Charter Schools:

An Analysis of the Issues

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Introduction

At the end of January, 2012, the Alabama legislature appears poised to enact legislation permitting charter schools in the state. This paper seeks to inform the discussion that will ensue over that proposal by briefly looking at the political climate surrounding the issue, and then by elaborating on the concept of charter schools, analyzing the experience with charter schools nationally as well as in two neighboring states, and pointing out some issues and concerns especially relevant to Alabama and charter schools. The main point to be made is that the political arguments for charter schools are exceptionally strong and powerful while the educational arguments for charter schools, at least those that can be supported by evidence, particularly by student achievement scores of one kind or another, are not as strong; in fact, the educational effectiveness of charter schools, at least insofar as it can be evaluated by evidence relating to student achievement, is a hotly contested issue. Before illustrating that, however, this report begins with a brief discussion of the political climate surrounding the issue.

Charter School Politics

The political case for charter schools is compelling. Each of the last three presidents, two Democrats and a Republican, has advocated charter schools. The Obama administration explicitly endorsed charter schools when they made it a strong preference

in the recent competition among the states for supplemental federal education funding through the Race to the Top program. In fact, according to the National Alliance for Public Charter Schools, 41 (plus the District of Columbia) of the 50 states have adopted some version of enabling legislation for charter schools in their states.¹

Alabama is one of only nine states that do not have charter school laws. The other eight are Kentucky, Nebraska, North Dakota, Montana, South Dakota, Vermont, West Virginia, and Washington. While one is hesitant to characterize these states politically, it is clear that all, with the possible exception of Washington, are predominantly rural states in their composition and outlook. Rural states can be difficult places in which to implement charter schools, for it is a concentration of population that makes the whole idea of school choice, the ideal that charter schools claim to implement, practical. Yet it is also the case that other rural states, including the states of Mississippi and Tennessee, two of Alabama's neighbors, as well as Georgia and Florida, two of our other neighbors who may be said to be less rural, have all adopted charter school laws. Later, this report will analyze the charter schools in two of those four states.

The election of 2010 changed the political climate in Alabama relating to the issue of charter schools. While the support of the current governor echoes the support of his

predecessor, the legislature, which blocked adoption of charter schools in previous years, appears poised to reverse that course in the 2012 session. The current speaker of the Alabama House of Representatives, the body that blocked charter schools the last time they were proposed, is on record in favor of charter schools, as a way to improve schools through the implementation of school choice.² The state's metropolitan areas, where school achievement has become a primary concern, have begun to consider charter schools as a solution. Huntsville and Mobile have recently had debates or forums on charter schools and their possible impact.³ The urban settings of Huntsville and Mobile may be more significant than political ideology in understanding the prospects for charter schools, at least in Alabama. Both those settings are urban and have most, if not all, public schools with racially identifiable populations. The affinity of some minority interests for charter schools, especially in urban areas, is a prominent theme in the cited articles on those cities. One would expect a similar situation in Birmingham. Minority and poor parents, trapped in underachieving schools have substantial reason to desire school choice through charters or other means, as a way to improve the educational opportunity for their children.

The point of this brief discussion is that the political climate in Alabama has shifted substantially toward favoring charter school enabling legislation. That seems clear. Two things, perhaps more important things in a long view on the issue, are not clear, however. The first is that there is a substantive majority in a legislature with a heavy rural representation for a policy that is likely to be limited to urban schools. The second is the educational effectiveness of charter schools as a lever for improving student achievement.

Charter Schools and Educational Achievement

Charter schools are public schools of choice, schools which receive public funds but which, through obtaining a charter from a local educational authority or some state body, are released from various state mandates and district oversight relating to their policies and operations. Most often, charter schools may receive some start up funds from a state or a private sponsor, and then receive the state allotment and usually the local school district allotment per year for each pupil they serve. Charter schools, in return for the release from close oversight, are expected to conform to rigorous accountability measures, most often through the measurement of achievement of their students.

