

*But, Grandma Didn't Go to a Charter School:
How Public Charter Schools Can Help All Public Schools Survive Fiscal Austerity and Policy
Combustion*

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Introduction

Grandma didn't go to a charter school. She didn't used to be on Facebook, either.

For many public school administrators, public charter schools are like the possibility of a blind date compared to the prospect of a date with that good looking friend you've been out with many times before. Even though the prior dates haven't ended with long glances on the front porch under the full moon, they're a known quantity. You're comfortable with them and don't mind repeating the experiences of the last 10 dates. The blind date could be phenomenal and lead to the sparks of romance you've been missing. It could also end in misery for both parties. So, why risk it?

Faculty who teach education law issues have enough on their syllabi. Public charter schools may be the latest Federal education initiative to lure research dollars to campus. But they haven't influenced education law like Goss, Lopez, T.L.O. or that kid in Alaska combining cannabis and Christianity. Not to mention the fact that all the up-and-coming doctoral students writing dissertations about charter schools haven't figured out consistent ways to design, conduct or analyze research projects. And the summaries of their research always seem to be used by an advocacy organization or political prospector for their own gain instead of to advance pedagogy in K-20 education.

And, oh, by the way, the district is out of money. We can't go siphoning off ~~our~~ money to ~~the kids who go to~~ charter schools.

Charter schools and charter school laws may be useful tools to help states or districts meet the needs of all of their students during a time when shrinking budgets are colliding with dramatic changes to the academic standards, teacher preparation pipelines, and teacher and administrator working conditions and evaluation standards. This paper:

- Illustrates how one Tennessee district's approach to charter schools is driving district wide improvements;
- Outlines the sharing of best practices between charter and non-charter public schools in Ohio;

- Addresses the legality and feasibility of charter schools and district schools collaborating on bond offerings and purchasing cooperatives;
- Discusses whether a district's development of charter authorizing and monitoring procedures can positively affect the monitoring and technical support provided to all district schools; and
- Discusses trends in charter school research that are or are not useful to policymakers.

Education law may be seen as creating burdensome compliance or as facilitating creative disruption. The perspective attorneys, administrators and faculty bring to their work may determine, in large part, the relative success their clients or research subjects make in preparing students for success in post-secondary work, education and citizenship.

I. Can't We All Just Get Along? A District-Charter Compact in Music City

Charter schools were introduced in Tennessee via the Charter Schools Act of 2002.¹ The authorizing authority for charters was vested in the local educational agencies with caps written into the law to incentivize scrutiny.² Enrollment in charter schools was restricted to students who resided in an area with a school that failed to meet Adequate Yearly Progress (AYP), or had failed to test proficient themselves, or, in large districts, qualified for free or reduced priced lunch.³ Charter Schools also had to face one of the most severe accountability systems in the country: a school could be shut down after two years of failing to meet AYP,⁴ compared to five or more years for traditional public schools.⁵

Coupled with these restrictive policies, local school boards tended not to be prepared for the sort of mission and drive that these new charter school leaders would bring. Randy Dowell, Executive Director of KIPP Nashville, was rejected by the Metro Nashville School Board on his first attempt to open a school in 2004. The school board's response highlighted the changes that needed to be made in the climate if charter schools were to succeed in Nashville. It responded to Dowell's bold goal of all students being ready for college with the following:

¹ T.C.A. § 49-13-101 et. seq.

² T.C.A. § 49-13-106.

³ *Id.*

⁴ T.C.A. § 49-13-122.

⁵ T.C.A. § 49-1-602.

While the committee lauds the applicant for setting high goals for the proposed charter school, it is unrealistic to assume that all students can and/or want to attend college. The Committee also notes that the school's goal to prepare students to attend rigorous colleges is unusual for a middle school and is more appropriate to a high school.⁶

KIPP Academy Nashville was the first school authorized to open in Nashville and its first class entered in fall of 2006. A year later, LEAD Academy opened. The school board continued to be discriminate and cautious when authorizing charter schools. Many district leaders seemed uncomfortable at best, hostile at worst, with the introduction of charter schools.

The first major issue occurred when Nashville Global Academy voluntarily submitted its contract in July of 2010. Despite repeated attempts by the district to approach and address forthcoming problems, Nashville Global Academy racked up debt that ultimately forced the school to close. Across the country, financial insolvency is the first or second most common reason that charter schools are closed.⁷

The closure of one of the six operating charter schools in Nashville provided an opportunity to change the course of the dialogue in the city. Instead of pushing for a “charter or not” mentality which has pitted charter schools against traditional public schools in many districts and states across the country, Nashville sought a different route. All partners came to the table to have an open conversation about the role of charter schools in Nashville. The Bill and Melinda Gates Foundation rewarded their commitment to collaboration by selecting Nashville as one of nine cities across the country to receive a grant.

