

Archived Information

SECTION 4

Authorizing Agencies and Charter School Accountability

As explained in the previous section, a charter school's relationship with its authorizer is seldom the primary issue on the minds of school leaders, teachers, and parents. However, the school-authorizer relationship matters. It can enhance or detract from the school's focus on instruction and its internal accountability.

Unlike the preceding section, which focused on how schools respond to the pressures upon them, this section focuses on authorizers and the ways they fulfill their roles. The results of our national survey of charter authorizers¹ and case studies of school-authorizer relationships can be summarized as follows:

Though many groups were prepared to run charter schools, no government agencies were prepared to oversee charter schools. Authorizers are just beginning to learn how to solicit charter applications, screen applicants to find the most promising providers, assist, assess performance, reward, sanction, terminate, or reauthorize charter schools.

Lacking capacity (expertise, organization, and tools with which to measure and judge individual schools) most authorizers focus on the familiar—evidence that a school is financially solvent, avoids scandal, and complies with all applicable laws—more than on a school's measured academic performance.

Those authorizers that do attempt to measure and judge a school's academic performance must struggle with three fundamental issues:

- How to measure a school's contribution to student learning;
- How to tell the difference between a school that is improving and one that is not; and
- Whether to require that, in order to maintain their charters, schools must equal or exceed the levels of student achievement growth attained by conventional public schools serving similar students.

¹ Judith Vitzthum's extraordinary work conducting the authorizer survey, and obtaining a 100 percent response rate, made an indispensable contribution to the study.

Authorizers differ on how willing they are to approve charter applications and how assiduously they monitor the performance of schools they have chartered. Though authorizers' duties and powers vary from state to state, neither state law nor an authorizer's status (as a school district, special-purpose state charter office, or other state entity) is a perfect predictor of how an authorizer will relate to schools.

This section reports in greater detail the findings listed above.

Authorizers Unfamiliar with Chartering

Authorizers' startup problems are analogous to the startup problems of schools. Public school boards are not accustomed to receiving proposals from new groups that want to run schools, subjecting such proposals to careful review, establishing enforceable performance agreements with individual schools, monitoring schools on the basis of performance, or making decisions on whether a school will live or die based on whether the school performs as promised. Moreover, few authorizers are accustomed to overseeing schools that control their own resources, hire staff, and maintain the confidence of parents and teachers, lenders, and private funders. Whether authorizers are school districts, newly created state agencies, or existing state agencies (like colleges and universities) or city governments that are newly empowered to sponsor charter schools, all must solve unfamiliar problems and develop new capacities.

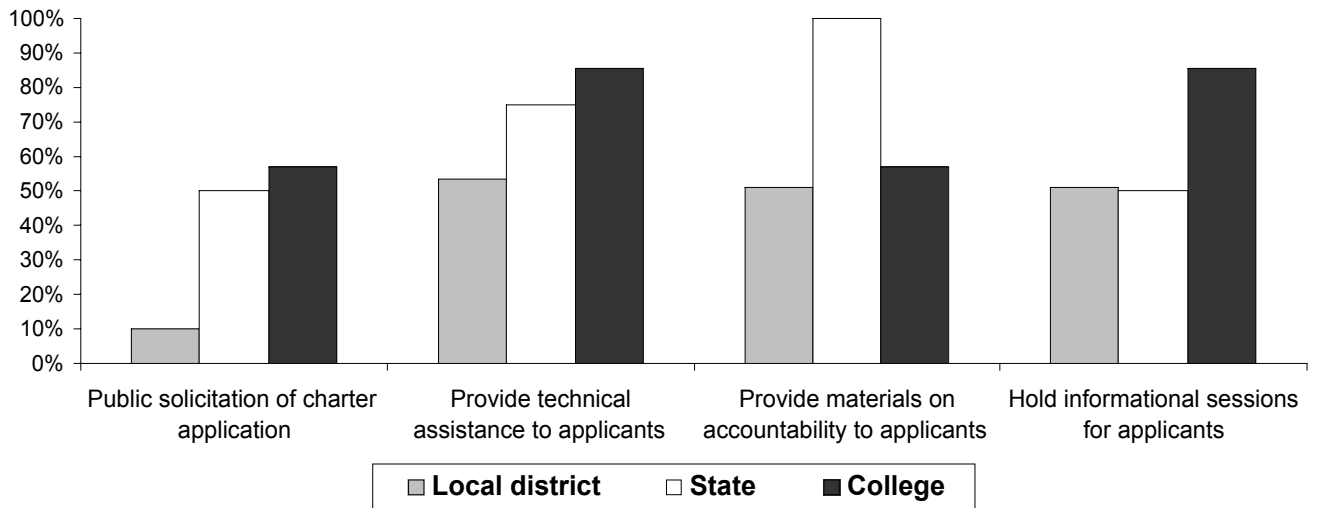
Some authorizers have never before authorized or overseen K–12 public schools. Others, mainly local school districts, have traditionally operated public schools directly but are now required by state law also to provide schools in a new way, by entering contracts with independent parties.

Most authorizers received their first charter school applications before they had created a specific review and selection process. They created ad hoc processes for the first applications and applied lessons learned during the first approval processes to later applications. However, because of shifting requirements, lack of clear documents, and changing actors, potential charter applicants in many localities still have reason to wonder what steps they must go through to gain approval and what criteria will be applied by the authorizer.

Of all the local school districts empowered to authorize charter schools in the six states we studied, only 7 percent have ever done so. Among those school districts that have chartered schools, few granted charters in response to applications from members of the general community: the majority either initiated the charters themselves or converted a previously existing public school to charter status. In contrast, state agencies and a few colleges and universities aggressively sought proposals from community groups and others outside the orbit of conventional public schools.² As figure 4.1 shows, these agencies are more likely than local districts to make public announcements of charter availability and provide technical assistance and materials on accountability to prospective charter applicants.

² In this report, data about colleges and universities are dominated by the experience of Central Michigan University, the first institution of higher education to authorize and oversee large numbers of charter schools. After our research was completed, additional universities in Michigan and elsewhere have taken similar approaches to chartering.

Figure 4.1—Authorizers differ on how aggressively they seek and help charter applicant



Most state charter school laws require significant community and local school participation in the review and judgment of the charter proposal. As figure 4.2 shows, how this is worked out in practice differs greatly from one type of authorizer to another. In general, school districts relied on school board members and public school administrators to review charter proposals. State agencies and colleges and universities relied on agency staff and community leaders.

Because local school districts acting as chartering agencies seldom announced the availability of charters, they received few unsolicited applications and thus, rejected few. According to data from our survey of authorizing agencies, local school districts chartered 84 percent of the schools that applied for charters, while state agencies chartered 55 percent of applicants and colleges/universities chartered only 30 percent of applicants.