Charter schools were developed as an idea by a professor of educational administration in 1988. They were conceived as a device to release teachers and school administrators from overly burdensome state regulations in order to develop innovative pedagogical programs and methods that would enhance student achievement and be a model for teachers in traditional public schools. This approach made them attractive to reform minded teachers and reform oriented teacher For example, unionists. Shanker, president of the American Federation of Teachers, proposed that any group of six or more teachers with a meaningful idea for a school should be encouraged to apply for a charter to test out those ideas.4

Charter schools were initiated by state law in Minnesota in 1991.5 Since then, their enrollment has increased dramatically to the point that in 2009 the federal government reported that 1.4 million students were enrolled in charter schools. The 1.4 million charter school students represented 2.9 percent of the total public school enrollment. with 47.6 million students enrolled in traditional public schools.6 These numbers represented a significant growth increase from the 340,000 students who were enrolled in charter schools in 1999. On the other hand, given the considerable efforts and resources poured into the effort to increase the numbers, the number of charter schools, and charter school students, remains relatively small.

More important than the number of charter school students, either absolutely or in relation to the number of traditional public school students, is the performance of students in charter schools, especially in relation to that of students in traditional public schools. Here again, the numbers require significant discussion and qualification to come up with any meaningful generalizations. Recent analyses have come a good way toward answering the question of charter school effectiveness in terms of student achievement scores, but the answers, like many answers to questions involving social science research, must be given with several qualifications and taken with several grains of salt.

The CREDO Study

Having stated those cautions, two recent studies deserve mention as indicative of charter school success, or lack of success, in increasing student achievement. The first is a 2009 study done by the Stanford University's Center for Research on Educational Outcomes (CREDO). This study looked at student achievement in mathematics and reading in charter schools and traditional public schools

CHARTER SCHOOLS VERSUS TRADITIONAL PUBLIC SCHOOLS

States with significantly
Higher gains for charter schools
than for traditional public
schools

Arkansas, Colorado (Denver only), Illinois (Chicago only), Louisiana, Missouri

States with mixed results or no difference In gains for charter schools and traditional public schools

California, District of Columbia, Georgia, North Carolina

States with lower gains for charter schools than for traditional public schools Arizona, Florida, Minnesota, New Mexico, Ohio, Texas

in fifteen states and the District of Columbia: the states reported on are Arkansas, Arizona, California, Colorado, Florida, Georgia, Illinois, Louisiana, Massachusetts, Minnesota, Missouri, New Mexico, North Carolina, Ohio, and Texas. The student achievement findings are summarized in the Introduction to the Executive Summary of the report: "The growth portrait [in student achievement scores] shows wide variation in performance. The study reveals that a decent fraction of charter schools, 17 percent, provide superior education opportunities for their students. Nearly half of the charter schools nationwide have results that are no different from the local public school options, and over a third, 37 percent, deliver learning results that are significantly worse than their student[s] would have realized had they remained in traditional public schools."

Critics of charter schools, such as their former advocate and former Department of Education official Diane Ravitch,8

have highlighted these findings as an indicator of the weakness of charter schools, especially insofar as they have been trumpeted as a remedy for low achievement in public schools. It is hard to argue with this conclusion, particularly when it is juxtaposed with the promises of charter school advocates that their institutions will substantially improve student achievement.

Like all generalizations, however, the generalization that charter schools do not deliver what they promise is subject to qualification. An aspect of that qualification is illustrated in the Policy Implications section of the CREDO report. Here the authors make the following statement: "It is important to note that the news for charter schools has some encouraging In our nationally pooled sample, two subgroups fare better in charters than in the traditional system: students in poverty and ELL [English Language Learners] students. ... In these cases our numbers indicate that charter students who fall into these categories are outperforming their TPS [traditional public school] counterparts in both reading and math. These populations, then, have clearly been well served by the introduction of charters into the educational landscape." The authors then go on to offer this qualification: "The flip side of this insight should not be ignored either. Students not in poverty and students who are not English language learners on average do notably worse than the same students who remain in traditional public schools." After further discussion of these two results, the report concludes, "the policy community needs to be aware of this dichotomy, and greater attention should be paid to the large number of students not being well served in charter schools."9 The report also notes that charter success with poor students and English language learners cannot be generalized to African American or Hispanic students as a group.