On December 14, district, community, and charter school leaders signed the District-Charter Collaboration Compact. The compact is an agreement between traditional district schools and public charter schools to work together to share best practices and provide all children in their communities with a public school education that prepares them with the skills and knowledge to succeed in college and the workforce. By signing the compact MNPS has agreed to

- formalize a partnership to work together to improve all schools by providing an opportunity for teachers and schools to learn from each other and build upon successful practices, whether those practices are found in traditional or charter public schools,

⁶ MNPS Review Committee Memo to KIPP Academy, Feb. 12, 2004.

⁷ See, e.g., National Association of Charter School Authorizers, *The State of Charter School Authorizing* (2010), available at http://www.qualitycharters.org/images/stories/publications/2010_facts_report.pdf (last viewed Sep. 19, 2011).

- replicate high-performing models of traditional and charter public schools while improving or closing down schools that are not serving students well, and
- address equity issues that often lead to tensions between district and charter schools, such as whether district and public charter school students have equitable access to funding and facilities and whether charter schools are open to all students, including those with special needs and English Language Learners.⁸

This compact demonstrates MNPS's commitment to facilitating cooperation through sharing best practices and demanding excellence across the system. MNPS demonstrated further commitment by applying to the National Association of Charter School Authorizers to review MNPS's charter application process.⁹ The yearlong effort was completed in June of 2011. NACSA's recommendations have helped MNPS identify its weaknesses and strengths to forge a path which will help the organization develop as an authorizer and provide more students an opportunity for an excellent education. Following this report, the director of charter schools for MNPS invited all the authorizers in Tennessee to form a Tennessee Association of Charter School Authorizers, whose first meeting was held on August 27, 2011.

Metro Nashville Public Schools has demonstrated the strengths of having local education agencies authorize charter schools. The district has developed a strong plan for sharing best practices to improve educational opportunity for all students, both in charters and traditional public schools. It has repeatedly demonstrated flexibility, vision, and accountability, three traits which are essential for improving the quality of any school.¹⁰

⁸ MNPS District-Charter Compact, available at <http://www.mnps.org/Page78551.aspx> (last viewed Sep. 15, 2011).

⁹ "Metro Schools Receives NACSA Grant," available at <http://www.mnps.org/AssetFactory.aspx?did=59279> (last viewed Sep. 15, 2011).

¹⁰ See, e.g., William G. Ouchi, *MAKING SCHOOLS WORK: A REVOLUTIONARY PLAN TO GET YOUR CHILDREN THE EDUCATION THEY NEED* 13 (Simon & Schuster 2003). Ouchi highlights seven keys to making schools work:

1. Every principal is an entrepreneur.
2. Every school gets its own budget.
3. Everyone is accountable for student performance *and* for budgets.
4. Everyone delegates authority to those below.
5. There is a burning focus on student achievement.
6. Every school is a community of learners.
7. Families have real choices among a variety of unique schools.

II. How are charter schools and district schools in Ohio sharing best practices? Is the state facilitating that sharing?

Some charter schools and district schools have been sharing best practices, but the practice is not as deep or as widespread as it should be. Where it does happen, it tends to exist because of one or a few dedicated individuals—for example, a teacher leaves a district school for a charter and forges a partnership between the two schools. Still, the state has done some work to encourage sharing, and some districts have taken a proactive approach. Also, the Ohio Alliance for Public Charter Schools (OAPCS) has made the sharing of best practices a priority.

The state has attempted to facilitate charter/district sharing with the Public Charter Schools Dissemination Grants. In the past six years, approximately five charter schools a year have been awarded funds to document and share best practices. In this past year, the Dayton Early College Academy held a two-day DECA Institute that coached participating schools through early college/college readiness & preparation. Citizens’ Academy created and shared a website. A couple years ago, The Charles School at Ohio Dominican actively shared Center for Experiential Learning, a compilation of ePortfolios that store artifacts of twenty-first century skills. However, the amount of district participation when these learning opportunities have been available has been disappointing. Although progress is being made on a systems level, most sharing and integration occurs on the individual level – teachers and administrators moving between charter and traditional district schools bringing ideas and practices with them.

