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ABSTRACT

The charter-school idea has spread rapidly across the United States. One-half of the states have adopted charter-school laws since 1991, and legislatures in other states have given the idea careful consideration. This paper explores the political factors that shape charter-school laws. The paper utilizes the policy-innovation-diffusion framework that political scientists have developed for assessing the state-to-state spread of policy laws. The paper augments the framework by considering how innovations change as they diffuse and how differences in state politics and interstate networking influence policy choices. The study draws heavily upon findings from a 50-state mail survey of education policy experts. Surveys were sent to 241 individuals in the 25 states with charter-school laws and to 216 individuals in the 25 states without charter-school laws, eliciting a 25 percent response rate. The study then used event-history models to test for regularities and differences among states in the factors that prompted consideration of the charter-school idea and the adoption of permissive laws in some states and restrictive laws in others. Applied more generally, the paper suggests that this analytical strategy could enhance understanding of the politics of policy-innovation diffusion. Nine tables are included. (Contains 54 references.) (LMI)

POLITICAL FACTORS SHAPING CHARTER SCHOOL LAWS

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POLITICAL FACTORS SHAPING CHARTER SCHOOL LAWS

Abstract

The charter school idea has been diffusing rapidly across the United States. Since 1991, half the states have adopted charter school laws, and legislatures in many more have given the idea careful consideration. In this paper, we seek to reveal more about the political factors shaping charter school laws. To do so, we work within the policy innovation diffusion framework that political scientists have developed for assessing the state-to-state spread of policy ideas. However, we augment this framework in important ways. First, we consider how innovations change as they diffuse. Second, we consider how differences in state politics and interstate networking influence policy choices. In our study, we draw heavily upon findings from our unique 50-state survey of participants in the education policymaking process. We then use event history models to test for regularities and differences among states in the factors prompting consideration of the charter school idea and the adoption of permissive laws in some states and restrictive laws in others. Applied more generally, we suggest that this analytical strategy could enhance our understanding of the politics of policy innovation diffusion.

POLITICAL FACTORS SHAPING CHARTER SCHOOL LAWS

INTRODUCTION

Political scientists studying U.S. state politics have frequently noted how states appear to borrow policy ideas from one another. The significant policy autonomy that states enjoy permits on-going experimentation with approaches to addressing policy problems. Thus, the states have often been described as "laboratories of democracy" (Osborne 1988) and "policy laboratories" (Gray 1994: 230). However, while states may act autonomously, they do not act in isolation from one another. Should they desire, it is relatively easy for state policymakers to observe the experiments of their counterparts and consider the advantages and disadvantages that such approaches might hold for their own states. Our purpose in this paper is to expand the research discourse on the ways that state policy innovations diffuse by focusing on how facets of state politics and interstate networking influence policy choices.

In previous analyses of the diffusion of innovations, political scientists have focused primarily upon identifying regularities in the correlates of innovation adoption across states. In the terminology used by Berry and Berry (1990), these correlates have typically been studied using either "internal determinants" models or "regional diffusion" models. The event history analysis framework introduced into the policy diffusion literature by Berry and Berry allows internal determinants and regional diffusion explanations of innovation adoption to be tested simultaneously. The flexibility of this framework offers enormous scope for policy diffusion scholars to model the processes leading to the adoption of innovations within states. In advocating the use of event history analysis to model the diffusion of innovation, Berry and Berry (1992: 739) have called for "more sophisticated specifications of the policy diffusion process." While acknowledging the contributions made by previous studies of state policy innovation diffusion, we concur with Berry and Berry that further effort is required in this area.

In our own recent innovation diffusion studies, we have argued that state-level policy entrepreneurs serve as important catalysts for the adoption of innovations. Specifically, we have argued that through their efforts to sell ideas to others in and around state government, policy entrepreneurs significantly raise the likelihood that innovative approaches to policy problems will be articulated onto state policy agendas (Mintrom 1997). Further, we have suggested that a key aspect of policy entrepreneurship involves tapping into the resources available within policy networks (Mintrom and Vergari, *forthcoming*).[1]

Although important advances have been made through previous policy innovation diffusion research, significant components of the diffusion process continue to be cast as

[1] Through their interstate networking efforts, policy entrepreneurs trade ideas, war stories, and strategies for selling particular policy innovations. But they also must bring policy innovations into good currency in their own states. A key part of this process involves listening to the local policy conversation and thinking strategically about how best to contribute to it.

black boxes. One black box concerns the nature of the interstate policy networks that support the diffusion of innovation. While interstate policy networks appear to serve as critical resources for state policy entrepreneurs and, thus, provide important support for the diffusion of innovations, no attempt has yet been made to establish how various lines of communication support information transfer. Another black box concerns the nature of the innovations themselves. In recent years, several scholars have noted that policy innovations change as they diffuse (see, e.g., Glick and Hays 1991; Mooney and Lee 1995 Hays 1996), however, most diffusion studies assume away this aspect of the diffusion process.

In this paper, we augment current methodological approaches to allow for closer modeling of the details of the diffusion process. In particular, we show that important linkages exist between the quality of interstate information exchange and the nature of the innovations that are adopted. Most importantly, we argue that, other things being equal, high quality information about an innovation increases the likelihood that a state will adopt a policy that maintains the integrity of the original policy idea. In contrast, where state policymakers are "out of the loop" of interstate conversations regarding a particular policy innovation, they are more likely to develop legislation that, at worst, serves simply to caricature the innovation as it has been adopted by other states. Of course, it might well be that policymakers in a state have high quality information but the alignment of interests in their state is such that adoption of a policy innovation requires substantial compromise in policy design. The modeling approach we present allows for simultaneous testing of the power of ideas and the power of interests.

The rise of the charter school idea provides the empirical focus of this paper. Charter schools represent the most recent educational policy innovation designed to promote school choice in the United States. This state policy innovation has diffused rapidly. Since 1991, 42 state legislatures have considered the idea and 25 have adopted charter school laws. The empirical evidence we present in the pages to follow is derived primarily from findings obtained through our unique 50-state survey of participants in the education policymaking process.[2] Survey respondents include state lawmakers, legislative staff, gubernatorial aides, officials from state departments of education, representatives of teachers' unions, and experts based in state-level think tanks.[3]

In the next section of the paper, we discuss how insights from the literature on organizational behavior, social networks, information economics, and the politics of ideas can usefully inform the analysis of innovation diffusion processes. Following this, we discuss charter schools as a policy idea, and use information from our survey respondents to indicate how our theoretical points appear to intersect with actual policymaking practice.

We then demonstrate how insights from theoretical arguments about interest group politics and information transfer can be incorporated into the quantitative analysis of innovation diffusion processes. Using our event history analysis of state legislative consideration and adoption of charter school laws, we present significant empirical

[2] Other sources for the information presented in this paper include interviews conducted with policymakers and other charter school policy experts, various publications pertaining to the charter school policy innovation, and official statistics.

[3] Please see the Appendix of the paper for further information on the survey.

support for the claim that permissive and restrictive charter school laws emerge from quite distinctive state policymaking processes.

THE POLICY INNOVATION DIFFUSION PROCESS

Rogers (1995: 11) provides the classic definition of an innovation; that it is "an idea, practice, or object that is perceived as new by an individual or other unit of adoption." Importantly, perception of newness need not be aligned with objective newness when it comes to innovation adoption. Thus, in translating this definition to the context of state policy innovation, Walker (1969: 881) said that an innovation is "a program or policy which is new to the states adopting it, no matter how old the program may be or how many other states may have adopted it." Drawing upon insights from organization theory, Walker went on to suggest that states adopt policy innovations as a response to perceived policy problems. Thus, like the firms discussed by Cyert and March (1963: 121), states can be seen as adopting innovations after conducting "problem-directed" searches for ways to resolve pressing policy concerns. According to Walker, states will tend to look to their regional peers when undertaking problem-directed searches.

There is much that is appealing about the notion that policy innovations diffuse as a consequence of states engaging in problem-directed search. However, such a notion assumes that problems themselves are readily defined and a consensus easily developed on what sort of solution is worth searching for. The research literature on problem definition and agenda setting reminds us that problem definition in the policy arena is a rhetorical, political, contested process (as opposed to an "objective" or "technical" one).[4] And how a problem is defined has major import for the solutions that will be considered (Rochefort and Cobb 1994: 4).

According to Kingdon (1995:86), rather than engaging in problem-directed search, policymakers appear to come up with solutions and then search for problems. "People work on problems only when a particular combination of problem, solution, and participants in a choice situation makes it possible." Viewed from this perspective, the process of innovation diffusion could be characterized as one where the power of ideas plays an energizing role. Placing emphasis on the importance of ideas could also help us explain the idiosyncratic diffusion paths that different innovations appear to take (see Gray, 1973a). For our purposes, these insights hold promise for improving our understanding of why policy innovations change as they diffuse.

Whether we assume that policy innovation diffusion stems from problem-directed search or from people latching onto solutions and then trying to attach them to problems, we still must isolate the differences that lead some states to pick up on the innovation while others pass it over. The factors we gravitate toward as likely antecedents of state consideration and adoption of a policy innovation are likely to differ, however, as a result of this assumption. Consider, for instance, how we might interpret the claim that "the chance reading of an article by a political leader can cause states to adopt new programs more rapidly than might normally be expected" (Walker 1973: 1189-90). Walker's

[4] On the politics of problem definition, see Rochefort and Cobb (1994). On the role of argument in selling policy innovations, see Majone (1989).

interpretation leads him to conclude that, when it comes to analyzing policy innovation diffusion, "[w]e probably can never hope to account for more than a modest amount of variance...." In contrast, we take the view that thinking seriously about the processes associated with a chance action like this might well lead to an increase in the amount of variance explained in diffusion studies.

The volume of information that now circulates regarding all manner of state policy experiments ensures that, at any given time, a range of policy ideas will be floating around in policy communities and related stories will appear in media outlets. Some of these ideas will be more appealing than others and much of the appeal associated with them will depend on how they are packaged and presented. Indeed, new ideas face powerful obstacles in the policy arena and generally lack powerful empirical support; therefore, "objective analysis, unassisted by advocacy and persuasion, is seldom sufficient to achieve major policy innovations" (Majone 1989: 34-36). Following the convention of the policy literature, we define the people who do this packaging and presenting of policy ideas as policy entrepreneurs. In learning about policy experiments in other states, policy entrepreneurs might be drawn to a particular policy idea they wish to promote. In planning how to best sell the idea to people in their own state, they must consider what additional information to obtain elsewhere.

In thinking about selling their policy ideas, policy entrepreneurs must also take into account the interests of others. The better able they are to persuade a winning coalition of people that the idea has merit, the more likely they are to see the policy innovation adopted. This is not an easy task. North (1990) argues that many political institutions, such as state legislatures, may function smoothly and yet produce policy settings that -- when judged in terms of achievement of the intended outcomes -- are highly unsatisfactory. Among political scientists considering this issue, Moe has made some of the most important contributions (see especially Moe 1990, 1991). In developing his theory of the politics of structural choice, Moe considers the political institutions of American democracy and the incentives that these institutions create for the people working within them.

According to Moe, conflict among the goals of various participants in the political arena, combined with the need to achieve some kind of consensus before policies are adopted, frequently leads to the creation of policies and of organizations that are deliberately designed to operate inefficiently. Notes Moe (1991: 126), "[p]olitical organizations... should not look anything like an economic analysis would suggest they ought to look. From the standpoint of effective performance, in particular, they should loom as structural nightmares that seem to deny all principles of reasoned judgment. If we recognize the nature of the political world they come from, however ... all this apparent complexity and confusion makes good sense."

While we do not fully agree that policymakers regularly consent to public policies deliberately designed to fail, for our purposes here, the analysis of the politics of structural choice holds a key implication. It suggests that policy ideas that seem theoretically plausible and appear to be working well in one jurisdiction, might elsewhere undergo a transformation during the policymaking process due to the political compromises that must be struck in order to achieve the support of key interests. In some cases, the changes made might result in better policy design. However, it is also possible

that, in the process of compromising in order to appease powerful interests who totally oppose the idea, it will be redesigned in such a way that it cannot fulfill its originally-intended purposes. This does not mean that policy innovation is impossible or that all innovations will require compromise. But it does suggest that state adoption of policy innovations that remain similar to the original idea will require skilled policy entrepreneurship, and the presence of both substantive and political conditions that encourage receptivity to the idea.[5]

Although policy entrepreneurs must work with the conditions present in a state at a given time, they can do much to increase the likelihood that the policy innovation adopted reflects the integrity of the original idea. Here, the critical factors are interstate networking and information use. Gray (1973b: 1193) has noted that the diffusion of policy innovations is a little like the old game of "Gossip," whereby the message being passed from contact to contact changes little by little as it goes along the line. This seems a valid analogy to draw. It is interesting to note, however, that with most situations of information transfer like this, particularly in the case of state-to-state transfer of information about a policy innovation, those who receive new information face a choice. They can simply believe what they hear and act upon it, or they can go back to the originator of the gossip and learn the story from the horse's mouth. Working with the given information is an easy option to take, and an entirely reasonable one if that information proves sufficient for the receiver's purposes. Where states act in this way with information on policy innovations, it is easy to see why a policy adopted in one state might look quite different from that adopted in another.

Recent contributions to the literature on bounded rationality and information economics provide additional insights that can be applied in the analysis of state-to-state innovation diffusion.[6] In particular, contributions to the theory of informational cascades suggest that a series of decisions based upon limited information can be broken if a given decisionmaker chooses to seek information from an authority. In thinking about the diffusion of policy innovations among states, this perspective suggests that policy entrepreneurs who are active information seekers are better able to facilitate the adoption of a policy innovation that reflects the original idea. Thus, to gain a full understanding of the dynamics of policy innovation diffusion, analysts should pay close attention to both the politics of ideas and the politics of interests.

Having surveyed these theoretical points, we now turn to considering a recent policy innovation, the rise of charter schools. Our intent is to take account of the differences in the charter school laws that states have adopted and to develop theoretically-informed explanations for why this innovation has changed as it has diffused.

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[5] In his discussion of educational change, Fullen (1992) argues that successful policy reform requires all relevant actors to come to their own understanding of the meaning of change. In our view, policy entrepreneurs can do much to facilitate this understanding and persuade various players that change is consistent with their interests.

[6] See, especially Bikhchandani, Hirshleifer, and Welch (1992). For a recent review of the economics literature on bounded rationality and theoretical developments regarding diffusion models, see Conlisk (1996).

CHARTER SCHOOLS AS A POLICY IDEA

The idea of charter schools began to receive attention in the U.S. in the late 1980s.[7] The nation's first charter school law was adopted by the Minnesota legislature in 1991. Since then, the idea has received attention from most state legislatures and, to date, 24 additional states have adopted charter school laws.[8]

Charter schools are intended to be publicly-funded institutions operating free of many of the regulations under which traditional public schools operate. In their pure form, charter schools are legally and fiscally autonomous entities operating within the public school system under charters, or contracts. The charters are negotiated between organizers and sponsors. The organizers may be teachers, parents, or others from the public or private sectors. The sponsors may be local school boards, state school boards, or other public authorities, such as universities. The organizers manage the schools and the sponsors monitor compliance with the charter. The charters contain provisions regarding issues such as curriculum, performance measures, and management and financial plans.

As originally conceived, the charter school idea is aimed at the achievement of the following objectives: introducing market-like competition to the delivery of education; providing new educational options for students and teachers; removing bureaucratic regulations that stifle educational innovation; and, provoking better performance across the public school system.[9]

For a rich understanding of the diffusion of the charter school idea and policy innovations in general, it is important to examine: (1) the politics of ideas and interests, and (2) the dynamics of information transfer and networking.

The Politics of the Charter School Idea

Throughout the 1990s, pundits and policymakers across the U.S. have persistently expressed concern and dismay over the performance of K-12 public education. The quantitative indicators of school performance most frequently cited by these critics are student scores on standardized achievement tests. Critics point to low student test scores as evidence that the public schools are not performing at a level necessary for the success of individuals, states, and the U.S. as a whole in the competitive global market.

Policy entrepreneurs seeking to promote the charter school idea have often made strategic use of these test scores to argue that the public education system is in crisis. This

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[7] The charter school idea was first brought into the public discourse by Ray Budde, a professor of school administration (Budde 1988, 1989). The concept was advanced by Albert Shanker, a President of the American Federation of Teachers, in a 1988 appearance before the National Press Club (see Shanker 1988). The notion of charters for schools is also mentioned in a widely cited 1990 book by John Chubb and Terry Moe. Since the late 1980s, Minnesota researchers Ted Kolderie and Joe Nathan have been actively promoting the charter school concept across the U.S. (see Kolderie 1996; Nathan 1996).

[8] A charter school law for Washington, D.C. was adopted in 1996.

[9] Charter schools comprise one of several policies that fall under the rubric of "school choice." For further analysis of the charter school concept and the charter school laws now in place, see Mintrom and Vergari (1997a), Nathan (1996), and Vergari and Mintrom (1996). For discussions of the school choice idea in general and charter schools in particular, see Lamdin and Mintrom (*forthcoming*) and Mintrom and Vergari (1997b).

strategy appears to be an effective one. Indeed, across the states, the overwhelming majority of our survey respondents reported that "policymaker perceptions that the public schools were in a crisis state" were *very important* in prompting legislative consideration and adoption of charter school laws. By definition, a crisis requires immediate attention and justifies extraordinary measures. Thus, by convincing policymakers of a crisis in school performance, charter school policy entrepreneurs are better able to sell an innovation which is aimed at altering the very structure of the public education system (see Henig 1994; Vergari 1996).

It is important to note that charter school proponents bring different ideological persuasions to the issue. Charter school policy entrepreneurs situated both outside and inside of state legislatures have ranged from liberal Democrats to conservative Republicans. One of the most salient examples of the complexity of the politics of the charter school idea is found in the linkage of the idea to an innovation generally viewed as the most radical of the educational policy innovations currently receiving attention in the U.S. – programs in which publicly-funded vouchers can be redeemed at any public or private school. Political interests who oppose voucher programs have often supported the charter school idea in an attempt to appease voucher proponents and prevent lawmakers from giving serious consideration to the voucher idea. On the other hand, many voucher proponents have actively supported the charter school innovation with the political aim of securing this reform as an interim step on the way to the achievement of a voucher policy.

In accounting for the factors that led to a charter school law in Connecticut, a survey respondent wrote about "a convergence of interests, a convenient marriage of individuals with different agendas." Another Connecticut respondent observed that "charters were advocated by groups whose embrace was intended to head off vouchers and other groups who saw them as a step toward vouchers or as the half-way to seek if they couldn't get vouchers." Similarly, in Massachusetts, a respondent explained that "different players had different reasons for supporting the charter school concept. Support crossed party lines and liberal/conservative lines." In California, concerns about a voucher initiative set to appear on the state ballot encouraged support for the charter school idea. And in Louisiana, a respondent noted that "charter schools became a compromise between the pro-voucher and anti-voucher forces."

In the face of policymaker attention to the charter school idea as originally conceived, some opponents of the idea have worked to strategically redesign the innovation in order to protect their own interests. In the states where charter school legislation has been considered, members of the traditional educational establishment (e.g., teachers unions, school boards associations) have typically lobbied heavily for several key alterations to the original charter school idea. These alterations include limiting charter school sponsorship to local school boards, limits on the number of charter schools permitted in a state, and collective bargaining requirements for charter schools. In many states, the activism and political capital of these interests have meant that proponents of the charter school idea have had to make significant compromises in order to achieve a charter school law. Thus, the charter school laws now in place vary in important ways.

The extant charter school laws are usefully classified as either permissive or restrictive in nature. Our permissiveness score ranges from 0 through 10. We define a restrictive law as one receiving a permissiveness score of 4 or less; and a permissive law

as one receiving a score of 5 or more. Thus, of the 25 state charter school laws, we classify 14 as permissive and 11 as restrictive.[10]

Table 1 Goes Here

Information Transfer, Networking, and the Charter School Idea

State policymakers use professional networks and associations as information-gathering mechanisms (Gray 1994: 244). In our survey, we asked respondents about the processes by which charter school laws in their respective states became a reality. Among other things, we were especially interested in the nature of the communications on the charter school idea that occurred between political actors in the respondent's state and charter school policy experts in other states. Our findings indicate that the information-gathering activities among states with charter school laws have differed in important ways. Across these states, the information-gathering activities of the charter school proponents have ranged from relatively minimal efforts to rather intensive searches for information. In particular, policymakers in states that eventually adopted permissive charter school laws appear to have engaged in more intensive information-seeking than policymakers in states where restrictive charter school laws have been approved.

Ted Kolderie, a Minnesota researcher and policy entrepreneur, has played a key role in the development and diffusion of the charter school idea. He helped to design the nation's first charter school law in Minnesota. Since then, Kolderie has shared his policy expertise and political advice with state lawmakers and other advocates of the charter school idea across the nation. Interestingly, our research indicates that Kolderie had been consulted most frequently by policymakers in states that adopted permissive rather than restrictive charter school laws.

Among the other external resources on the charter school idea reported by our respondents, two national associations were most often cited: the National Conference of State Legislatures (NCSL) and the Education Commission of the States (ECS). Survey respondents from permissive law states more frequently reported that policymakers in their state drew upon these two resources as their charter school legislation was being developed than did respondents from restrictive law states.