The National Charter School Research Project Study

This ambiguity in interpreting conflicting sets of results can also be said to have characterized another recent, well regarded, study of charter schools conducted by the National Charter School Research Project of the University of Washington. This study involved a meta-analysis, a statistical technique that seeks to combine the results of several statistical studies of charter schools. Echoing the Stanford study, this study reports the following result: "Focusing on math and reading scores, the authors find compelling evidence that charter schools underperform traditional public schools in some locations, grades, and subjects, and out-perform traditional public schools in other locations, grades, and subjects." They immediately add a conclusion more positive about charter schools than their initial conclusion, however, when they note the accomplishments in "elementary school reading and middle school math and reading, where evidence suggests no negative effects of charter schools and, in some cases, positive effects."10

These two studies are discussed in this report because they are two of the most well regarded pieces of research on charter schools and student achievement in existence. They cannot be said to be definitive in the sense that they offer the final word on charter schools and student achievement. They are enough, however, to caution those empowered to initiate charter school laws that in no sense are they a panacea for improving student achievement and, further, that overall they are not very good at achieving this task.

Charter School Management Organizations

As noted above, charter schools seem to have promise for poor students and English Language Learners. This phenomenon brings to the fore the issue of urban charter schools, particularly those in big cities where poor students and English Language Learners are concentrated. Ouite often, charter schools set up to deal with urban students are run by Charter School Management Organizations (CSMOs), non-profit groups that sometimes hire for profit organizations to take over schools geared specifically to poor and/or minority students. Here again, the results are contested. A recent study by Mathematica Policy Research Inc. and the Center on Reinventing Public Education claims significant positive effects for CSMO schools. More specifically, the report claims the study shows that some but not all—CSMOs substantially boost student achievement in middle school mathematics and reading.11 The achievement gains, however, were not statistically significant, thereby weakening any causal claims to be made on behalf of the CSMOs. A report published by the National Educational Policy Center, an organization from the University of Colorado that provides independent reviews of policy documents, also questions the findings. In this report, author Bruce Fuller, a prominent educational policy analyst who is not opposed to school choice, noted that the conclusion of middle school effectiveness held for only 4 CSMOs (reading) or 7 CSMOs (Math) out of an initial 55 CSMOs studied. To get its results, Fuller notes, the study reduced the number analyzed from 55 to 22 by narrowing inclusion criteria. Fuller criticized the report for its "unrelenting search for achievement effects in a small, selective subset of sampled CSMOs." This tactic, for Fuller, "erodes" the "credibility" of the report. 12

The involvement of for profit management agencies in CSMO charter schools deserves at least brief attention. The existence of profit making actors and activities in public education is a relatively new development. Advocates of private management of charter schools and other forms of private involvement in public education argue that it can bring the efficiencies of the market to education. The KIPP schools (Knowledge is Power Program) are often pointed to as one example of a successful contractor which runs charter schools in several urban school districts and can point to positive KIPP schools, which are predominantly middle schools, feature longer school days, some classes on Saturdays and in summers, and a clear emphasis on academic achievement. KIPP is able to mix private grant funds and private foundation support with the public funds it receives for the students who attend the schools and is, thus, able to spend substantially more on its students than public schools, particularly urban public schools, can muster. Critics argue that if public schools had a similar amount of funds available to them, they could achiever similar results. Critics also point out that public schools cannot turn students away from their doors, in contrast to the situation for KIPP.¹³

The management of urban charter schools has also provided exceptionally egregious examples of financial abuse. For example, Philadelphia's charter schools have been exposed as the source of considerable corruption on the part of their managers in the past year. A series of articles in the Philadelphia Inquirer has publicized the fact that charter managers have used the institutions to make substantial profits for themselves and for relatives, instead of focusing on the education of students. Nepotism, exorbitant rent expenses paid to school managers who own the buildings, questionable expenditures on noneducational items, and money from vending machines and other school services finding its way into the hands of school executives were some of the areas of abuse. A January 20, 2012 article reported that a former CEO of a Philadelphia charter school had pleaded guilty to stealing over a half million dollars from the school.¹⁴ The article also reported that 18 other Philadelphia charter school managers or board members had faced federal fraud charges in the last decade.