There are a few particularly good examples of collaboration on the district level. The Cleveland district authorizes most of the charter schools that make up the Breakthrough Charter School Network (Breakthrough).¹¹ Breakthrough is a non-profit charter management company (CMO), and it provides back office and professional development services to some of the Cleveland area’s best charter schools (including the Intergenerational School, E-Prep, and Citizens Academy) while also maintaining a good working relationship with the Cleveland school district. The Breakthrough schools also share some practices with St. Martin di Porres, a private school that is part of the Cristo Rey network.

¹¹ An “authorizer” is an organization that is responsible for monitoring the charter school, and holding the board of the school accountable for the school’s performance. Depending on the state, authorizers may be school districts, universities, state boards of education, municipalities, independent chartering boards or 501(c)(3) organizations. National Association of Charter School Authorizers, *The State of Charter School Authorizing* 2009 at 7.

The Ohio Alliance for Public Charter Schools and the Thomas B. Fordham Foundation have taken leading roles in encouraging collaboration. In September 2010, OAPCS hosted the National Best Cooperative Practices Between Charter and Traditional Schools conference. Co-hosts included statewide charter associations from Massachusetts, Arizona and New Mexico, and two urban school districts: Cleveland and Denver. Approximately 200 people from 21 states came to Columbus to learn about innovative, collaborative practices between charter and traditional schools from across the country. For example, a kindergarten-through-sixth-grade language-immersion school in Minnesota has worked with a district junior high school so that the charter students can continue their second-language acquisition. A few examples from Ohio were included and, while the state was not a formal partner, then-state Superintendent Deb Delisle did address the attendees.

In organizing the conference, however, OAPCS did not find many good, deep, sustained examples of charter school and district collaboration; specifically, OAPCS struggled to reach its goal of 25 examples, nationally. OAPCS is planning to host another Best Cooperative Practices Between Charter and Traditional Schools conference next year, and plans to make the event biannual.

OAPCS provided a second opportunity for sharing with the “Best Practices in Student Data Management Symposium” held in January of 2011. The Ohio Department of Education co-hosted this event, which brought traditional and charter schools together to share knowledge on Instructional Improvement Systems. Six schools, including one charter, demonstrated their data management systems for documenting formative and summative assessments and analyzing results to continually monitor student learning gains.

The Thomas B. Fordham Foundation (Fordham), a Washington DC-based think tank and Ohio-based authorizer of charter schools, has also pushed district-charter collaborations. For example, the Fordham Foundation was instrumental in drafting and pushing the passage of legislation pursuant to which districts may choose to count a charter school’s state test academic performance data if (1) the district leases facilities to a charter school, or (2) the district and the charter school enter into a written agreement to endorse each other’s programs.¹²

Additionally, in 2010 the Fordham Foundation, in partnership with the Education Service Center of Central Ohio (a state entity that provides services to charter and district schools),

¹² Ohio Revised Code (ORC) § 3302.03(C)(6).

received a grant from the National Association of Charter School Authorizers to found a new type of authorizer whose members represent school districts, 501(c)(3) organizations, and other entities that authorize charter schools. Unfortunately, the legislation that would have enabled this new entity to form did not survive Ohio's budget process; however, all of the groups at the table – including two large urban districts, three education service centers, two non-urban districts, one 501(c)(3) organization and one higher education representative – believe that the work of the entity is critical to moving beyond the “charter v. district” conversation and collaborating among the members to share best practices and improve overall public school quality, overall. As such, the founding group has chosen to incorporate and continue to pursue their mutual goals.

The Fordham Foundation also recently brought together one urban school district that houses a highly successful charter school and a more affluent suburban Cincinnati school district with the goal of collaborating on a new hybrid school initiative that would be piloted simultaneously in the charter school and a portion of the partner district. A key goal of this project is to examine student needs in a blended environment in a high poverty, high achieving urban school, and examine the same in its affluent and also high achieving suburban counterpart.

Finally, like OAPCS, the Fordham Foundation—as an authorizer working directly with schools—often sees informal collaboration between charters and their traditional district counterparts (e.g., the Executive Director of a highly successful charter school sharing the school's teacher evaluation process with the Superintendent of a large urban district).

III. Do Ohio and Tennessee laws allow charter schools and district schools to collaborate on bond offerings and purchasing cooperatives? If so, are any charters or districts pursuing such collaboration?

The current administration in Ohio is committed to expanding shared services. The governor's director of 21st century education has been tasked with developing a plan to integrate and consolidate the publicly-supported regional shared services organization. By October 15, 2011, the director must have conducted a shared services survey of Ohio's school districts, community schools, STEM schools, chartered nonpublic schools, joint vocational schools, and other educational service providers and local political subdivisions to gather baseline data on the current status of shared services, and to determine what opportunities for additional shared services exist.