Of all the groups of authorizers, state colleges and universities have the highest case loads and receive, review, approve, and reject the greatest number of charter applications. As figure 4.3 shows, state colleges and universities also judge applications on the widest range of criteria. Compared to local school districts, colleges and universities are more likely to reject proposals on the grounds of overall quality. Local school districts, which mostly deal with existing public schools or familiar groups within the public school system, are much less likely to reject a proposal for any reason, including proposal quality. Though we asked all authorizers whether they rejected proposals because of opposition from teachers, the local school district, or the teachers' union, these reasons were seldom cited.

Figure 4.2—Authorizers differ on who reviews and makes decisions about charter applicat

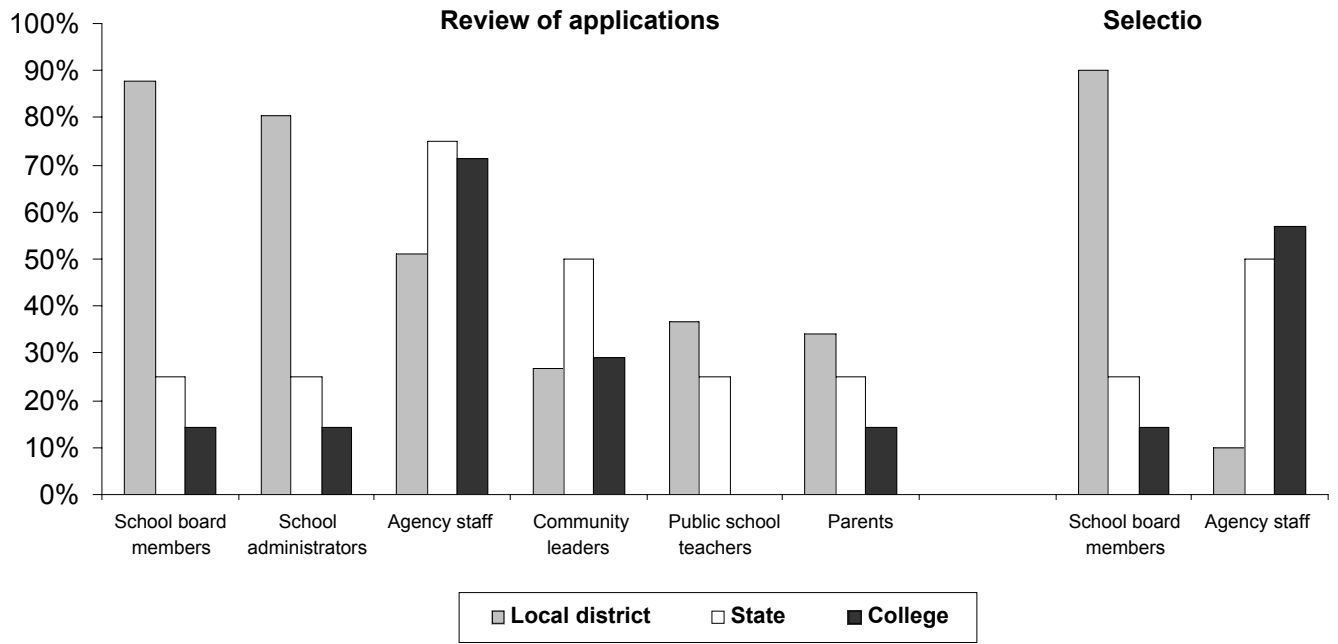
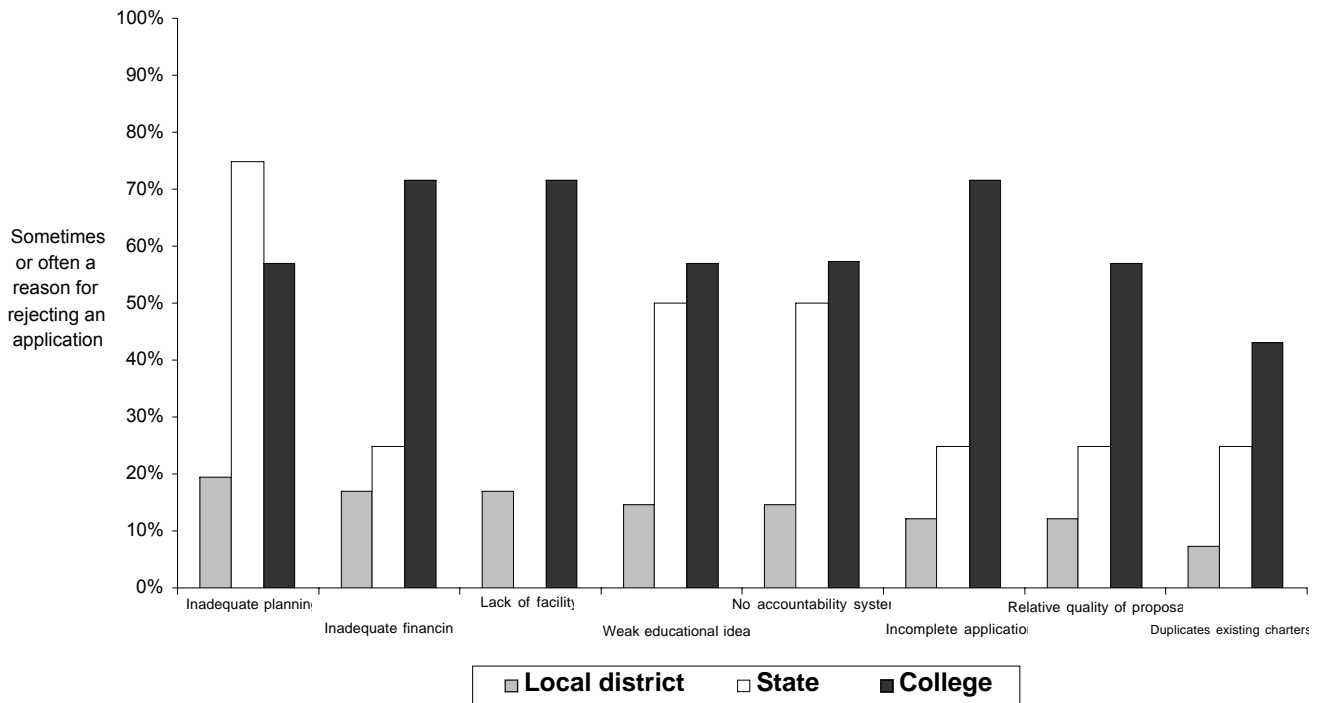