Cyber charter schools have provided the occasion for even more exorbitant financial exploitation by their sponsors. A series of articles in the New York Times by Stephanie Saul, a reporter originally from Mississippi discussed the potential for abuse in cyber charter schools. Saul pointed to one operator of virtual charter schools on a nationwide basis that expected revenues of \$72 million dollars for the current school year but that also had schools with 60 per cent of students behind grade level in math and 50 percent in reading. The internet has provided opportunities for enormous profits for these virtual charter schools, and occasions for abuse of teachers, parents, and students.15

Charter Schools in Georgia and Florida

Thus far, this report has looked at charter schools nationally. As Alabama contemplates the possibility of charter schools, a close look at neighboring states and their experiences can be helpful. In this report, we highlight the states of Georgia and Florida.

Georgia has a large number of charter schools, close to 200 according to the State Department of Education's website. They reflect a variety of histories from start-ups to existing schools which have sought and received charter status. Most of the schools were in the state's large metropolitan areas, especially metropolitan Atlanta. Georgia's first charter schools opened in 1995. From 2005 to 2010, enrollment in charter

STATE-SPECIFIC CHARTER EFFECT ON STUDENTS IN POVERTY

Reading Growth
Negative and Significant
Louisiana, Missouri

Positive and Significant Arkansas, California, Georgia, Illinois, North Carolina, Ohio, Texas

Math Growth
Negative and Significant
Arizona, Louisiana, Missouri

Positive and Significant Arkansas, California, Georgia, Illinois, Ohio, Texas

schools in Georgia increased from 16,836 to 62,303 students. That latter figure represented four percent of the students enrolled in schools in the state. ¹⁶

The chartering agency is an interesting aspect of Georgia's situation. Well over half of the current charter schools in the state are chartered by the State Board of Education. The rest are chartered by the local education agency within which they operate. Prior to 2011, the state had a chartering agency separate from the local educational agencies and from the State Department of Education. That agency was found to be unconstitutional by the State Supreme Court, acting in response to an action filed on behalf of several local school districts which had refused to charter one or more schools which then went to the state agency for charters. This decision has caused considerable difficulty for those charter schools that were chartered by the state agency. Charter schools now have to be chartered by a local school district or by the state board of education. In the latter case, they get only state funding for their students and no allotment from local funding.17

In terms of student achievement, Georgia's charter schools were judged in the 2009 Stanford University (Credo) study to have "mixed results" or "no difference" in student achievement in relation to that in traditional public schools. That study also found, however, that charter schools in Georgia had better results for students in poverty in reading and math in its charter schools than did its traditional public schools.¹⁸ The predominance of urban charter schools in Georgia, as well as the contentious relationship between the state and local school boards as chartering authorities, are important as markers of concern for any Alabama chartering legislation.

Florida's charter schools were begun at about the same time as Georgia's. Yet charter schools in Florida are much more prevalent, and also a good bit more controversial. As of 2006, after a decade of rapid growth since inception, Florida had more than 300 charter schools that educated 3.5 percent of the state's public school children. An evaluative report on Florida charters in that year found both accomplishment and danger in the experience. The report acknowledged the positive achievement of many charter schools, but also noted that many had not delivered on the promise of increased academic achievement. The authors concluded that "Florida must increase charter oversight and accountability as well as ensure that the schools receive the funding, autonomy, and support that they need."19 Since 2006, the number of charter schools in Florida increased to over 500, and the granting of \$49 million dollars in federal funds to Florida in July of 2011 indicates that the number of charter schools will surely increase.20

The issues of oversight and accountability raised in the 2006 evaluation of Florida's charter schools have been raised again in recent accounts of charters from throughout the state. A Miami newspaper article

from December, 2011, charged that charter schools in Miami-Dade County were receiving substantial funding from the state with little oversight. While acknowledging that some charter schools had performed admirably, the article focused on financial mismanagement in the charter sector, particularly charter schools managed by private Charter School Management Organizations.²¹ Earlier in 2011, an Orlando newspaper reported that statewide charter schools, which enrolled a small percentage of the state's students, received half (15 of 31) of the failing grades from the state's accountability system. Focusing on the Orlando (Orange County) School District, the article noted that charters constituted two of the three failures in the district and went on to describe the difficulties the school district officials encountered in dealing with several of their charter schools.²² A segment of the National Public Radio program, Morning Edition, in December of 2011 ran a feature on the lack of service to disabled students in Florida's charter schools.23 Of course, charter school advocates responded vigorously to each of these stories, accusing their authors of bias against charter schools and incomplete reporting.