Currently, however, collaboration is unlikely to occur with bond offerings because community schools face significant obstacles that a district school or another charter school would be unlikely to undertake. For example, R.C. 3314.08(J) limits bond offerings for community school facilities to a term of fifteen years, which is far too short for districts—let alone community schools—to repay significant debt. Given the lower credit rating of charter schools¹³ and the difficulty that community schools face in issuing tax-free bonds,¹⁴ it is unlikely that district schools or other charters would want to take the risk of collaborating on an issuance.

In 2010, the Fordham Foundation helped bring together a group of Dayton-area charter schools and the Dayton Public Schools to discuss the possibility of partnering on a purchasing consortium. Areas of interest included food service, facility maintenance, technology, employee benefits, among others. Although the consortium itself never materialized, the Dayton Public Schools and the charter group remain amenable to working together.

Tennessee’s law specifically allows the local board of education (the chartering authority) to “endorse the submission of the qualified zone academy bond application to the local taxing authority. The chartering authority may endorse such a bond application submitted by the charter school governing body, or the chartering authority may include the charter school’s project as part of the chartering authority’s bond application.”¹⁵ Though neither route has been pursued to date, increased district-charter collaboration, such as that evolving in Nashville, may increase the likelihood of charter schools receiving their own or being part of district bond offerings. In Nashville, for example, one charter school took over a deteriorating district

¹³ LOCAL INITIATIVES SUPPORT CORPORATION, CHARTER SCHOOL BOND ISSUANCE: A COMPLETE HISTORY 5, http://www.lisc.org/docs/resources/effc/bond/2011_Charter_School_Bond_Issuance.pdf. Texas and Colorado have addressed this issue by backing charter school bonds with state funds or agreeing to take responsibility for the debts of defaulting charters. Colorado Department of Treasury, Charter School Intercept and Moral Obligation, http://www.colorado.gov/cs/Satellite/Treasury_v2/CBON/1251590262898; David Mildenberg, Texas May Provide Backing for Charter-School Debt Offerings, BLOOMBERG BUSINESSWEEK, Mar. 3, 2011, *available at* <http://www.businessweek.com/news/2011-03-03/texas-may-provide-backing-for-charter-school-debt-offerings.html>. (NOTE: this provides a better explanation than the articles discussing the actual passing of Senate Bill 1 in Texas, which occurred on July 19, 2011.)

¹⁴ To issue tax-free bonds under the Tax Equity and Financial Responsibility act of 1982, a school must get approval from the “applicable elected representative” from both the place of issuance and the location of the school. Internal Revenue Code 147(f). Given the political turmoil surrounding charter schools, getting the approval of local elected officials has proven to be very difficult.

¹⁵ Tenn. Code Ann. 49-13-123(b) and State Board of Education Rule 0520-14-01.

building and the city then took ownership from the district. The city council is finalizing plans to contribute to the renovation or replacement of the building.¹⁶

IV. Has the presence of charter schools affected the way LEAs (particularly if they are authorizers) monitor and provide technical support to other, non-charter, traditional public schools?

There is no formal research (in Ohio) that shows whether and to what degree the presence of charter schools has affected the provision of LEA monitoring and technical support to the LEA's non-charter, traditional counterparts. However, the presence of charter schools has had a material impact on how LEA's monitor and operate the charter schools within their district portfolio. In a significant number of districts, charter schools that had been established as district conversion schools were regarded by the districts as programs rather than individual, independent public schools. So much so, in fact, that in 2010 the Ohio Department of Education (ODE) issued guidance to school districts that spoke to the need for conversion charter schools to maintain operational independence from other district programs.¹⁷ The guidance also referenced an Ohio Attorney General opinion that clarified job duties that were appropriate and inappropriate for school board members, superintendents and treasurers who may have had job functions within the district and within the community school.¹⁸

Despite the lack of research regarding the impact of charters on LEA monitoring and support of non-charter LEA schools, the Cleveland Metropolitan School District's (CMSD) Transformation Plan contains charter-specific strategies, including allowing proven charter operators to:

- Begin operation in a repurposed school, "co-locating" charter and district-led school (i.e., charter starts with early grades and builds out over time, as district-led school phases out);
- Evaluate use of closed building, with charter assuming operational cost;

¹⁶ Steven Hale, "Future of historic Highland Heights school building uncertain," available at <http://nashvillecitypaper.com/content/city-news/future-historic-highland-heights-school-building-uncertain> (last viewed Sep. 19, 2011).