Figure 4.3—Authorizers' reasons for rejecting charter applicatio

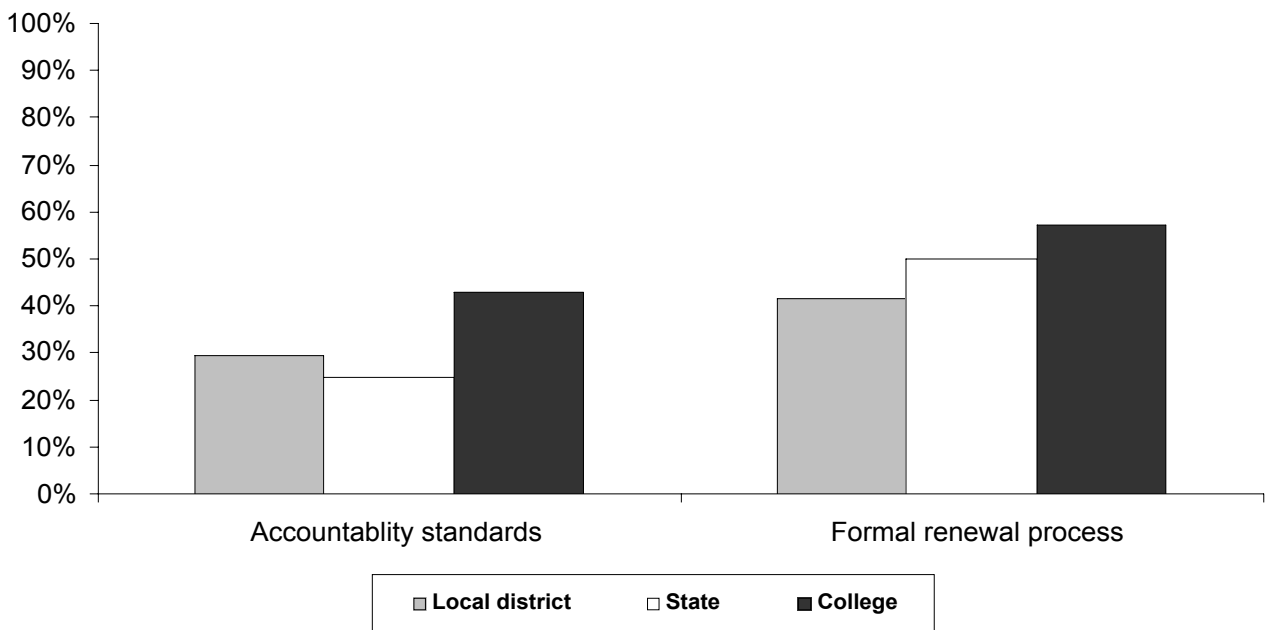


Lack of Authorizer Capacity Leads to Emphasis on Propriety Over Performance

As the results of our authorizer survey show, the ad hoc character of authorizers' actions continues after school charters are granted. Few authorizers provide written accountability standards for their charter schools, and only slightly more establish formal renewal processes toward which charter schools might work. Overall, only 27 percent of the chartering agencies reported having written accountability standards, and an additional 4 percent said these were under development. Similarly, only 38 percent of the agencies had a formal renewal process. Another 6 percent were developing such a process at the time of our survey.

As figure 4.4 shows, state colleges and universities that chartered schools are somewhat more likely than other authorizers to provide well-structured accountability processes.

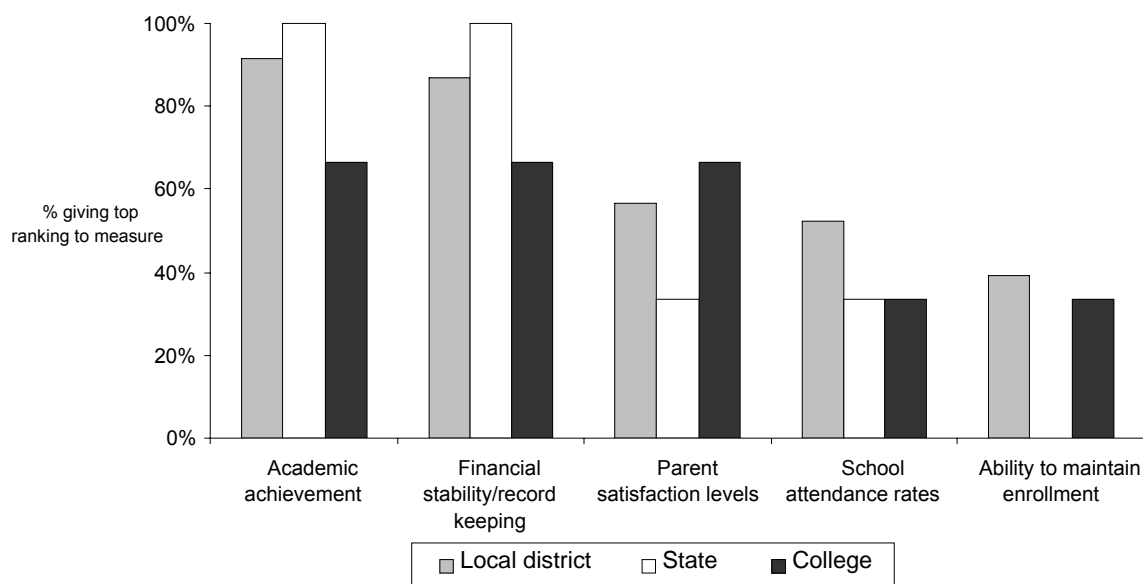
Figure 4.4—Only a minority of authorizers provide written accountability standards as formal renewal process



For those agencies with renewal processes in place, the most commonly required reports from schools were formal records of school progress toward goals (cited by 29 percent of all authorizers), a final summary report from the school, and a financial audit. Fewer agencies require the completion of a renewal application form or a strategic plan for the future of the school.

Agencies also differed on the performance measures they would consider in renewing charter schools. As figure 4.5 shows, academic achievement and a school’s ability to demonstrate financial stability were highly important to all authorizers. State agencies were less likely to emphasize parent satisfaction than were local school districts and state colleges and universities.³

Figure 4.5—Most authorizers say they will give great weight to student achievement, financial stability and parent satisfaction

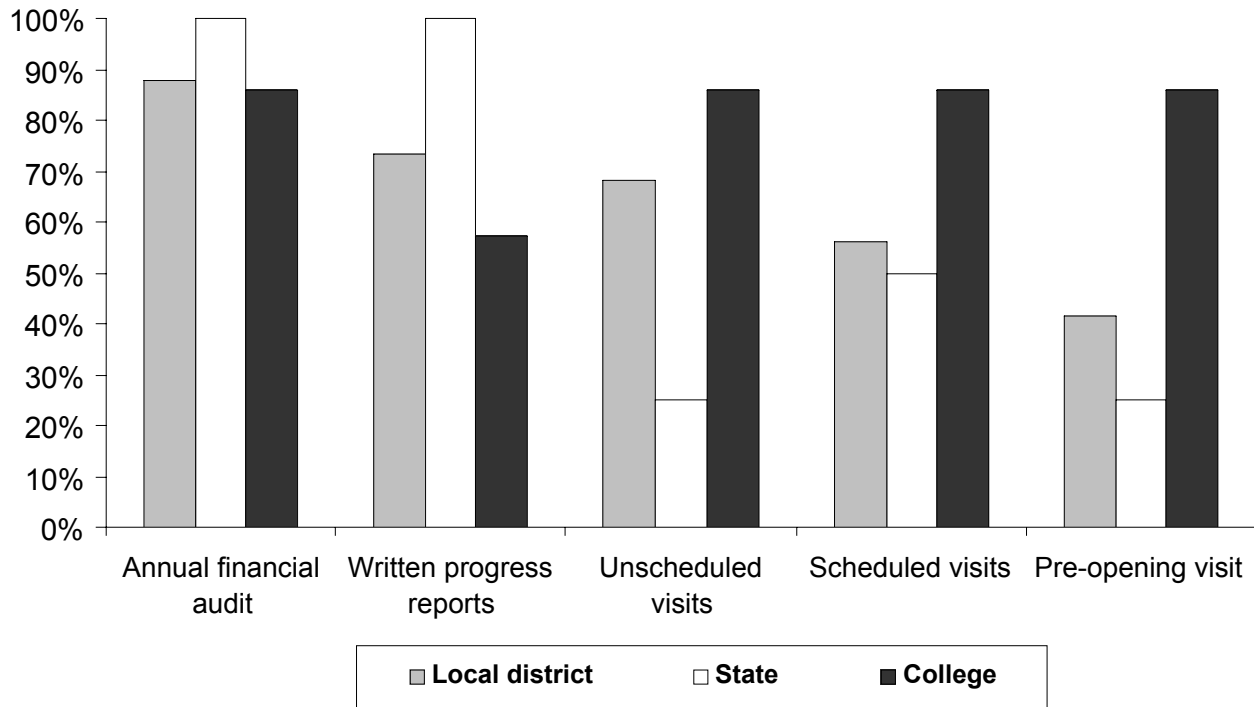


Despite their announced interest in academic achievement, most authorizers monitor charter schools via financial reports and site visits, rather than through reports on student achievement. Our analysis of RPP’s national survey of charter schools shows that schools receive more requests for information about finances than about any other topic.⁴ Our survey of authorizers confirms this. As figure 4.6 shows, the vast majority of chartering agencies monitor their schools via an annual financial report and narrative progress reports. School districts and state colleges and universities also relied on site visits in which agency staff or consultants develop a general impression of the school’s health. (Based on our case studies, however, these visits must not be very frequent. Few schools reported being visited by their authorizer more than once each year.)

³ No state authorizers ranked “Ability to maintain enrollment” as their primary measure.

⁴ Berman et al, op. cit.

Figure 4.6—To monitor performance, state agencies gather reports; colleges and local districts "visit"



School-Level Implications of Authorizer Actions

Many chartering agencies lack funds or are under political pressure to stay small. Most lack tools for measuring performance. Authorizers of all kinds (districts and others) are often hamstrung by lack of funding or people power to use tools, even if they had them. Often, they employ one or two people to handle the workload of approving and overseeing charter schools. In some cases, such as 1 agency in Arizona, 2 people oversee more than 50 schools in a wide geographic area. They do not have the manpower to visit their schools so they invest their time in approving new schools and taking care of any serious problems that arise. Some agencies can take fees from schools or otherwise get money to support thorough oversight. Some have funding but, like authorizers in Arizona, are under political pressure to not hire new staff. Some larger agencies, such as the Massachusetts State Board of Education or Central Michigan University, have turned to contractors to perform oversight functions for them. Smaller districts have usually relied on using current staff in various departments to oversee different aspects of the charter schools’ programs.

In part due to lack of clarity in charter school laws, authorizers are also often uncertain about exactly how they relate to their charter schools. In particular, there are often many gray areas in a school’s relationship with a school district authorizer. Is the school really part of the

district? To what extent does the school administrator have the right to refuse to attend district meetings? Many consider charters as just another form of special program or magnet, still completely controlled by the district.

How authorizers view charter schools creates tensions for everyone. In California, the state can authorize charter schools, but a school is then attached to the school district that serves its geographic area. Both the state board of education and the local school boards have asserted that they are legally in charge of charter schools; schools often do not know by whom, or on what bases, they will ultimately be judged. As a result, many schools are afraid to offend anyone, and accede to authorizer requests that the charter law says they are exempt from.

A charter school we visited in Arizona was nearing renewal in 1998, but leaders of the school were still unsure about how the school would be judged. The school's principal told us, "When we opened our doors in 1993, we were clear about our mission, but two directors later and after a shift in the Governor's office, it's unclear what we really need to do to become renewed." The confusion in this Arizona charter school is typical in the states we visited. Charter schools' relationships with their authorizers are defined in part by law and in large part by ongoing state and local political struggles.

California school districts have received little guidance from the state as to how they should hold charter schools accountable for academic results. Everything depends on district capacity and attitude about charter schools. Local boards that have strong accountability requirements for all their public schools tend to have the best accountability agreements with their charter schools.⁵ To address the need for fair and high quality reauthorization processes, California's charter school association, the California Network of Educational Charters (CANEC), has developed voluntary guidelines for charter school reauthorization. And the Charter School Development Center (under former Senator Gary Hart's Institute for Education Reform) now offers accountability workshops for both charter schools and their sponsors. Similar efforts to help schools and agencies clarify their expectations are taking place in most states we visited.

Schools are also learning how to solve or prevent problems before they start. One Colorado charter school chose to hire a new director in order to smooth out relationships with the district's charter school liaison. In California, one school invested \$7,500 training its staff in the district's record keeping system. This allows the school to turn in reports that are completely compatible with the district's, causing the district no extra work, and keeping relations amicable. One school serving at-risk students in California decided to start turning in unsolicited progress reports. The school director did not know how these reports would be evaluated, but said they wanted to avoid being forced to respond to data requests that might overlook the school's accomplishments. Thus, they took the initiative defining and providing evidence on the school's performance.

⁵ See Powell, Judith, Jose Blackorby, Julie Marsh, Kara Finnegan, and Lee Anderson, *Evaluation of Charter School Effectiveness*, Menlo Park CA, SRI International, 1997.

In sum, charter schools have learned that their authorizers often lack capacity and might not be able to judge them on the basis of performance. They therefore deal with authorizers politically, building personal relationships and accumulating supporters who might protest any actions negative to the school.

Judging Charter School Success and Failure

State charter school laws (and state regulations implementing such laws) generally assume that charter schools will administer student achievement tests, and results will be compared to some standard or reference group. It is often authorizers' job to identify tests and perform the appropriate comparisons. Authorizers also must judge schools fairly, taking account of differences in the schools' missions, neighborhood circumstances and the prior academic preparation of students served. To support these complex judgments, authorizers must not only obtain quantitative outcomes data such as student test scores and dropout rates, but also take account of more complex aspects of performance—fulfillment of promises outlined in the charter, quality of teaching, and rigor of curriculum.

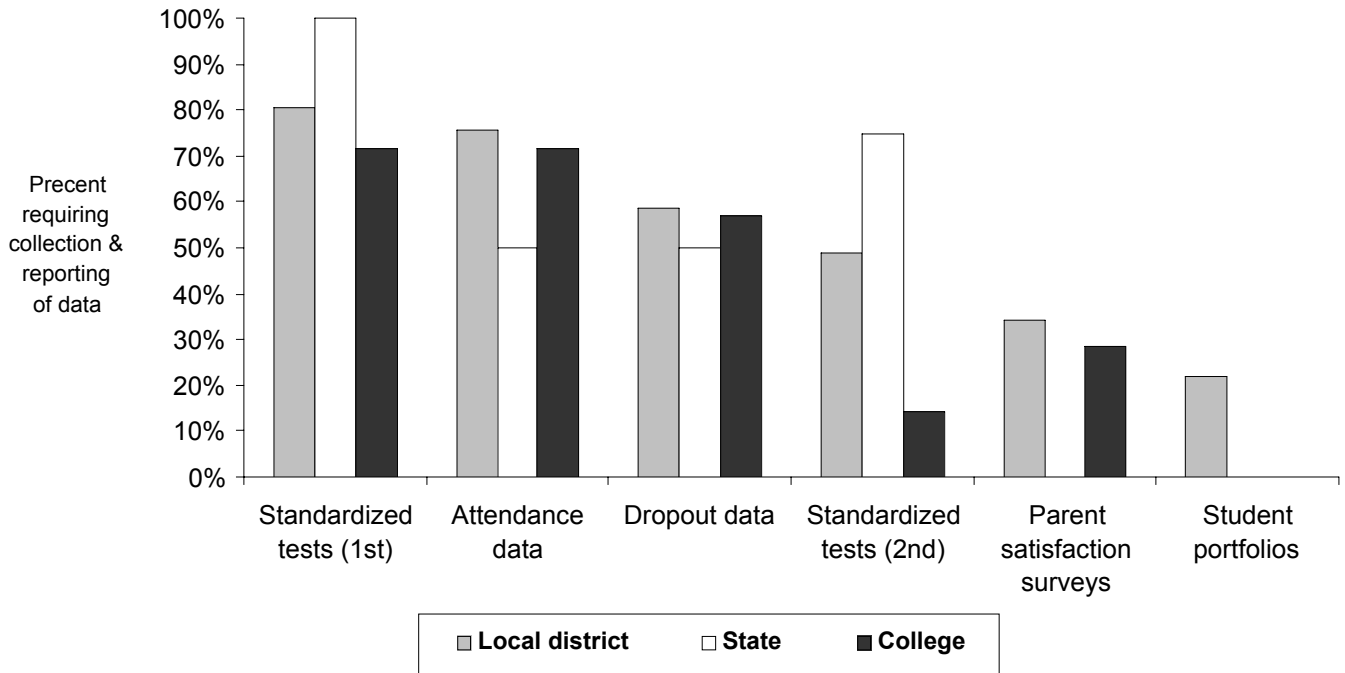
School districts and other charter authorizers are wary about defining charter school performance solely in terms of student test results. Authorizers that favor charter schools are also afraid of placing insupportable burdens on some schools that, because of their location in low-income areas or their chosen mission, serve educationally disadvantaged children. They do not want to be forced to revoke a charter from a school in which absolute achievement levels are low but students are learning more than comparable students in conventional public schools.

What is yet to be determined in many states is the standard to which charter schools will be held when it comes to renewal. Some argue that as long as the schools are performing adequately, satisfying parents and drawing enough students, they should be allowed to continue. Others say that even if parents are happy with a school, if it is not outperforming conventional schools with similar demographics, it should not be renewed. Even within the same authorizing organization, opinions differ on this subject. Most states have just entered the renewal process for their first round of charter schools. They are learning in real time about how to balance the many competing opinions of how charter schools performance should be measured and valued.

Though only a minority of chartering agencies report promulgating written accountability standards or having a formal renewal process, most require collection and reporting of some form of student achievement data. As figure 4.7 shows, all state agencies and the vast majority of other authorizers required at least one student achievement test⁶ per year. State agencies often required that students be tested twice each year. Majorities of all types of authorizers also required additional performance-related data such as student attendance and course completion.

⁶ The Stanford 9 was the test most commonly required.

Figure 4.7—Authorizers require achievement tests and other data on school performance

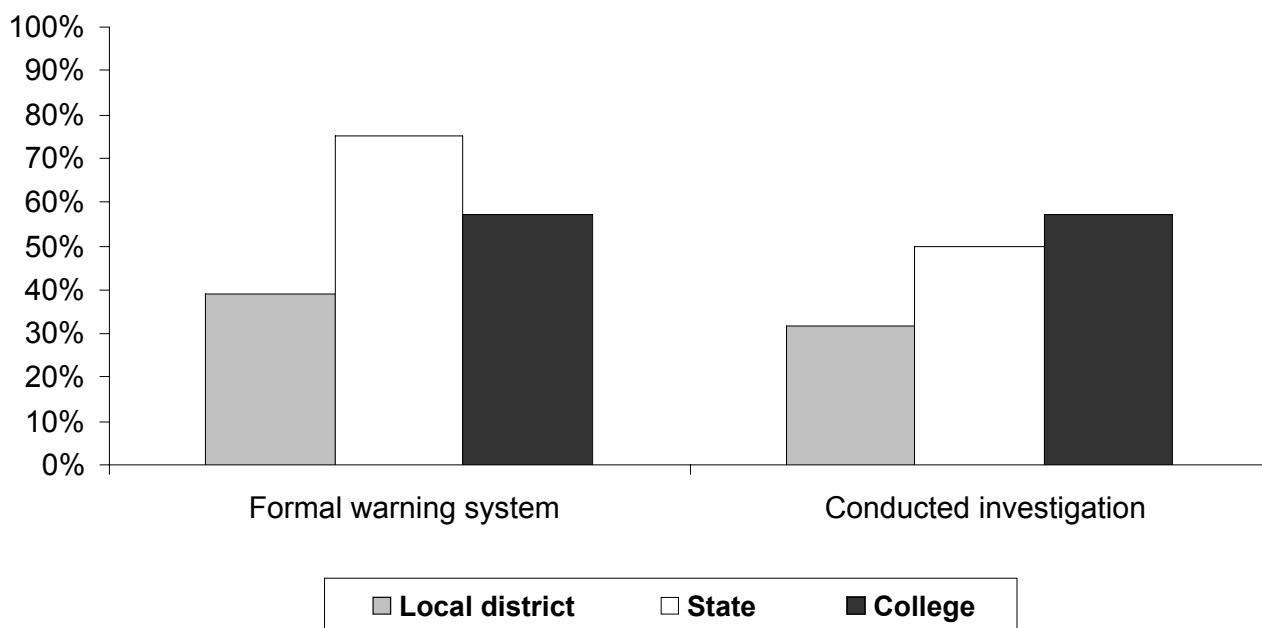


Regardless of the quality of performance information they receive, most authorizers judge charter schools in ways that are familiar to government agencies—responding to complaints and reacting to crises. Most however, are not well prepared for such events and lack warning or probation routines that would help them to deal with a school’s problem that is unacceptable, but not dire enough to warrant charter cancellation. Local school districts are particularly ill equipped in this regard.

In this light, it is no surprise that relatively few of the authorizing agencies we studied report that they have ever conducted an investigation of a charter school. Just over one-third of all the agencies have conducted such an investigation. State colleges and universities are most likely to have taken such a step.

Complaints received from parents were the most common trigger for an investigation of a charter school, with 29 percent of the agencies reporting such complaints. Other fairly important “triggers” were failure to comply with terms of the charter and financial irregularities. A mere handful of agencies reported investigating a charter school because of low test scores, declining enrollment or complaints from teacher unions. As figure 4.8 shows, even when investigations do take place, very few of them result in more than minor changes in school operations.

Figure 4.8—State agencies are most likely to have a formal warning/probation system, b colleges/universities are more likely to conduct investigations



Related to the issue of monitoring and assessing charter schools is the question of how much an authorizer should intervene in a shaky charter school. If during a site visit or through collecting data an authorizer finds that a school is floundering, should it provide advice and technical assistance to help the school improve? Or might that blur the lines of responsibility so that at renewal time, a school could say, “We did what you told us to do and we still didn’t improve. It’s not our fault.” In response to this quandary, some authorizers provide the school with their findings and leave it up to the school to decide whether or how to proceed. Others refer schools to organizations that provide expertise in a particular area. Only a few of the authorizers we studied prescribe the changes the school should make.

To date, most authorizers have been handicapped by a lack of good testing programs that are well matched to charter school goals and student needs. Many seek to look beneath the absolute numbers to determine how well a school is doing, conducting annual site visits to meet with teachers, parents, students, and board members.

As we will discuss in greater detail immediately below, most authorizers have limited staff and little experience in a role that requires them to make judgments about school performance that lead to decisions about whether to close individual schools. Though some

authorizers are avoiding these responsibilities in hopes that they will go away, others are building capacity. Some are creating new units responsible only for charter school oversight. Chicago's charter school office is relying heavily on business and financial communities to help build the capacity to identify the most promising charter school applicants and monitor schools' organizational health and academic performance.

Some authorizers are also contracting out for accountability related functions that they cannot perform themselves. Massachusetts, Chicago, and the Colorado Charter Schools Association are creating or hiring independent groups to perform school inspections. Their hope is to obtain richer, more detailed information about school quality than test scores alone can provide. Groups of experts visit schools to assess less tangible qualities that parents and the public care greatly about school climate, morale, and commitment to educating every student. Based on a British model (which originated with Her Majesty's Inspectorate of Schools) these groups review each charter school on its own terms. Team members are carefully trained to avoid imposing their own personal tastes about the "best" methods of instruction.⁷ Their job is to search for ways to help schools become as effective as possible given their goals and chosen methods.

The Massachusetts school inspection organization has a split mission, partly advisory and partly enforcement. On the advisory side, inspectors monitor individual schools closely to find out about problems early and provide feedback to focus self-improvement efforts. On the enforcement side, inspection reports can trigger actions by the charter-authorizing agency. A negative inspection report about a school's instructional program, staff unity, or efforts to help struggling students could lead to an ultimatum—improve this aspect of the school or we will cancel the charter.

School-Level Reactions to Achievement Testing

Some charter school leaders object to standard outcome measurement and comparison with other schools. Many insist that the school's charter should be the sole basis on which it is judged, and some argue that parent satisfaction, not test scores, is the best indicator of whether students are benefiting.

Even among charter school leaders who favor student achievement testing, there are those who object to state testing programs that assess students on a large number of different subjects. They object that state tests get into unnecessary topics and force schools to teach particular materials at times that they do not think students are most ready to learn.

According to the RPP national survey results, the vast majority of charter schools participate in district or state testing programs.⁸ However, even those charter leaders who accept performance measurement in the abstract are unhappy to have their schools' performance measured by the same tests that local districts use. They know that school districts' average

⁷ As one-time member of Her Majesty's Inspectorate David Green reports, inspectors are taught "to be open to the success of 'the wrong methods.'"

⁸ Berman et al, op. cit.

scores on such tests rise from year to year as teachers and principals learn what is in them and adjust instruction accordingly. They also know that district scores become inflated over time and that a district's average scores fall when it first adopts a new test.⁹ Unless charter schools design their instruction around the particular test that the local district happens to be using (an action contrary to the basic purposes of charter schools) they are not likely to do as well on the district's test as on some other test designed to measure the same skills. State standards-based tests are probably a more appropriate instrument for measuring charter students' learning. Curriculum-independent, tamper-proof, Internet-based tests are another possibility.¹⁰

Authorizers Differ on Whether to Facilitate or Impede Charter Schools

As the foregoing sections demonstrate, an authorizer's formal legal status—whether it is a local school board, special state chartering agency, state department of education, a city, or a college or university, etc., predicts a great deal about how it will define its role *vis a vis* charter schools. However, legal status does not explain everything. For example, some school districts have promoted formation of new charter schools and worked hard to define their bases of accountabilities; some state colleges and universities have been hostile to the very idea of charter schools.

Institutional history and state- or locality-specific political factors can affect how particular authorizers define and play their roles. Attitudes, values, ideologies, and political loyalties matter. Authorizing agency approaches toward charter schools can be characterized in two ways: first, whether the authorizer is reluctant, ambivalent, or enthusiastic about authorizing charter schools in the first place; and second, whether an agency commits to cursory, compliance-oriented, or performance-oriented oversight of the charter schools it has authorized. Using this typology, the vast majority of authorizers fit into one of four categories:¹¹

1. Ambivalent about approving charters, and conduct only minimal oversight;
2. Reluctant to approve charters, yet conduct aggressive compliance-based oversight;
3. Willing to approve charters, and conduct balanced performance and compliance oriented oversight; or
4. Enthusiastic about approving charters, yet conduct minimal oversight.

⁹ Koretz, Daniel M, . The Effects of High-Stakes Testing on Achievement: Preliminary Findings About Generalization Across Tests. Paper presented at the Annual Meetings of the American Educational Research Association (Chicago, IL, April 3–7, 1991).

¹⁰ A promising new idea has been presented by Klein and Hamilton at Rand regarding large scale testing. See Klein, Stephen P. and Laura Hamilton, Large Scale Testing: Current Practices and New Directions, Santa Monica, CA, Rand, 1999.

¹¹ Though categories presented here could suggest the possibility of nine types of authorizers, we observed only the four types discussed in the following pages.

The following pages show how agencies come to take different orientations, how they operate, and what effects different kinds of agencies have on schools.

Ambivalent Approvers, Minimal Overseers

Most, but by all means not all, of the local school boards that authorize schools fit into this category, as do many state departments of education.

For local public school districts, chartering is a minor part of their mission. School districts run large numbers of schools directly, and charters are, with very few exceptions, a minor (and also new and unfamiliar) part of their portfolio. Similarly, a state department of education may or may not see chartering as a major part of its mission. If not, chartering can easily become an orphan, overshadowed by other and more familiar responsibilities and slighted by staffers who resent any challenge to conventional public education.

Few school districts have created the capability to judge individual schools primarily on the basis of performance, and few want it. A local board faced with unambiguous evidence of a school's failure might have to make extremely painful decisions about school closure, termination of staff, and creation of new options for students. These dynamics are especially evident in California, which has the greatest number of "conversion" schools (conventional public schools that have petitioned their local boards for charter status), and in Colorado, where many authorizers are local school districts. Local boards typically avoid close monitoring of student performance, preferring to rely on more familiar methods of financial and compliance oversight. Some school boards do not want to handle the pressures they would encounter if it were easy for people to judge the conventional public schools they have overseen for decades.

Few such agencies closely oversee the performance of charter schools. They assume that decisions on charter continuation will ultimately be political (depending on whether a school has maintained parent or foundation support or conversely, lost credibility due to a scandal), not based on performance. Thus the majority of local school boards have not rigorously overseen, guided, admonished, or closed charter schools.

Many local school boards view charter schools as an outlet for unhappy parents and activists who want to start their own schools. School districts that take these attitudes overlook the distinctive features of charter schools, for example, that they are supposed to have control of their own funds and staff and are supposed to be assessed in terms of performance, not compliance. They try to treat charter schools in familiar terms, regarding them as equivalents to magnet and special schools run by the district itself.

Some school districts have sponsored small numbers of charter schools to serve a unique purpose, such as appeasing a small group of unhappy parents. Fast-growing districts in some states have also chartered schools to shift the cost of providing new facilities to charter school

operators. Similarly, some state departments of education have sponsored a few schools to avoid criticism from procharter legislators. Agencies that charter schools for these reasons are likely to consider their jobs done once the schools are established and will generally leave those schools alone unless they run into financial trouble or become controversial.

Some agencies other than local school boards also have taken this approach to chartering. State-sponsored regional service districts, for instance, might charter a few schools as workforce training centers to support special industries in a region.

In charter schools' relationships with authorizers of this type, student learning is rarely a live-or-die proposition. Few authorizers are willing to bother to revoke a charter or fail to renew one, whether or not a school is performing well. Most assume that charter schools, like conventional public schools, will continue indefinitely.

Reluctant Approvers, Rigorous, Compliance-Oriented Overseers

Authorizers of this type are normally local school districts that feel forced to sponsor charter schools, either by local political pressures or the fear that the state might overturn an arbitrary denial of a charter. These boards often see new charters as someone else's schools that draw funds, students, and teachers away from "their" schools. This can lead to reluctance to transfer funds and a refusal to give new schools access to school district facilities.

The scale and type of charter schools authorized are important factors in sponsor-charter relations. Districts may ignore (or even champion) a few small charter schools that do not make a big dent in their budget or that educate difficult to serve students. But authorizer attitudes can change when the funds transferred to charter schools force cuts in district staffing or programs. In all but the "giant" districts (e.g., Los Angeles and Chicago), 10 or more charter schools create critical mass, threaten to develop a strong new political constituency and force painful changes in district budgets.

Local boards often see charter schools as threatening to their own powers, because charters are not always subject to day-to-day changes in school board policies. Many also resent the fact that school boards retain some legal responsibility for charters, but do not control them. Local district officials we interviewed throughout the country made statements of the form, "It is unfair that we are ultimately liable for the actions of charter schools, though we do not control what they do."

Authorizers normally feel differently about conversion schools, most of which remain closely tied to the district. However, conversion schools maintain smooth relations with their authorizers at some cost: they seldom get the control of staffing, programs, or student recruitment that other charter schools have.

Compliance-oriented authorizers deal with charter schools, as they do conventional public schools, via routine paperwork, requests for letters explaining unusual expenditures, and requirements for administrators' presence at district meetings. These demands are seldom heavy, though they can take up time that school leaders think could be spent more productively in other ways.

An authorizer's compliance orientation sends a specific message; there is nothing special about a charter school. A school's long-term relationship with its authorizer is unlikely to be determined by levels of student performance achieved. What will matter most is whether the school leadership pays attention to central office demands and avoids crises or controversies that might force district leaders to intervene.

Willing Approvers, Overseers that Balance Performance and Compliance

Most agencies that fit into this category were created specifically for the purpose of chartering schools. The Massachusetts State Board of Education is a good example of this type of authorizer, with its thorough approval process, site visits, and renewal inspections. Authorizers whose only way to provide schools is through chartering are more likely to think hard about approval and monitoring—how to distinguish proposals from groups likely to be able to open and run schools from those likely to fail, how to help schools get started, and how to oversee school performance—than authorizers for whom chartering is an exception to the normal way they provide schools.

However, local political forces and individual views can be as important as legal status in causing agencies to take this approach. Massachusetts' law, for instance, says very little about how the state should hold individual charter schools accountable, yet Massachusetts has developed what many consider to be a model accountability system. The state board of education has taken a very slow, controlled approach to authorizing charter schools. As it learned what capacities groups must have in order to start well-organized schools, the state board imposed increasingly high standards for applicants. It has also visited schools often and created an inspectorate to assess charter school programs in advance of the need to decide on renewal applications.

Massachusetts law enabled the implementers to focus on school quality by imposing strict limits on the numbers of schools that could be authorized at any one time, and centralizing all authority into one agency that had no other duties. However, the law could not guarantee that high-level administrators would see that charter schools could be a mechanism for improving the overall supply of schools, or that officials would stake their own reputations on charters' ability to function as models for other schools.

Chicago School District has taken a similarly intense oversight approach to charter school accountability. While the Illinois law does require charter schools to take the state tests, the law did not anticipate the fact that the mayor, school officials, and business leaders would be intensely concerned about charter school quality. A few other local school district boards also fit this category. They view charters in a positive light, usually as part of a strategy for introducing

high standards and greater performance accountability to the district as a whole or as a way to replace low-performing schools that have resisted efforts to improve them. A small number of districts have come to consider chartering as a promising way to provide schools. Chicago, Illinois; San Carlos, California; Cobb County, Georgia; and Jefferson County, Colorado; all consider charter schools to be one among several ways they can provide schooling options for families. There is potential for many more local school districts to operate this way.

Agencies that are committed to charter schools, but determined to promote quality try to minimize school problems and failures. They screen applicants well, make sure the schools prepare good instructional plans, and know how to get financial and management help. They set priorities so that chartering is used to provide new options for the neighborhoods or age groups with the weakest public schools. They discover quickly that new schools need help and either find it or create it. These agencies either create significant in-house capabilities or partner with other organizations. In the case of a school district authorizer, this is not just an extension of the district's normal ways of doing business. Chicago quickly realized this, and now relies on private actors for financial and governance assessment.