The evidence on Florida charter schools gathered in national studies, however, raises as many questions about charter schools in Florida as do the journalistic accounts. The existing gold standard in charter school research, the Stanford (CREDO) study referred to earlier in this report, is not kind to Florida's charter school efforts. In its state-by-state analysis, CREDO divides the fifteen states (plus the District of Columbia) into three groups: five that had significantly higher learning gains for charter schools than for traditional public schools, four that had mixed results or no difference, and six in which charter schools underperformed in relation to traditional public schools. Florida was in the underperforming group. Also, the report shows that Florida's charter schools do no better than traditional public schools in their impact on students in poverty. Thus, the available evidence suggests that Florida is a state not worthy of emulation, at least in relation to its charter schools and charter school policies. suggestion is reinforced when put next to a recent set of events in which the governor of Florida went to a KIPP school in Jacksonville to announce implementation of a controversial merit pay for teachers policy unrelated to charter schools. The KIPP school in question, a one-year old middle school charter school, had earned an F on the state's educational report card.²⁴ This action put the governor at odds with public schools, and public school teachers, and reinforced the image of charter schools as a device not to improve, but to hamper, perhaps even destroy, public schools.

Summary, Conclusions, and Recommendations

This report has given a brief summary of the political scene surrounding the consideration of charter schools by the Alabama legislature, has looked at the national evidence regarding charter school achievement relation to that of traditional public schools, has considered the impact of Charter School Management Organizations, has discussed the possibility and actuality of significant amounts of financial mismanagement in charter schools, and has looked briefly at the charter schools situation in two neighboring states, Georgia and Alabama. The major conclusion, at least the one that seems incontrovertible to the authors of this report, is that the jury is still out on the effectiveness of charter schools, as measured by student achievement. In fact, this is a rather generous reading of the available evidence. One could take it to mean that charter schools have failed to come near the promises made on their behalf in media forums such

RECOMMENDATIONS

"First, the Alabama legislature should be aware that the policies under which they would propose to charter schools, and the procedures adopted to implement these policies, have a distinct impact on the chances for success ,or failure, of charter schools in the state."

"Second, the legislature should take care that their effort not be perceived, and indeed not be, an assault on existing public schools, their leaders, and their staffs. Authorization procedures for charter schools should be carefully considered and should not bypass the local school district."

"Some avenue for appeal of negative decisions on charter proposals also seems advisable."

"Finally, the legislature needs to consider that charter legislation, whatever its intended reach, is likely to be implemented only in the state's urban areas, and not necessarily in any or all of them."

as the movie Waiting for Superman. It is not that some charter schools do not work. Surely some do. But more do not. Yet the allure of trying to reform public schools is great, especially when attempts such as charter schools are accompanied by significant funding such as that provided by the federal government in the Race to the Top program and by private foundations intent on institutionalizing school choice programs.

One recommendation based on the evidence presented in this report would be not to fund charter schools. An alternative recommendation might be to fund them, but to do it very carefully, trying to take advantage of what has been learned in studies of charter schools and avoid mistakes made in other states. Before discussing that evidence again, it is important to indicate its narrowness. The evidence is limited to standardized test results, especially in the fields of reading and mathematics. This is a slim, if not a weak, reed on which to base substantial school reform. The absence of results dependent on standardized testing is a significant problem, as is uncovering ways to achieve those results. More importantly, subjects such as music, English, science, social studies, citizenship education, foreign language, and physical education are ignored in the achievement studies used

to evaluate charter schools in relation to traditional public schools. The race to publish report cards, to identify failing schools, and to provide parents with avenues out of those schools is based on an exceedingly narrow view of the public school curriculum, one hardly calculated to meaningfully prepare our children for their public duties or private pursuits in a global society. This is also the view which underlies the federal Race to the Top initiative in all its aspects, not just in its encouragement of charter schools.