¹⁷ Ohio Department of Education Conversion Community Schools Advisory Letter (September 8, 2010) available at <http://www.ode.state.oh.us/GD/Templates/Pages/ODE/ODEDetail.aspx?Page=3&TopicRelationID=662&Content=107573>.

¹⁸ For example, an individual may serve simultaneously as the treasurer for a school district and as the treasurer for a conversion charter school provided that the job with the school is a separate and distinct position from employment as the district treasurer, and provided that such individual is not involved in review, monitoring and oversight of the provision of technical assistance to the school. AG Opinion No. 2010-020, Aug. 10, 2010.

- Encourage takeover of an entire repurposed building, with existing student population.¹⁹

In addition to these strategies, it is worth noting that CMSD's recently approved group of new charter schools includes programs that utilize strategies such as a longer school day and year, consistent implementation of best practices from some of the highest performing charter schools nationally, academic design based on a combination of Expeditionary Learning Schools and Facing History and Ourselves, and multi-age classrooms with community involvement from senior citizens, to name a few.²⁰ Finally, CMSD's "innovation schools" seem to be modeling charter-like components, such as building level autonomy to shape curriculum, extend the school day and school year, and hire without regard to seniority.²¹

V. Mechanics Might Produce More Useful Data: Why Nascent Charter School Research is not (yet) Really Helpful

The one certainty that has emerged from research on charter schools is that charter schools, by themselves, do not transform the educational experience or improve student outcomes by themselves. Studies on student performance are the most ubiquitous research topic around charter schools, using either single state or multiple state data sets and one of a few different methods. It is generally agreed upon that students who enter charter schools tend to be different than a state's average public school student, so a simple comparison of scores does not suffice. This difference may be, for example, due to the fact that charter schools are disproportionately located in low-income and high-minority areas ; or, those who decide to opt out of traditional public schools may differ from those who stay behind (i.e. their parents might be better educated, etc.). The latter difference is often referred to as selection bias. To seek to isolate the effect of the charter school, it is necessary to minimize selection bias.

One method of testing the effect of charter schools is to use a longitudinal data set that tracks the same student from his or her time in public school through when he or she transfers to a charter school. This method is often called a "fixed-effects method" because it is looking at the

¹⁹ Cleveland Metropolitan School District Academic Transformation Plan (March 9, 2010 update) available at http://www.cmsdnet.net/en/AboutCMSD/~media/Files/About/Transformation/Plan/2010_Mar_09%20CMSD_AcademicTransformationPlan_Updated.ashx.

²⁰ See generally <http://breakthroughcleveland.org/schools>.

²¹ Deborah Miller, *Most Cleveland district 'innovation' schools are getting good marks* (August 31, 2009) available at http://blog.cleveland.com/metro/2009/08/most_cleveland_district_innova.html.

relationship between student performance and time variant factors, such as change of school.²² However, one shortcoming of this method is that many students start in charter schools in kindergarten, and some have argued that the difference between these students and students who transfer into schools may be greater than students who choose not to opt out of public school and charter school students.

A second method of measuring the performance of charter schools is to use lottery data from oversubscribed schools. This method is often referred to as the closest one can get to the “gold standard” of randomized control trials because, when a charter school is oversubscribed, it must perform a lottery to determine who is enrolled.²³ No tests can be given to weed out certain students. What this lottery then assumes is that the students who are randomly selected are essentially identical to those who are not admitted, which then allows researchers to test the effect of the charter school on these students’ performance vis-a-vis their public school counterparts. The issue of selection bias in this method is moot since both the treatment (charter school students) and control (TPS students) both applied for charter admission.

A third method that is commonly exercised is a matching method for students. One recent multi-state study matched students in charter schools on observable characteristics, such as gender, race, socioeconomic status and prior test scores, with students who attended traditional public schools in the same district.²⁴ The matching method is intended to minimize selection bias and falsification tests can be done to ensure that any difference in performance is due to school factors, not selection bias.

Unfortunately, these studies tend to try to answer the “charter or not” question. Yet, since it is clear that charter schools are not going away anytime soon, this question does not address the issues that are most pertinent to policy. Research has demonstrated that there are some high performing charters whose success ought to be replicated if possible and low performing

²² For an example of research using “fixed effects” method, see: Zimmer, R., Gill, B., Booker, K., Lavertu, S., Sass, T., & Witte, J., *Charter schools in eight states: Effects on achievement, attainment, integration, and competition*, RAND Corporation, MG-869-BMG/JOY/WPF (2009), available at <http://www.rand.org/pubs/monographs/MG869/> (last viewed Sep. 15, 2011).

