ABSTRACT

LEWIS, WAYNE D. Post-Punctuation Politics: The Evolution of Charter School Policy in North Carolina. (Under the direction of Drs. Lance D. Fusarelli and Tamara V. Young.)

This qualitative case study examines the evolution of charter school policy in North Carolina. The study is theoretically grounded in Baumgartner and Jones’ (1993) punctuated equilibrium theory. First, the study explores the evolution of charter school policy in North Carolina since the passage of charter school legislation in 1996. Second, it tests Lacireno-Paquet and Holyoke’s (2007) hypothesis of policy reversion following the enactment of dramatic new policies. The study’s findings indicate that since the passage of charter school legislation, traditional public school interests in North Carolina, led by the North Carolina Association of Educators, have regained a position of dominance in education policy making. Traditional public school interests’ access to Democratic legislators in the General Assembly has been instrumental in blocking amendments to charter school policy that would raise or remove the statewide cap of 100 charter schools. As such, the study’s findings support Lacireno-Paquet and Holyoke’s hypothesis of policy reversion.
Post-Punctuation Politics: The Evolution of Charter School Policy in North Carolina

by
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To Monica Nicole, my wife and my best friend.
BIOGRAPHY

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“In all thy ways acknowledge Him, and He shall direct thy paths.”

Proverbs 3:6

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CHAPTER 1

INTRODUCTION

Theorists and practitioners alike have been captivated by the seemingly circuitous paths of policies as they move throughout governmental and non-governmental circles. One theory of the policy process that has become increasingly popular over the last decade is Baumgartner and Jones’ (1993) punctuated equilibrium theory. Punctuated equilibrium theory maintains that the public policy process in the United States is characterized by periods of near stasis, where policy changes only incrementally, with occasional bursts of conflict and competition called punctuations. According to punctuated equilibrium theory, the mobilization of new interests overthrows existing status quos by redefining policy issues, broadening the scope of political debate, and bringing previously disengaged parties into the policy process. It is when policy issues move from an isolated subsystem arena to a macro political arena that large-scale policy change can occur.

But what happens in the aftermath of large-scale policy changes? The policy literature is unclear as to what occurs following the passage of dramatic new policy (Lacireno-Paquet & Holyoke, 2007). Lacireno-Paquet and Holyoke (2007) posit that following the enactment of dramatic new policies, a partial reversion to the original status quo may occur. According to Lacireno-Paquet and Holyoke:

The resulting struggle among lawmakers and interest groups, and how they define the issue and the policies addressing it, pulls at the law from both sides so that rather than maintain the new status quo, or revert to the original, the result is a partial reversion to some balance between these competing interests. (p. 186)
Lacireo-Paquest and Holyoke insist that an integral determinant of whether partial reversion will occur is the strength of resistance to the new policy.

The evolution of charter school policy presents a ripe opportunity for testing the partial reversion hypothesis. The passage and enactment of charter school policy in many states have been a dramatic departure from the status quo of education policy (Lacireno-Paquet & Holyoke, 2007). Through issue redefinition and venue shopping, interests that had previously not been a part of the education policy process were able to successfully penetrate tightly controlled policy monopolies held by traditional public school interests. Additionally, the emergence of charter schools—and school choice policy in general—has brought about a reexamination of what is and what should be public about public education. As such, Lacireno-Paquet and Holyoke tested their partial reversion hypothesis with the evolution of charter school policy following its initial enactment in Michigan and the District of Columbia. They found that in Michigan, the strength of traditional public school interests’ resistance resulted in a partial reversion of charter school policy. In the District of Columbia, however, where charter school interests were much stronger than traditional public school interests, partial reversion did not occur. At issue is understanding what factors lead to the sustainability of new policies as in the case of the District of Columbia, as opposed to short-lived bursts of policy change followed by reversion to the original status quo as in Michigan. This study will answer that call.
Charter Schools Background

The origins of the concept of charter schools are attributed to a Massachusetts teacher, Ray Budde, who during the 1970s toyed with the notion of contracts for schooling (Bracey, 2002; Murphy & Shiffman, 2002). Budde’s idea was based on Henry Hudson’s charter, or contract, with the East India Company to explore the Arctic in 1609. This historic document detailed the purpose of Hudson’s trip, the risks, accountability requirements, procedures for compensation, and rewards for productivity (Bracey, 2002; Murphy & Shiffman, 2002). In Budde’s estimation, a charter between teachers and parents could be similarly developed and used. Budde’s charter school concept gained popularity with The American Federation of Teachers (AFT) president Albert Shanker, who was largely responsible for pushing through the adoption of the charter school idea with the AFT (Bracey, 2002; Murphy & Shiffman, 2002). Shanker also advocated for the charter school idea in a weekly paid advertisement column in the New York Times.

Soon thereafter, the first charter school legislation was passed by the Minnesota legislature in 1991 (Bracey, 2002; Murphy & Shiffman, 2002; Renzulli & Roscigno, 2006; Vergari, 2002). In 1993, Congress authorized $15 million for the Public Charter Schools Program as part of the Clinton administration’s Improving America’s Schools Act (Murphy & Shiffman, 2002). This funding supported a program of grants to states with charter school legislation. By 1995, 19 states had adopted charter school legislation. In 1998, Congress passed the Charters Schools Expansion Act, which increased federal funding of public charter schools from $15 million to $100 million for the 1999 fiscal year (Murphy & Shiffman, 2002). By 2000, 36 states had adopted charter school legislation. In May 2000,
President Bill Clinton, with the goal of increasing the number of charter schools from 1,700 to 3,000, announced $16 million in new funding for charter schools and another $121 million in charter school continuation grants (Bracey, 2002). And as of 2008, forty states and the District of Columbia have adopted some variant of charter school legislation, with roughly 3,600 charter schools in operation, and approximately one million students attending charter schools nationally (Education Commission of the States, 2008; Leonard, 2002; Renzulli & Roscigno, 2006; Shober, Manna, & Witte, 2006; Stoops, 2007; Wong & Langevin, 2007).

Recognized by both Harvard University and the Ford Foundation as one of the nation’s best public policy initiatives (Nathan, 2002), charter schools have indeed become one of the liveliest school reforms across the nation (Manno, Finn, & Vanourek, 2000b; Murphy & Shiffman, 2002; Zimmer & Buddin, 2007).

Charter schools are for the most part, a state-level education reform (Bulkley, 2005; Fusarelli, 2003; Kirst, 2007). Thus, the idiosyncrasies of both individual charter schools and the state legislation that authorizes them make it difficult to speak about charter schools as a monolithic national movement (Bulkley, 2005; Kirst, 2007; Murphy & Shiffman, 2002). Charter schools in Georgia, for example, are an entirely different entity than charter schools in Arizona. Arizona charter school policy is based on the belief that market-like competition will bring about improvement in public schools, while Georgia’s charter school policy has nothing to do with competition. In fact, Bulkely (2005) declares that charter schools can mean different things to different people. Free-market conservatives, for example, see charter schools as the first step toward an educational-marketplace, with full parental choice and competition between privately operated schools (Bulkley, 2005; Spring, 2005). Teachers
unions, school board associations, and school and district level administrators who have supported charter school reforms view them as means to improving the present public education setup (Bulkley, 2005; Stulberg, 2007). Cultural conservatives consider them as a way to increase parental control over values (Bulkley, 2005). Some proponents of charter school reform have minimal interest in public education at all, and “see them as a means of making money” (Bracey, 2002, p. 65).

If anything is fundamental to charter schools, it is that they are grounded in site-based management theory, which espouses that decisions concerning budget, human resources, curriculum, and pedagogy should be made at the local school level, not the national, state, or even district central office levels (Cheng, 1996; Chubb & Moe, 1988; Nathan, 2006; Vergari, 2007). Thus, charter schools in most states are freed from some degree of state and local regulation that traditional public schools are subject to. Theoretically, this freedom comes in exchange for increased academic accountability. However, accountability frameworks vary largely by state (Bracey, 2002; Bulkley, 1999; Hess, 2004). Whereas in some states charter schools are accountable to their authorizing boards, other states hold charter schools accountable to parents through the education marketplace, or through an amalgamation of performance-based, market-based, and bureaucratic accountability systems (Hassel & Vergari, 1999; Hess, 2004; Nathan, 1996; Shober, Manna, & Witte, 2006). Regardless of the accountability framework, schools that do not reach agreed upon standards as outlined in their respective charters (contracts) would be closed down by their authorizing bodies (Hess, 2004). This accountability for results principle has become a paradigm for charter school reform across states (Anderson & Finnigan, 2001; Ascher et al., 2003). Although the degree
to which these concepts are incorporated into the political construction of charter schools at
the state level varies, both the accountability for results and site-based management tenets of
charter school reform represent a fundamental shift in the way we think about public
education (Fusarelli, 2001); blurring long-standing boundaries between what we consider
public and private (Miron, 2008).

**Policy Monopolies, Charter Schools, and Change**

Baumgartner and Jones (1993) define policy monopolies as stable policy subsystems
that are able to both maintain control of images associated with their policies and restrict
access to policymaking. Even the most successful policies monopolies, however, are not
invulnerable to penetration by outside interests. Conflict between policy monopolies and
outside interests does occur. New interests that are able to successfully redefine policy issues,
bringing conflict to the macro-political state, may topple policy monopolies and bring about
new policy.

Lacireno-Paquet and Holyoke (2007) raise the question of whether these new policies
are enduring or short-lived. They argue that long-held issue definitions do not suddenly melt
away, and “once powerful but now displaced legislators and lobbyists meekly accept their
defeat and fade into the night” (p. 190). Rather, displaced interests fight to reassert the
original status quo, possibly shopping for more favorable venues to move the fight to, or
engaging in grassroots strategies and other forms of outside advocacy. Instead of a
punctuation being a clean victory for new interests, they assert that it may only be “the
opening shots in an advocacy war, as long-standing definitions and structures are toppled but

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new ones have not yet clearly emerged and taken root as a new enduring and stable subsystem” (p. 191). They emphasize that it is only when once powerful interests are unable to reassert themselves that a new status quo may become embedded and last for a considerable amount of time (until the next punctuation).

Fierce opposition by displaced interests in several states to the expansion of charter schools in number, enrollment, and autonomy supports Lacireno-Paquet and Holyoke’s (2007) hypothesis. According to Williams (2007), some opponents of charter school expansion have waged war at the state level by lobbying against legislation that would expand charter school reform, and at the local level by making it difficult for charter schools to receive authorization from local school boards or secure buildings and land for schools. Perhaps the most significant accomplishment of displaced interests across the states has been their preventing the removal of caps on the number of charter schools that may be authorized in a state. Twenty-five states and the District of Columbia have some type of limit on the number of charters schools that may be authorized (National Alliance for Public Charter Schools, 2008). Maintaining caps on the number of charter schools authorized in states has effectively constrained charter school growth (Ziebarth, 2008).

Displaced interests have also attacked the positive policy images associated with charter schools by advocates. Although charter schools continue to grow in number and popularity, there has been a proliferation of research showing no significant advantages of children attending charter schools, and in some cases negative effects for charter school students (Barr, Sadovnik, & Vosconti, 2006; Robelen, 2006; Sass, 2006; Zimmer & Buddin, 2007). A reanalysis of fourth grade National Assessment for Educational Progress (NAEP)
test score data, for example, showed that traditional public school students outperformed charter school students in both mathematics and reading (National Center for Education Statistics, 2006; Robelen, 2006). The long-term political effects of this research are still unfolding.

**Statement of the Problem**

The state legislature passed charter school legislation in North Carolina in 1996, and the state’s first charter school opened during the 1997-1998 school year (Bifulco & Ladd, 2006; Brown, 1999; Harman, Bingham, & Hood, 2002; McNiff & Hassel, 2002). The legislation’s passage was a result of the bipartisan leadership of Senator Wilbert Gulley and Representative Steve Wood (McNiff & Hassel, 2002). Senator Wood characterized the legislation as a “carrot offered along with the stick of a tuition tax credit bill” (McNiff & Hassel, 2002, p. 210). School choice advocates had effectively placed the traditional education establishment between a rock and a hard place by threatening to continue to press for tuition tax credits and vouchers for private schools if charter schools were not accepted. In the end charter school legislation in North Carolina was widely supported by opponents of school vouchers and tax credits as a compromise that would hopefully hold off the stick (McNiff & Hassel, 2002).

North Carolina’s charter school legislation has many of the elements recommended by national charter school advocates, such as the Center for Education Reform, including: (a) permitting individuals or groups to apply for charters, (b) creating multiple charter authorizers with the State Board of Education in place for final approval, (c) allowing charter
schools to operate as independent non-profit corporations, acting as their own employers, (d) automatically exempting charter schools from several state regulations, (e) allowing charter schools to receive operating funding at the same level as traditional public schools, (f) subjecting charter schools to the same testing requirements as district public schools, and (g) requiring charter schools to develop transportation plans so that transportation would not prohibit any student in the host district from attending the charter school (Bifulco & Ladd, 2006; Brown, 1999). However, contrary to the recommendations and desires of state and national charter school advocates, North Carolina’s charter school legislation includes a provision that caps the number of charter schools that can be authorized at 100 schools, and provides that no more than five charter schools may be authorized within a school district per year (Bifulco & Ladd, 2006; Brown, 1999; McNiff & Hassel, 2002).

As early as 2001, critics of North Carolina’s statutory limit of 100 charter schools had begun to clamor in support of raising or removing the cap because it limited opportunities for the success of the charter school movement (Kakadelis, 2002). A policy report from the John Locke Foundation, a conservative policy think tank, asserted that the demand for charter schools in North Carolina was much greater than 100 schools could accommodate (Stoops, 2007). The report stated that during the 2007-2008 school year, over 5,200 students were placed on waiting lists for charter schools in North Carolina. Raleigh Charter High School, for instance, received 705 applications for 79 open slots; Franklin Academy Charter School in Wake Forest received 1,524 applications for 101 slots; and Pine Lake Preparatory Charter School in Mooresville received 2,500 applications for 1,200 available slots (Stoops, 2007).

Critics of North Carolina’s charter school cap also contend that the general public
supports lifting the statutory cap on charter schools. The John Pope Civitas Institute (2008), a conservative research and public policy organization, reported that in a January 2008 statewide telephone survey, 47% of respondents indicated that they were in favor of raising the cap of 100 charter schools and allowing charter schools to operate with fewer restrictions. In 2006, results of a Civitas Institute survey indicated that 59% of North Carolinians wanted to see the cap of 100 charters schools removed, and 52% of North Carolinians said that they were more likely to support a candidate for political office if he or she supported legislation to lift the charter school cap. Also in 2006, A News & Observer/WRAL poll showed that 59% of Wake County respondents favored increasing the number of charter schools or offering vouchers to parents whose children attend private schools (Stoops, 2007).

Various legislative attempts to lift or completely remove the state’s cap on charter schools have been unsuccessful, suggesting that traditional public school interests did not merely fade away and allow charter school advocates to dictate a new status quo. In fact, since the passage of charter school legislation in 1996, six unsuccessful bills have been filed in the North Carolina General Assembly that would have allowed the State Board of Education to either remove the charter school cap all together or authorize additional charter schools in the state (North Carolina General Assembly, 2008).

Perhaps in an effort to alleviate the political impasse between charter school advocates and opponents, the North Carolina State Board of Education convened a Blue Ribbon Commission on Charter Schools in June of 2007. The commission’s recommendations included building the supply of quality applications, creating a stronger charter authorizing processes, and improving oversight of charter schools (Blue Ribbon
Commission on Charter Schools, 2008). The commission also recommended that the State Board of Education increase the charter school cap by six schools per year, exclude high performing charter schools from counting toward the cap, and not count the first charter school in counties that currently do not have them toward the cap.

The Blue Ribbon Commission’s recommendations have not yet been approved by the State Board of Education or passed by the state legislature. Thus, the stage appears to be set for a political showdown to determine whether charter school advocates will establish a new status quo for education policy in North Carolina, or the traditional public school establishment’s reassertion after punctuation will be enough to hold off charter school expansion and force a partial reversion to the original status quo.

**Purpose of the Study**

The purpose of this case study is to examine the evolution of charter school policy in North Carolina since the passage of the state’s initial charter school legislation in 1996. This study also tests Lacireno-Paquet and Holyoke’s (2007) hypothesis of partial policy reversion. Lacireno-Paquet and Holyoke propose that dramatic new policies, such as charter school policies, “are frequently short-lived; though new policies are rarely erased” (p. 185). Instead, a compromise is reached between competing sets of interests. This study seeks to understand how the actions of charter school advocates and opponents in North Carolina have affected charter school policy since the passage of charter school legislation. Lacireno-Paquet and Holyoke contend that charter school policy provides an excellent opportunity for testing the partial reversion hypothesis for two reasons: (a) the passage of charter school policy is a clear
policy punctuation, and (b) there are often two sides to charter school debates represented by organized interests and lawmakers on both sides.

This study answers the same primary research question posed by Lacireno-Paquet and Holyoke (2007) who examined charter school policy in Michigan and the District of Columbia: How has charter school policy in North Carolina evolved since the passage of charter school legislation in 1996? Two sub-questions are also explored: (a) How have the actions of proponent charter school interests affected charter school policy since the passage of charter school legislation in 1996? and (b) How have the actions of opponent charter school interests affected charter school policy since the passage of charter school legislation in 1996? In answering these questions, the study determines whether a policy reversion has occurred.

**Significance of the Study**

This study informs the research literature in several ways. In North Carolina, a partial or complete reversion of charter school policy could mean increased oversight for charter schools and the continuance of the cap on the number of charters schools that may be authorized. Maintaining the charter school cap of 100 schools in North Carolina would greatly limit the impact of charter school reform in the state, making it little more than a small-scale experiment with school choice. Thus, policy reversion would be seen as a victory for traditional public school interests. Conversely, if charter school interests have been able to exert political dominance in the charter school policy debate, a fundamental shift could occur in the way that public schooling is thought of and discussed in North Carolina. The
results of this shift could include innovations in school oversight, administration, and instruction.

Also, the policy literature has not adequately addressed the fate of dramatic new policies that come about during periods of abrupt policy change (Lacireno-Paquet & Holyoke, 2007). Much of the literature on the politics of education has focused on the events leading up to policy enactment. This study, however, focuses on the fate of dramatic new policy following enactment. By exploring the evolution of new policy following punctuation, we gain a more complete understanding of the public policy process. Comparing this study’s findings from North Carolina to Lacireno-Paquet and Holyoke’s findings in Michigan and the District of Columbia will allow us to better understand how state policy environmental factors impact the sustainability of policy change or lack thereof. If we can understand when reforms are most likely to be short-lived, we may be able to alter conditions to improve the likelihood of sustainability; thus improving the chances of reforms improving education and diminishing the squandering of resources dedicated to initiating reforms.

Finally, dramatic shifts in educational policy have profound impacts on the lives of families. As a result of the passage of charter school legislation in North Carolina, thousands of parents have taken their children out of traditional public schools, believing that their children’s educational needs would be better served in new charter schools. A reversion of charter school policy, however, would threaten the charter school difference that some parents seek for their children. Policy reversion could threaten not only the expansion of the charter schools in the state, but also the differences between charter schools and traditional public schools. For better or for worse, charter school parents have chosen a charter school
because they believe that there is something that sets it apart from traditional public schools.

**Limitations and Delimitations**

As a point of clarification, there are several related areas that this study does not address. It focuses solely on the evolution of charter school policy in North Carolina since the passage of charter school legislation in 1996. Therefore, it does not address the politics or political development of the state’s charter school policy prior to the legislation’s passage. Neither does the study address the development or evolution of other school choice policies in North Carolina that are often linked to discussion of charter schools—vouchers, tuition tax credits, etc. An examination of these issues may reveal similar or different patterns of evaluation.

**Definition of Terms**

An understanding of the several terms is essential to comprehending this study. As such, definitions of terms integral to this study’s research focus are included below.

*Agenda setting* “is the process by which problems and alternative solutions gain or lose public and elite attention” (Birkland, 2005, p. 109).

*Charter schools* are public schools that receive government funding. Charter schools do not charge tuition or fees to attend. They operate under a contract (charter) with the state. Charter schools are exempt from some state and/or local regulations, but in return are responsible for meeting academic expectations specified in their charters (Brown, 1999).
Charter school caps limit the number of charter schools that may be authorized within a state. Caps can limit the number of (a) charter schools that may operate statewide at one time, (b) charter schools that may be authorized per year, (c) charter schools that may operate in a specific school district, and (d) the number of charter schools that may be authorized by a particular chartering entity. Any of the aforementioned caps and variations of them will be referred to as charter school caps in this study (Center for Education Reform, 2008).

Focusing events are “sudden events that can generate attention to public problems or issues” (Birkland, 2005, p. 101).

Foundations are, according to federal tax laws, “private organizations that fund politically nonpartisans policy research, public projects, and basic research” (Spring, 2005a, p. 45).

Interest groups are voluntary membership associations organized to pursue a commoninterest (or interests) through political participation, toward the ultimate goal of getting favorable public policy decisions from the government (Sptizer, Lowi, & Gormley, 2002).

Lobbying is an attempt by an individual or a group to influence the passage of legislation by exerting direct or indirect pressure on policy makers by providing them with information about issues, support, or threats of retaliation (Milbrath, 1963; Spitzer et al., 2002).

Policy image is a “powerful supporting idea” associate with a policy (Baumgartner & Jones, 1993, p. 7).
*Post-Punctuation* refers to the period to time following the enactment of dramatic new policies.

*Public policy* is “a statement by government of what it intends to do or not to do, such as a law, regulation, ruling, decision, or order, or a combination of these” (Birkland, 2005, p. 139).

*Punctuation* is a sudden shift in problem definition resulting in dramatic new policy. Punctuation contrasts with periods of incremental change in policy (Baumgartner & Jones, 1993).

*Venues* are levels of government or institutions where policy disputes are argued and/or decided on. Venues may be thought of in either institutional terms—legislative, executive, or judicial—or in vertical terms—federal, state, local government. The media are also considered a venue (Birkland, 2005).

**Summary**

Chapter 1 provided an overview of the study. It introduced the study’s theoretical framework, provided the reader with background information on the history and development of charter schools both in North Carolina and across the nation, and presented the study’s purpose and research questions.

Chapter 2 provides a review of the recent scholarship examining the policy process, interest group politics, and problem definition. It concludes with a review of recent studies examining the politics of charter schools at the national, state, and local levels. Chapter 3 presents the research methodology used in the study which includes a description of the
study’s approach, research design, methods, and limitations. Chapter 4 presents the study’s findings, and chapter 5 summarizes key findings of the study, addresses the study’s limitations, and discusses the theoretical and practical implications. Finally, chapter 5 makes recommendations for future research.
CHAPTER 2

REVIEW OF THE LITERATURE

Introduction

This review of the literature begins by exploring the policy process through the lenses of Baumgartner and Jones’ (1993) punctuated equilibrium theory and Lacireno-Paquet and Holyoke’s (2007) partial reversion hypothesis. It moves next to survey recent scholarship on interest group politics and problem definition. The chapter ends with a review of current studies examining the politics of charter schools at the national, state, and local levels.

The Policy Process

Punctuated Equilibrium Theory

Punctuated equilibrium, now one of political sciences’ leading models of policy change (McLendon & Cohen-Vogel, 2008), comes from evolution theory. In evolutionary biology, punctuated equilibrium represents an alternative to the Darwinian theory of evolution which states that change occurs gradually over a long period of time. Punctuated equilibrium views evolutionary change as taking place “over long periods of stasis, in which species remain virtually unchanged, punctuated by relatively brief periods of intense change when new species are introduced, old ones die out, and existing ones undergo sudden transformations” (p. 36).

Punctuated equilibrium theory’s popularity in political science is largely attributable to the groundbreaking work of Baumgartner and Jones (McLendon & Cohen-Vogel, 2008). Baumgartner and Jones’s (1993) development of punctuated equilibrium as a policy change theory grew out of their desire to explain policy change as more than just incremental
adjustments over time. According to punctuated equilibrium theory, incrementalism is useful in describing policy change during certain periods, it does not account for periods of intense conflict and abrupt change. Baumgartner and Jones explain that “political processes are often driven by a logic of stability and incrementalism, but occasionally they also produce large-scale departures from the past” (True, Baumgartner, & Jones, 1993, p. 97). They argue that the United States’ political system resists change through the complex institutions of separated powers and federalism, but also “provides numerous opportunities for policy entrepreneurs to try out new ideas” (Baumgartner & Jones, 1993, p. 100); just not at the same time and in the same place.

Periods of stability with incremental policy change come about as a result of a single interest having a monopoly over a policy issue. Baumgartner and Jones (1993) referred to this control as having a policy monopoly. They maintain that two essential characteristics define policy monopolies. First, a definable institutional structure is responsible for policymaking and limiting access to the policy process. Second, a powerful supporting idea, which is generally connected to core political values and can be communicated through an image or rhetoric, is associated with the institution. Birkland (2005) observed that a policy monopoly has a keen interest in keeping policy making closed because closed systems benefit the interests of those in the monopoly. It follows then, that successful policy monopolies are able to influence the way that policy issues are defined and what images are associated with policy solutions (Baumgartner & Jones, 1993). Policy monopolies are able to “systematically dampen pressures for change” (p. 100), a process that Baumgartner and Jones refer to as negative feedback.
During periods of negative feedback “decision-making is decentralized to the iron triangles, and issue networks of specialists in the bureaucracy, congressional subgroups, and interested parties” (True et al., 1999, p. 102). Access to these subsystems is limited by two things: rules and norms that discourage the participation of outsiders and widespread positive understandings of the policy that stir up only support or indifference by those unaffected by the policy (Baumgartner & Jones, 1993). Thus, governmental institutional structures are often “rigged to favor subsystem participants and punish those who violate norms” (Lacireno-Paquet & Holyoke, 2007, p. 188). When citizens and policy actors on the outside of policy monopolies remain politically disengaged, policy is unlikely to change.

Policy monopolies, however, are not invulnerable. In the same way that they are constructed, they can and do collapse (True et al., 1999). Baumgartner and Jones (1993) asserted that interests on the outside of closed policy making subsystems may use the interaction between changing images and venues of public policy to break apart policy monopolies. By simultaneously changing the institutional place where policy decisions are made and forcing a redefinition of the policy issue, parties that were previously uninvolved are drawn into what becomes a debate on the macro-political stage as opposed to a closed policy subsystem. It is on this larger stage with increased attention that dramatic policy change will most often occur.

Baumgartner and Jones (1993) contended that “while concerned policymakers often strive toward the establishment of policy monopolies, such a state of affairs is remarkably difficult to sustain in the open American political system” (p. 8). There always lies the potential of shut out interests mounting an attack on seemingly impenetrable policy
monopolies. According to Baumgartner and Jones, policy monopolies may completely break down or become more open issue networks, which have varying degrees of “mutual commitment or of dependence on others in the environment” (Heclo, 1995, p. 275).

Punctuated equilibrium theory has been used by several scholars examining educational policy change (Orr-Bement, 2002; Robinson, 2004; Sims & Miskel, 2003). Sims and Miskel applied punctuated equilibrium theory in explaining the rise of children’s reading policy to the federal government agenda. They found that when broadly looking at reading policy, it did not appear that punctuation had occurred. In fact, they identified reading policy, in general, as a durable issue; one that had managed to remain on the federal government’s agenda for a prolonged period of time. The changes that occurred with respect to the prominence of reading policy on the federal government’s agenda were in reference to the target populations of the policy—children, adults, etc. When looking at reading policy agenda status separated by the target populations of the policy, they found that it was children’s reading policy entrepreneurs’ ability to redefine problems that resulted in decisions about children’s reading policy being taken out of closed policy subsystems and achieving prominence on the federal government’s agenda in the 1990’s.

Post-Punctuation Politics

Lacireno-Paquet and Holyoke’s (2007) research centers on examining the evolution of dramatic new policies that come to life during policy punctuations. They argued that following punctuation, rarely do new policies endure. Rather, they assert that punctuation may be “only the opening shots in an advocacy war, as long-standing definitions and structures are toppled but new ones have not yet clearly emerged and taken root as a new
enduring and stable subsystem” (p. 191). In the end then, public policy reflects a balance between competing interests, with that balance dependent on the strength of interest groups, the appeal of their problem definition, and the power of legislators who champion their causes.

If during punctuation, displaced interests have been greatly weakened and have not retained enough power to reassert themselves, new interests have the opportunity to establish new rules and institutions to protect the new policy. However, Lacireno-Paquet and Holyoke (2007) argue that the establishment of such rarely happens. They reason that in the aftermath of punctuation policy losers do not just die or “fade into the night” (p. 190), instead they may fight and exert their influence in a number of different ways. Lacireno-Paquet and Holyoke argued:

Displaced interests are not erased in policy punctuation, and if they remain sufficiently powerful, then we expect them to rally and fight to reassert the old policy status quo. They may shift the fight into other, more friendly venues of lawmaking or choose to engage in grassroots and similar forms of outside advocacy, but they will not quietly go away. (p. 190)

With the reassertion of interests displaced during punctuation, new interests are unable to set up stable subsystems or policy monopolies. Instead, what results is an issue network, where multiple voices are heard and exert influence. Heclo (1995) writes of issue networks that:

Participants move in and out of networks constantly. Rather than groups united in dominance over a program, no one, as far as one can tell, is in control of the policies and issues. Any direct material interest is often secondary to intellectual or emotional
commitment. Network member reinforce each other’s sense of issue as their interests, rather than (as standard political or economic models would have it) interest defining positions on issues. (p. 275)

Issue networks, Heclo (1995) claims, do not replace stable policy subsystems, rather they “overlay the once stable political reference points with new forces” (p. 277). These open networks may include government officials, legislators, business persons, lobbyists, academics, and journalists (McFarland, 1992). Given the apparent absence of any particular interest’s dominance over a policy area, comparatively more balanced policy outcomes may be the result. Song and Miskel (2002) identified 67 interest groups that they believed to important members of a national reading issue network. They found that shared knowledge and the lack of dominance by any one interest contributed to reading policy that emphasized balanced approaches to teaching reading, as opposed to policy overemphasizing the use of phonics or whole language approaches.

Issue networks, more often than not, will result in policy compromise (Heclo, 1995). Thus, Lacireno-Paquet and Holyoke (2007) contended that the emergence of an issue network following a policy punctuation should result in some degree of reversion. Lacireno-Paquet and Holyoke identify the following characteristics of subsystems where some type of reversion has occurred:

1. Two or more distinct sides in terms of the policy preferences of the relevant interest groups and the continued employment of definitions used to support the old status quo and the new.

2. Consistent advocacy by both sides.
3. Lawmakers willing to listen to, and advocate for the preferences of both sides.

4. The resulting policy reflects some, but not all, of the policy preferences of both sides. (p. 192)

In the absence these characteristics, Lacireno-Paquet and Holyoke expect that a new stable subsystem favoring the new interests will emerge.

Lacireno-Paquet and Holyoke (2007) examined the evolution of charter school policies in Michigan and the District of Columbia in the periods following enactments of each of their initial charter school policies. With the premise that the passage of charter school legislation in both jurisdictions represents a punctuation in the status quo maintained for many years by the traditional public education interests, they set out to determine how the actions of new and displaced interests subsequently affected charter school policy. Their results indicated that after the adoption of charter school legislation, charter school opponents, the losers, responded differently in Michigan than in the District of Columbia. After the passage of initial charter school legislation in Michigan, charter school opponents successfully concentrated their efforts on preventing the lifting of the statutory cap on charter schools and increasing state regulation of charter schools. Lacireno-Paquet and Hoyoke contend that the increased regulation of Michigan charter schools and the maintenance of Michigan’s statutory cap are evidence of a partial reversion of charter school policy in Michigan. In contrast, in the District of Columbia charter school interests faced little opposition from considerably politically weakened traditional public school interests. Thus, there was no evidence of reversion of charter school policy in the District of Columbia.

We may view Lacireno-Paquet and Holyoke’s (2007) findings through the lens of
Manno et al.’s (2000b) explanation of how the traditional public establishment responds to charter schools. Manno et al. identified four stages in “the evolution of the education establishments’ reaction to charters” (p. 737). In the first stage, opponents work to stop charter schools from coming into existence. These actions include both activism with the goal of stopping charter school legislation from being passed, as well as filing court injunctions to stop the opening of charter schools after legislation has passed. In the second stage, charter school opponents work to keep charter schools “weak”. Second stage actions include proposing amendments to charter school legislation to limit the number of charter schools that may be authorized, trying to restrict charter schools’ access to resources, and proposing regulations that force charter schools to function in the same manner and under the same regulations as traditional public schools. In the third stage, traditional public schools begin to academically compete with charter schools for students—a stage which charter school advocates have argued is a positive byproduct of having charter schools. Finally, in the fourth stage, the traditional education establishment accepts charter schools as both laboratories for innovation that can improve education for all children and as tools to assist traditional school districts in achieving their goals. According to Manno et al.’s theory, the evolution of charter school policy in Michigan is at stage two, with traditional public school interests successfully blocking the expansion of charter schools and increasing charter school oversight. The District of Columbia’s charter school policy evolution, however, is between stages three and four, with interests on both sides of the issue accepting charter schools as a mainstay of pubic schooling in the District of Columbia, and traditional public schools being forced to compete with charter schools for students and funding.
In Manno et al.’s (2000b) estimation, the resistance of the traditional public education establishment to charter school policy is only a step in the evolution of charter school policy on the way to the eventual full acceptance of charter schools. Following their theory, the resistance of traditional public school interests in Michigan will fade, charter schools will expand, traditional public schools in Michigan will be forced to compete with charter schools, and eventually charter schools will be accepted by all as a worthwhile educational innovation. Lacireno-Paquet and Holyoke’s (2007) theory, however, proposes that the evolution of charter school policy may not be as straight of a path as suggested by Manno et al. (2000). They contend that traditional public school interests may not be totally weakened, and in the event that these interests retain enough strength to fight, the outcome could be a reversion of policy. Lacireno-Paquet and Hoyoke asserted that if traditional public school interests are too weak to reassert themselves, it is very likely that charter school interests will be able to establish a new status quo. The case of charter school policy in the District of Columbia is an example of this scenario.

The point of contention between Lacireno-Paquet and Holyoke (2007) and Manno et al.’s (2000b) theories is whether the resistance of traditional public school interests is merely a phase in the evolution of charter school policy, or something more. The likely answer is that the political and institutional dynamics of state politics vary so much that blanket predictions about how policy will evolve will not hold up, especially in the cases of new policies that are marked departures from the status quo like charter schools. Also, since charter school policies differ from state to state, it follows that political resistance to these reforms would not follow any uniform pattern. Further, Manno et al. seem to speak of charter
schools as an end. We know however, that the ultimate policy goal of school choice reformers may or may not be charter schools. In states where the goals of education reformers include the more controversial policy options of vouchers and tax credits for private school tuition, their framework for opposition may be insufficient.

Lacireno-Paquet and Holyoke’s finding of differences between the District of Columbia and Michigan in the trajectories of charter school policies since the legislation’s passage provide evidence that this type of analysis must be done at the state level. As such, this study will look specifically at the case of charter school policy in North Carolina, taking into the account North Carolina’s unique political history and political culture, and track the policy’s evolution since the passage of charter school legislation in 1996. This research will determine whether a reversion of charter school policy in North Carolina has occurred.

**Interest Group Politics**

The politics of education is largely the politics of interest groups (Fusarelli, 2008; Mawhinney, 2001; Spring, 2005). Interest groups are “voluntary associations organized to pursue a common interest (or interests) through political participation, toward the ultimate goal of getting favorable public policy decisions from government” (Spitzer et al., 2002, p. 7). Scholars have even argued that interest group politics may be a vital link between citizens and governments (Spitzer et al., 2002; Van Horn et al., 1989).

Based on theories of American democracy developing in the 1950s and 1960s, pluralist theory states that competition among interests will result in balance, with all the interests regulating each other (Birkland, 2005; Fowler, 2004; Gupta, 2001; Spitzer et al.,
A serious critique of pluralism, however, is that interest group politics has a tendency to be dominated by the rich, and socially powerful. As Schnattschneider (1960) put it, “the flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent” (p. 35). We can not be sure that all interests are represented proportionally, and that this competition among interests will result in what is best for the public. Additionally, the issue of who has the ability to participate in interest group politics arises. Spitzer et al. (2002) observe that “well educated, upper-income business and professional people are more likely to have the time and money and to have acquired through the educational process the concerns and skills needed to play a role in a group or association” (p. 199).

Nevertheless, interest groups are undeniably key actors in the public policy process (Birkland, 2005; Spitzer et al., 2002), and there are many different types of interest that are represented by groups. Some of these interest groups include professional associations, like the American Bar Association and the National Education Association (NEA); public interest groups like the National Resources Defense Council; ideological groups like the Christian Coalition; and public sector groups like the North Carolina School Boards Association and the National League of Cities (Spitzer et al., 2002; Van Horn et al., 1989). The number of interest groups in the United States has grown exponentially in recent years (Baumgartner & Leech, 2001; Mawhinney, 2001; Spitzer et al., 2002), and the diversity of these groups in terms of size, resources, leadership, cohesiveness, and prestige varies greatly (Fusarelli, 2008; Opfer et al., 2008, Spitzer et al., 2002; Van Horn et al., 1989).

This explosion of interest group activity has led some scholars to believe that the influence of any one interest group acting alone has been considerably diminished
(Baumgartner & Jones, 1993; Heinz et al., 1993; Salisbury, 1990). Hojnacki (1997) contends that “to be effective, rational group leaders must choose strategies that enhance their chances for advocacy success” (p. 62). As a result, scholars have documented a proliferation of interest group coalitions both within and across policy domains, hoping to wield greater power and influence than they would working as individual groups (Hula, 1999; Opfer et al., 2008; Sabatier & Jenkins-Smith, 1999). This is not to suggest, however, that all interest groups must operate as members of coalitions. Hojnacki (1997) found that interest groups weigh the costs and benefits of joining alliances before making these decisions. She states:

Specifically, when a group’s interest in an issue is narrow, and when a group’s potential allies signal that they have little to contribute to a collective advocacy campaign, the cost of joining an alliance will likely outweigh any benefits that may accrue. But when organization perceived to be pivotal to success are members of an alliance, and when groups represent expressive interests or perceive a strong organized opposition, the benefits of coalition are substantial. (p. 62)

Thus, the decision appears to be a strategic one. Interest groups do not blindly join alliances. Rather, they only do so when they believe that there is something to gain from it.

Education interest groups share many characteristics of interest groups in general. As of 1999, there were 650 individual education interest groups (Opfer, 2001), most of which may be divided into what Springer (2005) called the big three: the corporate sector, foundations, and teachers’ unions. In an analysis of 20 case studies of state decision making on education issues from 1971 to 1991, Mazzoni (1993) found that education interest groups had long had a voice in state education policy. In Minnesota, these groups included the
state’s two teachers unions, the Minnesota School Boards Association, and various “outside
groups” like “a Twin Cities public interest group, the Citizens League, and a big business
lobbying organization, the Minnesota Business Partnership” (Mazzoni, 1993, p. 361).

Education interest group presence, however, has not always resulted in interest groups having
significant influence over policy. In an analysis of school reform activity across all 50 states
during the mid-1980s, Feir (1995) found that “traditional education interest groups, even in
those states in which such groups tend to be relatively strong, played minor roles in the 1983-
1987 education reform” (p. 28).

The coalition behavior of education interest groups has also been documented in the
scholarly literature, with particular emphasis on coalition activity in school choice politics
(DeBray-Pelot et al., 2007; Kirst, 2007; Fusarelli, 2003; Opfer et al., 2008; Vergari, 2007).
The large number of education interest groups and coalitions is surprising given that some
interest group scholars have concluded that when groups produce public or collective goods,
such as education, members tend to lose the incentive to participate in group activities
because they will receive the benefits whether they are members or not (Olson, 1965; Opfer,
2001). Olson’s (1965) rational choice model, which referred to this as the free rider problem,
“assumes that individuals are rational decision makers who wish to maximize the benefits
accruing from the use of their time and money to participate in groups by ensuring that those
benefits are greater than the costs of participation” (Mawhinney, 2001, p. 194). However,
Opfer (2001) argued that rational choice theories of interest group maintenance assuming
self-interest cannot explain the perseverance of education interest groups, and that a theory
accounting for levels of ideological commitment is more appropriate for explaining the
maintenance and commitment of these groups.

**Interest Group Strategies**

Generally speaking, interest group strategies may be broken into five categories: electoral politics, lobbying, going public, access, and litigation (Austen-Smith, 1993; Spitzer et al., 2002). Interest groups attempt to influence electoral politics by either funding candidates’ for political office or direct campaign activism (Spitzer et al., 2002; Van Horn et al., 1989). Many interest groups that fund political candidates do so through political action committees (PACs). PACs are created when interest groups get involved with electoral politics. These committees raise and distribute funds to political candidates on behalf of interest groups (Spitzer et al., 2002). In 1994, the NEA’s PAC contributed $4 million to Democratic Party candidates. Most interest groups that sponsor PACs also maintain active lobbying operations; “as a result, campaign contributions and lobbying often occur together” (Wright, 1990, p. 418). For example, both the NEA and the AFT promote the interests of their members through a combination of supporting political candidates and lobbying government officials at the local, state, and federal levels (Spring, 2005a).

Going public can be defined as an effort to “mobilize the widest and most favorable climate of opinion,” and may include advertising, boycotts, strikes, rallies, marches, and sit-ins (Spitzer et al., 2002). This strategy of mobilizing an issue’s constituency was used effectively by an interest group alliance in Minnesota in an effort to mobilize citizens in support of tax concessions for private school parents (Mazzoni & Malen, 1985). The groups that formed this alliance did not enjoy institutional access. Access refers to interest groups’ involvement in the decision making process. Spitzer et al. (2002) observes that “access is
usually a result of time and effort spent cultivating a position within the inner councils of government” (p. 205). Not having this advantage, the Minnesota alliance resorted going public, or what Schnatt Schneder (1960) called expanding the scope of conflict. According to Mazzoni and Malen:

The alliance mobilized external resources to influence the policy-making process....The constraints imposed or threatened by an issue constituency were the main source of that alliance’s power to establish priority for its issue on the legislative agenda, prevent favorable bills from being blocked in the decision-making process, and obtain majority committee and floor votes. (p. 111)

Similarly, Feir (1995) showed that even in states where traditional education interest groups tend to be relatively strong, expanding the scope of conflict over education reform to include business and political leaders and the media can result in traditional education interest groups being denied the privileges of establishing the agenda and significantly influencing policy.

Finally, interest groups may use litigation strategies to influence policy. These strategies include filing suit against government agencies, financing suits against the government brought by individuals, or filing briefs as amicus curiae to existing cases (Austen-Smith, 1993; Spitzer et al, 2002). Manno et al. (200b) argued that interest groups engage in litigation strategies as a way to slow or completely prevent school choice legislation. In fact, in Michigan, groups opposing school vouchers successfully used state courts to halt the passage of school voucher legislation (Bulkley, 2005; Mintrom, 2002).

Whatever strategies an interest group chooses to pursue, its objective is to persuade policymakers and influence legislation in a way that is favorable to its members. The degree
of influence that interest groups actually have, however, is extremely variable. While some interest groups are able to exercise considerable influence on policy, others have little to no influence at all (Opfer et al., 2008). Some researchers have argued that having substantial amounts of money, committed members, strong leadership, and a favorable reputation all contribute to interest groups being able to influence public policy (Spitzer et al., 2002; Van Horn, 1989). Opfer et al. (2008) alleged that:

> Interest groups will have a high probability of affecting policy outcomes when they face little or no opposition from other policy actors or policy actors are undecided on an issue. Interest groups are also likely to be successful at influencing policy outcomes when an issue is highly technical or complex, nonpartisan and nonideological, or receives little public or media attention. (p. 200)

John Wright (1990), found in an analysis of the voting decisions within the U.S. House of Representatives Ways and Means that campaign contributions were significant in helping groups to gain access, but not to the extent that they secured representatives’ votes. Wright commented:

> Representatives’ voting decisions in committee, particularly in the Ways and Means Committee, are best explained here by the number of lobbying contacts they received from groups on each side of the issue. Campaign contributions proved to be useful predictors of groups’ lobbying patterns; but once lobbying was controlled, little evidence was found in support of a direct link between money and voting. (p. 433)

Also, Wright noted that groups that chose to distribute their contributions broadly across party and ideological spectrums gained considerable flexibility in terms of who they were
able to subsequently lobby, getting an advantage over groups that chose to only distribute contributions to their partisan and ideological friends.

Austin-Smith (1993) suggested that interest groups’ ability to influence legislators may occur only through changing beliefs; “and the extent to which any information offered to alter beliefs is effective depends on the credibility of the lobbyist to the legislator in question” (p. 800). According to Austen-Smith (1993):

Such credibility...depends partly upon how closely the lobbyist’s preferences over consequences reflect those of the legislator being lobbied, and on how confident is the legislator being lobbied, and on how confident is the legislator that the lobbyist is in fact informed. (p. 800)

The stage of the policy process in which an interest group chooses to lobby may also have effects on its influence. For example, groups must identify stages at which they should lobby: the full legislature at the agenda-setting stage, the committee at the committee stage, the full legislature at the voting stage, or at all stages. Austen-Smith (1993) argued that both the character of the information transmitted, as well as the nature of the influence exerted is likely to differ between stages of the policy process. Austen-Smith wrote:

First, there exist circumstances under which influential lobbying can take place at both stages of the process, but the structure of the information offered at each stage is distinct; second, that agenda stage lobbying can be influential even when the House’s most preferred policy consequence lies between those of the committee and those of the lobbyist; and third, that more information can be offered here, where it is occasionally uncertain whether the lobbyist is informed or not, than is possible in
Interest group strategies may be dependent on a range of factors including context, the nature of the issue, the degree of conflict involved, the public salience of the issue, the strategies of other groups, and the orientation taken by the decision makers (Baumgartner & Leech, 1996; Mawhinney, 2001). For example, in examining the political strategies of national educational interest groups, Opfer (2001) found that changes in legislative turnover that denied once privileged interest groups access to government decision making did not result in these groups merely folding up and moving on. Rather, she found that these groups resorted to “nonaccess requiring” techniques, including letter writing, contributing to political campaigns, and grassroots mobilization. Opfer’s findings support those of Gais and Walker (1991), who found that interest groups that do not enjoy government access resort to tactics such as protest, and other forms of grassroots lobbying and mobilization.

Venue

A key tactical decision that interest groups must make is with respect to venue. Federalism, separation of powers, and jurisdictional overlaps serve the dual purposes in punctuated-equilibrium theory of inhibiting change during periods of negative feedback and providing opponents of stable policy subsystems with multiple venues to seek a foothold in the policy process during periods of positive feedback (True et al., 1999). Multiple venues in the American political system constitute “multiple opportunities for policy entrepreneurs to advance their case” (True et al., 1999, p. 101). Similarly, Van Horn, Baumer, and Gormley (1989) noted that “the fragmented, decentralized policy system is highly permeable to groups outside of government” (p. 15). Choosing a venue need not be a one or the other type
decision. “Policy venues may be monopolistic or shared, that is, a single issue may simultaneously be subject to the jurisdiction of several institutions, or it may be within the domain only of one set of institutions” (Baumgartner & Jones, 1993, p. 31). As such, interest groups seeking change in public policy may shop for the best venue or venues in which to press their claims (Baumgartner & Jones, 1993; Birkland, 2005).

Possible venues or points of access include legislatures, legislative committees and subcommittees, government executives, administrative agencies, and the courts—most of these being available options at the federal, state, and local levels (Baumgartner & Jones, 1993; Birkland, 2005; Fowler, 2004; Kingdon, 1995; True et al., 1999). The media is also a venue that may be available to groups. Cooper et al. (2004) asserts that the media plays a critical role in determining how quickly policy issues’ rise to prominence on government agendas. Additionally, the media has the effect of influencing both the general public and policy makers to think more about some issues and less about others. According to Birkland (2005), groups and policy makers use the media as trial balloons:

Strategic leaks of information [to the media] are common, particularly when policy makers are preparing large and complex policy initiatives. From public reaction to these trial balloons, policy makers can make adjustments to their proposals or learn whether they are likely to succeed or fail. (p. 212)

Interest group activity in the courts is less visible than other venues (Spitzer et al., 2002; Van Horn, 1989). The courts, however, have been instrumental in interest groups gaining a foothold in the policy process when legislatures and administrative agencies have been less receptive. Interest groups may employ several strategies in the courts. They may
use funds to back legal cases that have some policy significance, and may even play a hand in judge selection by lobbying executives and legislators on behalf of court nominees, or attempting to influence election contests for the bench (Van Horn, 1989).

Interest groups’ choices about lobbying in one venue as opposed to another may be impacted by the lobbying decisions of both allied and opposing groups. Holyoke (2003) found that interest groups choose to avoid venues where opposing groups have a great deal of influence. Holyoke asserted that:

> Interest groups may concentrate their efforts in a venue, or venues, where the array of players is more sympathetic. In unfriendly venues, interest groups may engage in pro-forma lobbying, reserving their greatest efforts for venues in which the cards are not stacked against them. (p. 335)

Holyoke’s findings are in agreement with what other research on interest group strategies has shown: that interest group decisions, in general, are impacted a great deal by “what groups know about other organizations active in a policy area and the actions taken by these organizations” (Hojnacki, 1997, p. 62).

**Problem Definition**

All societal conditions do not come to be defined as problems (Birkland, 2005; Fowler, 2004; Kingdon, 2003; Rochefort & Cobb, 1994; Stone, 2002). Fowler notes that “we put up with all manner of conditions every day: bad weather, unavoidable and untreatable illnesses, pestilence, poverty, fanatacism” (p. 109). These conditions only become defined as problems once society comes to believe that government should, and is able to, do something
about them (Fowler, 2004; Kingdon, 2003; Rochefort & Cobb, 1994). Kingdon (2003) further assesses that problems are not simply the conditions or external events themselves, rather “there is also a perceptual, interpretive element” (p. 109). To further illustrate this point Kingdon quotes an employee of the Department of Health, Education and Welfare:

> We live with these social problems for a while, and then we finally decide that if we’re serious about them we should do it. The problem doesn’t have to get any worse or any better. It doesn’t have to be some major change in the problem. Take poverty. Poverty didn’t get any worse. Lyndon Johnson just decided to undertake this war on poverty. Why one moment seems better than another I don’t know. (p. 110).

Similarly, Birkland (2005) observed that prior to the development of the polio vaccine, this illness was seen as only a condition that perhaps could be avoided. After the development of the vaccine, however, polio came to be regarded as a problem about which something could be done. In the particular case of polio, it became a problem about which government could do something. “Conditions become defined as problems when policymakers have the technical ability and political will to address them” (Cooper et al., 2004, p. 65).

Problem definition is the process by which societal conditions are transformed into public problems (Kingdon, 2003). Put differently, “it is an assertion that particular conditions, such as student test scores, fail to meet acceptable standards....Different standards of judgment, different explanations of causation, and different solutions can be used to define the same problem” (Portz, 1996, p. 372). It is a “recursive process of debate and persuasion among policy actors with different values, preferences, and resources, and it involves a multifunctional purpose in political discourse” (Young et al., 2008, p. 2). The process is
recursive in that it may be repeated indefinitely. Problems may be continually redefined. According to Mazzoni and Malen (1985), “issues are redefined to enhance their attractiveness; redefinitions raise policy conflicts from specific contexts to general concerns, from referential to condensational symbols” (p. 112). How a problem is defined or redefined is integral to the nature of political debate, the level of conflict, public and interest group participation, and the consideration of policy solutions (Cooper et al, 2004, Young et al., 2008). Thus, “problem definition is strategic because groups, individuals, and government agencies deliberately and consciously fashion portrayals so as to promote their favored course of action” (Stone, 2002, p. 133). Problem definition is equally as important to determining what policies do not make it to the governmental agenda, as determining which ones do (Cooper et al, 2004; Stone, 2002). Spring (2005a) writes of ways that different interests could potentially spin a newspaper headline reading, “Lower Test Scores in City Schools”:

A religious right group might give a spin that lower scores exemplify the lack of instruction in traditional moral values. Another group might spin an interpretation that lower scores are the result of low academic standards. A spokesperson for a teachers’ union might put the following spin on the story: low teacher salaries make it impossible to keep good teachers, causing test scores to fall. (p. 63)

Fowler (2004) insisted that “developing an attractive image of the issue and associating appealing symbols with it in order to attract public attention” are integral to the process problem definition. A policy’s image refers to how a policy is understood and discussed (Baumgartner & Jones, 1993). These images are critical in determining whether issues are
expanded to groups that were previously apathetic (Baumgartner & Jones, 1993). Changes in policy image are essential to breaking apart policy monopolies and changing the policies that they protect. To put it simply, new images attract new participants (True et al., 1999).

Birkland (2005) noted that increased attention to a problem usually means greater negative attention, thus leading to changes in images associated with policies. Baumgartner and Jones (1993) cited the breakdown of the 1970s nuclear power monopoly as an example of changing policy image. The once stable nuclear policy monopoly consisted of the Atomic Energy Commission (AEC), the nuclear utilities, builders of nuclear power plants, the civilian and military nuclear establishment, and the Joint Committee on Atomic Energy (JCAE). Interest groups, the media, and eventually the public voiced increasing concern over the safety and cost of nuclear power, resulted in the collapse of this once stable policy monopoly. The JCAE was disbanded; the AEC broke up; and the Nuclear Regulatory Commission was created. “The increased scrutiny of the industry began to break down the image of nuclear power as ‘the peaceful atom’ creating power ‘too cheap to meter’ to an image of danger and expense” (Birkland, 2005, p. 229).

Stone (2002) posited that policy actors’ use of language, particularly in the development of causal stories, is also a critical component of problem definition. Causal stories are narrative descriptions of the causes of problems that often include normative statements both about the particular problem as well as whom or what is responsible for the problem. Symbols, numbers, causes, interests and decisions, she argued, are all tools that policy actors use to craft these stories. Stone differentiates between different types of causal stories, stating that:
Intentional causal stories are strong because they outrage people; they suggest conspiracy or willful malevolence. Accidental causal stories are strong because they checkmate policy activists; after all, if a problem is caused by accidents of fate or nature, no human intervention can prevent it (though policies can alleviate some of its consequences). The other two types of stories are relatively weak (mechanical cause and inadvertent cause), because they don’t pin much moral responsibility on anyone. If you want to make a persuasive argument in a political controversy, use a strong causal story. (pp. 401-402)

Portz (1996) sought to determine why some problem definitions achieve prominence on the education policy agenda in Boston, while others do not. His findings revealed that problem definition was central to guiding policy deliberations and responses to concerns in the Boston Public Schools. Portz concluded that there was bias in the policy process, whereby “problem definitions that are more visible, adopted by powerful political sponsors, and attached to viable solutions stand a better chance of receiving recognition and action on the policy agenda” (p. 382). In essence, how a problem comes to be defined and understood, is a function of not only the substance of the argument, but also who presents the argument, and who hears the argument.

Focusing Events

External events can disrupt stable subsystems and help to reinforce policy images (Baumgartner & Jones, 1993, Birkland, 2005; Fowler, 2004; John, 2003; True et al., 1999). Birkland (2005) referred to these events as focusing events, and contended that these events give groups the opportunity to attract a great deal of attention to an issue and press for
change. In Baumgartner and Jones’ (1993) example of the breakdown of the nuclear power monopoly, both the accident at the Three Mile Island nuclear plant in Pennsylvania in 1979 and the default on bonds sold to build nuclear power plants in Washington State in 1982 served to reinforce the negative policy images of nuclear power being dangerous and expensive. Birkland (2005) cited other examples of focusing events that had the effect of reinforcing policy images, including the Rodney King beating, the beatings of African Americans during civil rights marches in the 1960s, and the 1963 March on Washington. While these disruptions are rarely enough alone to change a policy image, they may be particularly useful in reinforcing policy images or perceptions, and focusing attention on problems that may have already been “in the back of people’s minds” (Kingdon, 2003, p. 98).

Also noteworthy is that focusing events may at times have the effect of not only reinforcing policy images, but also making venues available to groups that were not available before. For example, prior to the Exxon Valdez oil spill, environmentalists groups were quite limited in the venues available to them to draw attention to the threat of an oil spill in Prince William Sound. Following the oil spill, however, “fishing and environmental interests had new venues in which to press their claims, particularly in the news media and in congressional hearings, whereas before the spill these hearings were dominated by industry interests” (Birkland, 2005, p. 101).
Charter School Policy Adoption.

Scholarship attempting to explain why and when states adopt charter school legislation may be organized into three categories: studies that explore internal state determinants, studies that explore interstate relational factors, and studies that consider both. Looking at intrastate factors, Wong and Shen (2002) tested the relationship between state adoption of charter school legislation and a set of state-specific political variables including political party dominance, amount of political competition, and state climate toward private schools. They found an inverse relationship between the average rate of high school completion and a state’s likelihood of adopting charter school legislation. Using a multivariate event history analysis model, Wong and Langevin (2007) tested the relationship between state’s decisions to adopt charter school legislation and a set of independent variables including political and economic influences, social influences, and geographic influences. Their results indicated that state adoption was significantly related to partisan gubernatorial control, classroom spending, private schools, education finance litigation, and minority representation. Geographic influence variable were not significantly related to state adoption.

Renzuli and Roscigno (2005), however, did find a significant relationship between state adoption of charter school legislation geographic influences. Specifically, they found that states were more likely to adopt charter school legislation if they had regional states with strong charter school laws. The difference in findings may be attributed to how they measured the geographical region variable. Wheras Renzuli and Roscigno considered the
strength of the charter school laws of neighboring states, Wong and Langevin (2007) considered only whether nearby states had adopted any form of charter school policy. Despite differences, both Renzulli and Roscigno, and Wong and Langevin suggest that both internal and interstate factors may be significant in explaining the adoption of charter school legislation.

Stoddard and Corcoran (2006) studied the circumstances under which states were likely to pass laws favorable to charter schools, and under which conditions charter school participation was likely to be high. They found that demographics, teacher union participation, and student performance were all statistically significant determinants of state charter school legislation adoption and charter school participation. Also, controlling for student performance, states with higher Hispanic populations were more likely to adopt charter school legislation, and more likely that the legislation would be favorable to charter schools. In contrast, states with higher black populations were not more likely to adopt charter school legislation, but those states with charter schools did have higher rates of charter school participation. States with higher SAT scores were also found to be less likely to pass charter school legislation. However, no significant relationship between SAT scores and charter school participation were found. Finally, the results indicated that states with higher percentages of teachers covered by a union contract were less likely to pass charter school legislation in the 1990s, and if they passed charter school legislation at all, it was more likely to be restrictive to charter schools.

Shober et al. (2006) sought to uncover the factors that influence the degree of flexibility and accountability in state charter school laws, and to determine how the content
and underlying values of state charter school laws affected the formation of charter schools in the United States. Their results revealed that states with more conservative officials did produce more flexible charter laws, but partisan factors were not related to law flexibility. Also, states with higher numbers of at-risk students did have more flexible laws, but higher numbers of at-risk students were no different than other states in terms of accountability. Flexibility in general did not appear to be a significant predictor of number of charter schools; but three components of flexibility, ease of charter application, ease of charter authorization process, and degree of local oversight were found to be significant predictors of the number of charter schools in a state.

These quantitative analyses show that a variety of factors may be associated with both a state’s decision to adopt charter school legislation and the degree of flexibility that states’ charter school policies contain. Interestingly, Shober’s findings revealed that the easier the overall charter application and authorization process was in a state, the more charter schools that state was likely to have. The research does not examine, however, the reasons why a state would have an easier application process. It could be that state’s where a partial reversion of charter school policy has occurred are more likely to have a stringent charter school application process, and thus have fewer charter schools; while states where charter school reform has experienced very little resistance have much less stringent application procedures and more charter schools. Future research should address this gap.

Charter School Politics: National Studies

A number of recent studies have examined the politics of charter schools at the national level, (DeBray-Pelot, Lubienski, & Scott, 2007; Kirst, 2007; Vergari, 2007).
DeBray-Pelot et al. (2007) analyzed school choice advocacy and opposition at the national level. Their findings indicate that support and opposition for school vouchers is very much ideological, and much more complex than simple left wing-right wing, or Democratic-Republican politics. DeBray-Pelot, et al. identified a relatively stable, long-term coalition in opposition to vouchers, which included teachers unions, the National School Boards Association, and groups that they identified as traditional civil rights organizations, including the National Association for the Advancement of Colored People (NAACP), and the National Urban League. While opposition to vouchers appeared to come squarely from the political left, DeBray-Pelot et al.’s pro voucher coalition also included what they called new civil rights groups such as the Black Alliance for Educational Opportunities and Hispanic Council for Reform and Educational Options (CREO), “who were aligned with centrist, left, and right school choice supporters” (p. 216). Finally, they found that the school choice coalition had successfully used the strategy of pushing targeted programs, citing the passage in Congress of the District of Columbia’s pilot voucher program and the Hurricane Education Recovery Act in 2005 in the aftermath of Hurricane Katrina as evidence; both “significant departures from the logjams of the past” (p. 22).

DeBray-Pelot et al. (2007) framed their study as “an updated analysis of the institutional and organizational landscape surrounding the advocacy of and opposition to vouchers and other forms of school choice...at the federal/national, state, and local levels” (p. 204). They provided a framework for analyzing school voucher advocacy and opposition at the national level. This national framework, however, may not be applicable to state-level analysis because of variations in state policies. Furthermore, they point out that the coalitions
identified is “loosely configured”, and that all school choice supporters will not align themselves around the same school choice policies.

Kirst (2007) cautioned that generalized patterns of charter school politics may not be discernable due to diverse politics in the 50 states and thousands of localities, which vary along age composition, size of school-age population, parents’ education and income, and human, material and economic resources. Additionally, the term charter school has come to include schools that are new start-up charters, conversion from traditional public school charters, home-based charters, collective bargaining charters, and for-profit charters just to name a few. Given the different types of charter schools and diverse policy environments, different political responses arise. For example, teacher unions have been consistently noted in the research literature as opponents of charter school form, but teacher union responses alone to charter schools have ranged from complete opposition, to unions organizing for charter school teachers. In 1996, the National Education Association (NEA) launched a charter school initiative with plans to develop five charter schools; and in 2005, the United Federation of Teachers (UFT) in New York opened the UFT Elementary Charter School in Brooklyn (Vergari, 2007; Stulberg, 2007). The differences in teacher union responses may be in part attributable to the great variation in what is meant across states by the term charter school, but also to variations in the political cultures of states (Fusarelli, 2003; Kirst, 2007).

Political culture, as defined by Elazar (1984), is a “particular pattern of political action in which each political system is imbedded” (p. 85). Citing the work of Elazar (1984), Kirst (2007) argued that states’ political cultures are extremely important determinants in how states had responded and will respond to charter school reform. Elazar (1984) identified
three distinctive state political cultures: a traditionalistic culture, in which government continues along traditional paternalistic and hierarchical patterns; an individualistic culture, in which government “emphasizes the centrality of private concerns and places a premium on limiting community intervention” (p. 94); and a moralistic culture, where government is seen as an “effort to exercise power for the betterment of the commonwealth” (p. 96).

Kirst (2007) asserted that traditionalistic states would most likely enact restrictive and limited charter school laws, and that individualistic states would probably enact laws that encourage charter school expansion. However, generalizations about state political culture are extremely difficult to make. Even in Elazar’s (1984) attempt to categorize states, he noted combinations of different cultures can exist within states and emphasized that migration patterns and ideological evolution contribute to an environment where states’ political cultures are always in flux. Fusarelli (2003) also used Elazar’s theory of political culture as a lens for examining charter school politics. Fusarelli noted that while undeniable patterns in states’ political cultures exist, one limitation of Elazar’s framework in explaining state responses to charter schools is that most states (40 and the District of Columbia) have passed charter school legislation, including states with identified individualistic and traditionalistic political cultures.

*Charter School Politics: State Studies*

Charter school politics research has also been conducted at the state level. These studies show that variations in state charter school policies and state institutional structures make it nearly impossible to make national generalizations about charter school advocacy or opposition. For instance, comparing the political construction of charter schools in Arizona,
Michigan, and Georgia, Bulkley (2005) found differences among the states in terms of the political environments in which charter school legislation achieved passage, how each state’s “educational” problem was defined, and each state’s theory of how charter schools would fix or at least aid in fixing that problem. At the time of charter school legislation adoption in Arizona there was extremely strong support for vouchers and public school choice stemming from discontent with traditional public schools. This mood for change left moderates including professional educator organizations not incredibly resistant to the charter school idea. Charter school advocates in Arizona believed that the introduction of charter school legislation allowing for multiple sponsors/authorizers, choice, and deregulation would have effects at both the school-level and system-level. At the school level, they believed the new reform would ultimately result in charter schools with improved student outcomes, which were more efficient and responsive to parents. At the system level, advocates believed that allowing multiple authorizers would result in a large number of charter schools, taking students away from traditional public schools; forcing traditional public schools to improve student outcomes, and become more responsive to parents.

In Michigan, Bulkley (2005) found that charter school legislation “shows a reliance on both markets and government to connect charter schools to improved educational equality” (p. 541). Voters in Michigan were discontent with perceived abuse of power by teachers unions, inadequate school funding, and the substantial achievement gap between suburban white students and urban minority students. Charter schools came to life in Michigan as a result of the traditional public education establishment’s intense opposition to open enrollment, which the Michigan Education Association (MEA) perceived to be a direct
attack on public education. Additionally, Bulkley noted that some Republican legislators would not consider open enrollment because of concerns of their constituents who believed that “all the black children from Detroit would be coming up to ruin [their] schools” (p. 541). When it became evident that open enrollment was not politically feasible, the governor put all efforts and focus on charter schools.

Like Arizona, Michigan’s charter school advocates believed that at the system-level, multiple sponsors of charter schools would result in many charter schools taking students away from traditional public schools, and forcing traditional public schools to improve and compete with charter schools for students (Bulkley, 2005). At the school level, they believed that allowing multiple charter school authorizers in the state would contribute to greater school autonomy and more of a focus on student outcomes than if local school boards were the only potential authorizers. Also, charter advocates believed that charter schools that were able to overcome all of the obstacles of starting a school from nothing would be higher quality schools.

Finally, in Georgia, neither parental choice, nor competition were a part of the charter school conversation (Bulkley, 2005). At the time of charter school legislation adoption in Georgia, the most discussed education problems were low teacher pay, increasing state control of public education, and an ongoing struggle between state and local control of public schools. Solutions being considered included raising teacher pay, and forms of site-based management. Georgia’s charter school legislation allowed only existing public schools to apply to the State Board of Education and local school to substitute a charter for exemption from many state and local regulations. Students that attended the school as a traditional
public school would continue in attendance. There was no element of parental choice in Georgia’s legislation. Charter school advocates in Georgia intended that decreased regulation by the state would result in more school autonomy, which in turn would yield higher performing public schools. If any systemic benefit was intended to come from charter legislation, it was only that traditional public schools might learn from innovations experimented with by charter schools.

The passage of charter school legislation in Minnesota came about with the support of both of the state’s teachers unions. Interestingly, the concept of charter schools in Minnesota, the first state to adopt charter school legislation, is quite different than the market-model charter school. Rather, charter schools were intended to give teachers greater control and authority in schools, not parents (DiConti, 1996). The initial law, passed in 1991, allowed only groups of teachers to form “totally autonomous schools of choice within existing school buildings with the right to decide on the curriculum, the allocation of funds, and the hiring and retention of staff” (DiConti, 1996, p. 100). Charter school advocates in Minnesota argued that increasing teacher control in schools would result in greater curricular and instructional innovations, and provide high quality learning opportunities for more students. Teachers unions who had not been receptive to Minnesota’s past forays with school choice policies saw charter school legislation as a tremendous opportunity for both teachers and students. The only noted opposition to charter school legislation in Minnesota was not even an objection to charter schools themselves. Instead, some educators opposed charter schools because they believed that they were a step in the direction of introducing private school vouchers.
Stulberg (2007) described the politics of charter schools in New York during what she called the second generation of charter schools as “incredibly complex” (p. 1). Again, this state-level analysis illustrated that generalizations often made about charter school support and opposition do not always hold true. Though teachers unions have been painted with the broad brush of being anti-charter, Stulberg asserted that there is a great deal of disagreement within the state teachers union, “evidenced by the fact that there are unionized charter schools in New York State” (p. 3). Stulberg found that a major sticking point was between supporters who wanted to be able to claim the superiority of charter schools and opponents who wished to show that charter school performance is subpar or no better than traditional public schools. Evidence of this disagreement is seen nationally as well, with findings of charter school effects varying across studies (Vergari, 2007).

Stulberg (2007) maintained that school district responses to charter schools have varied across the state of New York. Much of the literature has characterized local school districts as fierce opponents of charter schools. Some school districts in New York, for example, opposed charter schools and felt deeply threatened by their presence. However, she also found school districts that either embraced charter schools or believed that charters were “not an issue in their communities” (p. 4). Stulberg’s findings of variation in local district responses to charter schools brings us to caution even generalizations about patterns of support and opposition at the state level. Differences between charter school politics in New York City and Albany, New York must be taken into account in describing New York’s unique political landscape. Leaving those types of contrasts out of political analyses would only serve to oversimplify a very complex issue.
In analyzing charter school support and opposition in Texas, Fusarelli (2003) found that charter school legislation was “a byproduct of the competition between advocacy groups” (p. 93). Bipartisan support in the legislature, the support of Republican and Democratic governors, the mobilization of various advocacy groups in support of charter schools, and the inability of charter school opponents to successfully counter mobilize, all contributed to the fairly easy passage of Texas charter school legislation in 1995.

Fusarelli (2003) also found evidence of the impact of institutional strictures the school choice politics. These structures included restrictions in the state constitution that prohibited the support of religious schools with public funding, the length and frequency of legislative sessions, and the constitutional authority of state executive and legislative leadership. While institutional structure will rarely independently determine policy outcomes, “it does serve as a conditioner of the political processes by which those policy outcomes are achieved” (Fusarelli, 2003, p. 70). Thus, discussing charter school politics or state level politics in general is only meaningful when considered within the context of each state’s unique institutional landscape.

Texas’ original charter school legislation allowed for 20 state-approved open-enrollment charter schools and an unlimited number of district-approved campus charter schools (Fusarelli, 2002). The Texas legislature increased the cap to 120 open-enrollment charters and an unlimited number of additional charter schools provided that each additional school’s student body be comprised of at least 75% of students at risk of dropping out. And in 2001, the legislature increased the cap again to 215 charter schools statewide, with an exemption only for schools run by a state college or university. It is apparent that since the
passage of Texas’ initial charter school legislation, charter school advocates have been successful with continuing to raise the charter school cap, and expand the number of charter schools in the state. At first glance, it appears that traditional public school interests in Texas have not been able to force a policy reversion. Fusarelli (2002) noted, however, that a significant portion of the growth in Texas charter schools has been with a targeted population—at risk students, and Texas charter schools continue to operate under the same accountability system as traditional public schools. Both of which could be viewed as victories for traditional public school interests. Further research would need to be conducted to determine whether charter school advocates have established a new status quo, or the traditional public education establishment’s once policy monopoly has broken down into an issue network.

Similarly, changes in Colorado’s charter school policy since the passage of the state’s original legislation warrant further investigation. Colorado’s initial charter school law passed the state legislature in 1993 with bipartisan support as well as the support of the state’s teachers unions (Hirsch, 2002). Much of its appeal was its limited scope. The law allowed only the local school districts to approve charter school applications, permitted school districts to negotiate funding levels with charter schools (with a minimum of 80% of the district’s per pupil operating revenue), required charter schools to negotiate any waivers from local and state policies, provided a sunset provision of five years, capped the number of charter schools at 60, and required that 16 of the 60 charter schools be designed to serve at risk students. Since 1993, numerous changes have been made to Colorado’s charter school law. Some of the most notable changes have been the removal of the sunset provision,
significant increases in minimum funding levels including improvement in capital funding. Charter school advocates have been unsuccessful, however, with getting a bill through the state legislature that would allow entities other than school districts to authorize charter schools. In addition to this limitation being a sticking point during the charter application, the charter authorizer is responsible for oversight of approved charter schools. Further investigation is needed to determine whether or not a reversion of charter school policy in Colorado has occurred.

Summary

Overall, changes have been made in policies across states after the passage of initial charter school legislation (e.g. Texas, Colorado). As shown in Appendix E, a plethora of research has examined charter school politics. However, it remains unclear if the changes are policy reversions—moving charter school reform backwards rather than forwards, and what the political factors are that explain these policy changes. Researchers have tested relationships between state political variables and states’ adoption of charter school legislation (Shober et al., 2006; Stoddard & Corcoran, 2006; Wong & Shen, 2002). At the national level, scholars have provided frameworks for patterns of charter school political support and opposition (DeBray-Pelot et al., 2007; Kirst, 2007; Vergari, 2007). And at the state level, studies have revealed that variations in state institutional structures, charter school policies, and political culture make it difficult to offer generalizations about charter school politics and policy nationally (Bulkley, 2005; DiConti, 1996; Fusarelli, 2002, 2003; Hirsch, 2002; Lacireno-Paquet & Holyoke, 2007; Stulberg, 2007).
At this point, scholarship has focused on the development and passage of initial charter school legislation. The scholarly literature has not, however, adequately dealt with the evolution of charter school policy following the passage of state charter school legislation (Lacireno-Paquest & Holyoke, 2007). As such, this study moves the literature beyond a pre policy focus to post policy enactment. It explores how the actions of proponents and opponents have influenced the evolution of the state’s charter school policy. The findings have significant implications for the future of education policy in North Carolina. If charter school interests are found to be the dominate voice in policy debates it is likely that charter schools will expand, possibly breaking ground other school choice policies. If traditional public school interests are found to dominate the policy debate, North Carolina should expect very few changes in the concept of public schooling. Also, if since the passage of charter school legislation policy decisions have been made though an issue network as defined by Heclo (1995) with interests on both sides of the debate having a say in policy, the result should be policy evolving as compromises between charter school and traditional public school interests.

In the next chapter, the research methodology for this study is discussed. The chapter details the study’s approach, research questions, methods, limitations of qualitative research, and ethical considerations. The chapter concludes with a discussion of the study limitations, and the researcher’s subjectivity.
CHAPTER 3
METHODOLOGY

Introduction

In the eighteen years since charter school legislation was passed in Minnesota, the number of states with charter school legislation, the number of charter schools, and the enrollment of students in charter schools have all grown tremendously. In fact, the most recent data indicates that 40 states and the District of Columbia have passed charter school legislation and 3,600 schools enroll over one million students in charter schools nationally (Center for Education Reform, 2008).

As impressive as these national figures are, charter school reform is not a monolithic national movement (Bulkley, 2005; Kirst, 2007). Charter schools are a state-level education reform, and great variation in charter school policies exists across states because they serve different purposes and operate under different rules (CER, 2008; Kirst, 2007; Vergari, 2007). This diversity of charter school policies has led to very different patterns of charter school advocacy and opposition across states. While national studies of charter school politics have been valuable in providing frameworks for advocacy and opposition, a rich analysis of charter school politics may only take place at the state level.

This study contributes to our understanding of the public policy process, and state educational policy by examining the politics of charter schools in North Carolina. Specifically, this study will examine the how the actions of interests have affected the evolution of North Carolina’s charter school policy. It will also investigate whether new interests have been able to establish a new status quo around charter school policy, or if the
reassertion of displaced interests has forced a partial or complete policy reversion.

**Research Questions**

Eisenhardt (2002) declares that the rationale of defining research questions a priori is to give the research focus, and Creswell (2007) recommends that researchers reduce their entire study to a minimal number of overarching research questions. Accordingly, this study adopts the research questions posed by Lacireno-Paquet and Holyoke (2007) in examining charter school policy in Michigan and the District of Columbia: How has charter school policy in North Carolina evolved since the passage of charter school legislation in 1996? Two sub-questions will also be explored: (a) How have the actions of proponent charter school interests affected charter school policy since the passage of charter school legislation in 1996? and (b) How have the actions of opponent charter school interests affected charter school policy since the passage of charter school legislation in 1996? Utilizing the same research questions as Lacireno-Paquet and Holyoke allows for both cross study comparisons and the development of policy theory.

Even with the research questions identified, however, Eisenhardt (2002) cautions that in qualitative research it is important to recognize that research questions may shift during the research. According to Eisenhardt, “at the extreme, some have converted theory-testing research into theory-building research by taking advantage of serendipitous findings. In these studies, the research focus emerged after the data collection had begun” (p. 11). Thus, the specified research questions served as an essential starting point for this study. The researcher was not limited to answering only these questions. Indeed, the researcher was open to opportunities for theory building that arose during data collection and analysis.
Appropriateness of Design

This study employs a qualitative case study research design. Yin (2003) defines a case study as “an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident” (p. 13). Case studies are a preferred research strategy when the researcher seeks to answer ‘how’ or ‘why’ questions, and when the focus is on a contemporary phenomenon within some real-life context (Yin, 2003). Case studies may be used for various purposes, including providing description, testing theory, or generate theory (Eisenhardt, 2002). The purpose of this case study is three-fold: (a) to describe the actions of interests following the passage of charter school legislation, (b) to describe the evolution of charter school policy, and (c) to test Lacireno-Paquet and Holyoke’s (2007) theory of policy reversion.

Case study research may employ evidence that is quantitative, qualitative, or both (Eisenhardt, 2002). This study will use qualitative evidence for analysis. Lacireno-Paquet and Holyoke (2007) assert that a qualitative analysis is best for exploring the politics of interests following policy punctuation because:

Policy reversion can be a difficult phenomenon to identify. The complexity of most issues and the nuances in the arguments made by supporters of both old and new policies make it likely that only a careful qualitative analysis looking deeply into the political events surrounding a new policy is likely to pinpoint the differences that will allow us to understand how a policy is evolving and if reversion is occurring. (p. 193) Since this study focuses on an explanatory question, it does not lend itself to being
answered using survey techniques. While experimental techniques are capable of answering explanatory questions, their use requires some degree of control over behavioral events. The researcher, in this case however, has none. So, a case study design is the most appropriate for conducting this study.

Merriam (1998) emphasized that the intent of case study research is not the outcome of a specific variable. Instead, its purpose should be to gain an in-depth understanding of a situation, with an interest in process; put differently, “discovery rather than confirmation” (p. 19). Further, Yin (2003) noted that a benefit of case study design is that it is able to provide a holistic comprehensive picture of the case or cases. To that end, the purpose of this study is not to try to predict future charter school policy outcomes, or the future actions of interests. Rather, the intent of this study is to provide a holistic picture of the evolution of North Carolina’s charter school policy. As such, a case study design, as defined by Creswell (2007), Eisenhardt (2002), Merriam (1998), and Yin (2003) is the most appropriate choice for this study.

Site Selection and Sample

North Carolina was chosen as the site for this study for two reasons. First, since the passage of the state’s charter school legislation in 1996, state charter school advocates have worked to try to pass legislation that would raise or remove the state’s charter school cap. Their efforts, however, have been unsuccessful. Also, in 2007 the State Board of Education received recommendations from a bipartisan Blue Ribbon Commission on charter schools, which among other things, recommended the amending of state charter school legislation to
allow for the authorization of additional charter schools. However, the commission’s recommendations are still only recommendations. They must now go through the process of adoption by the State Board of Education, and the even larger hurdle of passing in the state’s general assembly. The inability of charter school advocates to pass legislation to raise or remove the state’s charter school cap provides convincing evidence that they face formidable opposing interests. Thus, North Carolina provides an enticing political environment for exploring the politics of charter schools.

Second, North Carolina was chosen to facilitate the development of Lacireno-Paquet and Holyoke’s (2007) hypothesis of policy reversion. Their hypothesis has been tested in the District of Columbia and Michigan. Education policy in North Carolina is significantly different than both of these cases. In addition to charter schools in the District of Columbia, there is a pilot voucher program in operation. Additionally, the District of Columbia’s Public Schools have been consistently plagued with poor student performance. In Michigan, charter schools are part of a larger school choice policy environment which also includes inter-district open enrollment. In contrast, in North Carolina, traditional public schools have made great strides in student performance and school accountability over the last decade. Also, charter schools are North Carolina’s only school choice policy to date. Findings from testing Lacireno-Paquet and Holyoke’s policy reversion hypothesis in a site as different from the others as North Carolina, are helpful in developing theory about the evolution of charter school policy following its enactment.
Data Collection

Researchers conducting case study research may use one or more methods of data collection, but “the case study’s unique strength is its ability to deal with a full variety of evidence” (p. 8). Most methodology scholars advise that having multiple sources of data is preferable in qualitative research (Bogdan & Biklen, 2007; Creswell, 2007). Eisenhardt (2002) suggests that the use of multiple data collection methods “provides stronger substantiation of constructs and hypotheses” (p. 14). As such, this study utilizes two sources of data: in-person semi-structured interviews and archival document collection.

This study’s data collection methods are modeled after those of Lacireno-Paquet and Holyoke (2007) in examining the evolution of charter school policy in Michigan and the District of Columbia. In reporting their data collection methods Lacireno-Paquet and Holyoke state that their data came largely from personal interviews. They conducted semi-structured interviews with legislators, legislative staff, staff in state and local chartering agencies, charter school staff, and representatives of teachers unions and school boards associations. They supplemented interview data with accounts of journalists explaining how charter school policy has evolved.

In order to gather descriptive data in informants’ own words, the researcher conducted in-depth, semi-structured interviews of 10 study participants. Participants were purposefully sampled. Purposeful sampling is used in qualitative research to select informants because “they can purposefully inform an understanding of the research problem and central phenomenon in the study” (Creswell, 2007, p. 125). Similarly, Bogdan and Biklen (2007) contend that with purposeful sampling, particular subjects are chosen “because
they are believed to facilitate the expansion of the developing theory” (p. 73). In order to include as broad of a spectrum of responses as possible, informants included journalists, legislators, legislative staff persons, interest groups representatives, and charter school employees. Due to the nature of their positions, participants’ email addresses and phone numbers were obtained using the World Wide Web. Sixteen potential participants were contacted via email to request their participation in the study. Eight of them responded indicating that they would participate in the study. One of the eight participants referred the researcher to two additional potential participants, both of which agreed to participate in the study, bringing the total number of study participants to ten. All participants were interviewed individually either at their place or employment or at their home.

Interviews are one of the most important sources of information in a case study (Bogdan & Biklen, 2007; Creswell, 2007; Yin, 2003). The researcher used an interview protocol for each interview (see Appendix A for interview protocol). Creswell asserts that the use of an interview protocol enables the researcher to collect field notes during the interview, and helps the researcher to “organize thoughts on items such as headings, information about starting the interview, concluding ideas, information on ending the interview, and thanking the respondent” (p. 135).

Bogdan and Biklen (2007) warned that “when the subject cannot tell his or her story personally in his or her own words, the interview falls out of the qualitative range” (p. 96). Similarly, Yin (2003) recommends that case study interviews be “open-ended in nature” (p. 90). This type of interview allowed the researcher to ask informants about both facts and opinions, and to solicit their insights into occurrences. Informants’ insights were then used as
the basis for future inquiry. Additionally, the researcher asked informants for sources of corroboratory evidence and assistance with accessing those sources (Yin, 2003).

Yin (2003) adds that the researcher has two jobs throughout the interview process: “to follow [his] own line of inquiry, as reflected by [his] study protocol, and (b) to ask [his] actual (conversational) questions in an unbiased manner that also serves the needs of [his] line of inquiry” (Yin, 2003, p. 90). For example, in this study, the researcher was interested in uncovering the actions of interests in their attempts to influence charter school policy. Thus, the researcher pursued this line of inquiry, but all the while, he was mindful that in order to be effective, questioning should be done in a very friendly and nonthreatening way.

As noted previously, the researcher recorded field notes during and following each interview. Field notes can be described as “an ongoing stream-of-consciousness commentary about what is happening in the research, involving both observation and analysis” (Eisenhardt, 2002, p. 15). The researcher kept a detailed running commentary to himself, writing down whatever impressions occur. Eisenhardt (2002) stresses the importance of not sifting out what seems to be important in field notes, because it is often difficult to know what will and will not be useful in research. Also, the researcher continually asked and forced himself to answer the question, “what am I learning?” (Eisenhardt, 2002, p. 15).

All interviews were audio-recorded using a digital voice recorder. Immediately following each interview, the audio file was downloaded and saved to the researcher’s computer and password protected. All audio files were then erased from the audio recorder. The interviews were then transcribed verbatim by the researcher, saved as a Microsoft Office document to the researcher’s computer, and password protected. All saved audio files were
then erased from the researcher’s computer.

The researcher also collected over 1,000 pages of archival data for analysis including newspaper articles, organizational reports, legislative statements, position papers, attorney general opinion letters, State Board of Education policy, and information from web sites. During the interviews, participants were asked to provide the researcher with any available organizational memos, emails, agendas, research, or opinion papers. Additional organization records were collected from organization websites as well. Newspaper articles were obtained through North Carolina State University library’s subscription to *Newsbank: America’s Newspapers*. This database includes 19 local newspapers across the state of North Carolina. Keyword searches for all 19 newspapers were conducted from 1997 to the present using the key word: charter school.

According to Merriam (1998), the use of documents in qualitative research may be particularly valuable in that documents “do not intrude upon or alter the setting in ways that the presence of the investigator does” (p. 112). Yin (2003) notes that strengths of using archival records in case study research include their stability, their unobtrusiveness, and their broad coverage.

**Data Analysis**

For both interviews and archival data, the researcher employed the constant comparative method of ongoing data analysis as described by Creswell (1997) and Merriam (1998). The researcher open-coded both interview transcripts and documents for emerging themes and patterns. Open coding involves the researcher examining the data for “salient
categories of information” (p. 160). Creswell (2007) contends that “using the constant comparative approach, the researcher attempts to saturate the categories—to look for instances that represent the category and to continue looking (and interviewing)” until new information provides no further insight (p. 160). Finally, categories of data will be collapsed into a minimal number of themes. Collapsed themes in this study included oversight, funding, facilities, diversity, and charter school cap. Creswell (2007) suggests that this will aid the researcher with developing generalizations about the case and comparing those generalizations with the relevant literature.

Interview transcripts were analyzed with the assistance of Atlas Ti (Scientific Software Development, 2004), a qualitative data analysis software package. This software assisted the researcher with organizing and categorizing data, and facilitating the data’s accessibility (Bogdan and Biklen, 2007).

**Confirmability and Credibility**

Qualitative research does not share the expectation with quantitative research that there will be consistency in the results of different researchers or of the same researcher across time (Bogdan and Biklen, 2007; Merriam, 1998). The meaning of reliability to qualitative researchers centers more on “the fit between what they record as data and what actually occurs in the setting under study” (Bogdan and Biklen, 2003, p. 36). Creswell (2007) notes that the qualitative researcher seeks confirmability rather than objectivity in establishing the value of the data; and these are achieved through an auditing of the research process. To ensure that the reader is able to perform such an audit, all of this study’s methods
of data analysis will be made explicit in this document.

Eisner (1991) suggested that instead of using the term validity, which has connotations of quantitative research, qualitative researchers should strive to achieve credibility. According to Eisner (1991), “we seek a confluence of evidence that breeds credibility, that allows us to feel confident about our observations, interpretations, and conclusions” (p. 110). Both Eisner (1991) and Merriam (1998) assert that this type of validity may be achieved by using multiple sources of data. This study will use two sources of data: interviews primarily and documents secondarily. Additionally, Eisner (1991) commented on the importance of criticism to achieving credibility. To that end, the data and analysis of this study were subject to the criticism of the members of this dissertation advisory committee.

While generalizability is not a primary goal of much of qualitative research, Merriam (2002) contends that when researchers provide thick, rich descriptions of settings and cases, the reader is put in a position to determine whether cases under study are similar to their own. The researcher endeavored to provide such a case description in this study.

**Ethical Issues**

Before beginning the collection of data, the researcher obtained written approval of the North Carolina State University Institutional Review Board. No direct or indirect harm resulted to any participant as a result of conducting this study.

The findings of the study are written in aggregate terms and supplemented with individual responses. Informants are not identifiable by their responses. Random
alphanumeric identifiers were used to provide confidentiality of participant responses, and no identifying information (e.g. age, race) was used in describing individual responses.

Additionally, the researcher attended the university’s Human Subject Ethics Training. This training is a comprehensive ethics training program for researchers conducting research with human subjects. The highest ethical standards were maintained by the researcher in data collection, analysis, and reporting of this study.

**Limitations of the Study**

Several limitations result from the researcher’s choice of data collection methods. While interviews are an integral component to case study research in general, and to this study in particular, there are weaknesses associated with them. There is inevitably a certain amount of bias based on the wording of questions. The researcher attempted to overcome this limitation to the greatest extent possible by soliciting the feedback of the dissertation committee on the interview protocol. Also, whenever interviews are conducted, there is always the possibility that informants will not tell the whole truth. Yin (2003) refers to this weakness as reflexivity, where the informant gives the interviewer what he or she believes the interviewer wants to hear. The researcher attempted to overcome this limitation by seeking corroboratory and contrary evidence of what informants provide in interviews.

The use of archival records also presents several limitations. Issues of access may prevent the researcher from obtaining records or documents that may be pertinent to the study. The researcher attempted to overcome this limitation by asking informants to assist
with access to relevant materials. However, to the extent that certain documents were not obtained, there exists a certain degree of bias in documents. Likewise, documents in and of themselves are subject to varying degrees of bias from their author.

The researcher believes that by using both interviews and analysis of archival records, the limitations of each method are offset by the strengths of the other method.

Subjectivity Statement

The researcher, Wayne Lewis, is a twenty-eight year old, African-American man. He attended predominantly African-American Catholic schools from Kindergarten through grade 12, and he is a graduate of private and state universities. He does not have any children, and has moderate to conservative political views. The researcher spent five years as a traditional public school teacher. While teaching in Louisiana he was a member of The United Teachers of New Orleans (UTNO), an AFT affiliate organization. While teaching in North Carolina he was a member of North Carolina Association of Educators (NCAE), an affiliate of the NEA.

Since his first days as a teacher in the New Orleans Public Schools, Wayne has been very interested in public school reform. Having never attended public schools in New Orleans, his induction to the troubled school district as a teacher at Booker T. Washington High School was an eye-opening experience. Wayne’s specific interest in charter school reform began while a graduate student at North Carolina State University. He has never worked in a charter school nor had any direct association with them. Wayne neither supports nor opposes charter school reform, but he is deeply concerned about social justice issues.
surrounding the expansion of school choice policies.

This study is conducted from a realist epistemological position. According to Gutek (2004), realism “asserts that we live in a world of objects that truly exist and are external to us. Although objects exist outside of us, we can acquire information about them and come to know them” (p. 35). However, in this study, as any study conducted from a realist position, the data collection and analysis employed are only an attempt to directly observe that objective reality. A realist stance, while supposing that objective reality exists beyond our experiences, recognizes that we also need our creative minds to clarify its existence and then to identify explanatory mechanisms (Grbich, 2007). The role of the researcher in this study is to collect, analyze, and present data in such a manner that both the researcher and reader might be able to draw conclusions and come close to observing reality as it truly exists.

**Summary**

This chapter provided a detailed look at the methods that will be employed in this study. This case study will use in-depth semi-structured interviews as the primary data collection method, and analysis of archival records as a secondary method. The appropriateness of both the study and the methods has been discussed, as well as a description of data analysis procedures. The chapter concluded with a discussion of ethical issues and potential limitations of the study.
CHAPTER 4

FINDINGS

Introduction

The purpose of this study is threefold. First, it examines the evolution of charter school policy in North Carolina since the passage of the state’s initial charter school legislation in 1996. Second, the study examines Lacireno-Paquet and Holyoke’s (2007) hypothesis of partial policy reversion. Lacireno-Paquet and Holoyoke argue that long-held issue definitions do not suddenly melt away, and “once powerful but now displaced legislators and lobbyists do not meekly accept their defeat and fade into the night” (p. 190). Rather, they theorize that if displaced interests remain powerful enough, they will fight to reassert the original status quo, possibly shopping for more favorable venues to move the fight to, or engaging in grassroots strategies and other forms of outside advocacy. So instead of a punctuation being a clean victory for new interests, they assert that it may only be “the opening shots in an advocacy war, as long-standing definitions and structures are toppled but new ones have not yet clearly emerged and taken root as a new enduring and stable subsystem” (p. 191). Finally, this study investigates how the actions of charter school advocates and opponents in North Carolina have affected charter school policy since the passage of charter school legislation.

To gather descriptive data in informants’ own words, the researcher conducted in-depth, semi-structured interviews with 10 study participants. Participants were purposefully sampled. In order to include as broad of a spectrum of responses as possible, informants included journalists, legislators, legislative staff persons, interest groups representatives, and
Due to the nature of their positions, participants’ email addresses and phone numbers were obtained using the World Wide Web. Sixteen potential participants were contacted via email to request their participation in the study. Eight of them responded indicating that they would participate in the study. One of the eight participants referred the researcher to two additional potential participants, both of which agreed to participate in the study, bringing the total number of study participants to ten. All participants were interviewed individually either at their place of employment or at their home.

Additionally over 1,000 pages of archival data were collected and analyzed. These documents included newspaper articles, organizational reports, legislative statements, position papers, attorney general opinion letters, State Board of Education policy, and information from web sites. During the interviews, participants were asked to provide the researcher with any available organizational memos, emails, agendas, research, or opinion papers. Additional organization records were collected from organization websites as well.

Newspaper articles were obtained through North Carolina State University library’s subscription to Newsbank: America’s Newspapers. This database includes 19 local newspapers across the state of North Carolina. Keyword searches for all 19 newspapers were conducted from 1997 to 1999 using the key word, charter school.

The data provide evidence to support Lacireno and Paquet’s (2007) hypothesis of partial reversion in North Carolina school choice politics. Few changes have been made to the state’s charter school policies since the passage of charter school legislation in 1996. Actual changes have been relatively minor in scope. In fact, some stakeholders see the changes more as fine-tunings of policies that in the beginning stages were rather undefined or
unclear. Some of this fine-tuning has occurred with legislative action of the State General Assembly. The State Board of Education has been instrumental in other alterations.

Debate surrounding the state’s charter school cap has been at the center of the charter school politics in North Carolina. The data indicate that charter school advocates have devoted nearly all of their resources to pushing for the removal of the statewide cap on charter schools. Charter school advocates have used very few political resources to advance their policy preferences in areas such as oversight or even funding. As such, the charter school cap debate is given the most attention in this chapter.

Charter school advocates have failed to muster enough political influence to raise or remove the statewide cap of 100 charter schools. Their failure has arguably been one of the most significant findings of the study. Charter school interests have not effectively used interest group strategies to further their policy preferences. Conversely, traditional public school interests have successfully blocked the passage of pro-charter school legislation using their access to Democratic lawmakers. As such, charter school interests have been unable to shut traditional public school interests out of policy making and set up a new stable policy subsystem.

This chapter describes changes in charter school policy since the passage of charter school legislation in 1996. Changes are discussed by theme. Proposed policy change relating to the charter school cap is the most significant and is discussed first. Next, charter school policy issues are discussed. These issues include charter school oversight and regulation, charter school facilities and funding, charter school diversity, teacher certification, and teacher retirement. Included in the explanation of how policy evolved are policy actors’
views about why policy change has or has not occurred. Chapter 4 concludes with a summary of the study’s findings, including a discussion of charter school advocates’ and traditional public school interests’ use of strategies to fight for or against lifting the statewide cap on charter schools.

**Charter School Cap**

The state’s charter school law currently stipulates that the State Board of Education may authorize no more than 100 charter schools statewide and no more than five charter schools per year in one local school district. Beginning as early as 1999, charter school advocates began to press the General Assembly to raise or remove the limit of 100 schools, arguing that it is an unnecessary obstacle to the growth of the charter school movement in North Carolina (Hardee, 1999). For much of the last 10 years, charter school interests have devoted nearly all of their political energies to fighting to lift or remove North Carolina’s current statewide cap of 100 charter schools.

The most fervent charter school advocates argue that any limit on charter schools, even one much higher than 100, would still be restrictive. Roger Gerber, founder and president of the League of Charter Schools, contends that we should have no cap and “free the children” (Buchanan & Dyer, 2001, p. A1). Liz Morey, vice president of the League of Charter Schools said, “We’re going to have to work really hard to get the cap lifted. There’s no reason to have one” (Silberman, 1999, p. B1). Republican Representative and gubernatorial candidate Leo Daughtry asserted, “It’s been long enough now that we’ve been able to put the charters under the microscope. Of the charters that are already out there, they
have been well received. I think there will be more serious effort to remove the cap now that it will have been reached” (Silberman, 1999, p. B1).

Traditional public school interests have strongly opposed charter school advocates’ efforts to lift or remove the charter school cap. Traditional public school interests, including groups representing traditional public school employees and actual state education institutions (i.e. State Board of Education, Department of Public Instruction, local boards of education), feel threatened by the expansion of charter schools. Traditional public school interests feel threatened because: (a) funding follows students who leave traditional public schools to attend charter schools; (b) all charter school teachers are not required to hold valid North Carolina teacher certification, which teachers groups assert threatens the livelihood of licensed professional educators; and (c) the very concept of charter schools threatens to upend a system that has become entrenched and has enjoyed a virtual monopoly on public education. Traditional public school interests also argue that lifting or removing the charter school cap would be premature given the sporadic performance of charter schools. Additionally, they contend that having no limit on charters could result in taking too many students and too much funding from traditional public schools, leaving traditional public schools in dire financial straits (Munn, 2001).

By 2001, the cap of 100 schools had been met. With the limit in place, the State Board of Education was unable to approve any new charters for the 2001-2002 academic year. The Charter School Advisory Committee recommended to the General Assembly that the cap not be removed until the release of a report later in 2001 that would assess how the existing charter schools had performed. A spokesman for Democratic Governor Mike Easley
commented, “[The governor] continues to question the wisdom of a general lifting of the cap without a full review. We need to look at the successes and the failures and figure what the best avenue would be.” While the State Board of Education officially held the position that the General Assembly should wait until the release of the report before deciding whether to lift or remove the cap, Phil Kirk, Chairman of the State Board of Education, proposed permitting 28 new charter schools for the 2001-2002 academic year—the average number of charters approved in recent years (Buchanan & Dyer, 2001).

The report assessing the progress of existing charter schools, conducted by two independent education consultants, was released in October 2001. It concluded that charter schools had neither hurt nor helped traditional public schools. Following the release of the report, the Charter School Advisory Committee recommended raising the cap by 10% per year (Buchanan, 2002). Disagreement remained, however, among members of the State Board of Education about whether the cap should be lifted. State Board of Education member Wayne Devitt accepted the recommendation of the Charter School Advisory Committee saying that even with lifting the cap the State Board of Education remains in control of the growth of charter schools through the approval and renewal process (Buchanan, 2002). Other members of the State Board of Education believed that the Department of Public Instruction’s Office of Charter Schools was already underfunded and understaffed, and that before removing the cap additional funds should be allocated to that office. Another member proposed that traditional public schools that lose students to charter schools should be partially reimbursed for the loss of state revenue (Buchanan, 2002). In January 2002 the State Board of Education was able to reach some agreement and voted to recommend to the
General Assembly that the charter school cap should be increased by 10 (Johnson, 2002).

During the 2001-2002 session of the General Assembly, Representatives and Senators introduced several unsuccessful bills that would have raised or removed the charter school cap. Senate Bill 867, sponsored by Democratic Senator Wib Gulley, would have reduced the number of charter schools the State Board of Education could authorize in one school district from five to three, and raised the limit on the number of charter schools that could be authorized statewide from 100 to 135. Both House Bill 25 sponsored by Republican Representative John Blust, and House Bill 29 sponsored by Republican Representative Leo Daughtry, would have completely eliminated the cap on the number of charter schools that could be authorized statewide.

The release of a report in July 2002 from the North Carolina Center for Public Policy Research (NCCPPR), a nonpartisan nonprofit organization, generated a great deal of controversy surrounding the question of whether the charter school cap should be raised or removed (Charter Schools, 2002). NCCPPR found three major problems in their study of charter schools. First, charter school students did not perform as well as their traditional public school counterparts on state standardized tests. Second, the center found considerable problems with the racial imbalance of charter school enrollments. Third, NCCPPR discovered that a number of charter schools experienced significant problems with finances and financial record keeping (Vaden, 2002). In closing, the report advised the General Assembly to hold off on raising or removing the charter cap until charter schools were able to meet goals that officials had set for them, including improving academic achievement levels for low performing or at risk students, and developing innovative teaching strategies (Charter
Schools, 2002).

During the 2003-2004 and 2005-2006 sessions of the General Assembly, legislators introduced several bills proposing lifting or removing the charter school cap; all were unsuccessful. In 2003, both House Bill 31 sponsored by Republican Representative Cary Allred and Senate Bill 359 sponsored by Democratic Senator Linda Garrou would have implemented the recommendation of the State Board of Education and raised the cap from 100 to 110 charter schools that could be authorized statewide. In 2005, Republican Senator Eddie Goodall sponsored Senate Bill 213 which would have completely removed the cap on the number of charter schools that could be authorized statewide, and Democratic Senator Larry Shaw sponsored Senate Bill 490 which would have permitted the State Board of Education to authorize up to 10 additional charter schools each year.

In June 2007, the NCCPPR released a second report on the progress of charter schools in North Carolina. Again, the center recommended that the cap on charter schools should remain until student performance improves and charter schools are more racially integrated. In an interview following the release of that report, Ran Coble, director of the NCCPPR said, “Charter schools are an important experiment, but just providing a choice is not enough. It’s got to be a good choice for educating North Carolina’s students. Charter schools need to perform well before we expand the experiment” (Report, 2007, p. B1).

Subsequent to the dissemination of the NCCPPR’s second report, during the 2007-2008 session of the General Assembly, legislators introduced several additional unsuccessful bills to raise or remove the charter school cap. Republican Senator Fred Smith sponsored Senate Bill 39 which would have raised the number of charter schools that could authorized
statewide from 100 to 125. Democratic Senator Doug Berger sponsored Senate Bill 590 which would have permitted the State Board of Education to authorize an additional 25 charter schools “if at least thirty percent (30%) of the students at those schools qualify for free or reduced-price lunches” (lines 19-21). Finally, Republican Representatives David Lewis, Ric Killian, and Curtis Blackwood sponsored House Bill 1638 which would have allowed the State Board of Education during one calendar year to authorize no more than 10% of the previous year’s number of operating charter schools statewide.

In June 2007, the State Board of Education convened a Blue Ribbon Commission on Charter Schools composed of 16 members, including state legislators, city council members, higher education officials, traditional public school and charter school administrators, business and community leaders, charter school board members, and charter school students. The commission met monthly from June through November, with a four part charge: (a) evaluating the status of charter schools including legislation and policy, (b) determining areas of improvement for charter schools, (c) determining whether current charter school legislation should be adjusted, and (d) determining whether State Board of Education policies should be adjusted or rewritten (Blue Ribbon Commission on Charter Schools, 2008, p. 2).

In the end, the commission recommended increasing the charter school cap by six schools per year, and excluding high performing charter schools from counting toward the cap. Additionally, the commission recommended that the first charter schools in a county that currently does not have one should not count toward the cap (Blue Ribbon Commission on Charter Schools, 2008).

The commission’s recommendations were based in part on the belief of several
commission members that a complete removal of the cap would have virtually assured that their recommendations would go nowhere. Responses to the Blue Ribbon Commission’s recommendations were mixed. Some responses were fairly positive. Tom Humble, Blue Ribbon Commission member and Raleigh Charter High School principal said, “This is a compromise, and it opens up room for more charter schools” (Epps, 2007, p. B5). Terry Stoops, education policy analyst for the John Locke Foundation, said the commission’s recommendations were positive and would address the state’s demand for charter schools (Epps, 2007). Jack Moyer, director of the Office of Charter Schools in the Department of Public Instruction, also spoke positively about the recommendations (Epps, 2007). Other stakeholders, however, were somewhat disappointed with the recommendations. Businessman and Franklin Academy Charter founder Bob Luddy asserted, “We shouldn’t try to second guess what they’re [General Assembly] thinking. I was in favor of a much bolder move” (Epps, 2007, p. B5).

Charter School Oversight and Regulation

North Carolina’s initial charter school legislation established the basic framework for charter schools’ application processes, authorization, and accountability system. The specifics of charter school oversight and regulation, however, were left relatively vague—not an unusual characteristic of educational policy developed by state legislatures. Disagreement between charter school advocates and critics resulted from the legislation’s ambiguity. Amendments to the state’s initial legislation, as well as formal and informal policies of the Charter School Advisory Committee and the State Board of Education, produced a charter
school regulatory system that is much less ambiguous. However, disagreement remains regarding the appropriate degree of oversight for charter schools. Charter school organizers and proponents have alleged that the traditional public education establishment seeks to make charter schools more and more like traditional public schools. One interest group representative related, “Slowly but surely there has been bureaucracy creep by DPI [Department of Public Instruction]”. This section details the groundwork laid for charter school oversight by the original charter school legislation and describes subsequent changes.

The Charter Schools Act (1996) specified what persons or groups of persons were eligible to apply for charters. The law established that any person, group of persons, or non-profit corporation can apply to start a charter school on behalf of a private non-profit corporation. It also permitted the conversion of traditional public schools into charter schools, provided that the application included a statement signed by a majority of the school’s teachers and instructional support, and evidence that a majority of the school’s parents favor conversion of the school into a charter school. Three chartering entities were authorized to grant preliminary approval of applications: (a) local boards of education where the schools are to reside, (b) boards of trustees of constituent institutions of The University of North Carolina, and (c) the State Board of Education. It also allowed charter applicants that had been rejected by chartering entities other than the State Board of Education to appeal to the State Board. The State Board of Education was established as the only entity with the authority to grant final approval to charter school applications. Charter advocates, who see the State Board of Education as a part of the traditional public school establishment and averse to the needs of charter schools, have frowned up the General Assembly’s decision to
give this sole authority to the State Board. One interest group representative related that the State Board of Education had indeed lobbied against the passage of the state’s charter school legislation, and that giving the State Board of Education that kind of control over the formation of charter schools was like “leaving the wolves in charge of the sheep”.

Second, the initial legislation gave parameters for how charter schools would ultimately be held accountable for fulfilling the terms of their charters. The Charter Schools Act (1996) stipulated that charter schools are exempt from statutes and rules applicable to local school boards, but that they would be held accountable to the local school district where it resides to ensure compliance with applicable laws and provisions of its charter. Charter schools were to be subject to financial audits, audit procedures, and audit requirements of the State Board of Education. Additionally, the Charter Schools Act specified that the State Board of Education could terminate or not renew a charter schools’ contract for any of the following reasons: (a) failure to meet student performance requirement detailed in the charter; (b) failure to meet standards of fiscal management; (c) legal violations; (d) violation of any standards and procedures set forth in the charter; (e) a request of two-thirds of the faculty and instructional support personnel at the school that the contract be terminated or not renewed; or (f) any good cause. Again, leaving charter schools under the charge of the traditional public school establishment, or what one interest group representative referred to as the “BLOB—Big Learning Organizations Bureaucracy”, was from the very beginning an area of discontentment for charter school advocates.

Next, the Charter Schools Act (1996) authorized the State Board of Education to establish the Charter School Advisory Committee, a group that would play a significant role
in the application, authorization, and oversight of charter schools. The Charter Schools Act stated that the committee’s responsibilities were to include providing technical assistance to chartering entities or to potential applicants; reviewing charter applications for preliminary approval; making recommendations on charter approval termination and nonrenewal to the State Board of Education; and making recommendations to the State Board regarding grievances between charter schools and their chartering entities.

Traditional public school interests won a significant early battle relating to charter school oversight policy. Specifically, with the Amend Charter School Laws Act (1997), charter applicants seeking preliminary approval from the State Board of Education or a University of North Carolina constituent institution were required to also submit a copy of the application to the local school district where the proposed charter school would reside. The local school district could submit its comments concerning the application to the chartering entity where preliminary approval is sought. Charter school advocates saw this change in policy as a victory for traditional public school interests seeking to stymie the formation of new charter schools. The amendment, however, did not stipulate that local school districts must give approval to proposed charter schools. Nevertheless, charter school advocates asserted that requiring the involvement of local school districts in the application process of all charter schools was, as one interest group put it, “just one more step backwards for charter schools.”

Charter schools’ required participation in the state’s academic accountability and testing program was a second triumph for traditional public school interests. North Carolina’s basic school accountability system, called the ABCs of Public Education, uses end-of-grade
tests in elementary and middle school and end-of-course tests in high school to measure students’ progress from year to year. Charter advocates cite the requirement that charter schools administer the state standardized exams as a case in point that traditional public school interests are successfully pushing charter schools away from the model of an alternative to traditional public schools and forcing them to look more and more like them.

Initially, charter schools applicants had the option of deciding on the charter application whether to participate in the state’s testing program. For example, during the 1997-1998 academic year, charter schools’ first year of operation, School in the Community Charter School gave only 12 of its 77 students end-of-grade tests. Leaders of the school justified their decision to administer the test to a select group of students saying, “For many of our kids, the primary goal is getting them interested in learning again. Many of our students did relevant work, but it wasn’t material that the state tests for on the ABC exams” (Charter Schools Need to Meet Benchmarks, 1998). The change to require all charter schools to participate in North Carolina’s ABCs, however, was made very early on. In fact, according to one interest group representative, charter schools’ right to opt out of state testing was taken away after the publication of a News & Observer article reporting School in the Community’s minimal participation in state testing. He recalled:

That was in the paper and it all happened in front of the General Assembly. The House read the paper and everybody stood up and said let’s mandate the test. So everyone was mandated to take the test. So we’re all mandated to take the state test.

The testing requirement for charter schools has been and continues to be a very contentious issue for charter school advocates. Results of state tests for a number of charter
schools have not been very promising, and some charter school advocates have loudly questioned their mandatory participation in the state’s testing program. Charter school advocates have argued that state tests prevent charter schools from operating with the flexibility that was promised to them. Tom Williams, principal of Healthy Start Academy in Durham, argued:

We believe the ABCs are a noble effort to hold schools accountable, but it is a flawed effort....We are supposed to be creative and innovative. We are supposed to be able to teach Rudyard Kipling rather than Judy Blum. But if we do that, we now see that our test scores will suffer. (Simmons, 1999, p. B1)

Additionally, charter school advocates allege that the state tests fail to provide teachers and administrators with academic feedback of any value. One charter school official said of the tests:

I wish we could throw away the state tests because I really feel they’re useless. They provide me with no information in terms of trying to construct curriculum to assess student needs. We independently administer the Iowa Test of Basic Skills. It’s a nationally-normed test. It allows us to compare ourselves to other schools and students across the entire nation, and gives a much better feeling for how students are performing in subgroups and subcategories. Not just by ethnic or gender or anything like that, but also within a student, are they weak in spelling or is it math computation.

Similarly, a state official gave his perception of the usefulness of the state standardized exams saying:
The North Carolina tests basically tell you nothing. They’re not diagnostic. Their levels of achievement are very questionable when you compare it to the levels of the NAEP [National Assessment of Educational Progress] test. And the percent of children at different levels is just totally inconsistent with what the NAEP testing tells you with percentages of children. So many charter schools would rather not take the state test, but by law they have to so they do the state test but then they usually give another type of achievement test that is more diagnostic and they can learn more from.

Surprisingly, however, even with charter school advocates’ vocal opposition to the state testing requirement, they have devoted little, if any, political activism toward changing that requirement. Most study participants reported that this lack of political effort is for two reasons. First, nearly all political resources of charter school advocates have been devoted to lifting or removing the charter school cap; and second, charter school organizers and advocates do not believe that a fight to change the testing requirement can be won.

According to one interest group representative,

It is not worth the wrath that comes from DPI [Department of Public Instruction] to pick up issues like that. If you pick up an issue and try to fight it, DPI will come down hard on you and you have to pick and choose your fights. And that was a fight that the charter schools at the very beginning, we’ll give the test, no big deal.

Since 1999 the State Board of Education has reported to the General Assembly on the academic progress of charter schools. The State Board has consistently reported that generally speaking, charter schools have not performed as well as traditional public schools,
that they have fewer resources, fewer fully certified teachers, and lower teacher salaries than traditional public schools. Particularly troubling is that low-income and minority children perform worse in charter schools than in traditional public schools (Buchanan, 2001).

However, charter schools’ academic performance has varied greatly. Moreover, State Board of Education reports have maintained that finances and governing structure cause the biggest problems for charter schools. Mike Fedewa, chairman of the Charter School Advisory Committee, observed that during the first years of operation, a number of charter school administrators struggled with estimating enrollment, start-up costs, and the state financial reporting requirements for all public schools (Hardee, 1999).

Despite resource limitations, some charter schools have experienced great success. State Board of Education reports consistently note that charter schools are able to offer comparatively smaller class sizes than traditional public schools and receive higher rates of parent satisfaction than traditional public schools (Charter Schools—Study Reveals, 2001; Griffin, 1999). Also, it must be noted that the academic performance of charter school has varied considerably. Illustratively, several charter schools have performed exceptionally well on state standardized exams from the very beginning. In 1999, six charter schools had more than 80% of their students at grade level, earning the designation of School of Distinction; and two charter schools had more than 90% of their students at grade level, earning the designation of School of Excellence.

Both charter school proponents and critics generally agree that in the beginning stages of charter schools, a lack of understanding of the new process led to the approval of a hodgepodge of charter schools; some that did very well, and some that should never have
been approved. In this environment, ensuring that charter schools maintained high academic standards was at best a secondary priority for the Charter School Advisory Committee and State Board of Education. Several study participants who were involved in the initial charter school applications and approvals recalled those first couple of years. One study participant recounted:

Once that legislation was passed, the State Board was told, get the charter schools on the ground, no matter how you do it. Get them on the ground. The State Board then rushed through almost anybody who applied for a charter school. It was more like first come first served. And so they rushed charters out of here without any infrastructure to really support charter schools, any clear idea of what to expect from charter schools and just said sink or swim.

Similarly, another interest group representative recalled the first days of charter schools in North Carolina saying, “The good and bad news of that is there were some bad charter schools that got through that had to close down”.

Stakeholders on both sides of the charter school issue say that they believe that charter schools should be held accountable for their results, but their assessments of the current state of charter school accountability differ significantly. Charter school advocates believe that a great deal has changed in terms of the rigor of the charter application process and the school accountability mechanisms of the State Board of Education. One interest group representative and charter school advocate defended the present accountability system for charter schools, and compared it to that of traditional public schools saying:

Charter schools sometimes fail, and the good thing is we shut them down. If charter
schools don’t work and the parents leave or they’re not meeting certain standards we shut them down. Where we never shut down any of the miserable traditional public schools.

Charter school critics, however, maintain that charter schools are not consistently held to high academic standards. They cite the fact that low-performing charter schools are allowed to continue to operate as evidence for their claims. One interest group representative and charter school critic voiced this sentiment saying:

Right now, there is fiscal accountability, but not a lot of academic accountability. I mean, they do in testing programs, but if there’s problems at school, there’s little the state can do to sort of put them on notice that they need to begin improvement for their students.

Also central to this conversation is the State Board of Education’s definition of low performing. Charter school proponents agree in theory that low performing or failing charter schools should be shut down. The question though, is whether using proficiency levels on the state’s standardized test is an adequate measure for assessing the academic progress of charter schools. One interest group representative and charter school advocate expressed support for accountability standards for charter schools, but expressed concern over how closure decisions would be made:

I’m totally in favor of that if when they’re looking at the low performing schools, that they look at a value added component instead of just a proficiency component. If you don’t look at the value added component then you’re missing the boat.... So unless we’re going to start looking at these low performing schools and see where the child
academically is when he enters the school and see the value added, then I’m real concerned about closing some of these lower performing schools.

Another interest group representative expressed the same sentiment, commenting:

*It used to be the advisory committee would listen to charter schools. Now they’re on this kick of closing the low performing charters. My only concern is, are they truly low performing? If they are then they certainly should not remain open. It’s not good to harm a child. But if they’re doing something that regular public schools obviously are not succeeding at, then you’ve got to find out.*

The Charter School Advisory Committee has been rather hesitant to recommend the revocation of charters for poor academic performance. The committee has revoked charters for egregious or continuous problems with finances or accounting procedures. But even in those instances, it has given charter schools months to fix financial problems before recommending to the State Board of Education that charters should be revoked. According to Vernon Robinson, charter school advocate and president of the North Carolina Education Reform Foundation, charter schools usually end up in financial trouble when they try to cut costs by not hiring financial management professionals. According to Robinson, “There’s no excuse for a charter school withholding money from retirement accounts, payroll taxes. They should be closed, because their reckless behavior will reflect poorly on schools that are doing what they are supposed to do” (Hardee, 1999, p. A1).

By 2001, charter school critics and the traditional public school establishment had begun to put considerable pressure on members of the General Assembly to do something about the perceived poor academic performance of some charter schools. Their push resulted
in the State Board of Education issuing a new policy in October of 2001 known as the Policy Delineating Assistance and Program Evaluation of Low-Performing Charter Schools, which described a plan of intervention for low performing charter schools. Under this policy, charter schools receiving a state designation of low-performing for the first time are required to submit corrective action plans addressing respective areas of academic deficiency and stating specific corrective actions that will be taken. Charter schools receiving the designation of low performing for the second time or repeatedly are required to go through a program evaluation, staff development, and leadership training as prescribed by the evaluation team. Schools refusing to participate in these processes are subject to charter revocation. In 2002, the State Board of Education debated closing the first charters in North Carolina for academic reasons (Smith, 2002). Both Sugar Creek Charter School in Charlotte and Carter Community Charter School in Durham faced non-renewal of their charters due to continued poor performance on state standardized tests. Neither school, however, was closed. Charter school critics continued to argue that the State Board of Education has not held charter schools to high enough standards or in some cases even to the standards dictated in their charters. And again, responding to the pressure of traditional public school interests to crack down on low performing charter schools, Democratic Representatives Rick Glazier, Pricey Harrison, Maggie Jeffus, and Marvin Lucas sponsored House Bill 236. This legislation would have required the State Board of Education to terminate the charters of schools that fail to meet expected growth for seven consecutive years. The bill died, however, in the House Education Committee.
In opposition to the influence of traditional public school interests, charter school advocates sought to change the make-up of the Charter School Advisory Committee in a way that would give political advantage to charter schools. Republican Senator Fern Shubert sponsored the unsuccessful Senate Bill 932 in 2003. The bill would have required a majority of the voting members of the Charter School Advisory Committee be in some way associated with North Carolina charter schools. Also, a provision of the unsuccessful Senate bill 490 sponsored by Democratic Senator Larry Shaw in 2005 would have required that the Charter School Advisory Committee consist of 15 members, 8 of which would have been required to be current charter school board members, current or former charter school administrators or teachers, or representatives of the League of Charter Schools. Charter school advocates and organizers sought a way to counter the push of traditional public school interests to close academically low performing charter schools. These legislative attempts to change the advisory committee’s make-up were intended to make the committee sympathetic to the difficulties of charter schools. But in 2008, the State Board of Education dissolved the Charter School Advisory Committee, claiming that the since the cap of 100 schools had been met, the Charter School Advisory Committee was no longer needed.

**Charter School Facilities and Funding**

Few charter school policy issues have received more attention or been as relevant to the operation of charter schools than securing and paying for school facilities. The Charter Schools Act (1996) stipulated that charter schools could lease space from local boards of education or from public or private nonsectarian organizations. The law prohibited charter
schools from using funds allocated by the state to purchase land or buildings, and allowed charter schools to only own land and buildings they obtained through non-state funding sources.

In 1997, amendments to charter school legislation were made with the Amend Charter School Laws Act (1997). These amendments include provisions allowing charter schools to lease space from sectarian organizations, providing that no religious artifacts were visible. Additionally, the amendments compel local school districts to consider leasing buildings to charter schools. Local boards of education of the local school administrative units where charter schools are located are directed to lease any available building or land to charter schools. Only local boards that demonstrate that leasing facilities is not economically or practically feasible or that the local board does not have adequate classroom space to meet its enrollment needs are permitted to refuse facilities to charter schools. Additionally, the Amend Charter School Laws Act made a provision for new charter schools unable to find adequate facilities in the local school district where the school was approved to operate. The amendment allowed the State Board of Education to authorize a charter school to operate within a neighboring county for a one year period. Subsequent to that one year period, the charter school would be required to reapply for a charter and receive final approval from the State Board of Education to continue operating in that county.

Still, charter schools found it extraordinarily hard to find suitable facilities to hold classes. Both interviews and document analysis reveal that obtaining building space has been one of the most difficult hurdles for start-up charters to overcome. Several charter schools have had to delay their opening after unsuccessful attempts to find suitable building space,
and some charter schools that have opened have been housed in places such as old houses, abandoned churches, strip shopping centers, and industrial steel buildings (Price, 1998). Republican Representative Fern Shubert asserted, “Charter schools have a real handicap. They have to provide a building without having the ability to get a bond referendum passed. How can they be expected to open their doors without some money for a building?” (Lyttle, 1998, p. 2U).

Study participants familiar with the plight of charter school organizers attempting to obtain adequate school facilities recounted some of their struggles. According to one interest group representative:

Since the beginning of charter schools, we’ve had 40 charters that have gone out. Ten of them have never opened their doors. And most of those were for building reasons. They just couldn’t find a building. We’ve had 30 that closed their doors and some of the problems that they had have basically been around buildings.

Likewise, another interest group representative commented:

In the very beginning if you went to go to a bank or even a landlord and said, we’re opening a public school, we’re going to get funded. We’re a nonprofit, can we rent your building? They’d look at you and say, are you crazy? It just wasn’t happening.

The fact that charter schools do not receive any funding for facilities is tied to the politics of how they came into existence in the first place. Part of the argument that charter school advocates have used in North Carolina and around the country has been that charter schools are able to do a better job of educating students than traditional public schools, and they can do it with less money. In North Carolina, the less money part of the argument was
put into legislation with charter schools receiving only the state and local operating expenses of traditional public schools. Charter schools do not receive the local funds that traditional public schools receive to build school facilities. This leaves charter schools to pay for school facilities out of their operating funds.

But even with charter schools receiving fewer total dollars per pupil, some local school district officials have criticized charter schools because funding follows students who leave local school districts to attend charter schools. Some local school district leaders have alleged that charter schools “attack” traditional public school revenue sources such as fines and forfeitures, arguing that charter schools are “nickeling and diming” them to death.

Local schools district leaders believe that charter schools are a threat to their funding, which has in some cases led to strained relationships between charter schools and local school districts. Nowhere has this tension been manifested more visibly than in the transfer of funds between local districts and charter schools. While some charter schools report having amicable relationships with school districts for the transference of funds, others have had to resort to litigation to get funding to which they are legally entitled. One study participant told of the struggle one charter school had with obtaining its operating funds from the local school district. She recounted:

The school system just looked at them and said no we’re not going to give you your money. And held them off for a year without giving them anything. Poor charter school had to go get an attorney because the school system said, we know what the law says but we’re just not going to do it.

Another example is Francine Delaney School, which experienced quite a fight in
attempting to retrieve funds from the Asheville City Schools. In 1998, voters in the Asheville City School District approved a supplemental tax for the purpose of improving the operation of the public schools, but the Asheville City School District reasoned that this funding should not be a part of the pool of funds to be allocated to charter schools. According to Special Deputy Attorney General Thomas Ziko, the Asheville City School District was obligated to transfer a share of those tax monies to the charter school. Mr. Ziko wrote:

It is consistent for the local school system to transfer all monies it has budgeted in the current expense fund pro rata to the charter school. This puts public charter school students on an equal footing with students attending the traditional public schools.

After a series of legal battles, the courts found that the Asheville City Schools had unlawfully kept funds from Francine Delaney School and issued a judgment for the school of over $1 million.

Additionally, in 2005 four charter schools filed a law suit against the Charlotte-Mecklenburg Schools in Mecklenburg County Superior Court alleging that the school district had shortchanged them a total $844,762 over the previous four years. Two things were at issue: (a) the Charlotte-Mecklenburg Schools did not include funds for a prekindergarten program and a $6 million high school challenge grant in the pot of money that is shared with charter schools, and (b) the Charlotte-Mecklenburg Schools measured enrollment in a way that penalized charter schools for attrition during the academic year, but did not do the same for its traditional public schools. The Charlotte-Mecklenburg Schools argued that the county approved funding for the prekindergarten high school programs separate from the overall public education budget, and intended that those funds would go only to specific schools.
(Helms & Morrill, 2005). Richard Vinroot, lawyer for the charters schools and former mayor of Charlotte, commented, “If they get away with this, they’d be smart in the future to have everything a special designation—a high school challenge, a junior high challenge and an elementary challenge” (Helms & Morrill, 2005, p. 2B). In 2006, the court awarded the charter schools $165,000. The charter schools challenged the ruling, however, on the grounds that they were owed much more, and in 2008 a panel of three appeals judges unanimously sided with them, finding that that school district owed them over $400,000 (Helms, 2008). A study participant commenting on the case said, “They fought every dime a charter school would try to get”. And even following the court ruling, the willingness of the school district to fulfill its legal obligation to share funds with charter schools is questionable. A Charlotte-Mecklenburg insider shared:

In a meeting that was held after that, in public record, the school board went back and said we’ve got to find a way to make sure that we can hide the money or put it in different pots so that charter schools can’t get it.

Beginning as early as 1998, charter school operators began to ask counties where they reside for funds additional funds for capital expenditures. Boards of county commissioners across the state reported being asked for additional funds for capital expenses. But a written opinion from the Special Deputy Attorney General Thomas Ziko in April 1998 declared that counties do not have the legal authority to allocate funds to charter schools for buildings, and that doing so would be a violation of the law (Price, 1998). Mr. Ziko wrote:

It is well-settled that counties possess only those powers delegated authority as the General Assembly may deem fit to confer upon them....There is no provision of the
Charter School Act that authorizes a board of county commissioners to allocate county monies directly to charter schools, whether for capital needs or for operating expenses. Thus under well-settled case law, the commissioners lack the authority to allocate funds to charter schools for capital outlay.

Some charter school advocates have argued that additional funding for charter schools is essential for competing on a level playing field with traditional public schools. A charter school official noted:

It means that you are scrambling to get quality teachers. I’ve been on a couple of schools in Wake County especially when Wake County was growing so much and paying bonuses for teachers it was hard to maintain teachers because we didn’t have money to pay the extra $3000 they were giving as signing bonuses. It’s hard to tell a 25 year old to pass up a $3000 signing bonus and maybe $3000 more a year.

But not all charter school organizers and advocates feel that charter schools require additional funding to be competitive with traditional public schools. Several study participants insisted that some charter schools do not need additional funding for operating or capital expenditures. In fact, according to these participants, some charter schools take pride in being able to do over and above what traditional public schools do, and with less funding. One interest group representative and charter school advocate explained, “And the financing is not that big a deal to some. They actually think that’s positive because it keeps you lean and mean. You’re not spending money needlessly”. According to a charter school official, some charter schools do not need additional funding because they have been able to cut out a great deal of waste that has become commonplace with traditional public schools. He said:
There’s not a lot of overhead here. There’s myself and **** that run the school. Everybody else with the exception of people who may be sitting in the front office, they’re teachers. And so, there’s no layers of central office staff and groups of people. There’s none of that going on. There’s also just, when you’re looking at these buildings, they’re nice buildings. ...And go look at, I mean there’s a new high school right around the corner....I’ll be able to building that school for about 120 dollars per square foot. And you go find out what Wake County, Johnston County, any of the ones around here and find out what it is and they’re going to say 180, 200, 210. It’s just waste. I don’t need any more money per pupil. I can operate this school with what I’m getting. I don’t need any more.

An interest group representative expressed her concern that asking the General Assembly or counties to allocate capital funds to charter schools would diminish some of the argument for charter schools. She explained:

I support that policy as it is now and it’s a simple reason. If we were to fund the building of charter schools we would lose an argument for having more of them. Part of the argument is it saves tax payers money. They’re not having to build this building. They have to find their own building. They have to do it with less money. They’re not treated the same but in this political dynamic that ought to stay the way it is now for now.

Since 1998, many bills backed by charter school advocacy groups have been introduced in the General Assembly proposing additional funding for charter schools. Democratic Senator Wib Gulley sponsored two unsuccessful bills during the 1997-1998
session, House Bill 274 and House Bill 1386. These bills would have appropriated up to $2 million to the State Board of Education to be awarded to approved charter schools for the 1998-1999 academic year for costs related to start-up. During the 2003-2004 session, the unsuccessful House Bill 1770 would have created a fund to be used by the State Board of Education to match federal funds received by the state under the State Charter School Facilities Incentives Grant Program. The restrictions on state funds allocated to charter schools would not have applied to state funds used to match federal funds received under this grant program.

Additionally, a great deal of controversy has surrounded whether charter schools would receive a share of funding from the North Carolina Education Lottery. The lottery law designates four areas for lottery funds: college scholarships for needy students, aiding local school districts with school construction, prekindergarten programs throughout the state, and reducing class size. The law does not, however, specifically mention charter schools. So while charter schools legally qualify for funds for lower class sizes and their graduates will be eligible for college scholarship funds, they do not qualify for capital funds. Numerous unsuccessful bills were sponsored during the 2005-2006 and 2007-2007 sessions of the General Assembly which would have authorized lottery revenue for school construction to flow to charter schools. Each bill died in committee, never even making it to a vote.

Charter school advocates contend that the omission of charter schools from lottery legislation was merely an oversight and not intentional. Others, however, argue that not including charter schools in the lottery bill was not an oversight at all. Democratic Senator Kay Hagan asserted:
It appears to me that most of the areas where the lottery money will be going wouldn’t be applicable to charter schools....There’s only 100 public charter schools in the state. Right now, we’re really looking at the other 2,000 schools. (Binker, 2006, p. B1)

Charter school advocates argue that the failure of the General Assembly to include charter schools in the lottery bill is evidence of the overall treatment of charter schools as second class schools. According to Mary Lou Nance, chair of the board of a Greensboro charter schools, “If we are going to have a lottery and that lottery is going to be used to fund education, then we ought to be fair” (Binker, 2006, p. B1). Similarly, a charter school official commented:

We’re public schools. Why are we not included? That makes no sense to me that you take just 3% of the students who don’t qualify for this that was promised in the public funding North Carolina educational lottery. Well, there’s no North Carolina education lottery for charter schools.

Similarly, an interest group representative said:

When you hear the ads education lottery you’re a second class citizen if you’re a charter school and that 250 dollars per child per year approximately. That adds up if you’re on a tight budget. That’s still some extra money you can spend on books, or teachers, or rent.
Charter School Admissions

Since charter schools in North Carolina are public schools, they are free and open to the public. Charter schools are able to specify in their charters what their unique mission is to be and thus the type of students that they will serve (e.g. schools for the gifted, schools for at risk populations, schools for students with special needs). But within those parameters, charter schools, just as other public schools, were intended to be open to all students. The Charter Schools Act (1996) specifies in no uncertain terms that charter schools are prohibited from discriminating against any student on the basis of intellectual ability, disability, race, creed, gender, national origin, religion, or ancestry.

However, proposed amendments to charter school legislation would have allowed charter schools to give admission preferences to 50% of the former students of a private school converting to a charter school. Concern over any admissions preferences in charter schools was articulated by lobbyists for education groups such as the North Carolina Association of Educators (NCAE) and the North Carolina School Boards Association as well as members of the General Assembly. Democratic Senator Wib Gulley, a primary sponsor of the Charter Schools Act (1996), questioned the proposed admissions preferences saying:

A fundamental premise of the legislation [original charter school legislation] is charter schools are public schools open to everybody on an equal basis. I think it’s going to be very difficult to get the senate to concur with any system of preferences that differs from public schools. (Rawlins, 1997a, p. A1)

Ben Berlam, a lobbyist for the North Carolina School Boards Association said, “I can’t imagine how we can tell the people of North Carolina that because a student wasn’t in a
private school last year that has converted to a charter school, they can’t apply. We could never support preferences” (Rawlins, 1997a, p. A1). Similarly, John Wilson, president of NCAE commented, “Admissions preferences are tantamount to allowing private schools to convert to charter schools” (Rawlins, 1997a, p. A1).

Even with intense debate in the House surrounding the controversial admissions preferences, the proposed legislation with admissions preferences provisions successfully passed in a vote of the House by a 73 to 41 margin (Rawlins, 1997). Voting fell largely along party lines with 13 Democrats and 60 Republicans voting in favor, and 41 Democrats voting in opposition to the bill (Rawlins, 1997b). One dissenting Democrat, