorship, which includes ongoing fiscal and academic oversight in addition to the power to accept or reject an application, Thomas insisted. Local involvement is desirable, he said. "I think there is a certain value in local culture," he asserted. "There is a local flavor, a difference between schools in Oklahoma or New York or Minnesota or Idaho." But putting all the power for granting charters into the hands of local school boards can have a chilling effect on the launching of new charters.

"The downside of doing it all locally is that you won't have very many charter schools," Thomas said. "States that have an alternate sponsoring mechanism have more charter schools." For emphasis, Thomas paraphrased Ted Kolderie of the Center for Policy Studies, a leader in the charter schools movement, saying: "If you have alternate sponsors, you don't need to talk about autonomy. With alternate sponsors, you *will* have autonomy."

Tilman agreed, saying: "If a school board is the only body that can approve a charter school, there will be zero charter schools. Other bodies should be able to approve a charter—universities, city councils. Laws should at least provide an appeals process—somebody that can give a second opinion."

**Choice.** Charter schools often are touted as the middle ground between vouchers (referred to as "the V word" by some symposium participants) and more mainstream school-reform efforts such as alternative schools. In contrast to vouchers, which pay parents public dollars to send their kids to private schools, charters offer choice to parents while keeping students within the public school system. "Both are strategies for choice, but they offer it in two different arenas: the private versus the public marketplace," said Tilman.

In contrast to such reform efforts as alternative schools, charters offer fiscal autonomy and broader professional freedom for teachers. Many public schools that have converted to charter-school status have, in fact, been alternative schools looking for more fiscal and instructional flexibility.

"This is about competition *within* the system," Thomas noted. Charter schools advocates argue that by creating choices that attract parents and students—and the per-pupil dollars that follow them—charter schools create incentives for change among existing public schools anxious to retain those students and dollars.

"My district was fed up with the lack of incentives for change," Thomas said. "We have had more changes in the three years since our charter school opened than we had in many years before."

States with existing choice options (such as open enrollment, secondary-college agreements, alternative schools) and “ed-flex” laws (waivers for federal regulations) “have an easier time with charters,” according to Thomas. “People are used to having options,” he said. “In Minnesota, we absolutely expect that you can choose any school you want. One in five Minnesota students choose their school.”

Symposium participants were divided on whether, as some charter school opponents argue, charter schools are a foot in the door of vouchers. Gottstein and Tilman argued that charter schools are, on the contrary, the best defense against vouchers. “Vouchers scare people,” Tilman noted. Fuhrman was equally adamant that charter schools can be a dangerous step toward vouchers.

Whether charter schools are more effective than, say, existing public alternative schools has yet to be shown. There’s a big research gap, in fact, in the area of alternative schools, according to Lori Mulholland. Studies are needed, she said, to suggest whether alternative schools are achieving autonomy and innovation, as are studies that compare the performance and independence of alternative and charter schools. Such studies are needed before policymakers can decide whether “tweaking” existing laws is enough to spur innovation and public-school choice, as Fuhrman suggested.

Parental choice and grassroots involvement are keys to fostering the buy-in required for any successful school improvement effort. Symposium participants generally agreed that the “real excitement of charter schools is the sense of community around the passion of ownership,” in the words of one participant.

The level of parent involvement “goes way up” among charter school families, according to Mulholland. While symposium participants strongly supported parental involvement in schools, they were equally certain that rather than legislating the degree of involvement, charter schools (and all public schools) must find meaningful ways to bring parents into their children’s education. Parents need to be in the vortex of policy and curriculum decisions, not limited to organizing bake sales and chaperoning school dances. Participants cautioned, however, that educational excellence is not always the main motivation for parents who choose charters.

“There are many reasons parents switch schools,” noted Joyce Harris of NWREL’s desegregation assistance center. Parents may feel unwelcome in the neighborhood school, for instance. Charter schools may provide a sense of welcome and inclusion that parents have missed in traditional public schools.

**Equity.** The advent of charter schools has raised concerns about educational equity. Ironically, those fears are based on opposing worries. Some worry that charter schools will skim off the best students, leaving government-run schools to deal with students more difficult to educate. Others worry that just the opposite will happen: Charter schools will become dumping grounds for hard-to-teach children whom the system has given up on. Another related fear stems from the specter of the “white academies” that sprang up in the South as a way around civil rights legislation of the 1960s, noted Joyce Harris of NWREL’s desegregation assistance center. Those schools used tax dollars to run segregated schools that were later ruled illegal by the courts.

As policymakers consider charter schools legislation in coming months, attention must be paid to the impact of charter schools on all populations of students. Laws in some states require that a percentage of charter schools be targeted at disadvantaged students, Mulholland said. If a state has a desegregation plan, charter schools must abide by it. If there is no plan, charter schools must reflect the composition of the area in which they operate. But many questions remain unanswered. For example, what are the equity implications of a new alternative school in Umatilla, Oregon, that is open to everyone, but has an American Indian emphasis? Fuhrman wondered.

Thomas predicted there will be a “major desegregation case” around the choices made by the operators and customers of charter schools. “Is it legal to *choose* to send your kid to a segregated school?” was the question he posed.

“The desegregation centers,” added Harris, “are very concerned about charter schools and their impact on desegregation. Charter schools open up a can of worms with respect to equity. Let’s face it—you’re going to end up with charter schools that are racially isolated.”

**Opposition.** Because charter schools often are freed from collective bargaining agreements between teachers and districts, teachers’ unions have been among their most vocal opponents. While it appears that national teachers’ organizations have swung to a more supportive stance in recent months, even launching several experimental charter schools of their own, many local teachers’ groups persist in resisting, Thomas noted.

“Dealing with the unions will be *the key* to future legislation in Montana,” said Robert Anderson of the Montana School Boards Association. “The collective bargaining issues haven’t been resolved.”

Charter schools typically are not required to hire state-certified teachers, a trend that concerns teachers’ unions. A survey in Washington state found that parents’ deepest educational concerns were high standards, not only for students but also for teachers, reported Lee Ann Prielipp of the Washington Education Association. To make sure parental and community concerns are addressed, the decision about certification among charter school teachers should be made locally, Prielipp insisted. And teachers’ associations should be brought into the process at the beginning, when laws are being drafted and policies are being set, she said. She observed that most states have skirted around the unions, telling them, “This is what’s going to happen to you” after laws have been made. She attributes teachers’ defensive stance toward charters to their disenfranchisement from the process.

In Idaho, lawmakers pulled in the state teachers’ association in the early stages of drawing up a charter school bill, said Tilman. “We sat down with the union, and they said they wouldn’t fight charter schools,” said Tilman. “You need to try to bring people on board instead of driving your stake in the ground and saying, ‘Let’s see how far you can pull it out.’”

Concluded Tilman: “Talk to everyone—the education association, the school boards association, etcetera. Bring all the players together to find out what makes sense in your state.”



Thomas argued that charter school teachers should be able to join the professional association yet remain separate from collective bargaining if they wish. "Because teachers are running the charter school, they don't need collective bargaining," he observed.

To ensure that charter schools attract good teachers, they could offer employment guarantees, such as retaining tenure and seniority, for a five-year period, Thomas suggested. Tilman countered that a teacher's move from a public school to a charter school should be treated no differently than a move from one district to another: Tenure and seniority are lost. The concern that good teachers won't make the switch to charter schools without employment guarantees is unfounded in actual practice, where many teachers readily give up district perks for the chance to create a new school from the ground up.

**Start-Up Issues.** Studies have found that getting start-up funds is the biggest challenge facing new charter schools. Charter school founders often lack the business savvy to keep the financial side running smoothly. Thomas estimates that charter schools need \$1,000 per student "just to open the doors." Some states have set aside funds for new charters. Arizona, for instance, has a \$1 million pot for stimulus grants, Mulholland reported. Responding to the Clinton administration's strong support for charter schools, Congress has allocated \$51 million for planning and implementation grants for 1997. Some charter schools have been successful in securing foundation grants for start-up costs. But many charter school founders have dug into their own pockets.

"We spent \$8,000 of our own money to pay for lawyers, inspectors, and other start-up costs," said Austin. "We did it because we had a passion about what we wanted to do."

Money isn't the only hurdle facing new charter schools. Founders should expect "about a year of early management problems," said Thomas. He cites stress, burn-out, friction between parents and teachers, and staff discord as among the problems that can plague new schools.

"I don't even know how to describe the pressure," Austin said. "It's like being a juggler; you have to keep 87 plates up at the same time."

States should minimize the hoops and hurdles schools have to negotiate in order to open, Gottstein stressed. Noting that Alaskan charter school founders must "work incredible hours and overcome many things to get their charter passed," Gottstein said that start-up problems should not be "the thing that kills" new schools. "Don't set them up for failure," he urged.

Funding formulas—how much of the state's per-pupil allocation charter schools should get—are another policy question that lawmakers and educators must hammer out. Gottstein was adamant when he said 100 percent of the per-pupil dollars going to government-run schools should follow students who enroll in charter schools. "You shouldn't have to choose less funding in order to get choice," he asserted, noting that in Alaska, charter schools receive on the average \$2,000 less per student than government-run schools receive.