²³ For an example of charter school research using a lottery design, see Abdulkadiroglu, A., Angrist, J., Cohodes, S., Dynarski, S., Fullerton, J., Kane, T., & Pathak, P., *Informing the debate: Comparing Boston’s charter, pilot and traditional schools*, Boston Foundation (2009), available at http://www.tbf.org/uploadedFiles/tbforg/Utility_Navigation/Multimedia_Library/Reports/InformingTheDebate_Final.pdf (last viewed June 8, 2011).

²⁴ For an example of charter research using this matching method, see: Center for Research on Education Outcomes (CREDO), *Multiple choice: Charter school performance in 16 states* (2009), available at http://credo.stanford.edu/reports/MULTIPLE_CHOICE_CREDO.pdf (last viewed June 8, 2011).

charters, whose financial mishandlings and failure to improve student outcomes should necessitate the closure of these schools. In fact, what may be most pertinent is to identify what distinguishes between high performing charters and low performing charters so that those lessons can be applied to improve educational opportunities for all students, both in charter schools and in traditional public schools. Tennessee, as a relative latecomer to the charter world, has sought to implement a research backed system. Research can provide some insight into specific areas of the effectiveness of specific programs.

One common argument for the expansion of charter schools is the emphasis on competition that will develop both between charters and charters and traditional public schools. Research on this has been mixed, but mostly has found little impact of competition on student achievement.²⁵ A number of studies have found that regular school principals in positions to be influenced by charter schools do not appear to be doing anything differently. In Michigan and in California, competition from charters does not lead to more regular school efforts to improve student achievement. A famous debate between economists Caroline Hoxby and Jesse Rothstein has underscored this issue. However, if one were to assume that charters were to work in a pure market system, then consumers (parents) would opt to remove children from poorly performing schools and into high performing schools. Research has found that this tends not to be the case.

Parents tend to consider a number of issues when deciding, even if they cite academic quality as a top priority. One study, which first interviewed parents, then tracked their research on charter schools on a website, found that while they said academics was a primary concern, when searching for information, demographic information about the school was the demographic makeup of the school.²⁶ Other studies have found that parents value proximity. What these findings tell us is the market-forces, which might be expected to weed out poor performing schools, may not adequately be up to the task. Authorizers, therefore, have a responsibility to identify and replicate high performing schools.

Another buzzword that is often thrown around to describe charter schools is that they are more innovative than public schools. Research, however, has not proven this to be the case. In fact, many of the common examples of innovation in charter schools: longer school days and

²⁵ See the Hoxby-Rothstein Debate: See Hoxby, C. "Does Competition among Public Schools Benefit Students and Taxpayers?" *American Economic Review*, 90(5), pp. 1209-38 (2000), and Rothstein, R. (2007) "Does Competition Among Public Schools Benefit Students and Taxpayers? A Comment on Hoxby," *American Economic Review* 97(5), pp. 2026-2037 (2000).

²⁶ Buckley, J. & Schneider, M.. *Charter Schools: Hope or Hype?* Princeton, NJ: Princeton University Press (2007).

years, uses of technology, classroom practices, etc., have been introduced, albeit sparsely, in different public school districts throughout the country. Research has found that classroom practices in charter schools are not different, on average, than a traditional public school classroom.²⁷ Yet, the autonomy that charter schools are afforded in order to spur innovation is generally found in one of four areas: staffing, instructional programming, governance and culture.

The research community has come a long way in determining best practices for charter schools and supporting the expansion of effective charter schools. Still, much work can still be done to improve academic outcomes for all students. A simple, prescriptive determination of what type of schools for which students may not have been developed as yet, but the research community continues to expand its understanding and ability to measure the performance of charter schools. While there is much work to be done, increasing availability of data of factors that contribute to student achievement leaves the research community optimistic. The creation of charter schools, by itself is not a silver bullet, but as the research community continues to build knowledge of what works, the autonomy granted charter schools may enable them to better adjust and improve their capacity to the needs of its students.

VI. Are research publications still focused on answering the question, are charter schools better than non-chartered schools, or has any research looked "under the hood" to see what kind of learning environments are best for which students at what point in their academic careers? What are the pros and cons of published research on Ohio charter schools?