We also asked our respondents about several other specific types of interstate information transfer surrounding the charter school idea. As shown in Table 2, our findings once again suggest some important differences in the information-gathering activities of

[10] Details of the development of this scale are presented in Mintrom and Vergari (1997a). The score is based upon an analysis of state charter school laws along 7 dimensions: (1) Number of charter schools permitted; (2) Diversity of possible organizers; (3) Diversity of possible sponsors; (4) Legal status of the charter schools; (5) Funding arrangements; (6) Regulatory regime; and (7) Collective bargaining conditions for teachers. As well as having reasonable construct validity, this permissiveness score has very good face validity. Kolderie (1995) classifies charter school laws as either "live" or "dead." All of the state laws Kolderie classifies as "live" have a permissiveness score of 5 or more (except Massachusetts, for which we disagree with Kolderie's classification as a "live" law.) All of the state laws Kolderie classifies as "dead" have a permissiveness score of 4 or less. Bierlein and Bateman (1995) classify charter school laws as "stronger' or "weaker." All of those classified as "strong" (except Massachusetts) have a permissiveness score of 5 or more. Those classified as "weaker" have a permissiveness score of 4 or less.

policymakers in the permissive law states as compared to policymakers in the restrictive law states. For each of the information transfer activities we inquired about, policymakers in permissive law states were much more likely to have engaged in the activity than were policymakers in the restrictive law states. These results suggest two explanations for the adoption of restrictive as opposed to permissive charter school laws. First, perhaps charter school policy advocates in the restrictive law states did not gather the type of information necessary for a full understanding of the charter school idea as originally conceived. This may help to account for the restrictive legislative interpretation of the charter school idea in some states. Second, policy advocates in some of the restrictive law states may have promoted charter school legislation for political reasons rather than due to any significant support for the substantive merit of the charter school idea.

Table 2 Goes Here

In one restrictive law state, the sponsor of the charter school bill that eventually became law told us he had learned about the charter school idea while on a trip to Disneyland with his family. The lawmaker read about the idea in an article in *The L.A. Times*, and used the article as the basis for his bill. He considered the Minnesota and California laws "a little bit, but not much," because, he explained, fellow lawmakers in his state are "very parochial and they really don't care what anybody else does." In another restrictive law state, the charter school law was "a legislative initiative without much interest from the public." Ted Kolderie suggests that some of the restrictive charter school laws exist because "some states are just copying. They've heard about this, [they say] let's have one of these too, get hold of it, lump it through. But whoever's in charge of it says 'don't make any waves.' And those almost always turn out to be 'dead' laws."

These cases stand in stark contrast to the processes leading up to the adoption of permissive charter school laws elsewhere. For example, in Colorado, citizens' groups played an active role in promoting the charter school idea, and proponents of the state's charter school legislation interacted with charter school policy experts from California and Minnesota.. In Massachusetts, "Ted Kolderie readily shared his expertise and reviewed proposed drafts as they were developed....In addition...an analyst advising the Connecticut Legislature shared the work of his task force so we didn't have to 'reinvent' the wheel. He was a consistent sounding board." Another Massachusetts respondent remarked that since his state was one of the first to pass a charter school law, "our contact with other states was limited. However, the contacts we did make....were crucial to the development of the charter school law." In Florida, state lawmakers from Wisconsin and Ohio testified about the charter school idea.

In at least one of the permissive law states, the information-gathering activity extended beyond U.S. borders. A Colorado legislator remarked: "I visited Britain in 1991 as a guest of the British government. It was in Britain that I learned of charter schools and their success."

In New Hampshire, the charter school legislation was shaped by drawing "from the best of 5-6 existing laws at the time, from Ted Kolderie, and from exploring problems with a wide variety of people knowledgeable about educational administration." However, a leading sponsor of the New Hampshire charter school legislation remarked that "other

states' experience was of little persuasive effect. There is a perception among many legislators and interest groups that policy challenges vary greatly from state to state."

Indeed, in several other cases, the respondents attributed an attitude of individualism to their states. In South Carolina a respondent noted "South Carolina's final charter law is peculiar to South Carolina. Minnesota and Georgia were first models but through the legislative process, South Carolina developed its own provisions." A Texas respondent remarked that "Texas likes to know that a given idea has worked elsewhere, but also has a strong independent, parochial, 'Texas is unique' attitude." A California respondent observed that "California tends to be quite parochial – partly because of the size and diversity of our student population in relation to other states, but also because we always want to be the first with innovations." Further, a Delaware respondent reflected: "We compared legislation with other states, but fought over our own battles."

In Oregon, where the charter school idea has been considered, a respondent remarked "I'm always asked 'what are other states doing?' However, Oregon is very independent and will deliberate carefully over all proposed provisions, rather than borrow another state's law wholesale." On the other hand, in some of the other states where charter school legislation has been considered but not yet adopted, the charter school laws of other states have been closely copied. For example, in Utah "the bill proposed last year ('96) was identical to Arizona's statute," and in Montana, "in this session, the charter school bill is based completely on Arizona, practically word for word."

The material presented thus far suggests that information on the interstate networking and policymaking activities surrounding a policy idea can offer a range of general insights into the politics of policy innovation diffusion. Our next task is to systematically analyze state legislative consideration and adoption of the charter school idea. In so doing, we aim to achieve a better understanding of the determinants of observed diffusion patterns, and also how and why innovations change as they diffuse. Toward this end, we utilize data from our survey research and from published sources to present an event history analysis of the rise of the charter school idea.

EVENT HISTORY ANALYSIS

To analyze the activities supporting the rise and diffusion of the charter school idea, we conceive of state legislative *consideration* of it and legislative *adoption* of a law as particular, separate events. As a first step in our analysis, we document exactly what events took place in each state in every year from 1991 (the year in which Minnesota adopted the first charter school law) through 1996 (the year in which the most recent state charter school laws were adopted). Given our research questions, several different types of event are of interest to us. First, we want to know why the charter school idea has appeared on the agenda in some states and not in others. Second, given that some legislatures have considered the idea, we want to learn about the processes that led some of them to adopt permissive laws and some to adopt restrictive ones.

We begin with legislative consideration of the charter school idea and distinguish between (1) state legislative consideration of the idea for the first time; and (2) consideration of the idea at any time. We draw this distinction because over the years

from 1991 through 1996, while 42 states considered the idea in this period, 24 of them gave it repeated consideration. Further, we anticipate that different factors might prompt initial consideration compared with consideration at any time. In Table 3, we present our accounting of state legislative consideration of the charter school idea.[11]

In Table 4, we document state legislative adoption of charter school laws.[12] Only states where the idea was under consideration in a given year are included in this table. We first list which states adopted a charter school law in each year (see the top section of the table.) We then distinguish between the 14 states that adopted a permissive law during these years and the 11 states that adopted a restrictive law.

Tables 3 and 4 Go Here

Several points of clarification need to be made concerning the entries in Tables 3 and 4. In event history modeling of state policymaking activities, the units of analysis consist of *state-years*. The actions of all 50 states during the six years from 1991 through 1996 are of interest to us. This would suggest that we should be working with a dataset containing 300 observations. However, while we began with a dataset of this size, not all states were *at risk* of legislative consideration of the charter school idea and adoption of a law in every year. States not at risk in a given year are *censored* from the dataset. Logically, a state is no longer at risk of considering a law for the first time once this has occurred. Likewise, a state is no longer at risk of considering or adopting a law if it has already adopted one.

As a complicating factor, change in the size of a given risk set is determined not only by state legislatures taking related actions but also by year-to-year changes in the number of state legislatures that are actually in session (and, hence, at risk of taking the action of interest). In seven states, the legislature meets only biennially. The legislatures in Arkansas, Montana, Nevada, North Dakota, Oregon, and Texas meet on odd years. Thus, for 1992, 1994, and 1996, these states were excluded from the relevant risk sets.[13] The legislature in Kentucky meets on even years. Thus, for 1991, 1993, and 1995, Kentucky was excluded from the risk sets.

As shown by the total number of states considering the charter school idea for the first time (see the top half of Table 3), eight state legislatures had not considered a charter school law during the six year period from 1991 through 1996. These states were: Alabama, Iowa, Kentucky, Maryland, Mississippi, Nebraska, North Dakota, and West Virginia.

The *risk sets* in the tables consist of all states that could potentially take the relevant action in a given year. The *n* column in Table 3 shows the number of states where the legislature considered the charter school idea in each year. In Table 4, the *n*

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[11] Data Sources: Heritage Foundation annual school choice reports (1992-1996, for the years 1991-1995) Kolderie memos (1995;1996), and responses to the authors' survey of education policymakers in the 50 states.

[12] Data Source: Mintrom and Vergari (1997a).

[13] Since Arkansas and Texas each considered a charter school law for the first time and went on to approve charter laws in 1995, they would have been excluded from the 1996 risk sets for first time consideration and for adoption anyway.

column shows the number of states where the legislature approved a charter school law in each year.

The variable of central interest in event history analysis is the *hazard rate* of a given event occurring. The hazard rate for each year is determined by taking the number, *n*, of state legislatures observed to engage in the relevant action in that year and dividing it by the size of the risk set for that year. Once the legislature has taken the relevant action, the state is removed from the risk sets for subsequent years. (Note that the eight states that never considered a charter school law during the period from 1991 through 1996 never entered the adoption risk sets in Table 4.)

Knowing no more about a state than that it is in the risk set for a given year, the hazard rate serves as a simple estimator of the likelihood of the state legislature taking the relevant action. However, we know that the legislatures in the states listed in the tables actually took the relevant actions, so their observed hazard rate was 1.00, while for states in the risk set where no action was taken the observed hazard rate was zero. Since we know more about the characteristics of states other than that they were included within a particular risk set, it is reasonable to use this additional information to improve our hazard rate estimates. We do this using multivariate event history analysis models as our estimators for the consideration and adoption hazard rates. We present five separate models. To explain and preview our approach, we next provide an overview of our analytical strategy.

ANALYTICAL STRATEGY

We use two models to analyze the factors prompting legislative *consideration* of the charter school idea. One consideration model is applied to a risk set of 190 state-years and is designed to assess the factors that prompted 42 instances of initial state legislative consideration of the charter school idea during the period from 1991 through 1996. This is a non-repeated event model, since initial consideration of the idea can only occur once. The other consideration model is of the repeated-event type. This second model is applied to a risk set of 240 state-years and is designed to assess the factors that prompted 82 instances of consideration of the idea, 42 of which were initial considerations and 40 of which were repeat considerations among 24 of the 42 states where consideration occurred. Having estimated these two models, we make predictions of the hazard rate for initial consideration in a specific year, seeing how the predicted hazard rate changes with changes in the values of selected explanatory variables. From here, we are able to make plausible claims about the conditions that tend to support the emergence of the charter school idea on state legislative agendas. Knowing about these conditions serves as an essential building block in developing an explanation of the diffusion patterns associated with the rise of the charter school idea.

We use three models to analyze factors prompting state legislative *adoption* of charter school laws, given that the idea has been under consideration. The key to our approach, and what distinguishes it from previous event history analysis models of innovation diffusion, is that we define the adoption of different charter school laws as different kinds of events. Doing this, we gain the ability to analyze why policy innovations change as they diffuse while continuing to work within the event history

framework. This approach hold two advantages over the cross-sectional regression techniques that have previously been used by analysts of policy reinvention. First, we can readily accommodate explanatory variables that change with time.[14] Second, we can work with reasonably-sized datasets, thus avoiding the small *n* trap, whereby previous analysts of policy reinvention have been compelled to work with 50 observations or less (since there are 50 states and typically just a subset of them adopt the policy innovations of interest.)[15] Using any kind of cross-sectional approach to analyze why the charter schools policy innovation has changed as it has diffused, we would have been limited to working with just 25 cases.

In our analysis, we assume that the adoption of each kind of law (e.g., a permissive law, a restrictive law) is an event having its own set of causes.[16] We further assume that the occurrence of one event type (e.g., a permissive law is adopted) removes the state from risk of any other type of event (e.g., a restrictive law is adopted).[17] Making these two assumptions, we end up with a situation where states are subject to what are called "competing risks" (see Allison 1984: 46-50). Before adoption of a charter school law, a state is at risk of adopting a restrictive law and it is also at risk of adopting a permissive law. But once it has adopted any charter school law it is immune from the risk of adopting another kind of such a law.[18]

Assuming separate processes and competing risks, analyzing why policy innovations change as they diffuse becomes quite straight-forward. In our first model, we take the 82 state-years where legislatures considered the charter school idea and we attempt to isolate the factors that prompted the legislatures in 25 states to adopt any kind of charter school law. In our second model, we continue to work with the same 82 cases, but this time we attempt to isolate the factors that prompted the legislatures in 14 states to adopt permissive charter school laws. Finally, in the third model, working with the same 82 cases, we attempt to isolate the factors that prompted 11 legislatures to adopt restrictive laws. Using the same set of explanatory variables in each model, we can analyze how differences in a specific set of conditions across states appear to cause difference in the laws that their legislatures adopted. Having estimated these models, we make predictions of the hazard rate for adoption of a permissive law and adoption of a restrictive law in a specific year, seeing how the predicted hazard rate changes with

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[14] As Berry and Berry (*forthcoming*) point out, using cross-sectional techniques to analyze state policy adoptions necessitates making implausible assumptions about the relationship between time and other explanatory variables.

[15] Glick and Hays (1991) use 38 states plus Washington D.C. in their regression analysis of the adoption of living will laws. Hays (1996) uses 50 states in his analysis of child abuse reporting legislation; 42 states in his analysis of crime victim compensation legislation; and 23 states in his analysis of public campaign funding legislation. As a preliminary part of their comprehensive analysis of pre-*Roe* state abortion regulation reform, Mooney and Lee (1995) use 18 states in their regression analysis of regulatory permissiveness. The small number of cases inhibits simultaneous rivaling of more than a few hypotheses at a time.

[16] Among other things, permissiveness might be a function of contacts with out-of-state charter schools experts and support from the state governor, while restrictiveness might be a function of other factors.

[17] At least in the short term, this would seem a reasonable assumption. In the case of charter school laws, five have been amended; but these amendments have done little to move the relevant states from one category to another.

[18] Ignoring the possibility of amendments, this is logically correct.

changes in the values of selected explanatory variables. This allows us to make plausible claims about the factors that appear to cause policy innovations to change as they diffuse.

In sum, by separately modeling consideration and adoption, and using the competing risks approach in our adoption models, we intend to show how rich data and an integrated set of event history analysis models can capture many of the nuances of policymaking and the politics of innovation diffusion. Normally, details of these processes are available only to researchers working within the case study tradition. The quantitative analysis we will now present about the articulation of the charter school idea onto state legislative agendas, and the factors prompting the adoption of permissive and restrictive laws, pays closer attention to relevant details than is ordinarily found in quantitative studies. We believe the findings we obtain justify this additional research effort.

STATE LEGISLATIVE CONSIDERATION OF THE CHARTER SCHOOL IDEA

Following our previous work on the diffusion of recent educational reforms across the U.S., we hypothesize that the likelihood of a state legislature considering the charter school idea is influenced by: (1) school system characteristics, (2) aspects of state politics, and (3) diffusion of the idea. For this part of our analysis, we attempt to work with information that does not require an insider's knowledge of the policymaking process in each state. If we seek to make general claims about susceptibility of a state to given ideas, then we should be able to do so with readily-obtained information.

School System Characteristics

We first hypothesize that four characteristics of state school systems might affect the likelihood of legislative consideration of the charter school idea. These are: (1) state rank on test scores; (2) the contribution of the state government to total spending on public education in the state; (3) the percentage of private schools in the state; and (4) whether the state currently had an open-enrollment public school choice system in place.

State Rank on Test Scores This variable measures the quality of school outcomes. Educational outcomes are difficult to measure and any indicator is subject to criticism. However, student scores on standardized tests provide indicators to education policymaking elites of the comparative effectiveness of the schools within and across states. We hypothesize that the lower a state's ranking on test scores, the greater the likelihood that the state legislature will consider the charter school idea as a reform strategy. The ranking given to each state is based on the average proficiency in reading for 4th graders in public schools in 1994.[19]

[19] Data Source: *The Digest of Education Statistics* (1996). Note that in 1994, students in only 39 states participated in this test. For the purposes of this analysis, the states that did not participate were assumed to have average proficiency scores equal to the average for all participating states. The state with the highest average score (Maine) is ranked 1st and receives a ranking score of 49. The states sharing the lowest average score (California and Louisiana) are ranked 49th and both receive a ranking score of 1. A statistically significant, negatively-signed coefficient for this variable would thus support our hypothesis. Ideally, we would work with test score data of this sort for each state in each year. However, the administration of the same NAEP tests in reading (and math) across states does not take place on an annual

State Spending If state governments are shouldering much of the responsibility for funding public education in their state, then, all else being equal, they are probably more likely to entertain the idea of making systemic reforms to address perceived problems. Following this logic, we hypothesized that greater relative levels of state spending on schools increase the likelihood of state legislative consideration of the charter school idea. This variable measures the percentage of total public school revenue that is provided by the state in each year.[20]

Private Schools We included the percentage of schools in each state that are private as a measure of the extent to which people can and have chosen to opt out of the public schools in the state. In the spirit of Hirschman (1970), this measure serves as a useful proxy of demand for alternatives to the present system of public education in a state. This demand, and the interests developed around established private schools, could serve to increase general interest in school choice approaches, including the charter school idea. Further, following the intuitions contained in Chubb and Moe (1990), we might view the presence of private schools as serving to remind policy makers that viable institutional alternatives can be created that look distinctly different from "the one best system" (Tyack 1974). We hypothesize that the greater the percentage of private schools in a state, the higher the probability that the charter school idea will be given legislative consideration.[21]

Public School Choice Like the presence of private schools in a state, the presence of an open-enrollment public school choice program serves as a means for increasing the range of schooling options for families. We hypothesize that the presence of a public school choice system may affect the likelihood of legislative consideration of the charter school idea in two distinct ways. In states like Minnesota and Michigan, open-enrollment programs appear to have served as precursors to the introduction of the charter school idea. However, in other states, it seems that the charter school idea is now being used as a way to introduce choice, where none has existed before. So, while we contend that the presence or absence of a public school choice program probably affects the likelihood of legislative consideration of the charter school idea, we cannot predict the direction of that

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basis. To test for the validity of using this state rank in 1994 for all years in the dataset, we explored the linear correlations between the 1994 4th grade reading ranking and other state rankings on different NAEP tests administered to different grades in different years. Our results were as follows: (1) The correlation between the state rank for 1994 4th grade reading and state rank for 1992 4th grade math was 0.85. (1) The correlation between the state rank for 1994 4th grade reading and state rank for 1990 8th grade math was 0.70. (3) The correlation between the state rank for 1994 4th grade reading and state rank for 1992 8th grade math was 0.84.

[20] We use 1990/91 figures for 1991, 1991/92 figures for 1992 1992/93 figures for 1993, and 1993/94 figures for 1994, 1995, and 1996. This is because the figures for the 1993/94 school year are the most recently available. Note, however, that these percentages change very little from year to year. Data Source: National Center for Education Statistics, 1995, *Digest of Education Statistics 1995* (Washington, DC: U.S. Department of Education).

[21] Data Source: Authors' calculation based on public school enrollments and private school enrollments as presented in the *Digest of Education Statistics* (various years). The latest figures for public school enrollment are given for fall 1994. These are used for 1994, 1995 and 1996. Figures for total number of students in each state enrolled in private schools are not collected in every year. For this reason, the figures for fall 1991 are used for 1991 and 1992. The figures for fall 1993 are the latest that have been collected. We use them for 1993,1994, 1995, and 1996. Note that these numbers do not shift greatly from year to year.

relationship. This is a dichotomous variable, where a state is coded 1 for all the years in which it has had an open-enrollment public school choice program in place.[22]

Aspects of State Politics

Aspects of state politics are also expected to influence the likelihood of legislative consideration of the charter school idea. We include five variables in our models to test for these influences. The variables are: (1) Republican control of the legislature; (2) Republican governor; (3) Legislative professionalism; (4) State house election year; and (5) Presence of a charter school policy entrepreneur.

Republican Control of the State Legislature and *Republican Governor* Recent educational reforms designed to restructure and introduce competition into the delivery of public schooling have often been associated with the advocates of limited government and greater use of market forces in the allocation of government services (for a discussion, see Lamdin and Mintrom *forthcoming*). Further, these are policy approaches that have been championed more by the Republican Party than by the Democratic Party (see Himmelstein 1990, Chapter 3). Therefore, we hypothesize that consideration of the charter school idea is more likely to occur in states where there is a Republican governor and the Republican Party controls both houses of the legislature. These variables are both dichotomous. For each year, they are coded 1 for Republican control and zero otherwise.[23]

Legislative Professionalism State legislatures in the U.S. differ in their capacity to gather and process information that supports the making of public policies. Given this, all else being equal, we might expect that states with highly professional legislatures are likely to learn about and consider ideas for policy innovations sooner than those where the legislature is less professional. Several measures of state legislative professionalism have been developed over the years (for a review, see Mooney 1994). Based upon Mooney's assessment of the quality of measures, we use the measure developed by Squire (1992). We hypothesize that a higher score on legislative professionalism will produce a higher likelihood of legislative consideration of the charter school idea.[24]

State House Election Year The legislative agenda in most states is typically narrower in an election year, as legislators spend more time on campaign issues. Further, the charter school idea has often been viewed as a strategy designed to weaken the teachers' unions. Given this, legislative consideration of the idea could lead to significant political battles, and risk-averse politicians are more likely to avoid controversial legislation in an election year. For these reasons, we hypothesize that the likelihood of consideration of the charter school idea will be lower in election years. The variable is dichotomous and is coded 1 for house election years and zero otherwise.[25]

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[22] Data Sources: Mintrom (1997) augmented with data from the Heritage Foundation annual school choice reports (1992-1996).

[23] Data Sources: *The Book of the States* and the *Statistical Abstract of the U.S.* (various years).

[24] Squire's index was developed using measures pertaining to the years 1986-88, placing the measure outside the years used in our datasets. However, legislative professionalism does not change dramatically over time. Given our use of Squire's index, in our dataset, this variable differs from state to state but it does not differ by year. Data Source: Mooney (1994), p.72.

[25] Data Source: *The Book of the States*.

Charter School Policy Entrepreneur In recent work, Mintrom (1997) has demonstrated that policy entrepreneurs serve to articulate ideas for policy innovation onto state legislative agendas. For this reason, we use information from our survey of education policy elites to develop a variable measuring the presence of one or more charter school policy entrepreneurs in each state. This dichotomous variable is coded 1 for any year from 1991 through 1996 in which a policy entrepreneur was active, and zero otherwise. We assume that named policy entrepreneurs were active from the date they were documented as first emerging as advocates of the charter school idea in their state. We hypothesize that the presence of a policy entrepreneur increases the likelihood of legislative consideration of the charter school idea.

Policy Innovation Diffusion

Three alternative measures of conditions that are typically associated with policy innovation diffusion make up the final set of factors we hypothesize to influence state legislative consideration of the charter school idea. These are: (1) Timing; (2) The proportion of neighbors having approved a charter school law; and (3) Previous consideration of a charter school law in the state.

Timing The likelihood that a state legislature will consider the charter school idea could be influenced by time alone. State legislators might see it as "an idea whose time has come" because, for a variety of reasons, the idea has been gaining increasing prominence. The national interaction diffusion model, as presented by Gray (1973a) and Menzel and Feller (1977) assumes that interest in an innovation grows over time because state policymakers gain increasing opportunities to discuss it. Thus, we hypothesize that the likelihood of state legislative consideration or adoption of the charter school idea increases with time. Our timing variable is coded 0 for 1991 and increases by 1 unit increments for each subsequent year to 1996, which is coded 5.[26]

Proportion of Neighbors Having Approved a Charter School Law Following Walker (1969), various scholars have suggested that policy innovations diffuse across states on a regional basis, although little has been said about the mechanisms of idea transfer. The regional diffusion hypothesis suggests that states take policy cues from their neighbors. To model the potential impact of geographic innovation diffusion of the charter school idea, we developed a variable that measures for each state the proportion of its neighbors that had adopted a charter school law in each of the years from 1991 through 1996. The variable can range from 0 through 1. We hypothesize that the greater the proportion of neighbors having adopted a charter school law, the greater the likelihood that a state legislature will consider the idea.[27]

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[26] Elsewhere, we have used dichotomous variables for each of the years in the dataset (see Mintrom 1997; Mintrom and Vergari, *forthcoming*). Following preliminary analyses, since few of these achieved statistical significance, we decided that one timing variable would suffice in this analysis.

[27] Note that the scores for Alaska and Hawaii are based on the average scores given to the contiguous states in any given year. In developing an event history model where adoption of a charter school law is the dependent variable to be explained, this diffusion score would be included as an explanatory variable. The assumption of this "regional effects" model is that states learn from the actions of their neighbors. Thus, the scores listed here for 1991 would be used to explain adoption in 1992, the scores for 1992 would be used to

Previous Legislative Consideration of the Charter School Idea Finally, we hypothesize that, in the case of consideration at any time, where consideration is treated as a repeatable event, previous legislative consideration of the idea increases the likelihood of subsequent consideration. Tenacity is a common trait of policy entrepreneurs, and, as Kingdon (1995) documents, they often make repeated efforts to ensure their policy ideas gain legislative attention. This previous consideration variable is dichotomous. It is coded 1 if a state has initially considered a charter school law in a previous year, and zero otherwise. By definition, this variable cannot be used in the model of factors prompting initial consideration.

The items presented above represent the complete list of independent variables included in our models of state legislative consideration of the charter school idea. The *dependent* variables in both the model of initial consideration (C1) and the model of consideration at any time (C2) are dichotomous. For each year, each state is scored 1 if the idea was considered by the legislature and zero if it was not. Estimation of the event history models is therefore able to be undertaken using the logit regression technique. Table 5 contains our estimation results.

Table 5 Goes Here

RESULTS: FACTORS PROMPTING CONSIDERATION

Both of our models of state legislative consideration of the charter school idea turn out to be statistically significant, and the coefficient estimates produced by the models provide statistically significant support for a majority of our hypotheses. Since we are interested in knowing about substantive impacts of particular variables as well as their statistical significance, after briefly reviewing our model results, we predict the hazard rate for initial consideration of the charter school idea holding some variables at their mean levels while adjusting others in theoretically interesting ways.

School System Characteristics

State Rank on Test Scores The results for Models C1 and C2 both suggest that the lower a state's rank on student test scores, the more likely it is that the legislature will consider the charter school idea. However, the coefficient estimate for this variable is statistically significant only for initial consideration. Thus, legislative interest in the charter school idea may be most readily generated when indicators of school performance suggest change is necessary. Where rankings on test scores are considered satisfactory, additional effort is required to provoke legislative interest in adopting a charter school law.

State Spending Neither consideration model indicates that greater relative levels of state spending on schools increase the likelihood of state legislative consideration of the charter school idea.

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explain adoption in 1993, and so on. Data Source: Authors' calculations based on Mintrom and Vergari (1997a).

Private Schools Similarly, neither consideration model indicates that a greater percentage of private schools in a state has any effect on the likelihood that the charter school idea will be considered.

Public School Choice As we find with test scores, there is a difference between the consideration models when it comes to estimating the effect that the prior establishment of open-enrollment public school choice programs has on the likelihood of legislative consideration of the charter school idea. Model C1 suggests that the charter school idea is more likely to be considered in states where there is no public school choice program in place. This result is statistically significant. Model C2 also produces a negative coefficient estimate, but it is not statistically significant. These results suggest that charter schools are being considered as a means of achieving some degree of public school choice in states where this has not been available in the past.

Aspects of State Politics

Republican Control of the State Legislature We find that consideration of the charter school idea is more likely in states where the Republican Party controls both houses of the legislature. This finding, which is statistically significant in both models, confirms our hypothesis.

Republican Governor In contrast to the importance of Republican control of the state legislature, we find that the presence of a Republican governor does not have any significant effect on the likelihood of legislative consideration of the charter school idea.

Legislative Professionalism As hypothesized, we find that professional state legislatures are more likely than others to consider the charter school idea. This finding emerges from both models, and is statistically significant in each.

State House Election Year Although the models indicate that the charter school idea is less likely to receive legislative attention in an election year, the result is not statistically significant in either model.

Charter School Policy Entrepreneur The presence of a charter school policy entrepreneur increases the likelihood of legislative consideration of the idea in both models. This strongly suggests that policy entrepreneurship is a key factor for ensuring that policy innovations emerge on state legislative agendas.

Policy Innovation Diffusion

Timing The results for both models suggest that the likelihood of legislative consideration of the charter school idea is likely to increase with time. However, timing is statistically significant only in Model C2, where we test for factors prompting legislative consideration at any time. As the entries in the *n* column in Table 3 show, while the number of initial considerations of the idea show no clear pattern associated with time, for consideration at any time the numbers of states increase with each year. This finding suggests that as the national policy conversation about charter schools has expanded, states in which the idea was considered early and dismissed have subsequently revisited it.

Proportion of Neighbors Having Approved a Charter School Law The results for Model C1 suggest that the likelihood of initial legislative consideration of the charter school idea increases in a state as the proportion of neighboring states adopting the innovation grows. However, states appear to take cues from their neighbors only at the initial stages of consideration. Once the idea has been on the agenda in a state, the significance of legislative actions in neighboring states diminishes. Hence, while Model C2 also suggests a positive relationship here, it is not statistically significant, as it is in Model C1.
Previous Legislative Consideration of the Charter School Idea Finally, we hypothesized that, in the case of consideration at any time, where consideration is treated as a repeatable event, previous legislative consideration of the idea could serve to increase the likelihood of subsequent consideration. The result for Model C2 supports this hypothesis.

In sum, these modeling results suggest that state legislative consideration of the charter school idea has arisen as a consequence of several factors. First, the most important school system characteristic for prompting legislative consideration of the charter school idea appears to be rankings on test scores. Second, the most important aspects of state politics appear to be Republican Party control of the state legislature, the professionalism of the legislature, and the presence of policy entrepreneurs who promote the appearance of the idea on the legislative agenda. Third, the degree of interest given to the charter school idea elsewhere also seems to prompt legislative interest.

PREDICTIONS

We next use the results of Model C1 to make a series of hazard rate predictions. Our goal here is to assess how changes in several variables affect the likelihood that a state legislature will consider the charter school idea. To the extent that conditions in a state prompt the legislature to be relatively more receptive or resistant to the charter school idea, knowing how changes in these conditions affect the consideration hazard rate can provide important insights into the causes of observed innovation diffusion patterns. Here, we assess the combined effects of changes in: (1) test score rankings; (2) party control of the legislature; (3) legislative professionalism; (4) policy entrepreneurship; and (5) legislative actions in neighboring states. To do this, we fix the year to 1995, and all other variables at their mean observed levels for the 25 states in the risk set for initial legislative consideration in that year. (We chose 1995 for the predictions because it is the most recent year with the highest number of observed initial considerations.) As reported in Table 3, the observed consideration hazard rate for these states in the risk set in 1995 is 0.63. We present the results of our consideration hazard rate predictions in Table 6.

Table 6 Goes Here

The best way to read this table is to see it as presenting a series of scenarios. There are two extreme scenarios. First, we see from the top-left corner of the table that in a state with a Democratic, mildly professional legislature, where students appear to be performing quite well (as measured by test score rank), no neighbors have adopted a charter school law, and there is no charter school policy entrepreneur active, the hazard

rate is just .04. In contrast, we see from the bottom-right corner of the table that in a state with a Republican, highly professional legislature, where students are performing quite poorly, some neighboring states have adopted charter school laws, and a charter school policy entrepreneur is active, the hazard rate is .95.

Of the conditions that are varied in Table 6, the most important for increasing the hazard rate for initial consideration appear to be the presence of a policy entrepreneur, Republican Party control of the legislature, and poor average performance on test scores. The highest that a state's hazard rate can get with good test scores is .89. The highest that it can get with Democratic Party control of the legislature is .84. The highest it can get without the presence of a policy entrepreneur is .57. In contrast, the hazard rates can climb above .90 without the legislature being highly professional and without neighboring states having charter school laws. Overall, then, it would appear that policy entrepreneurship plays a crucial role in placing the charter school idea on state legislative agendas. However, the task set for the policy entrepreneurs can be eased by poor test scores, Republican control of the legislature, neighboring states having adopted charter school laws and legislative professionalism.

Taking into account the importance of these factors in shaping the climate of legislative interest in the charter school idea, we next consider the factors that prompt state legislatures to adopt any charter school law and then analyze the differences in the factors prompting adoption of permissive laws versus restrictive laws.

STATE LEGISLATIVE ADOPTION OF CHARTER SCHOOL LAWS

In previous work (see Mintrom 1997; Mintrom and Vergari *forthcoming*), we found that state legislative adoption of education reforms is prompted by a different set of factors than those that prompt legislative consideration. Based on this experience, in analyzing legislative adoption of charter school laws, we now pay close attention to details of the policymaking process in states where the idea has been considered. Thus, the variables included in our adoption models tend to be based on information gathered in our survey of participants in the education policymaking process. Since all the states included in our adoption dataset have considered the charter school idea, survey respondents from all the relevant states were able to provide us with information on the concerns of policymakers, the alignment of interests in state charter school politics, and the use of out-of-state information during deliberation of the charter school idea.

The three adoption models we present each contain variables relating to: (1) school system characteristics; (2) state charter school politics; (3) interstate networking; and (4) policy innovation diffusion. Since state rank on test scores proved to be the most important school system variable prompting legislative interest in the charter school idea, it is the only school system characteristic that we retain in this analysis.

We do not include any specific measure of policy entrepreneurship in these models. In preliminary analyses, we found that measures of policy entrepreneurship were highly correlated with the other measures we include here. Thus, we here propose that policy entrepreneurs serve as catalyzing agents who prompt a range of individuals in and

around government to act in ways that facilitate the adoption of a policy innovation.[28] We next discuss the hypotheses associated with each of the independent variables introduced at this stage of our analysis.

State Charter School Politics

Legislative Enthusiasm If the state legislature appears open and enthusiastic toward a policy innovation then, all else being equal, we might expect that it will also be more apt to adopt it. In the case of the charter school idea, we might push this line of argument further and hypothesize that legislative enthusiasm for the idea is a good predictor of the likely permissiveness of any adopted law. Our legislative enthusiasm variable allows us to test this hypothesis. The variable is the predicted hazard rate for legislative consideration of a charter school law generated by model C2. Theoretically, this predicted hazard rate could range from 0 to 1. For the 28 states in the adoption risk set in 1995, the predicted rate ranges from .33 to .94 with a mean of .72. This rate summarizes a considerable amount of information that should be relevant when it comes to legislative adoption of a charter school law.

Support From the Governor State governors often play a key coordinating role in developing coalitions of support for state education reforms (for recent discussions on gubernatorial leadership, see Osborne 1988; Herzik and Brown 1991; Mintrom and Vergari 1996). Thus, we hypothesize that gubernatorial support for the charter school idea and gubernatorial involvement in policy deliberations may be pivotal for securing a charter school law. The variable we use to capture gubernatorial involvement is the product of scores based on responses to two survey questions. One score summarizes the governor's position on charter schools. This score ranges on a five-point scale from 2 (strongly in favor) to 0 (neutral) to -2 (strongly opposed). The other score summarizes the role played by the governor in deliberations regarding charter schools. This score ranges from 0 (no role) to 3 (strong role). Our resulting variable can range from 6 to -6, where 6 means the governor was strongly in favor of a law and played a strong role in policy deliberations and -6 means the governor strongly opposed a law and played a strong role in policy deliberations. The observed scores for the 28 states in the adoption risk set in 1995 range from -3 to 6 with a mean of 1.9.

Support From the Teachers' Unions State teachers' unions are renowned for their lobbying abilities and influence on education policy. Further, such unions have almost always opposed school choice and have often (but not always) opposed the charter school idea. We hypothesize that support from the teachers' unions increases the risk of adoption of a charter school law. To construct this variable, we used an approach identical to that used for the variable capturing support from the governor. Hence, the teachers' union variable can range from 6 to -6, where 6 means the unions strongly supported a law and played a strong role in policy deliberations and -6 means they

[28] The relevant actions include promoting the perception of a crisis in education, the development of coalitions to support the charter school idea, making contacts with national-level individuals and groups, and interacting with political actors from states whose charter school laws serve as models for policy innovation.

strongly opposed a law and played a strong role in deliberations. The observed scores for the 28 states in the adoption risk set in 1995 range from -3.8 to 6, with a mean of -0.2.

Interstate Networking

Importance of National-Level Individuals and Groups Several scholars have noted the importance of policy networks for facilitating the diffusion of innovations (see, e.g., Walker 1981; Kirst, Meister, and Rowley 1984; Mintrom and Vergari *forthcoming*). Thus, we hypothesize that the greater the contact that state-level actors have with out-of-state experts, the greater the risk they will adopt a charter school law. To test this hypothesis, we asked survey respondents to describe the role played by a range of national-level individuals and groups in the development of proposals for a charter school law in their state. Up to ten individuals and groups could be listed.[29] For each individual and group, the role played could range from none (scored 0) to very important (scored 3). The summary scale developed from this information therefore has a theoretical range from 0 to 30. The observed scores for the 28 states in the adoption risk set in 1995 range from 0 to 17.3 with a mean of 7.8.

Policy Innovation Diffusion

Finally, we include in each of our adoption models two variables capturing aspects of state-to-state policy innovation diffusion. Both variables are designed to test the influence of external policy models on a state's policy deliberation process. While variables of this sort are common in diffusion studies (see, e.g., Berry and Berry 1990, 1992; Mintrom 1997), the operationalizations used here represent departures from standard practice. Significantly, we have designed them to rival the regional determinants hypothesis (Walker, 1969) with a more sophisticated, behavior-based model of policy influence.

Permissiveness of Laws in Neighboring States With this variable, we seek to capture the influence of regional determinants. The hypothesis to be tested here is that state policymakers learn from the actions of policymakers in neighboring states and that the permissiveness of the charter school law a state adopts will be positively influenced by the permissiveness of the laws adopted in neighboring states. To conduct this test, we step beyond determining the proportion of neighboring states that have adopted a charter school law to assess how permissive, on average, are those laws neighbors have adopted. Our permissiveness score ranges from 0 (highly restrictive) to 10 (highly permissive). If in any of the years prior to the current year one neighboring state had adopted a law and that law had a permissiveness score of 2, then this variable would take on a value of 2. The variable is able to change from year to year.[30] It has a theoretical range of 0 through

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[29] They were: (1) Ray Budde; (2) Ted Kolderie; (3) Joe Nathan; (4) Albert Shanker; (5) The Education Commission of the States; (6) The National Governors' Association; (7) The National Conference of State Legislatures; (8) The American Legislative Exchange Council; (9) The Center for Education Reform; and (10) Other individuals or groups written in by the survey respondents.

[30] Note that the scores for Alaska and Hawaii are based on the average scores given to the contiguous states in any given year. Thus, for 1991, with only Minnesota having adopted a charter school law and the

10. The observed scores for the 28 states in the adoption risk set in 1995 range from 0 to 9 with a mean of 3.1.

Permissiveness Score of Laws Used As Models In this variable, we seek to capture the "actual behavior" of state policymakers in terms of learning from other states. In our survey, we presented respondents with a list of all the states with charter school laws in place and asked them to indicate which, if any, laws had served as very important or somewhat important models. A score of 1 was assigned to a state that provided a very important model and a score of .5 was assigned to a state that provided a somewhat important model. These scores were then used as weights in developing the average permissiveness score of the charter school laws that served as models for the development of a charter school law in the home state. The variable can change from year to year. It has a theoretical range from 0 to 10. The observed scores for the 28 states in the adoption risk set in 1995 range from 0 to 9.7 with a mean of 2.8. Our hypothesis is that the permissiveness of the charter school law a state adopts is positively influenced by the permissiveness of the state laws used as models.

The variables listed here, along with state rank on test scores are each included in our three models of state legislative adoption of charter school laws. The three models are: Adoption of Any Charter School Law (A1); Adoption of a Permissive law (A2); and Adoption of a Restrictive law (A3). Since our goal here is to explain why policy innovations change as they diffuse, our primary interest lies in examining differences between Models A2 and A3, but we include estimation of Model A1 for the sake of completeness. The *dependent* variables in all three models are dichotomous. As with the consideration models, estimation is undertaken using logit analysis. Table 7 contains our estimation results.

Table 7 Goes Here

RESULTS: FACTORS PROMPTING ADOPTION OF PERMISSIVE AND RESTRICTIVE LAWS

If isolating the factors prompting adoption of any law was our central concern, then we would have to conclude that the results of Model A1 are extremely disappointing. As the relevant entries in Table 7 show, hardly any of the coefficient estimates for the independent variables in A1 come out statistically significant and, worst of all, the overall model turn is not significant. In other words, our simple approach laid out in Table 4 serves as a better estimator of adoption of any charter school law than this model. This is not, however, the end of our story.

The estimates we obtain for Models A2 and A3 serve as evidence that the different events of adoption of a permissive charter school law and adoption of a restrictive law emerge as the result of distinctive processes. More importantly, the modeling results provide strong support for the view that state policy choices regarding the adoption of policy innovations are influenced both by the power of interests and the

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permissiveness score for Minnesota being 6, Alaska and Hawaii are each given a score of 6. However, in 1992, when California adopted a law with a score of 5, the scores for Alaska and Hawaii drop to 5.5.

power of ideas. We now systematically review the model results, focusing on the regularities and differences across Models A2 and A3.. Following this, we predict the hazard rates for adoption of a permissive law and adoption of a restrictive law, assessing what factors tend to prompt each type of event. In taking this approach, we are able to gain useful insights into why policy innovations, like charter school initiatives, change as they diffuse.

School System Characteristics

State Rank on Test Scores The coefficient estimates for this variable are statistically significant and in the hypothesized direction in all three adoption models. Objective evidence of relatively poor performance of public school students appears to provide strong support for those who seek to introduce charter schools as an education policy reform.

State Charter School Politics

Legislative Enthusiasm As we hypothesized, the more enthusiastic a state legislature is toward the charter school idea, the more likely it is to adopt a permissive charter school law. This result, found in Model A2, is statistically significant. We also find from Model A3 that adoption of a restrictive law stems from lack of legislative enthusiasm, although this result is not statistically significant. Absence of statistical significance is not surprising here, since in cases of the least enthusiasm, no charter school law would be adopted.

Support From the Governor We find that the stronger the support from the state governor, the greater the likelihood that a state will adopt a permissive charter school law. This result, found in Model A2, is statistically significant. Model A3 indicates that restrictive laws are more likely when there is an absence of support from the governor. The results for support from the governor closely parallel those for legislative enthusiasm. Thus, absence of statistical significance in Model A3 similarly explained.

Support From the Teachers' Unions We hypothesized that support from the teachers' unions would increase the risk of adoption of a charter school law. While all three models generate coefficient estimates with the hypothesized directionality, support from the unions appears statistically significant only for the adoption of restrictive laws. This result bears out the implication of our earlier discussion. For proponents of charter school laws, the support of the teachers' unions has served as a mixed blessing, because that support appears to have come at the cost of compromising important elements of the charter school concept.[31]

Interstate Networking

Importance of National-Level Individuals and Groups The coefficient estimates for this variable are in the hypothesized direction in all three adoption models, however they are

[31] This result is consistent with Moe's (1990) theory of the politics of structural choice.

statistically significant only in Models A1 and A2. The greater the contact that state policymakers have with national-level individuals and groups, the more likely they are to adopt a charter school law. Further, the greater the contact, the greater the likelihood that the law adopted will be permissive in nature. The absence of statistical significance in Model A3 is explained as follows: Contact with national-level individuals and groups raises the likelihood of adoption of any law, but such contact serves also to alert state policymakers to the importance of certain design features of the charter school idea, mitigating the probability of adoption of a restrictive law.

Policy Innovation Diffusion

Permissiveness of Laws in Neighboring States While having the hypothesized sign, the coefficient estimates for this variable do not reach statistical significance in any of the adoption models. In the instances of Models A2 and A3, this negative finding is important, because it provides evidence that states adopting charter school laws typically have not followed their neighbors when choosing specific design features. Therefore, the regional determinants hypothesis is not supported in these models.

Permissiveness Score of Laws Used As Models In contrast to the regional determinants findings, our results provide considerable support for our alternative hypothesis that the permissiveness of the charter school law a state adopts will be positively influenced by the permissiveness of the actual state laws used as models. In Model A2 of the adoption of a permissive law, the coefficient for this variable is positive and statistically significant. In contrast, in Model A3 of the adoption of a restrictive law, the coefficient is negative and statistically significant.

These modeling results suggest that state legislative adoption of permissive and restrictive charter school laws emerge from distinctive processes, each having features that are remarkably consistent with theory-based expectations. First, both kinds of laws are more likely to emerge when objective indicators suggest that a state's public school system is performing relatively poorly. Second, the type of law that emerges is conditioned by the alignment of interests in the state's policymaking process. Legislative and gubernatorial enthusiasm increases the likelihood of permissive laws being adopted; while more lukewarm legislative interest and support from the teachers' unions is likely to result in a more restrictive law, if any law emerges at all. Third, differences in information acquisition from out-of-state experts affect both the likelihood that a law will be adopted and the permissiveness of such a law. Finally, the model results suggest that state policymakers take cues from policymakers in other states. However, in the case of the diffusion of the charter school idea, this cue-taking has not been regionally-based. States need not be parochial when searching for policy models. Importantly, our results suggest that the permissiveness of a state's charter school law will be strongly influenced by the permissiveness of the laws that are used as models.

PREDICTIONS

To analyze the relative magnitudes of these factors in shaping state charter school laws, we next use the results from Models A2 and A3 to develop a range of state

policymaking scenarios. In these scenarios, we assess the combined effects of changes in: (1) support from the governor; (2) support from the teachers' unions; (3) contact with national-level individuals and groups; (4) the kinds of charter school laws that are used as models. As with our predictions of initial legislative consideration, we fix the year to 1995 and all other variables at their mean observed levels for the 28 states in the adoption risk set in that year. As reported in Table 4, the observed adoption hazard rate for these states in the risk set in 1995 was 0.11 for adoption of a permissive law and 0.18 for adoption of a restrictive law. We present the results of our hazard rate predictions for adoption of a permissive law in Table 8 and for adoption of a restrictive law in Table 9.

Tables 8 and 9 Go Here

We begin by discussing the conditions that influence the emergence of a permissive law. These are presented in Table 8. Two extreme scenarios can be observed. When there is no active support from the governor or the teachers' unions, state policymakers have low contact with national level individuals and organizations, and no other state law is used as a model, the hazard rate is just .01. In stark contrast, when there is active support from the governor and the teachers' unions, high contact with national level actors, and a permissive law is used as a model, the hazard rate climbs to .82. The least important variable in this table appears to be support from the teachers' unions. The highest the hazard rate gets with support from the teachers' unions (but not from the governor) is .50. In contrast, support from the governor (but not from the teachers' unions) can take the hazard rate up to .79. The influence of law model choice is also considerable. Under the most favorable conditions of active support from the governor and teachers' unions and high contact with national-level entities, choosing to base the law on a permissive rather than restrictive model can take the hazard rate for adoption of a permissive law from .47 to .82.

The entries in Table 9 show the predicted hazard rates for adoption of a restrictive law. In this case, active support from the teachers' unions is clearly the most important factor influencing the hazard rate. The greater the support of the governor for the charter school idea, the less likely it is that a restrictive law will emerge. Also, the more that state policymakers look beyond their state borders to find model laws (be they permissive or restrictive), the less likely it is that a restrictive law will emerge. Thus, we reach a interesting conclusion. State policymaking processes generating restrictive charter school laws appear to be characterized by a relative paucity of out-of-state information and by teacher union influence. As soon as this claustrophobic atmosphere is opened up, the conditions that bolster passage of a restrictive law rapidly erode. This phenomenon appears to provide a policymaking counterpart to the predictions of Bikhchandani, Hirshleifer, and Welsh (1992) regarding the development and demise of informational cascades.

IMPLICATIONS

We have presented empirical evidence focusing on the processes leading to three state legislative actions: (1) consideration of the charter school idea; (2) adoption of a permissive charter school law; and (3) adoption of a restrictive charter school law. In assembling this evidence, we have drawn upon the knowledge of individuals closely associated with state policymaking processes. We have also paid close attention to the details of the policy innovation being adopted and how these details differ across states. Using readily-available statistics alone would not have produced the kind of comprehensive understanding of politics needed here. For example, our empirical evidence allows us to analyze the interplay between variables such as the permissiveness of a law, test scores, policy entrepreneurship, and interstate networking activities. In turn, this analysis reveals some of the key dynamics of diffusion processes that have been neglected or assumed away in previous studies.

Of the conditions examined in our model for predicting *consideration of the charter school idea*, our results indicate that policy entrepreneurs serve as catalyzing forces that support the appearance of the idea on legislative agendas. In addition, the task of the policy entrepreneur is achieved more readily in states with poor test scores, Republican control of the legislature, and where neighboring states have previously adopted charter school laws.

In our adoption models, a low state rank on test scores is found to increase the likelihood of adoption of a charter school law. This suggests that objective indicators can provide important support to the arguments of policy entrepreneurs that a crisis condition exists and major policy responses are necessary. Beyond this, we find that quite distinctive conditions prompt the adoption of permissive versus restrictive laws. In our model of the *adoption of a permissive charter school law,* our results indicate that legislative enthusiasm, gubernatorial support, interaction with national-level authorities on the charter school idea, and the use of permissive laws as models all increase the likelihood of adoption of a permissive law. Contrary to conventional wisdom in the policy innovation diffusion literature, we find that networking and information exchange activities supporting the development of these laws have not been regionally-based.

In our model of the *adoption of a restrictive charter school law*, our results indicate that support from teachers' unions and the use of restrictive laws as models are the most important conditions prompting adoption of a restrictive law. This suggests that in restrictive law states the charter school idea is being redesigned and adopted more on the basis of political considerations than on the basis of interest in the substantive merit of the idea as originally conceived.

Overall, our findings regarding the development of charter school laws indicate important differences across states in the nature of the policymaking processes that have led to adoption of permissive and restrictive laws. We have found that policy entrepreneurship and the development of a crisis perception in states speeds the diffusion process. These internal state differences and differences in information use help explain why the charter school policy innovation has changed as it has diffused. In terms of policy innovation diffusion research, our findings suggest that we need to rethink the internal determinants and regional influences dichotomy often presented in empirical

studies. We have found that members of the policy community in some states act as voracious information seekers, while others are happy to believe what they read in the newspapers and start their policymaking from there. The flow of information across states, then, clearly is not independent of the actions and decisions made by political individuals about their informational requirements.

CONCLUSION

Using evidence of the recent diffusion of the charter school idea, in this paper we have argued that much can be learned about the diffusion of policy innovations by focusing on the details of state policymaking processes. By analyzing differences in the dynamics of internal state politics and interstate networking activities that raise interest and support for particular policy ideas, we are able to advance our understanding of why policy innovations change as they diffuse. Through application across a range of policy domains, this analytical strategy could further advance our understanding of the complex but intriguing politics of policy innovation diffusion.

Table 1 : States With Charter School Laws, 1991-1996, Listed by Year of Adoption

Charter School States	*Year Law Adopted*	*Charter School Law Permissiveness Score*
Minnesota	1991	6
California	1992	5
Colorado	1993	6
Georgia	1993	2
Massachusetts	1993	4
Michigan	1993	9
New Mexico	1993	0
Wisconsin	1993	2
Arizona	1994	10
Hawaii	1994	2
Kansas	1994	2
Alaska	1995	1
Arkansas	1995	3
Delaware	1995	10
Louisiana	1995	4
New Hampshire	1995	7
Rhode Island	1995	3
Texas	1995	5
Wyoming	1995	3
Connecticut	1996	5
Florida	1996	8
Illinois	1996	5
New Jersey	1996	5
North Carolina	1996	7
South Carolina	1996	6

Note: The charter school law permissiveness score ranges from 0 through 10, where 0 indicates a highly restrictive law and 10 indicates a highly permissive law. For details of the scoring approach, see Table 1 of Mintrom and Vergari (1997a). As of April 1997, this listing represents the full set of states with charter school laws in place.

Table 2: State-to-State Information Transfer

To Learn More About the Charter Idea:	*Permissive Law States* [a]	*Restrictive Law States* [b]
Political actors collected print information from other states.	70%	36%
Political actors personally conversed with counterparts in other states by telephone, e-mail, fax, or mail.	79%	27%
Political actors visited another state.	50%	18%
Political actors from other states testified about the charter school idea before members of the state legislature.	29%	9%

Notes: [a] Mean percentage for all states with permissive laws.
[b] Mean percentage for all states with restrictive laws.

Table 3 : State Legislative Consideration of the Charter School Idea, 1991-96

Year	*States Considering the Idea for the First Time*	*n*	*Risk Set*	*Hazard Rate*
1991	CT MI MN	3	49	0.06
1992	AZ CA CO NJ SC TN WI	7	41	0.17
1993	AK GA KS LA MA NM SD	7	39	0.18
1994	FL HI ID IL NH OR VT WA	7	27	0.26
1995	AR DE IN MO MT NV NC OH OK OR PA RI TX UT VA WY	16	25	0.63
1996	ME NY	2	9	0.22
	Totals:	42	190	

Year	*All States Considering the Idea at Any Time*	*n*	*Risk Set*	*Hazard Rate*
1991	CT MI MN	3	49	0.06
1992	AZ CA CO CT MI NJ SC TN WI	9	43	0.21
1993	AK CO CT GA KS LA MA MI NJ NM SD WI	12	47	0.26
1994	AK AZ CT FL HI ID IL KS LA NH NJ SD VT WA	14	36	0.39
1995	AK AR CT DE FL ID IN LA MO MT NV NH NJ NC OH OK OR PA RI TN TX UT VT VA WA WY	28	38	0.74
1996	CT FL ID IL ME NJ NY NC OH OK PA SC SD VT VA WA	16	27	0.59
	Note: Underscore indicates repeat consideration. *Totals:*	82	240	

Table 4: State Legislative Adoption of Charter School Laws, 1991-96

Year	*All States Adopting a Law*	*n*	*Risk Set*	*Hazard Rate*
1991	MN	1	3	0.33
1992	CA	1	9	0.11
1993	CO GA MA MI NM WI	6	12	0.50
1994	AZ HI KS	3	14	0.21
1995	AK AR DE LA NH RI TX WY	8	28	0.29
1996	CT FL IL NJ NC SC	6	16	0.38
	Totals:	25	82	

Year	*Subset 1: States Adopting a Permissive Law*	*n*	*Risk Set*	*Hazard Rate*
1991	MN	1	3	0.33
1992	CA	1	9	0.11
1993	CO MI	2	12	0.17
1994	AZ	1	14	0.07
1995	DE NH TX	3	28	0.11
1996	CT FL IL NJ NC SC	6	16	0.38
	Totals:	14	82	

Year	*Subset 2: States Adopting a Restrictive Law*	*n*	*Risk Set*	*Hazard Rate*
1991	-- --	0	3	0.00
1992	-- --	0	9	0.00
1993	GA MA NM WI	4	12	0.33
1994	HI KS	2	14	0.14
1995	AK AR LS RI WY	5	28	0.18
1996	-- --	0	16	0.00
	Totals:	11	82	

Table 5: Models of State Legislative Consideration of the Charter School Idea, 1991-1996

Models:	C1: *Initial Consideration*		C2: *Consideration at Any Time*	
Independent Variables:	Estimate	S.E.	Estimate	S.E.
School System Characteristics:				
State Rank on Test Scores$_{i,\ 1994}$	-0.030**	0.018	-0.005	0.015
State Spending (% of total)$_{i,t}$	-0.005	0.018	-0.001	0.015
Private Schools (% of total)$_i$	-0.023	0.065	0.010	0.055
Public School Choice$_i$	-0.899*†	0.546	-0.565	0.457
Aspects of State Politics:				
Republican Control of Legislature$_{i,t}$	1.325**	0.605	0.851**	0.488
Republican Governor$_{i,t}$	0.358	0.482	0.132	0.407
Legislative Professionalism$_i$	2.684*	1.808	2.860**	1.543
State House Election Year$_{i,t}$	-0.306	0.455	-0.337	0.382
Charter School Policy Entrepreneur$_{i,t}$	2.739**	0.549	2.132**	0.415
Policy Innovation Diffusion:				
Timing	0.173	0.197	0.278**	0.162
Proportion of Neighbors Having Approved a Charter School Law$_{i,t}$	2.603*	1.803	1.006	1.400
Previous Legislative Consideration of the Charter School Idea$_{i,t}$	--	--	1.765**	0.495
Constant term	-2.846**	1.455	-3.597**	1.280
Summary Statistics:				
Number of Cases	190		240	
-2 x Log Likelihood	132.93		188.79	
Chi2	68 (11*df*)**		119 (12*df*)**	
Pseudo R^2	0.34		0.39	

Note: ** Significant at 0.05, one-tailed test; * Significant at 0.10, one-tailed test
*† Significant at 0.10, two-tailed test.

Table 6: Model Estimates of the Hazard Rate for Initial State Legislative Consideration of the Charter School Idea

Predicted hazard rate for initial consideration in 1995, given these conditions:	Democratic, mildly professional legislature	Democratic, highly professional legislature	Republican, mildly professional legislature	Republican, highly professional legislature
Ranked 10th on test scores No neighbors with charter school laws No policy entrepreneur	.04	.07	.12	.22
Ranked 10th on test scores 25% of neighbors with charter school laws No policy entrepreneur	.07	.13	.21	.35
Ranked 10th on test scores No neighbors with charter school laws Active policy entrepreneur	.36	.54	.68	.81
Ranked 10th on test scores 25% of neighbors with charter school laws Active policy entrepreneur	.52	.69	.81	.89
Ranked 40th on test scores No neighbors with charter schools No policy entrepreneur	.08	.16	.26	.41
Ranked 40th on test scores 25% of neighbors with charter school laws No policy entrepreneur	.15	.26	.40	.57
Ranked 40th on test scores No neighbors with charter school laws Active policy entrepreneur	.59	.74	.84	.91
Ranked 40th on test scores 25% of neighbors with charter school laws Active policy entrepreneur	.73	.84	.91	.95

Note: The hazard rate predictions in this table are made for 1995 using the coefficient estimates generated by model C1 (see Table 5). The observed hazard rate for initial consideration in 1995 was 0.63 (see Table 3). To obtain the hazard rate predictions presented here, with the exception of the predictors that are varied in this table, all predictor variables were set at their mean observed levels (modal observations for dichotomous variables) for the 25 states in the risk set in 1995. Note that, when set at these levels, the model generates a predicted hazard rate of 0.64; extremely close to the observed rate.

Table 7: Models of State Legislative Adoption of Charter School Laws, 1991-1996

Models:	A1: *Adoption of Any Charter Law*		A2: *Adoption of a Permissive Law*		A3: *Adoption of a Restrictive Law*	
Independent Variables:	Estimate	S.E.	Estimate	S.E.	Estimate	S.E.
School System Characteristics:						
State Rank on Test Scores$_{i,\ 1994}$	-0.039**	0.021	-0.041*	0.029	-0.043*	0.031
State Charter School Politics:						
Legislative Enthusiasm$_{i,t}$	-0.368	1.014	2.304*	1.829	-1.738	1.396
Support From Governor$_i$	0.061	0.116	0.250*	0.166	-0.130	0.188
Support From Teachers' Unions$_i$	0.134	0.127	0.028	0.171	0.303*	0.207
Interstate Networking:						
Importance of National-Level Individuals and Groups$_i$	0.127**	0.073	0.164*	0.116	0.098	0.107
Policy Innovation Diffusion:						
Average Permissiveness of Laws in Neighboring States$_{i,t}$	0.087	0.094	0.040	0.130	0.051	0.158
Weighted-Average Permissiveness Score of Laws Used as Models by the State's Policymakers$_i$	-0.096	0.151	0.266*	0.199	-0.651**	0.306
Constant term	-0.498	0.847	-5.277**	1.869	1.083	1.157
Summary Statistics:						
Number of Cases	82		82		82	
-2 x Log Likelihood	92.98		50.86		51.62	
Chi2	8 (7*df*)		21 (7*df*)**		13 (7*df*)**	
Pseudo R^2	0.07		0.29		0.20	

Note: ** Significant at 0.05, one-tailed test; * Significant at 0.10, one-tailed test.

Table 8: Model Estimates of the Hazard Rate for State Legislative Adoption of a Permissive Law

Predicted hazard rate for adoption of a permissive law in 1995, given these conditions:	No Active Support from Governor or Teachers' unions	Active Support from Teachers' Unions	Active Support from Governor	Active Support from Governor and Teachers' Unions
Low contact with national-level individuals and organizations working on charter school issues and using:				
-- no other state law as a model	.01	.02	.07	.08
-- a restrictive law as a model	.04	.05	.17	.20
-- a permissive law as a model	.18	.21	.50	.54
High contact with national-level individuals and organizations working on charter school issues and using:				
-- no other state law as a model	.05	.07	.21	.24
-- a restrictive law as a model	.15	.17	.43	.47
-- a permissive law as a model	.46	.50	.79	.82

Note: The hazard rate predictions in this table are made for 1995 using the coefficient estimates generated by model A2 (see Table 7). The observed hazard rate for adoption of a permissive law in 1995 was 0.11 (see Table 4). To obtain the hazard rate predictions presented here, with the exception of the predictors that are varied in this table, all predictor variables were set at their mean observed levels (modal observations for dichotomous variables) for the 28 states in the risk set in 1995. Note that, when set at these levels, the model generates a predicted hazard rate of 0.11; this is identical to the observed rate.

Table 9: Model Estimates of the Hazard Rate for State Legislative Adoption of a Restrictive Law

Predicted hazard rate for adoption of a restrictive law in 1995, given these conditions:	No Active Support from Governor or Teachers' unions	Active Support from Teachers' Unions	Active Support from Governor	Active Support from Governor and Teachers' Unions
Low contact with national-level individuals and organizations working on charter school issues and using:				
-- no other state law as model	.29	.72	.16	.53
-- a restrictive law as a model	.03	.16	.01	.08
-- a permissive law as a model	.00	.00	.00	.00
High contact with national-level individuals and organizations working on charter school issues and using:				
-- no other state law as a model	.47	.84	.29	.71
-- a restrictive law as a model	.06	.29	.03	.16
-- a permissive law as a model	.00	.01	.00	.00

Note: The hazard rate predictions in this table are made for 1995 using the coefficient estimates generated by model A3 (see Table 7). The observed hazard rate for adoption of a permissive law in 1995 was 0.18 (see Table 4). To obtain the hazard rate predictions presented here, as in Table 8, with the exception of the predictors that are varied in this table, all predictor variables were set at their mean observed levels (modal observations for dichotomous variables) for the 28 states in the risk set in 1995. Note that, when set at these levels, the model generates a predicted hazard rate of 0.05; a prediction somewhat lower than the observed rate.

APPENDIX: The Research Design

Our information on state policymaking processes and the charter school movement was collected primarily through a mail survey of education policy experts in each of the 50 states. The survey instrument contained 14 questions. These questions fell into two major categories. First, we asked why lawmakers in each state had considered and/or adopted a charter school law, and who was influential in the development of the law. Second, we asked about the extent of contacts between political actors in each state and those in other states during the development of thinking concerning a charter school law for that state. The goal here was to determine the nature and extent of the interpersonal networks and other media that have facilitated the spread of the charter school idea a policy innovation.

The survey was conducted in January and February 1997. At this time, 25 state legislatures had adopted charter school laws, and 17 more had considered but not adopted such laws. The questionnaires sent to individuals in the charter school and non-charter school states were identical, except for minor changes in the tense of some questions.

Since our aim was to gather facts rather than attitudes, we endeavored to collect responses from a purposive sample of charter school policy experts in each state. To develop the list of survey recipients, we drew upon a number of sources. We list and explain these sources below.

First, in December 1996, for every state, we sent letters to: (1) the chair of the senate education committee; (2) the chair of the house education committee; and (3) the chief state school officer. In these letters we asked the recipient to provide us with the name of an individual whom he or she considered to be an appropriate person to complete our mail survey. Return-postage postcards were supplied for each recipient to fill in. We asked them to provide additional names and addresses if they could think of more than one person who was knowledgeable about our topic. Of 152 postcards mailed out, 82 were returned.

Second, for each state, we obtained up-to-date lists of names and addresses for the following individuals and organizations: (1) the chair of the senate education committee; (2) the chair of the house education committee; (3) the governor's education advisor; (4) the governor's legislative affairs director; (5) the director of legislative affairs for the state affiliate of the American Federation of Teachers and/or the National Education Association; and (6) the directors of state-level think tanks.

Third, we drew upon our own expertise from our previous research on the issue to compile a list of individuals whom we knew to be important in the development of charter legislation across the states. We also drew upon a list of individuals in the states provided by Ted Kolderie, a researcher and charter school advocate who has developed an extensive range of contracts in states both with and without charter school laws.

Based on these lists of names, we sent surveys to 241 individuals in the 25 states with charter school laws. The number of surveys sent to each state varied somewhat. The minimum number of surveys sent to any state was 7, the maximum number was 14, and the mean number was approximately 10. Surveys were sent to 216 individuals in the 25 states without charter school laws. Here, the minimum number of surveys sent to any state was 6, the maximum number was 12, and the mean number was approximately 9. In

the cover letters accompanying all of the surveys, we encouraged recipients who thought they did not have the information to answer the survey but knew someone who did, to pass the survey to that person.

As of this writing, we are continuing with our follow-up efforts. The analysis presented in this paper is based on a survey response rate of 25 percent. In an elite survey of this sort, it is typically difficult to obtain a high response rate (Bourque and Fielder, 1995). In this case, we endeavored to gain the highest possible number of responses by sending out a second wave of the survey and using a range of follow-up approaches including the sending of letters and postcards. Our greatest concern was to minimize selection bias in our purposive sample from each state. Thus, wherever possible, for each state, we attempted to obtain responses from at least one person in each of the following categories: (1) legislators and legislative staff; (2) education department experts or those they referred us to; (3) the directors of legislative affairs for one of the state teacher unions; and (4) the directors of state-level think tanks.

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