Other issues confronting new charter schools include what legal business entity to adopt (for example, a corporation, a cooperative, or a nonprofit), who should manage the

money, and who has overall authority (an “egomaniac” is not the best person to run a school, Thomas noted).

“We are compelled as a public entity to provide choice for families,” Gottstein said. “The charter schools law is our single best opportunity to keep people within the public schools.”

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# **A Review of Current Charter School Policy and Governance Issues**

By Douglas J. Thomas  
Center for School Change  
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Public Affairs  
University of Minnesota

**S**ince the inception of charter schools in 1991, more and more parents and educators are seeking to create partnerships to take advantage of state laws that allow these independent public schools. With 25 states now having charter laws, Minnesota being the first, and several more considering laws, the nation is taking note of the potential and possibilities of chartering. Many are looking to charters as a means of “reorganizing the public education system” (Davis, 1995:12-13). Others are fulfilling personal desires to “run their own schools” or have the opportunity to work with young people in new and different ways. Policy work continues to streamline the chartering process and determine the level of autonomy and flexibility in state laws. This report is about that policy work. It is meant to be a means of discussion. It is not a critical study nor is it complete by any means.

As a matter of explanation and introduction, most charter schools are started by groups of parents and teachers who seek sponsorship, either from a local board or a state sponsoring agency, to start their own school and begin receiving public money. In Minnesota, such groups are required to receive both local district approval and state authorization. All charters operate independently, with a board made up of parents and teachers. They receive a waiver from many of the typical rules and regulations placed upon traditional schools and, in return, they guarantee results and report student progress on a regular basis (usually every year) with contract renewal every three years. Charter schools are free to recruit students, but are not allowed to turn away students because of such factors as ability, race, or gender. In essence, they act like a private school, but with the most basic characteristics of public education: they receive public money, they cannot pick and choose their students, and they must uphold certain standards of student achievement and financial management. Otherwise, they are allowed to manage themselves, make decisions, and carry on independent of outside control.

With nearly 500 charter schools in existence, they are becoming part of a larger school choice movement nationwide (Nathan, 1996: xiv). That choice movement includes vouchers, post-secondary enrollment options, open enrollment between districts and within districts’ at-risk schools, second-chance schools, adult education opportunities, schools within schools, and several others unique to districts and states. With shrinking federal and state dollars and a clamor for more accountability and results, charters fall well into the path of this “downsizing.” So far, the charters are generally small—fewer than 200 students. Excluding California, the mean size of charter schools is 140 students (Education Commission of the States, 1995:v). With many states discussing a voucher tuition system, charter schools look more and more like a middle-of-the-road alternative, a means of allowing choice but maintaining some influence. The federal government recently announced the appropriation of \$51 million for charter school advocacy and start-ups. This was viewed as a major endorsement by charter supporters and will no doubt give welcome encouragement to those hoping to pass laws in the 20 or so states now considering statutes at some level.

All of the states now chartering have a process for sponsorship that includes control over religious affiliation and conversion of private schools. Arizona and Minnesota are the only states allowing for conversion of private schools (Davis, 1995:12-13). California law allows for a most wide-ranging chartering of existing public schools, and some of the California charter schools are considered to be conversions to site-based management.

All state charters are different and hold different possibilities for various organizational involvement. Some states have a very restrictive sponsoring mechanism and are less inviting to corporations, post-secondary institutions, educational service units, and for-profit organizations. Louann Bierlein at Louisiana State University and Lori Mulholland at Arizona State University assembled a brief determining the differences in state laws and describing the potential for impact on systemic reform (Bierlein, Mulholland, 1995). They put state laws in two categories: “stronger” charter laws and “weaker” charter-like laws. Both categories involve contracting, a much more common tool for business than education. Contracting, a legally binding agreement between parties, changes the role of the public school board in that it can expect previously agreed-upon results. If the charter school fails to uphold its part of the contract, the agreement for services can be canceled. This is not a traditional role for board members when it comes to instructional services and student achievement. A charter contract typically spells out expectations of a school and also restricts the school board from interference. Some people consider contracting a means of privatization.

The most often cited description of chartering and the strength of charter laws is based on a list assembled by Ted Kolderie, Joe Nathan, and Sen. Ember Reichgott-Yunge of Minnesota. This is a good time to infuse this into this report so that we are clear in our understanding of what most of us view as true charter schools. It is referred to as “Charter School Essentials” and is as follows:

- The school is public, meaning nonsectarian, tuition free, etc.
- The state authorizes more than one organization to start and operate a public school in the community
- Accountability is based on a performance contract
- An up-front waiver from rules about curriculum, management, and teaching exists
- The charter school is a school of choice (no one is to be assigned there)
- The school becomes a discrete entity
- The full per-pupil allocation moves with the student
- Participating teachers should be protected and given new opportunities to organize and operate

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## **A Review of Recent Research**

It should be noted here that three recent publications are outstanding resources when beginning a discussion of charter school policy. The first is Joe Nathan’s new book, *Charter Schools: Creating Hope and Opportunity For American Education* (Jossey-Bass, 1996). It is an excellent general overview of the charter school movement and its impact thus far. The second is the Hudson Institute’s publication *Charter Schools in Action: What Have We Learned?* completed earlier this year. Written by Louann Bierlein, Chester Finn, and Bruno Manno, this report covers the impact of various state and local charter school

policies and the successes and failures of early charter schools. The third resource is also quite new. Sponsored by the Rand Institute and the University of Washington, it is M. Dean Millot's assessment of charter school legislation. In *Autonomy, Accountability, and the Values of Public Education: A Comparative Assessment of Charter School Statutes Leading to Model Legislation*, Millot looks at particular parts of various statutes in terms of autonomy and accountability, then makes recommendations as to how they might be improved for future start-up laws.

I found all three of these pieces to be most credible and responsible in covering nearly all of the policy issues raised in the symposium. I will be referring to them in the following about governance and policy.

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## Policy Issues and Questions

It has been said that if you're not sure of the question, any answer will do. Sometimes when it comes to education policy, we seem to create more questions than answers and often don't wait for answers before acting. This might be the case with charter schools, at least early on in the process. In 1991, when Minnesota first enacted its pioneering legislation, there were few answers to what I believe to be the most intriguing question: "Can we trust someone other than the locally elected school board to deliver the service of public education?"

Many school boards and eventually other state agencies, have been answering this question ever since, some even after sponsoring schools. But despite some retrospection on the part of everyone involved, there is good evidence of success in this movement. Students are being served, learning is occurring, special needs are being met, and innovations are being infused into the educational programs.

What follows are the questions less directly asked of school boards, administrators, state boards of education, and political leaders, and a few thoughts about how they are being answered.

### **(1) How do charter schools fit into the larger policy picture of school choice?**

School choice, as indicated earlier, has taken many forms. In light of growing pressure to privatize (i.e., issue vouchers) education, charter schools and contracting have become attractive as an alternative (Vander Weele, 1994:19,47). Such words as ownership and entrepreneurship are common to conversations about chartering. Motivations vary, but as Kathryn Kilroy, former executive director of the Arizona Charter Schools Office states, "If you're not focused on pupil achievement and parent and student choice, you're missing what all of this is about" (Harp, *Education Week*, November 29, 1995:15).

Ted Kolderie of the Center for Policy Studies in St. Paul describes this movement in terms of quadrants. The two axes are centralized and decentralized and owned and not owned. Most schools have always been in the centralized/owned quadrant, meaning that schools are typically managed top-down and the school board has ownership of the educational program. A few schools are in the not owned (contracted) but still centralized

quadrant and a few are in the owned and decentralized quadrant. Until charter schools came along, very, very few were not owned and decentralized, meaning that the school board has contracted out for its education program and is no longer in a position to micro-manage and has little say over how the school operates (Kolderie, 1994).

My own observations are that states that have offered previous choice options have a more receptive audience to the charter school quadrant. The public is more inclined to see their public dollars for education belonging to students and their parents, rather than to a locally controlled entity, most often the school board. It is more likely to be viewed as part of the program of public education put forth by the state, but stopping short of a voucher plan.

## **(2) By whose authority? Who should sponsor?**

As stated earlier, state charter laws vary greatly and there is much disagreement over who should have the right and responsibility to sponsor charter schools. This question is also at the heart of the “stronger law-weaker law” discussion, in part because those states with multiple options for organizing and sponsoring have many more charters than other states restricting sponsorship (Millot, 1996:40-41). A better question might be, “How much of an impact do you want charter school legislation to have in your state?” I believe what we all want is effective, accountable schools, no matter who sponsors, and not a lot of quick starts with unclear outcomes and angry stakeholders.

After working with several state charter laws and serving on a sponsoring board in Minnesota, my personal preference is to have at least some local involvement in charter sponsorship. I prefer some education accountability falling upon the locally elected body, but that isn't to say a non-elected charter board wouldn't also be very responsible. My view is more of a reluctance to the state determining outcomes and possibly not paying close attention to local values and culture. One of the reasons for chartering is to get out from under certain state mandates. To have a strict state-imposed curriculum and assessment program for charter schools may turn out to be a greater burden.

## **(3) How much autonomy?**

The whole notion of chartering is a trade between flexibility and accountability. There are at least two reasons why school boards have been reluctant to pursue or allow charters. First of all, in this litigious age, we are deathly afraid to let people out of our control, even though, in most states, charter schools become an entity of their own. We still worry about what flexibility really looks and acts like. Secondly, we don't know what accountability looks or acts like either. Admittedly, the best American institutions of higher learning have been struggling with assessment and how successful education can be measured. Most states are beginning to have a better idea, but getting everyone to agree is quite a different story. Often the last body to know and understand is the local school board.

When it comes to autonomy, another issue is how to craft a law that truly allows freedom, not only from the local school board, but from other authorities. Several states allow or require teachers to remain part of the local collective bargaining unit. Others remain an entity of the local district, not a distinct new district. This is not without its impact. A

quick look at the numbers show a direct correlation in states between the degree of autonomy and the number of charter schools in place (Education Commission of the States, 1995: Appendix B).

#### **(4) What about contracting?**

Contracting is nothing new for public schools. School boards do it all the time, but only with special education or noninstructional services, such as food service, janitorial, and transportation. More than 40 percent of the nation's schools now contract out for bus service, and companies such as Marriott, ARA, Servicemaster, and Laidlaw Transit report 20 percent increases in business during each of the past five years (Bushweller, 1994:29). Throughout the education system, contracting is becoming a popular way to do business. Private instructional companies, such as Sylvan Learning Systems and Ombudsman Inc., are among a growing number of companies now serving schools. Because of these and many other successful companies, educational investing is gaining momentum. Recent conventioners at the American Association for Educators in Private Practice heard investment bankers describe a potential market of "\$575 billion and an 'at-risk' market twice the volume of Microsoft" (McGlaughlin, 1995:1).

A survey last year of 3,000 school board members from 354 districts by the National School Boards Association showed that 62 percent have considered privatizing their overall district or specific areas of administration or instruction. They also found that 19 percent of urban districts already use private firms for special education and 12 percent for at-risk services (Henry, 1996:1D).

If school districts are truly interested in site-based decisionmaking and financing, charters should be considered as one of the contracting options. Some states and local districts have been considering the idea of "all-charter districts" (Gamble, 1996). It is important to make a distinction here between a district devising a charter program of its own or having its sites become locally sponsored state charter schools. Either way, it is an intriguing idea and one that seems to be of growing popularity for the same reasons charters in general are of growing interest. It begs the question brought up by Randy Quinn of the Colorado Association of School Boards. "Should school boards be the purchaser of educational services, rather than the provider?" (Nathan, 1996:91)

#### **(5) How much money should follow the charter?**

Again, here we have an issue that has been answered differently in nearly every state—differently, because nearly every state has a different funding mechanism or formula. Most have some restriction on charter schools receiving 100 percent of the per-pupil allotment. All three of the reports cited earlier call for either full funding or at least start-up and capital dollars being made available.

The dilemma is that most states do not have a purely state or purely local funding mechanism. It's partly both. What becomes of the local portion if students are allowed to take those dollars to a school not directly under the control of a locally elected body, whose policies or constituents are responsible for the appropriation? Should the locally levied moneys, capital or otherwise, follow a student to a charter school or should the states appropriate special state moneys for charter schools? With the growing number of



charter schools, their demands for more money are being heard, and each state has had to take a close look at how to fund its charters. An expected outgrowth of this demand is that states are taking a close look at their total education finance policy.

Bierlein, Manno, and Finn point out that this is not “cost-free reform,” and there are going to be anticipated expenses in start-up, sponsorship, and evaluation (Bierlein, Manno, Finn, 1996:33-36). The \$51 million in start-up money from the federal government will help in the short term, but the looming questions will still have to be addressed.

### **(6) Who should be served?**

Dean Millot makes the recommendation that we should adhere to public school values when determining the ultimate policies toward charters (Millot, 1996:100-102). I see no reason to disagree. Charter schools should receive waivers from certain bureaucratic and organizational burdens, but when applying the public status to each and every school, we should in no way discriminate in our admissions and service. At the same time, charters should be fully compensated for serving students with special needs. To my knowledge, no charters are selecting students on a qualified basis, and most schools are receiving their appropriate moneys related to special services. I say most because some are hampered by the management tasks of learning rules and submitting timely request forms.

### **(7) Who should teach?**

Another policy issue of great concern is whether to require certified teachers to teach in a charter school. Most laws have addressed this issue and most charter schools are hiring certified teachers. However, according to *Charter Schools in Action*, only three states require all teachers to be certified: Wisconsin, Minnesota, and Michigan. Of the schools in their research, 10 had hired predominantly uncertified staff “for what appeared to be sound reasons” (Finn, Manno, Bierlein, 1996:43).

### **(8) What should be the role of the unions?**

Charter schools have not been without their opposition, and most outspoken have been the teachers’ unions. They have viewed charters generally as a way to introduce private-like competition and erode the power base long worked-for by their membership and leadership. This was not unexpected. As Joe Nathan points out in his book, the unions have been part of the broader effort to work for justice. They were weak and struggling at one time but now hold a strong position in national political, legal, economic, and educational arenas. But with that influence and success comes the view that unions have become too powerful and the public now has a more contrary view of large unions (Nathan, 1996:93-118).

Charter schools have not been quick to embrace the unions, and many see this new educational entrepreneurialism as not needing unions.

During the past two years the American Federation of Teachers and the National Education Association have begun to soften their stance on charters. An event last year was seen as a breakthrough. The National Education Association announced a major effort to assist in the organization, operation, and assessment of a half-dozen charter schools

across the nation. The Charter School Initiative, as it is called, is a five-year project focusing on charters in six states.

In recent conversations with union officials, I suggested that the unions consider charter school membership as a whole-school affiliation, allowing teachers to gain access to the professional resources of the union without having to engage the collective bargaining process. There seems to be some interest in this idea. It also seems like an opportunity for the unions to make the point that they are not just “about the money,” but more about the creation of a professional association or even a professional practice.

In any case, charter school teachers should have the option of joining a union and/or being part of the local bargaining unit.

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## **Governance Issues and Questions**

The governance of charter schools has been anything but smooth. A number of factors—unclear and misguided state policy, local opposition, lack of skill on the part of organizers, and disputes between organizers and operators—have led to an array of start-up and sustaining difficulties. None of this was unexpected. As with any new endeavor, charter schools are a venture into the unknown for many people. It is most often compared to starting a business with no capital and a tenuous cash flow or client list. The following are questions often asked in regard to governance and operations of charter schools. Again, it is by no means complete but only meant to stimulate the larger discussion.

### **(1) Who's in charge?**

Our history of true site management is not very good, for a variety of reasons. No one is denying that chartering may be our first true test. Although there are many different ways to organize a school, the intent in most charter school efforts is to flatten the management system and give parents and teachers more control over the day-to-day operations of the school. This is not without its difficulties. Many folks simply have no experience at this work, and it takes at least a year to gain the skill and knowledge to run a school.

For the most part, parents make up a majority of the charter school board members. This brings some discontent from teachers because they still lack a certain control that many desire. Some states, Minnesota included, require that teachers be a majority of the board members. This puts an entirely new twist on the arrangement, placing parents in the position similar to their previous experience. In any case, both groups must be accountable to each other and for the school to be ultimately successful, they must cooperate.

The following is a short list of governance failings most notable and leading to difficulties in determining who's in charge:

- The original planners are ousted because they are neither teachers nor parents
- There is no clear process for educating new parents and board members on school operations and management
- There is no process for conflict resolution

- One or two people clearly want to make the major decisions
- Turnover of key people is quite high, for reasons of both burn-out and disaffection
- Communication

Success for charter schools is often pinned on the sheer determination and passion to be successful. Many of the above-mentioned difficulties are turned into opportunities because of the spirit of ownership and destiny provided for by independence and accountability.

## **(2) Who manages the money?**

Even though the charter board has ultimate authority over money, the budgeting process and accounting are often left to a professional business manager or firm. Most of the charter schools have found it necessary to contract out for this service or hire someone on staff. It is not unusual for charter schools to have stumbled through the first year, trying to do it for themselves, before realizing the task is too daunting and time is too precious. A few schools, generally the smallest, do manage all their own finances with teachers and parents. Several small businesses have been started to specifically serve the fiscal management needs of charter schools.

How are schools managing? They are desperately poor, as most schools are, but there has been little evidence of mismanagement. There are occasional mistakes, such as borrowing too much money or purchasing inappropriately, but nearly all are being generally responsible with their money. Most states require fiscal reporting and responsibility (Millot, 1996:76).

## **(3) What legal entity should be used?**

There are various ways to organize legally, and some states have certain restrictions. The “weaker law” states do not allow any new entity, and charters remain an instrumentality of the district board. Most common is the formation of a nonprofit corporation according to federal tax law. In most states, approval as a public school grants automatic nonprofit status. States also allow schools to organize as cooperatives, where parents and teachers are members of equal status.

The best overview of legal options is in Dean Millot’s report. He covers very well the different arrangements available to organizers. He recommends that charter schools have the same legal status as other public school districts (Millot, 1996:108-110).

## **(4) What about parent involvement?**

This is an area of governance that has not been extensively studied as yet. It is assumed that parent involvement is present in the start-up and operation of the school, but the level of involvement in the instructional program and in the area of ongoing support has not been a significant part of any of the major reports. If charter school parents can truly choose and “vote with their feet,” we would have to report that parent satisfaction in either their involvement or governance by others must be acceptable. Most charter schools are maintaining enrollments and sustaining operations.

The Education Commission of the States and Center for School Change report in 1995 surveyed schools and found that a significant number were created for reasons of “more parental control,” but no follow-up study has been conducted (Education Commission of the States and Center for School Change, 1995:15).

### **(5) What is the biggest problem in terms of governance?**

Money! Many schools are restricted by law in the amount of money they receive and in the ways they can use existing revenue. Others are restricted in their ability to raise money from outside sources. Prioritizing always creates specific governance problems. Teachers want more money for salary. Parents want more for educational opportunities and better facilities. Transportation issues are an ongoing difficulty for many.

Nearly every major report indicates a need for start-up funds and something close to an equal share of per-pupil funding. The pressure for more funds will grow as charter schools prove their successes and begin the contract renewal process, as new laws are enacted, and old laws are changed.

The second problem in governance is the struggle to keep from falling back to a less autonomous and more top-down system like the one many charter school operators and organizers left behind. As schools grow in size and number and as a state bureaucracy is built up around the charter schools, there is a very real danger of recreating the past. Charter school policymakers and supporters need to continue their efforts to create a lean and effective system without major regulations and restrictions being placed upon the new schools that could jeopardize the delicate balance between flexibility and accountability. This will be the key to success as we move into the next phase of this promising movement.

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## **Conclusion**

The amount of information on charter schools is growing rapidly with each year as the number of charter schools nearly doubles. In addition, there are at least two national charter school evaluations being conducted this year. One has been commissioned by the Hudson Institute, conducted by Louann Bierlein and Chester Finn (Bierlein: 1996). The other is being funded by the U.S. Department of Education and conducted by Joe Nathan at the Center for School Change, University of Minnesota (Nathan: 1996). Both are coming shortly after the major summary done by the Center for School Change and the Education Commission of the States in late 1995. That study revealed some of the financial problems faced by charters, particularly during start-up (Medler, Nathan, 1995:13).

Again, this is not intended to bring up all of the issues involved in chartering schools or operating charter schools. I hope I have raised the awareness level of those interested and brought light to what is becoming a very complex strategy to improving American education. What follows is a streamlined guide to assisting with the organization of charter schools. It is the compilation of my own experiences in working with charter schools in Minnesota. I sincerely hope it is helpful.

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## **A Guide for Organizing and Assisting Charter Schools (New school start-ups)**

### **Phase 1: Organizing and obtaining charter (minimum of 1 year)**

#### Process Steps

- (1) Recruit planners. The planning group should include a cross section of teachers, community leaders, parents of prospective students, representatives from business, prospective students, and experienced charter school specialists, if possible.
- (2) Develop the scope, purpose, and description of the school. The corporation and its planners should spend at least six months of regular (weekly) meetings on this phase, which should include the development of the letter of intent required by most laws and the larger design plan for the school.
- (3) Negotiate further partnerships to support planning and development.
- (4) Identify potential sponsors.
- (5) Begin to work with other educational agencies, such as postsecondary institutions.
- (6) Define the role of various organizations and establish the legal entity of the charter school group (for example, nonprofit corporation, cooperative, private enterprise).
- (7) Prepare a time line.
- (8) Provide information and publicity, both formally and informally.
- (9) Request sponsorship and prepare all documentation as required.
- (10) Receive sponsorship and authorization.

Budget for Phase 1: \$ 5,000 to \$10,000

### **Phase 2: Planning for start-up (6-12 months)**

#### Process Steps

- (1) Identify and convene a "design team," including members of the original planning team and educational design professionals.
- (2) Visit and confer with other charter schools and charter school organizers.
- (3) Further develop the design plan.
- (4) Provide leadership in the development of curriculum, assessment, and evaluation.

- (5) Provide leadership in the organizational structure and governance of the school.
- (6) Locate and secure facilities and capital equipment.
- (7) Initiate provisions and procedure for school funding.
- (8) Develop a financial management operations system or explore contract to do so.
- (9) Develop a marketing plan for public information and recruitment of parents and students.
- (10) Continue to develop outside resources and further partnerships.
- (11) Recruit and hire appropriate staff.
- (12) Purchase technology, supplies, and equipment.

Budget for Phase 2: \$1,000 per student (from other sources)

### **Phase 3: Start-up (1st year of operation)**

#### Considerations

- (1) Secure additional funding and pursue further partnerships.
- (2) Manage media and information dissemination.
- (3) Implement assessment and evaluation procedures.
- (4) Continue planning and development work with committees and design team.
- (5) Assist with communication between parents, staff, agencies, and sponsor.
- (6) Assist with developing problems and start-up difficulties.
- (7) Work with newly elected governance body.
- (8) Assist in planning for expansion if appropriate.

Phase 3 Budget: \$300 per student in addition to per-pupil revenue

## **Phase 4: Sustaining**

### Considerations

- (1) Seek additional ongoing funding.
- (2) Monitor progress through assessment and evaluation plan.
- (3) Assist with communication.
- (4) Seek additional partnerships.
- (5) Articulate partnership recommendations and responsibilities.
- (6) Facilitate ongoing curriculum development and staff training.
- (7) Redefine mission and design plan as needed.
- (8) Assist with upgrading technology and equipment.
- (9) Manage media and information dissemination.

Phase 4 Budget: \$500 per year in addition to per-pupil revenue

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# **Addendum to Morrison Institute Policy Brief titled *Charter Schools: The Reform and the Research***

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**T**he charter school movement is entering its sixth year amid much activity: The first wave of charter school renewals are now occurring, new state laws are being implemented, and many more charter schools are now operating.

With the continued interest in charter school policy, the emerging research on the topic is growing. In March 1996, Morrison Institute published a policy brief that summarized most of the major research projects on charter schools that have been completed or were in progress at that time. This addendum is an informal update of that policy brief, which was presented at the Northwest Symposium on Charter School Policy (see Page 41 for the full text of the policy brief).

The primary focus of the research discussed in this addendum is what has been learned about charter school students and charter school outcomes. However, before discussing the latest research, a few caveats are necessary.

- Much of the research discussed is somewhat limited in scope. In many cases, research projects have focused on charter schools in a particular school district, city, or state. Since the character of charter schools varies widely according to such factors as state law, sponsor, and nature of the program, examining charter schools in a particular state may only inform the reader about schools in that state rather than about charter schools in general. Unfortunately, when researchers are not aware of the diversity of charter school laws, conclusions may not be presented in their appropriate context. Recognizing the scope and limitations of the data set examined will help the reader interpret results appropriately.
- Charter schools have a natural self-selection bias. It is very important to remember that everyone associated with a charter school—teachers, parents, students, staff—has chosen to be there. This fact has special bearing on research on student outcomes. Charter school parents have made the choice to seek information, weigh options, and trust their child's education to a largely unknown, new educational entity. Because of these factors, their children, no doubt, differ in some measurable ways from students in regular public schools. Possibly, students whose parents send them to a charter school receive more home support. Perhaps parents send their children to charter schools because they are doing poorly or feel they are underchallenged in their current environment. Some of these factors can be described upon entry; others cannot. However, the fact that differences exist makes comparisons between children in charter schools and students in regular schools problematic.
- Methodology problems or ideology may skew results. Reviewers of research should examine research methods carefully and ask questions where information is not provided. Caveats exist to all research. However, when they are not stated or no information is available on how data were collected or analyzed, the reader should be very careful not to overstate the validity of the results.

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## Research Highlights

### Demographic Characteristics of Charter Schools and Their Students

Based on currently available sources, the following data represent state-of-the-art descriptive information on charter schools and their students:

- **Grade levels:** One-third of charter schools serve students in grades K-5; one-fifth serve K-8; the rest serve middle school students, 7-12, 9-12, or K-12 in roughly similar percentages (Bierlein, February 1996).
- **School size:** The majority of charter schools are small; 74 percent have fewer than 250 students (Bierlein, February 1996).
- **Number of charter schools:** As of October 1996, there were an estimated 475 charter schools in operation (Center for Education Reform, 1996). This is more than a 100 percent increase over the number of schools as of December 1995, which was estimated to be 236 (Education Commission of the States, 1996).
- **Number of students:** In fall 1996, the Center for Education Reform estimated that approximately 99,000 students were enrolled in charter schools across the nation, up from the 60,000 they estimated in the fall of 1995.
- **Enrollment of minority students:** After reviewing charter school enrollment in six states (Arizona, California, Colorado, Massachusetts, Michigan, and Minnesota), Bierlein (February 1996) found that charter schools had minority enrollments of 35 percent compared to public schools in those states, which had minority enrollments of 21 percent.
- **Previous school attended:** The overwhelming majority of students in charter schools (81 percent) were previously enrolled in regular public schools; 8 percent were in private schools; and 6 percent were not in school, for reasons such as being new to the United States or beginning kindergarten. The last 8 percent were either home schoolers or dropouts (Finn, Manno, and Bierlein, 1996).

These data are limited by the fact that they are based on a sample of states. There are many items that have not yet been examined in the research, such as class size, school location, and socioeconomic status of students. More comprehensive national survey data about charter schools/student characteristics will be available from the federally funded national charter school study, which is expected to publish first-year survey results in January 1997. The national study is being conducted by RPP International of Emeryville, California.

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## Charter School Development and Design

The Education Commission of the States and the Center for School Change at the University of Minnesota published a national survey of charter schools in August 1995 that asked a wide variety of questions. Respondents were able to select multiple responses, and more than one individual was permitted to respond per school, so rankings are approximate. These rankings are presented in the accompanying charts and provide an idea of the most and least common responses. Since the survey is extensive, only a few of the findings about the development of charter schools and their programs are presented:

- **Groups involved in the process of designing charter schools:** Many diverse groups are involved in the design process. Parents were the group most often cited for participation in the design, followed by teachers.
- **Reason for seeking charter status:** Charter school developers seek charter status for a number of reasons. The most common reason for chartering was to provide better teaching and learning for all children. Two reasons tied for second: Innovation and the chance to apply certain principles and/or philosophies.
- **Target student populations:** When asked which students a charter school was designed to serve, respondents most often answered “a cross section” of students, followed by at-risk students and gifted and talented students.
- **Academic focus:** While it was most common to describe the academic focus of the school as “interdisciplinary” or providing an integrated curriculum, many other emphases were also described, including technology, civics, back-to-basics, arts, and sciences.

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## Outcome-Related Research on Charter Schools

Since the initial implementation of charter schools, a variety of research related to outcomes has surfaced. Some research focuses on state law and its effects on the chartering activity and problems that arise during program implementation. Initial policy analysis has been conducted by a number of individuals and organizations. Much effort has gone into defining charter schools and describing the key components that must be in place in order to produce a successful law, i.e., one that results in chartering activity. Delineations have been made between “strong” and “weak” laws as groups have sought to promote the idea and bring clarity to the issue. The Education Commission of the States recently produced an analysis of key charter school law components (see accompanying chart).

Some researchers have attempted to show the effects that a law’s components can have on chartering activity. Bierlein (February 1996) showed that there were 16 times more charter schools created in states with “strong” laws than in states with “weak” laws (222 versus 14). The message behind these numbers is clear: Passing a “strong” law is the best way to guarantee that charter schools will be created.

One of the larger studies of implementation and charter school policy analysis is currently being conducted by the Hudson Institute (Finn, Manno, Bierlein, 1996). After one year of studying charter schools and their implementation in Arizona, California, Colorado, Massachusetts, Michigan, Minnesota, and Wisconsin, they have made a number of initial conclusions. As other researchers have shown, fiscal problems appear to be an inherent problem in charter schools. Outside of federal charter school money or a start-up fund such as Arizona's, finding money to start a school is slow-going. Money for capital expenditures, usually funded at the local level, is generally not available to charter schools. In some states, charter schools are not even eligible for the total per-pupil amount of basic operations funding.

The Hudson team also identified various other start-up problems. For example, charter schools have a much higher enrollment of at-risk students than expected. The needs and scholastic difficulties of those students have caused some operators to readjust their programs. They have also concluded that most state laws make the chartering process difficult, and certain rules and regulations that remain in place continue to pose barriers for charter schools. Finally, they found that governance and staffing problems pose a very serious threat to the survival of a charter school. Most common among these problems is the relation between the school governing board and school staff. It is also difficult to find the "right" personnel for a charter school.

The Hudson study also describes a number of issues with which policymakers must contend. For example, components of law such as sponsorship options, groups permitted to organize schools, and number of schools allowed must be configured in a way that ensures substantial chartering activity will occur. Also, charter schools appear to be serving a higher percentage of special education students than regular public schools. Some of these students are not being educated with the conventional classifications and procedures for special education, yet their parents are willing to try new approaches and appear pleased. Another issue is teachers unions, which are in favor of charter laws that are very limited in scope. However, where union contract provisions apply to charter teachers, waivers or informal understandings often exist to allow some flexibility. Finally, accountability and evaluation are still not as strong as they could be. Hudson proposes that accountability systems should define performance standards; use exams that reflect the standards; have understandable, comparable results; include academic and nonacademic indicators of success; and have real consequences for students, teachers, and schools. At the state level, Hudson finds that although no state has a plan in place for holding schools accountable that includes all the elements described above, some states are moving toward that goal.

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## **Systemic Outcomes**

The effect of charter school laws and charter school experiences on the public school system is unclear at this early stage. However, charter school proponents insist that systemic reform is the natural result of the introduction of charter schools. Indeed, this may well be the criterion that will be used to determine the value of the charter school movement in the long run.

Although the evidence on systemic change is scant, longitudinal studies, such as the national charter school study, will be useful in determining how charter schools affect the way other schools conduct their business. At this point, researchers and educational writers across the country are gathering anecdotal evidence of systemic change. Many of these examples of change can be found in the September 1996 issue of *Phi Delta Kappan*. The following stories demonstrate the flavor of what is being found:

- Parents in two Minnesota school districts approached their boards about offering a Montessori-like program at the elementary level. The parents' requests were not acted upon until they began efforts to use the new charter school law to accomplish their visions. Subsequently, both districts created Montessori programs (Nathan, September 1996).
- After the Massachusetts charter school law passed, the Boston School District created its own in-district chartering program. District schools with an in-district charter are freed from certain district-level rules and paperwork (Nathan, September, 1996).
- The Los Angeles School District fired a few principals after sponsoring some charter schools. The decision was made based on the district's renewed belief that site leadership is even more important in a competitive environment (Premack, September 1996).

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## Student Outcomes

The academic achievement of students enrolled in charter schools is of significant concern to both policymakers and the public. Quick answers are desired, yet few are available. This is one of the most difficult outcomes to examine. Individual charter school student gains can be examined if comparable tests are used before and after entry to charter schools. However, this is not usually the case. Charter schools most often design their own assessment systems which meet their own curricular goals and philosophy. Unfortunately, some of these assessments, such as portfolios and demonstrations, do not lend themselves to comparisons. Comparing charter school students to regular public school students is also problematic for reasons described earlier.

The national charter school study will thoroughly address student achievement. In addition, some state-level evaluations will examine academic achievement of charter school students to some extent.

Overall, there is very little available at this time. That which is available may speak more to the differences in initial capability of charter school students. For example, in the first year of charter school implementation in Arizona, the Goldwater Institute compared the fall 1995 Iowa Test of Basic Skills (ITBS) for charter school students in Arizona to state and national levels. They found that students in Arizona charter schools entered the fourth, eighth, and 10th grade with slightly lower reading and math scores than state and national averages. This provides some initial evidence that charter schools in Arizona may be working with below-average academic performers, although more extensive examination is needed. Student achievement results from the Colorado Department of Education show that, in initial comparisons, charter school students in

four schools are outperforming other students in their districts. However, no data are provided as to the students' performance prior to entering the charter schools. It may be that charter school students in these schools were already more advanced academically than their peers.

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## Summary

The purpose of this addendum is to give readers of the March 1996 brief, *Charter Schools: The Reform and the Research*, an update of research made available since that time. After reviewing the additional research, it is clear that much more work is needed to adequately describe charter schools and their students, and to answer related policy questions. The large-scale research projects that are now in process will help answer many questions about charter schools. And it remains important that as the body of research grows, results be interpreted cautiously and in light of the context in which the research is conducted.

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# ***Charter Schools: The Reform and the Research***

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*(EDITOR'S NOTE: The preceding addendum updates the information in this policy brief, which was originally published by the Morrison Institute for Public Policy in March 1996.)*

**C**harter schools have emerged as one of the most dynamic educational reform initiatives of the 1990s. By January 1996, a total of 20 states had enacted charter school laws. Another 20 states considered charter school laws in 1995. Taken together, 40 states have demonstrated a clear interest in the charter idea—a surprisingly strong trend considering that the first charter school law was passed in Minnesota only five years ago.

With so much new activity, a fresh appraisal of charter schools is in order. This briefing summarizes the history of charter school laws and updates their current status across the country. Although this is not intended to be a comprehensive review, several charter school research projects are described: some that have revealed lessons learned in the implementation of charter school laws, and others, more national in scope, that were designed to systematically describe existing charter schools and document their impacts.

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## **Charter School History**

The people who first developed and promoted the charter school concept (i.e., Ray Budde, Al Shanker, Ted Kolderie, Ember Reichgott Junge, and Becky Kelso) originally envisioned the ideal model of a charter school as a legally and financially autonomous public school (no tuition, religious affiliation, or selective student admissions) that would operate much like a private business (free from nonessential state laws and district regulations, and accountable more for student outcomes rather than for processes or inputs such as Carnegie Units and teacher certification requirements). In the ideal situation, a charter school would also face few start-up barriers. For example, the number of schools that could be formed and the types of organizations that could form them would have few (or no) limits, more than one option would be available for gaining approval of a charter, and an appeals process would guarantee organizers recourse if their charter was denied.

These key elements of an “ideal” charter school have subsequently become the criteria upon which real charter school laws have been judged: Laws with most of the elements have been considered “strong.” Laws without most of the elements have been considered “weak.” (Weak laws usually allow only school districts to approve, or sponsor, charters, and they provide no appeals process. They do not allow charter schools to be legally or financially autonomous from a district, and they place a low limit on the number of schools that can be created. They usually do not free charter schools from most state laws or district regulations, though some permit organizers to seek waivers.)

In practice, only a few charter school laws contain most of the key elements of the ideal model. Thus, current laws are best viewed as a continuum from strong to weak. Recently, however, Indiana Education Policy Center offered a new categorization of charter school laws (Buechler, 1996) using the terms “expansive” and “restrictive” to replace “strong” and “weak.” This briefing also uses these new categorization terms since they more accurately reflect the content of state laws.

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## States with Charter School Laws

Passing expansive charter school legislation can be an arduous task, as charter school advocates in Minnesota first discovered. Though their idea was appealing, it challenged the status quo. As a result, Minnesota's law (finally passed in 1991) was compromised due to pressure from teachers' unions and the school boards association. While this law granted legal autonomy for charter schools, only eight district-sponsored schools were permitted, and no appeals process was allowed.

In 1992, California passed a very different charter school law that allows up to 100 district-sponsored schools and includes an appeals process. Schools are fiscally autonomous, but legal autonomy is negotiated with the sponsor. The passage of this law was no less difficult than in Minnesota, reflecting the fact that opposition has been similar in every state attempting to pass expansive bills.

Nevertheless, 1993 saw the charter school movement gain momentum as Colorado, Massachusetts, and Michigan all passed expansive laws. Restrictive versions were also passed that year in Georgia, New Mexico, and Wisconsin. The following year (1994) Arizona passed the most expansive law to date, and Hawaii and Kansas passed restrictive laws.

Eight more charter school bills became law in 1995: passing expansive laws were Delaware, New Hampshire, and Texas; while passing restrictive laws were Alaska, Wyoming, Arkansas, Louisiana, and Rhode Island. Then, in early 1996, New Jersey's governor signed an expansive bill. Other states currently have bills under consideration.

Despite the difficulty in passing expansive laws, almost half of charter school states have managed to do so. The matrix at the conclusion of this briefing describes key elements of those laws to date. It is interesting to note that when substantive changes have been made to existing laws, they have usually expanded the law, regardless of its initial strength. For example, Minnesota's relatively expansive law was amended to raise the number of possible schools from eight to 40, add an appeals process, and include colleges and universities as potential sponsors; Wisconsin's restrictive law was amended to lift the cap on the number of charter schools; and Georgia's restrictive law was amended so that school conversions could occur with only a majority of teacher support rather than the two-thirds previously needed.

Charter school proponents, however, often argue that laws like Wisconsin's and Georgia's are little more than site-based management programs: They need more than a few amendments to make a significant difference. Therefore, whether states with restrictive laws actually continue to expand them will be telling. At this point, it is anticipated that legislators in California, Colorado, Georgia, Kansas, Massachusetts, and Minnesota will attempt to expand their laws in 1996.

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## Implementation of Laws

Charter school advocates have predicted that more expansive charter laws will produce more start-up activity. So far, this has proven to be the case. As of July 1995, the first six states with more expansive laws had approved 250 charter schools, while the first five states with more restrictive laws had approved only 18 (Bierlein & Bateman, 1995).

Advocates have also contended that expansive laws provide the only true test of the charter school concept and its potential for creating systemic change (Kolderie, 1995). They have argued that where the chartering process can occur without a school district's consent, districts will be forced to respond to consumer demand or face the prospect of losing students. And in cases where a district does choose to sponsor a charter school, the district only serves as overseer of the charter, not as direct supervisor of the educational process. Therefore, rather than focusing on methods and regulations, the district focuses only on student outcomes. What effects this new arrangement will have on students, schools, and districts makes the current research on student outcomes and systemic change eagerly anticipated.

In any event, implementation in states with expansive laws is being closely watched. States with greater charter school activity have found the implementation process to be time consuming. Among the new responsibilities added to state boards or education departments in states with charter school laws are the development of application guidelines and procedures, the creation of an application review process, the interpretation of legal ambiguities, the development of informational and instructional materials for charter school applicants, the fielding of questions, the provision of technical assistance to districts and applicants, and the scheduling of hearings.

Some of the problems that have arisen in the first few years have given policymakers an idea of what they can expect when passing expansive laws. Implementation, in most cases, has been a challenge. It requires new roles for all players and a shift in the assumptions and operations of public education. As one would expect from an undertaking that involves new roles, a certain amount of chaos has accompanied the implementation process. Moreover, even the constitutionality of charter school laws has been challenged. In Michigan, for example, the original law was declared unconstitutional, and a new law was passed in its place. Though not substantially different in character, the new measure guarantees oversight by the state board and includes other protections, such as an amendment requiring charter schools to comply with all state and federal laws related to separation of church and state.

So far, one school has lost its charter. EduTrain in Los Angeles, which primarily served former dropouts, had its charter revoked for financial mismanagement. Advocates view such quick action to address charter school problems as a sign that the accountability system works. Critics, however, decry the disruption to students' lives that occurs when a school suddenly closes. For example, EduTrain's students could conceivably have been absorbed into district schools, but since most had previously tried those avenues and failed, they were left without a viable option.

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## State-Level Research

Now that laws are active in a number of states, research results are becoming available. In three of the states with the oldest charter school laws (Minnesota, California, and Colorado), studies were developed to describe the range of challenges, barriers, and benefits encountered in the chartering process. A few of these studies and their key findings are described below.

### Notable Minnesota Research Projects

Susan Urahn and Dan Stewart of the Minnesota House of Representatives Research Department released a study in December 1994 that examined their state's charter school law. The research team surveyed school boards and parents, interviewed superintendents, visited schools, and conducted document analyses. They also examined the types of proposals offered and approved, the concerns and benefits raised by stakeholders, the outcomes specified in contracts, and the problems encountered. Primary problem areas that the report identified for new charter schools were transportation; location and financing of facilities; special education; and relationships with the sponsoring district. The report raised a number of policy implications, many of which have been dealt with legislatively since the report was written. However, most are valid for other states with expansive laws:

- Freedom from regulation, though beneficial, can create unintended side effects. For example, questions arose over the applicability of laws regulating such things as meetings and elections.
- Accountability is not easy. While charter schools must meet student outcomes defined in their charter based on agreed-upon assessment methods, review of the contracts showed that some outcomes and assessments could be improved. Also, researchers noted that the resources needed to adequately evaluate outcomes may deter districts from sponsoring charter schools.
- Business experience is important. Lack of business acumen by charter school organizers led to some difficulties because planning placed little emphasis on day-to-day administration. Therefore, charter schools should be viewed, and treated, not only as educational enterprises but also as businesses.
- Lack of start-up funding may hinder charter schools. This lack has previously been filled by grant funding, but as more charters are approved this source is diminished.
- Absence of facilities funding may become a bigger problem. Charter schools are often housed in old school buildings rented at low cost from districts. At some point these old buildings will require major repairs. Alternative facilities are often too costly or not appropriate as schools.
- Certain transportation requirements may be counterproductive. In Minnesota, sponsoring districts must transport their resident students who are enrolled in charter schools, but the charter schools themselves could not receive transportation funding.

Therefore, charter schools were forced to conform to district bus schedules, which effectively eliminated their control over the school day and calendar year.

In 1995, the Minnesota Legislature authorized and allocated \$75,000 in funding for the State Board of Education to conduct a year-long evaluation of Minnesota charter schools. The Center for Applied Research and Educational Improvement at the University of Minnesota was contracted to conduct the study. Its focus will be on student achievement and the effects of charters on the educational system.

### **Notable California Research Projects**

A May 1994 report by Marcella Dianda and Ronald Corwin of the Southwest Regional Laboratory (SWRL) was based on surveys of 33 charter schools and their sponsors after the first year of implementation. Data provided information about schools, parents, students, and the experience of becoming chartered. Researchers also proposed reasons for the law's limited use during its first year and provided recommendations for change. Some of the study's key findings are presented below:

- The most common reason for seeking charter status was freedom from specific state/district regulations and union contracts. Other reasons included control over curriculum and instruction, and the ability to implement specific educational changes.
- Charter schools reported superintendents to be the most supportive members of sponsoring districts, while district office personnel were the least supportive. School board support in metropolitan areas was low, while in rural areas it was high. Overall, schools that sought more autonomy from the district received the least district support.
- Freedom from state codes and regulations was beneficial, but district regulations and union contracts (negotiable elements under the law) were still obstacles.
- Schools that pushed for and obtained legal autonomy were less likely than more dependent charter schools to report good relationships with their sponsors or the teachers' union. (By law, California charter schools can gain legal autonomy with consent from their sponsoring district, but in reality most schools agreed to less than total autonomy.)
- Most schools were covered by local collective bargaining, with more than one-fourth waiving certain provisions, such as those regarding teacher evaluation. Newly created schools were not as likely to bargain with districts.
- In more than half the reporting schools, parents were required to sign contracts guaranteeing their participation. The equity issue inherent in this arrangement was the subject of a paper by Henry Becker, Kathryn Nakagawa, and Ron Corwin (*Parent Involvement Contracts in California's Charter Schools: Strategy for Educational Improvement or Method of Exclusion?*) published by SWRL in April 1995.
- Charter schools serving low academic achievers were more often located in metropolitan rather than rural areas. Overall, however, metropolitan schools served a broad

cross section of students: Gifted, low-achieving, low-income, limited-English-proficient, and minority students were all drawn to charter schools.

- One-third of district respondents planned to disseminate the effective practices used in the charter schools, but whether the districts would encourage new charter schools will depend on whether they conclude the schools can improve education or dovetail with other reform efforts in the district. One-fourth of the charter schools surveyed felt that districts relaxed some policies due to their presence.

SWRL released another report in January 1996 titled *Freedom and Innovation in California's Charter Schools*. This study expanded the original survey to 53 charter schools and added 46 comparison district schools that students might otherwise attend. Also, another 63 out-of-state charter schools were surveyed.

Amy Wells of UCLA and graduate students Cynthia Grutzik, Dolores Bernal, and Diane Hirshberg conducted a study of California charter schools focusing on equity and access. Their preliminary overview of charter school resources and access was presented at the 1995 American Educational Research Association conference. Community resources were assessed through census tract data on income, race/ethnicity, and education in three school districts with the most chartering activity. Access was examined in a review of charter proposal language describing admissions criteria, parent-involvement requirements, racial-balance efforts, transportation, and services for special-needs students. Acknowledging that census tracts do not represent the schools' service areas, the authors suggested that charters were initiated and implemented in primarily White communities with higher-than-county-average income and education levels. After reviewing 20 proposals, they also suggested that parent-involvement requirements may limit access to certain families. More in-depth study is planned.

The Institute for Policy Analysis and Research (IPAR) in Berkeley has studied the California charter law and provided technical assistance to charter schools with funding from the state's business roundtable. In 1995, IPAR released a policy research report titled *Making Charters Work*, which drew from a phone survey of California charter schools, legislative analysis, and ongoing contact with a majority of the state's charter schools. Currently, IPAR's Eric Premack is working on descriptive summaries of all California charter schools. These summaries will include enrollment figures and race/ethnic makeup of schools. Each charter school description will also provide an overview of the school and its distinguishing features, obstacles encountered, founders' concerns, and assessment data (where available). Comparisons will be made to district and state enrollment characteristics. This report is scheduled to be completed in March 1996.

### **Notable Colorado Research Project**

In March 1995, Joy Fitzgerald of the Colorado Children's Campaign released a report that covered implementation issues, provided descriptive information about the charters that were granted, reported anecdotal evidence of secondary effects, and suggested changes to the law. Some key findings follow:

- The appeals process was widely used, giving charter applicants recourse when a district denied an application. At the time of the report, 23 appeals had been heard, of

which five were remanded to the district and three were subsequently approved. A proposal for the Thurgood Marshall Middle School, however, was denied twice by the Denver Public School District. After the second denial, the state board ordered the district to approve, but the case has not yet been resolved. A thorough discussion of the Thurgood Marshall School's ongoing efforts can be found in *Education Week* (Hill, D., October 4, 1995).

- In addition to the above-mentioned charter school denial, which led to a lawsuit, Fitzgerald's report described another lawsuit. This suit was filed in federal district court by parents in Pueblo who contended that two existing public schools had been closed in favor of opening a new charter school. The parents charged that charter schools were unconstitutional because they created large disparities in spending, took away funds from public schools, and would most adversely affect Hispanic students who remained in the public schools. The federal district court dismissed the suit after finding the school closures and charter school approval to be independent actions.
- On the positive side, Fitzgerald's report identified areas where the charter school goal of innovation was being realized. Innovations were found not only in instruction but also in parent involvement, budgeting, accountability, governance, and (with the help of the waiver process) management.
- Charter schools applied for numerous waivers. (Instead of a "superwaiver" from most education codes, Colorado charter schools must apply for individual waivers.) The most common waiver requests involved:
  - (1) Teacher evaluations. Under state code, evaluations must be conducted by a licensed administrator. Charter schools sought waivers from this regulation because they did not always have licensed administrators on staff. Instead, they involved parents, staff, and governing board members in the evaluation process.
  - (2) Administrative license requirements. Waivers were sought when charter schools chose alternative management structures without a traditional principal.
  - (3) The Teacher Employment, Compensation, and Dismissal Act. When waived, charter school teachers signed annual contracts, in which salary and benefit packages were negotiated with the charter school's governing board.
  - (4) Teacher license requirements. Waivers were sought to allow charter schools to hire teachers with other types of work experience.

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## National-Level Research

The U.S. General Accounting Office (GAO) organized the first nationwide effort to compile a variety of charter school experiences. The results were reported in January 1995 and focused on four areas: (1) number of charter schools approved and programming they offered, (2) autonomy of charter schools and influences on autonomy, (3) accountability systems in place for charter schools, and (4) administration of federal programs in charter schools.

GAO reviewed proposals and charters to learn about their instructional programs; administrative and financial relationships with districts; and accountability systems. Legislative analyses examined the differences between state laws. Interviews were con-



ducted to learn about individual schools; relationships between schools and districts; and the experiences of schools, districts, and states in disbursing federal program funds.

- GAO found great diversity in the methods used to assess students and the specificity of outcomes described in charters. The report questioned whether adequate baseline data were being collected to evaluate changes in student performance, and whether data would be reported in such a way that the progress of different demographic groups could be tracked. It also questioned requirements that charter schools use standardized norm-referenced tests, especially those schools that targeted low-achieving students.
- The GAO suggested that new means of administering federal programs were needed because many charter schools were not tied to a school district, the usual local anchor for federal program administration. Although some states treated charter schools as local education authorities, state administration for Title I still holds districts liable. As of the GAO report, many states had still not resolved this missing linkage in administering federal programs.

In July 1995 Alex Medler of the Education Commission of the States (ECS) and Joe Nathan of the Center for School Change surveyed 110 charter schools and described them in terms of grade levels served, school size, and facility type; subject focus or target student population; intra- and interdistrict enrollment; start-up funding and sources; reasons for seeking charter status; business and community partnerships; contracts for services and teacher qualifications; assessment tools used; and technical assistance needed.

Education Commission of the States is continuing to explore charter schools with a Danforth Foundation grant. Louann Bierlein of the Louisiana Educational Policy Research Center at Louisiana State University recently examined ethnic/racial composition and other demographic information on children in charter schools. Impacts that charter schools are having on the educational system are also documented. Education Commission of the States published her findings in February 1996.

Chester Finn and Bruno Manno of the Educational Excellence Network at Hudson Institute together with Bierlein are conducting a two-year study of approximately 35 charter schools in Arizona, California, Colorado, Massachusetts, Michigan, and Minnesota. The goals of this project, funded by the Pew Charitable Trusts, are to identify policy and practical issues in implementation and to inform policymakers and practitioners of solutions and strategies. Their first-year report was released in January 1996.

Mark Buechler of the Indiana Education Policy Center at Indiana University released a January 1996 report, *Charter Schools: Legislation and Results after Four Years*. This report discusses trends in legislation and contains a chapter devoted to charter schools in operation. It also describes schools in terms of size, student population, and educational approaches, and it presents data on parent involvement, student achievement, barriers encountered, and early evidence of the effects of charter schools on other schools. The report's primary focus is national, but one chapter is devoted to a history of charter school bills in Indiana.

Marc Dean Millot of Rand Corporation has conducted four different studies analyzing charter school laws. His most recent effort is titled *Creating a Market for Public Schools: Lessons Learned from Early Implementation of the Massachusetts Charter School Statute*. It will be released sometime in spring 1996.

The federal Charter Schools Program was created through Title X of the Improving America's Schools Act (IASA), which reauthorized the Elementary and Secondary Education Act. Title X funding is designated for implementation and initial development of charter schools. Although \$15 million was authorized for the program, Congress allocated only \$5.4 million in 1993. Ninety percent of these funds were designated for a state grant program to help charter schools defray start-up costs. The other 10 percent were designated for a national evaluation and other national activities.

In the first year, the national activity money (\$536,000) was earmarked for the four-year charter school evaluation study awarded to RPP International, a Berkeley, California-based policy research center. RPP heads the study's research consortium, which consists of the University of Minnesota's Center for Applied Research and Educational Improvement and the Institute for Responsive Education, a Boston-based nonprofit research group.

The RPP study will involve 50 charter schools, of which 30 will be selected in the first year, and 20 will be added the second year. Researchers will conduct an annual telephone survey of all charter schools; achievement testing at a matched sample of charter schools and regular public schools; case studies; and an intensive study of a few charter schools in order to explore policy issues affecting them. The first-year report will be available in November 1996.

In addition to the efforts described above, professors and graduate students across the country are also beginning to study many aspects of charter schools. Projects should begin to surface in greater numbers now that many more laws are operational. An increasing number of policy papers and discussions of charter schools are also appearing in academic journals (i.e., Raywid, 1995; Wohlstetter & Anderson, 1994; Wohlstetter, Wenning & Briggs, 1995).

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## **The Future of Charter Schools**

Political tides, no doubt, will bring much to bear on the future of the charter school movement. Of the 20 states that considered, but did not pass, charter school legislation in 1995, most will probably resurface with bills in 1996. However, the political shift toward conservatism in statehouses across the country may enable legislators to pass various alternative measures, such as voucher bills or more comprehensive decentralization and deregulation bills, in lieu of charter laws. An example of the latter alternative is the "home-rule" district-level reform recently passed in Texas (Lindsay, November 29, 1995).

Clearly, the next five years will prove pivotal in determining the future of charter schools. Will enthusiasm fizzle in favor of other reforms, or will charter school momentum continue to build? Hopefully, new policy decisions affecting the status of charter schools will be informed by a growing body of research.

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## Key Components of "Expansive" Charter School Laws

State (year passed/ implemented)	Arizona (1994/94)	California (1992/92)	Colorado (1993/93)	Delaware (1995/95)	Massachusetts (1993/95)
# Permitted by Law	District C.S. - no limit State C.S. - 25/yr. each	100 (state board has waived cap; 4 new charters granted in February 1996)	50 until 1997 when cap is removed	≤ 5 -1996/97; ≤ 5-1997/98; ≤ 5 - 1998/99, then no limit	25 (# of students must be ≤ .75 of 1% of public school students)
Sponsors	Any local board, State board of ed., State board for C.S.	The local board	The local board	Conversions - any local board; New - any local board or state board	State secretary of education
Organizers/Founders	Any public body, private person, or private organization	Any individual can circulate a petition to start school	Any individual or group	Any person, college or university, non-religious, non-home based entity	≥ 2 certified teachers, or ≥ 10 parents, or any other individuals or groups
Appeals Process	No	County board of education	State board of education	No	No
Schools Eligible	New, existing, private	New, all or part of existing (w/support of 50% teachers at a school or 10% in district)	New, all or part of existing	New, all or part of existing (w/support of 50% of teachers and parents within attendance zone)	Not specified in law
# Approved by 3/1/96	State C.S. - 46; District C.S. - 6	100 (+ 4 over cap)	28	District C.S. - 1; State C.S. - 0	20
# Operating by 3/1/96	State C.S. - 42; District C.S. - 4	Between 75-85	24	0	15
Automatic Exemption from Most State Education Code	Yes, except health, safety, civil rights, audits, required AZ student assessments, special education, insurance	Yes, except health, safety, civil rights, CA students assessments	No, must apply for individual waivers	Yes, except health, safety, non-discrimination, DE student assessments	No, most code applies, other than teacher certification; May seek waivers
Free of District Rules and Regulations	State C.S. - yes District C.S. - negotiated in charter	Negotiated in charter	Negotiated in charter	Yes	Yes
Legally Autonomous	State C.S. - yes District C.S. - negotiated in charter	Negotiated in charter	No	Yes, organized as DE general corporation	Yes, organized as non-profit corporation initially, then converted to public school; non-profit remains to receive donations
Receive 100% of Formula Funding for Operations	State C.S. - Yes District C.S. - receive ≥ district average per pupil	Yes, except for certain state categorical programs	No, ≥ 80% - higher if negotiated so in charter	Yes	Yes
Extra Local Funding for Operations	State C.S. - no District C.S. - yes	No	No	Yes	No
Extra Local Funding for Large Capital	State C.S. - no District C.S. - no	No	No	No	No
Start-up or Capital Expense Funds <sup>1</sup>	Law created \$1 million stimulus fund; Received \$750K from U.S. Ed. Dept. in 1995	CA received \$727K from U.S. Ed. Dept. in 1995	CO received \$728K from U.S. Ed. Dept. in 1995	No	Used Goals 2000 funds; MA received \$829K from U.S. Ed. Dept. in 1995
Transportation	Transportation support level included in base support	C.S. may provide and get state funding, or district may continue to provide	If provided, district may provide and pay with C.S. admin. \$, or C.S. may transport and pay with per pupil funding	C.S. or resident district may provide, state pays ave. cost per pupil	District of location may provide (and get state \$ for) or C.S. can provide and get the district ave. cost
Teacher Certification Required/Collective Bargaining	No, but must specify employee qualifications/May bargain w/district (if district C.S.), as a separate unit or not at all	No, but must specify employee qualifications/May bargain w/district, as a separate unit, or not at all	Yes, unless waiver obtained/May bargain w/district, as a separate unit or not at all (with a waiver)	Yes, but may hire ≤ 35% non-cert. until DE starts alternative cert./May bargain as separate unit or not at all	No, but must specify employee qualifications/May bargain as separate unit or not at all

C.S. = Charter School

<sup>1</sup> Indicates \$ provided in law or \$ received from U.S. Education Department in the State Public Charter School Program funding for 1995.

## Key Components of "Expansive" Charter School Laws

State (year enacted/ implemented)	Michigan (1993/93)	Minnesota (1991/92)	New Hampshire (1995/96) <sup>1</sup>	New Jersey (1996/96)	Texas (1995/95)
# Permitted by Law	Local K-12/intermed. district, Com. Col. - no limit; Universities - 85 - '96, 100- '97, 125- '98, & 150- '99	40	New ≤ 5 by 1997, then ≤ 10 per year; Conversions - 1 per year per district	135 in first 4 yrs. Each new C.S. can't exceed 500 students or 25% of district enrollment	Open enrollment charter school <sup>2</sup> ≤ 20
Sponsors	Local or intermediate district, public state universities, or community colleges	Any local board, state board of ed. (for appeals), public post-secondary schools (all charters must also be approved by State board)	The local board (with state board approval)	Commissioner of ed. (Local board reviews application and sends to commissioner with or without their recommendation)	State Board
Organizers/Founders	Any individual or entity	Licensed teachers	≥ 2 certified teachers, ≥ 10 parents, non-profits including colleges and universities	Teachers and/or parents, higher ed. schools, private entity w/parents and teachers	Public or private higher ed. schools, non-profits, governmental entities
Appeals Process	No	State board of education	State board of education	State board of education	No
Schools Eligible	New, existing, private (if reconstituted as public entities)	New, all or part of existing school (w/support of 90% teachers at the school)	New, existing (w/support of > 50% of teachers, superintendent, and principal)	New, existing (w/support of 51% of teachers and parents)	New
# Approved by 3/1/96	66	20	0	0	0
# Operating by 3/1/96	43	17	0	0	0
Automatic Exemption from Most State Education Code	No, responsible for most code applicable to districts, with some exceptions	Yes, except health, safety, civil rights, audits, special education	Yes, except health, safety, civil rights, special education, NH student assessments, min. # of school days	No, may seek waivers unrelated to testing, assessment, civil rights, health and safety	Yes, except health, safety, special/bilingual ed., school accountability, graduation reqs., and few other exceptions.
Free of District Rules and Regulations	Yes	Yes	Yes	Yes	Yes
Legally Autonomous	Yes, organized as non-profits	Yes, organized as non-profit or cooperative	Yes, organized as corporation	Yes, organized as non-profit	Yes, are a part of Public School System of TX
Receive 100% of Formula Funding for Operations	Yes, receive state ed. aid per child not to exceed amount in district of C.S. location	Yes	No, receive ≥ 80% of previous year's average cost per pupil from students' resident districts	No, receive ≥ 90% of average cost per pupil from students' resident districts	Yes
Extra Local Funding for Operations	No	No (except for special education)	Yes	No	Yes
Extra Local Funding for Large Capital	No	No	No	No	No
Start-up or Capital Expense Funds <sup>3</sup>	Used Goals 2000 funds; MI received \$361K from U.S. Ed. Dept. in 1995	MN received \$500K from U.S. Ed. Dept. in 1995	No	No	TX received \$250K from U.S. Ed. Dept. in 1995
Transportation	Covered in per pupil funding	C.S. receives state transport. funding if transport students. Resident district otherwise provides to district border of C.S. location.	District of C.S. location transports and pays for resident students, C.S. pays + costs. Non-resident transport. paid by sending districts and C.S.	Covered in per pupil funding	When provided, state pays
Teacher Certification Required/Collective Bargaining	Required except university or college C.S. can use higher ed. faculty/District C.S. - local contracts apply; all others can bargain as single unit or not	Yes/Must bargain as a separate unit or not at all	50% must be certified or have at least 3 years of teaching experience/May bargain as a separate unit or not at all	Yes, but alternate cert. OK/New C.S. may apply district agreement, bargain as single unit or not at all; Conversions must use district contracts	No/No

C.S. = Charter School

<sup>1</sup> New Hampshire's law is activated at the district level when district voters adopt the use of the charter school law for use within the district.

<sup>2</sup> Subchapter D of the TX law allows "Open-enrollment Charter Schools," which is the more expansive portion of the law. Subchapter C allows "Campus or Campus Program Charter Schools" which are district sponsored and permit freedom from district academic and instructional regulations as agreed to in the charter. This more restrictive provision is not described here.

<sup>3</sup> Indicates \$ provided in law or \$ received from U.S. Education Department in the State Public Charter School Program funding for 1995.

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# Appendix

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