The bulk of Ohio's published research on charter schools can be lumped into two categories: performance comparisons²⁸ and policy/practices examinations.²⁹ . Both types offer

²⁷ Zimmer, R. & Buddin, R., *Getting inside the black box: Examining how the operations of charter schools affect performance*, RAND Corporation. WR-305-EDU (2005), available at http://www.rand.org/pubs/working_papers/2005/RAND_WR305.pdf (last viewed Sep. 15, 2011).

²⁸ See, for example, 2010-11 Ohio Report Card Analysis, *The Thomas B. Fordham Institute* (2011) available at <http://www.edexcellence.net/publications-issues/publications/2010-11-ohio-report-card.html>; Brent E. Johnson, *Comparing Achievement Between Traditional Public Schools and Charter Schools Within the Big Eight Urban Districts in Ohio*, University of Toledo (2010); Stephanie R. Logan, *The Impact of Charter Schools on the Budget, Operations, and Educational Services of Columbus City Schools*, Morgan State University (2009).

²⁹ See, for example, *Mesasuring Up to the Model: A Tool for Comparing Sstate Charter School Laws*, National Alliance for Public Charter Schools available at <http://charterlaws.publiccharters.org/charterlaws>; *Turning the Corner to Quality*, The Fordham Institute, the National Alliance for Public Charter Schools and the National

important contributions; the former bringing transparency and accountability for the academic performance of all public schools, and the latter providing differing perspectives on policy issues and potentially informing the legislative process.

Also, Ohio has benefitted from some more recent research that examines issues such as the overall impact of charter schools on public education, how charter schools and their traditional district counterparts service high-risk populations. Table I below highlights some of this research.

Table I: Summary of Recent “Under the Hood” Ohio Research

Title/Author/Date	Description of report and how it differs from straight performance comparisons
Fordham, Needles in a Haystack (2010) ³⁰	Studies eight high-performing, high-need urban public schools across Ohio. Of those featured, two are charters. Emphasizes importance of choice broadly (i.e., magnets, charters, and more). Encourages more district-charter collaboration through sharing of services, facilities, and funding opportunities.
Rand Corporation, Charter Schools in Eight States (2009) ³¹	Study of student outcomes in eight states, including Ohio. In addition to straight comparisons on achievement scores, the report looks at gains, whether charters skim students, etc. A particularly important finding is that authors found no evidence that charter schools substantially affect achievement in nearby public schools. Also, report found that attending a charter high school may positively affect whether a student graduates and attends college.
CREDO, Multiple Choice: Charter School Performance in 16 States (2009) ³²	Generally a “who does better” report, the CREDO report found that Ohio charter students demonstrated less average growth than their peers in traditional schools. But it also digs under the hood a bit by finding that states, like Ohio, that have caps tend to

Association of Charter School Authorizers (2006) (making recommendations for policies that will strengthen Ohio’s charters) and Building Charter School Quality in Ohio, National Alliance for Public Charter Schools, National Association of Charter School Authorizers, and the Colorado League of Charter Schools (2011); Reports more critical of Ohio’s policies include *Authorized Abuse*, Piet van Lier, 2010 (looking at charter school authorizes and private management companies in Ohio) and *Ohio’s E-Schools: Funding Failure, Coddling Contributors*, Innovation Ohio (2011).

³⁰ Available at <http://www.edexcellence.net/publications-issues/publications/needles-in-a-haystack.html> (last viewed Sep. 23, 2011).

³¹ Available at http://www.rand.org/pubs/monographs/2009/RAND_MG869.pdf (last viewed Sep. 23, 2011).

³² Available at http://credo.stanford.edu/reports/MULTIPLE_CHOICE_CREDO.pdf (last viewed Sep. 23, 2011).

	have lower growth, and that states, like Ohio, with multiple authorizers show significantly lower growth in academic learning.
Lisa K. Hamm, <i>The Edge: Characteristics of Highly Successful Leaders</i> (2009) ³³	Study by a Cincinnati charter school leader that looks at Ohio charter leaders to come up with seven themes that identified common characteristics and behaviors of successful leaders.
Cleveland and Gund Foundations, <i>Cleveland Schools That Are Making a Difference</i> (2008) ³⁴	This report focuses on 13 schools who serve primarily economically disadvantaged students and whose students were demonstrating progress in student achievement gains as evidenced from state report card data, value-added, standardized test scores, and graduation rates. Researchers conducted site visits, reviewed data and interviewed students, teachers, principals and parents. They looked at six dimensions that research shows are critical factors in positively impacting student learning: shared vision; strong curriculum, quality and diverse instructional methods; use of multiple data types to drive instruction and student outcomes; presence of a nurturing, safe learning environment; and positive professional development opportunities for teachers and staff.
Carolyn Sullins and Gary Miron, <i>Challenges Of Starting And Operating Charter Schools: A Multicase Study</i> (2005) ³⁵	This report is a three year, largely-qualitative study of four Cleveland charter schools. Questions that it focuses on include: are charters able to promote academic growth in students, and what factors influence the effectiveness of charter school development and implementation. But the report also looks at whether charters are providing an incentive for other schools to reform, and how they have affected Cleveland public schools and the district as a whole.

Some Ohio charters schools target specific student populations (e.g., dropout recovery, special needs). Research focusing on how these populations are best served and what should define success in these schools would be welcome. Ohio also has a few e-schools serving large

³³ Available at http://center.uoregon.edu/conferences/NCSC/2011/uploads/KEY_13457042/TheEdgeCharacteristics_of_Successful_Urban_Charter_School_LeadersJune21.pdf (last viewed Sep. 23, 2011).

³⁴ Available at <http://www.clevelandfoundation.org/uploadedFiles/VitalIssues/PublicEducationReform/Cleveland%20Schools%20That%20Are%20Making%20a%20Difference%20-%20Full%20Report.pdf> (last viewed sep. 23, 2011).

³⁵ Available at http://homepages.wmich.edu/~miron/publics/cs_challenges_report.pdf (last viewed Sep. 23, 2011).

number of students, and academic performance results in these schools (with one exception) are largely middling.³⁶ The research thus far, however, has tended to take only a snapshot of how these students do on tests without looking more closely at what types of students—and at what points in their careers—are best served by these schools.

Thus, the “pros” of the variety of research on Ohio’s charter and traditional district schools is that it brings transparency and accountability to all public schools, and provides a forum for a healthy policy level discussion on improvements to public education overall.

The “cons” of current Ohio research is that there is not enough attention paid to fundamental questions, such as what types of students are best served by what types of charters.

Much of Ohio’s charter research is done by established groups that are often perceived, whether fairly or not, to have some sort of bias that might not be the case were more universities and government agencies conducting the research. Policy Matters Ohio, for example, is a left-leaning think tank and often is critical of charters. The Fordham Foundation (usually seen as a right-leaning think tank) and the Ohio Alliance for Public Charter Schools often team up with other national charter advocacy groups when publishing reports. The reports from RAND, CREDO, and the Cleveland and Gund Foundations are encouraging, however, for they indicate that there are more outside, independent groups are starting to do comprehensive studies of charters.³⁷ And, in an encouraging development, the Ohio Department of Education has a “Schools of Promise” program that recognizes high-needs public schools - including charter schools -that are making good progress toward ensuring substantial achievement for all students.

Conclusion

Expectations for blind dates vary. If the date is set up by someone who knows both parties, the expectations of quality outcomes are higher. Either party can end the date at any time, and neither party is obligated to go out again.

Local boards of education and other charter authorizers ensure that only those charter schools open and remain open that are meeting the needs of their students. Authorizers do this through rigorous authorization processes, ongoing monitoring of the academic and financial

³⁶ Bianca Speranza, *E-School performance in the Buckeye State* (September 2, 2011) available at <http://www.educationgadfly.net/flypaper/2011/09/e-school-performance-in-the-buckeye-state/>.

³⁷ See Table I.

performance of charter schools, and, when necessary, through the revocation or non-renewal of charters.

In Tennessee, denials of charter applications by local boards of education may be appealed to the state board of education. The state board may remand the decision and require authorization, but only if the state board finds that the local board's decision "was contrary to the best interests of the pupils, the school district or community."³⁸

To empower others, leaders "[f]ocus talent on results, not methods."³⁹ "[Y]ou cannot hold people responsible for results if you supervise their methods. *You* then become responsible for results and rules replace human judgment, creativity and responsibility.⁴⁰ Effective leaders "set up the *conditions of empowerment* and then . . . get out of people's way, clear their path and become a source of help as requested."⁴¹

Chartering schools is a means for local boards of education, or other authorizers to empower those adults closest to students to determine the best means of achieving the goals that have been set by the local board of education. Chartering schools is a form of delegation that local boards of education may not be used to. But, with this or other forms of delegation, local boards of education demonstrate confidence in the very adults that local board has hired to lead and teach in those schools.

³⁸ Tenn. Code Ann. 49-13-108.

³⁹ Stephen Covey, *THE 8TH HABIT: FROM EFFECTIVENESS TO GREATNESS* 114 (2004).

⁴⁰ *Id.* at 286.

⁴¹ *Id.* at 264.