Yet, it is doubtful that the suggestions made in this, or any, report will prevent the implementation of charter schools, in Alabama or in any other state. While the evidence is clear, it is limited. More importantly, it is not clear enough to convince committed charter school advocates that their movement is deeply flawed, at the least. Thus, this report ends with some suggestions for implementing charter schools that should give them the best chance of succeeding in improving traditional public schools in Alabama.

First, the Alabama legislature should be aware that the policies under which they would propose to charter schools, and the procedures adopted to implement those policies, have a distinct impact on the prospects for the success, or failure, of charter schools in the state. The issue of limits on the number and nature of charter schools is a serious one that needs to be carefully considered. Starting slowly seems to be advisable, as well as starting carefully in terms of who should be empowered to implement a charter and how it is to be evaluated. Especially important is the stipulation of how a failing charter school is to be identified and if and how failing charter schools are to be closed. This is a significant weakness in existing charter laws. They are strong on implementation and weak on evaluation and the consequences of unfavorable evaluation of charter schools.

Second, the legislature should take care that their effort not be perceived, and indeed not be, an assault on existing public schools, their leaders, and their staffs. This brings up the matter of how charter schools are to be authorized. In most, if not every state, the local educational authority or school district is the primary authorizing agency. Making this commitment is a sign of good faith by a legislature in terms of its relations with the existing public schools. Some avenue for appeal of negative decisions on charter school proposals also seems advisable. This avenue must be as fair as possible so as not to be perceived as opposed to traditional public schooling in the state. Using an existing state body, such as a

state board of education, would be one solution. Yet if charter schools are to be funded by a proportionate share of state and local school revenue in a district, using the state board puts it into a situation of potential conflict, prescribing the disposal of local funds over which it has little or no control. That is, state level authorizing of a portion of local funding to go to other than local public schools is questionable, on legal grounds as was found in the state of Georgia, as well as on moral grounds.

Existing state universities might be able to serve as appellate bodies or state level chartering agencies, although this is not a solution well supported by existing arrangements. Some highly questionable charter schools in Ohio were chartered by state universities there and an invitation to state universities in Indiana to serve as chartering bodies was declined by all but one of those universities. If the university option is chosen in Alabama, the number and character of the universities involved should be determined on some basis of institutional mission, commitment, capacity, and ability to perform the functions requested or required.²⁵

Third, the legislature needs to consider that charter legislation, whatever its intended reach, is likely to be implemented only in the state's urban areas, and not necessarily in any or all of them. Many urban charter movements are at the initiative of big city mayors who have taken over,

or are trying to take over, public schools. This is a phenomenon that is unlikely to take hold in Alabama. And charter schools, for logistical reasons, are not likely to penetrate the rural school districts in a state where rural populations are still large.

This report, if it accomplishes nothing else, should alert Alabama legislators to the concern that authorizing charter schools in Alabama is an easy accomplishment politically. Developing intelligent policies and practices to facilitate that authorization, and to evaluate its results, is a much more complicated matter.

CONCLUSION

"[A]uthorizing charter schools in Alabama is an easy accomplishment politically. Developing intelligent policies and practices to facilitate that authorization, and to evaluate its results, is a much more complicated matter."

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¹³ Ravitch, *The Death and Life of the Great American School System*, pp. 135-36.

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¹⁶ Georgia Partnership for Excellence in Education, *Top Ten Issues to Watch in 2012*, pp. 24-26; available on the Georgia Department of Education website. http:// www.doe.ga.us ¹⁷ Ibid.

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²⁴Florida Charter Schools' many F,'s Give Ammunition to Critics.

²⁵ Most of the concerns raised in this paragraph are found in the CREDO study, p. 4. The Ohio situation was described to the author of this report by a colleague who had personal experience in that state at the time of university charter implementation. The Indiana experience with universities as chartering agencies can be found in Jonathan A. Plucker, et al., *Charter Schools in Indiana: Overview Funding, and Federal Expenditures, Center for Evaluation and Education Policy* (2005). http:///www.ceep.indiana.edu

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