Recent charter approval decisions by these agencies appear to favor large for-profit or nonprofit school management organizations. This trend suggests that they prefer established school providers rather than taking risks on new, unknown though possibly more innovative organizations.

Another authorizer, Central Michigan University (CMU), increased the rigor of its approval and monitoring responsibilities only after coming under fire for lax practices.¹² In 1998, a new charter schools' office director started creating a "little state department," that would make sure all schools chartered by CMU would comply with all state requirements. The director is currently building a large staff (16 people), which will specialize in four functions:

- Governance (helping schools create clear and workable relations with their governing boards);
- Finance (addressing fiscal and business issues);
- Education (ensuring that schools have coherent instructional programs); and
- A yet-to-be defined technical assistance and research capacity.

Anticipating a greater volume of work in the future, CMU is thinking about creating a regional structure, with governance, finance, and education staffs in several locations. Because it gains fees from all the schools it charters, CMU can afford to expand its charter schools office as the numbers of schools increase. The move toward regional offices and attempts to streamline the reporting processes for the schools reflect a concerted attempt by CMU to provide schools with a supportive operating environment.

¹² A reviewer of this report has commended the oversight processes in two other Michigan universities that started authorizing schools after our research was finished.

At this stage of the charter school movement, only a small proportion of authorizers is committed to sponsoring charter schools as a way to provide public education. However, some authorizers are moving toward a more positive view of charters and accepting greater oversight responsibilities. One urban California school district, for example, had no charter school approval policy or monitoring criteria before June 1999, but is now formalizing processes as many more charter school applications are coming in. A small but growing number of local school districts are becoming more like members of this category as boards and superintendents realize that families want options and chartering is not going away.

In Washington, DC, two groups are authorized to sponsor charter schools and their contrasting approaches show what a difference an authorizer can make. The DC School Board has been reluctant to authorize schools, and has done so only when faced with overwhelming pressure from powerful individuals and activists in the DC community. They have not overseen schools closely, and their schools have generated great controversy, including a crisis at a DC charter school that led to a widely publicized assault on a reporter. In contrast to the school board, the DC Public Charter School Board has promoted applications, reviewed them carefully, matched school operators with sources of financial, managerial, and educational advice, and carefully overseen the schools once they were in operation.

Eager Approvers, Inattentive Overseers

A few agencies have approved large numbers of charter schools without making a strong commitment either to assist or oversee schools. They believe that by lowering barriers to entry for new schools, they will authorize a large number of schools with very diverse missions and pedagogy, and let competition and parent choice drive quality.

Arizona's primary authorizers are probably the best example of this supply-stimulating approach. The legislation created multiple sources for approval so schools could proliferate, provide options for parents, and put pressure on other schools to adapt. To ensure that charter schools would not run into political barriers to approval, Arizona's charter law created a new state entity, the State Board for Charter Schools, whose only mission is to charter schools. The law also gave authority to the state board of education and local school districts, which may sponsor schools located outside their district.

The initial impetus was to get as many independent schools operating as possible. Much less attention was given to how the schools would be held accountable by their authorizers. The dominant political figures behind the charter school movement in Arizona believed strongly that parent choice and vigilance would be the most effective accountability measures. Of lesser importance were the application process, startup and technical assistance, agency oversight, and the charter renewal process. In practice, parent choice has been the major performance accountability mechanism for Arizona's charter schools.

After acting as a primary sponsor of the bill, Lisa Graham-Keegan was elected State Superintendent of Public Instruction and remained a vocal proponent of charter schools. She and the Governor tried to resist onerous new bureaucratic requirements proposed by the Department of Education. Staffing for the two state boards was kept small. The original application process

was minimal, requiring little in the way of education or business plans. A combination of a “hands off” philosophy toward charter schools and sheer lack of people-power has resulted in Arizona authorizers taking a minimalist approach to monitoring or assisting the schools. They generally leave school survival to depend on two things: the ability of schools to sustain themselves as organizations and parents’ willingness to send their children to the school. Most authorizing agencies in Arizona have so far conducted their oversight by responding to parent complaints, especially those related to legality of charter school practices.

Arizona leads the country in number of charter schools with 348 operating schools in September 1999. Charter schools now account for approximately 20 percent of Arizona schools, nearly all of which were sponsored through the two state boards. As the number of schools has grown, both state boards have created increasingly stringent application requirements in an effort to screen out clearly unqualified applicants and have begun to increase their attention to school performance. In the past year, outside organizations such as The Goldwater Institute (a conservative Arizona think tank) and the Arizona Charter Schools Association have increasingly provided technical assistance to charter schools and are developing a voluntary peer review evaluation processes.

Conclusion

Government agencies are lagging behind schools in understanding what must be done if charter schools are to contribute to public education. Many authorizers are, however, learning about what it takes for a school to succeed and they are increasingly raising the bar for school applicants.

In general, authorizers whose only way to provide schools is through chartering make that their mission. Compared to authorizers for whom chartering is an exception to the normal way they provide schools, these new authorizers are highly concerned about learning to oversee schools—how to distinguish proposals from groups likely to be able to open and run schools from those likely to fail; how to help schools get started; and how to oversee school performance. Many of these agency heads are people with political as well as managerial credibility. They act to build a new agency’s track record and preserve their own personal reputations. Authorizers committed to chartering think of an unfilled slot for a charter school as a scarce resource and they are unwilling to risk it on a school that looks like a long shot.

The authorizers we studied have accumulated only 5 years’ experience with charter schools. Most authorizers have sponsored fewer than five charter schools and have closed none. When asked what changes they would make given their experience, most authorizers emphasized clarifying expectations and increasing monitoring of charter school operations and outcomes. In one way or another, most agency heads echoed one who wrote in our survey that the agency would give “stronger emphasis on performance objectives, performance criteria, benchmarks, and measurement.” Such desire for better-structured measurement and oversight is surely evidence that authorizers are coming, however slowly, to understand their responsibilities for charter schools.

Does it matter whether school boards and other public agencies learn to hold charter schools accountable for performance? Some would say no, that accountability to families and teachers is enough, and that government need not oversee charter schools at all. Others from the opposite end of the ideological spectrum would agree, but for a different reason: they think that compliance-based accountability is the only way for government to ensure equitable treatment of students and proper use of public funds.

Our data do not support a definitive conclusion about what methods of government oversight are best for all purposes. But we can say that no state charter law exempts government from responsibility. All states retain some level of responsibility to assure at least a minimal level of educational quality in publicly funded charter schools; government oversight is what distinguishes charter schools from vouchers.

Our research does suggest that performance-based oversight by authorizers promotes an internal focus on effective instruction, and that compliance-based oversight weakens that focus. It also suggests that inattentive authorizers are prone to spasms of compliance activity when problems become public. Charter schools thus benefit from some performance oversight and are in danger when there is none.

Section 5 will suggest ways that government can catch up with families and school providers and play a responsible role in charter school accountability.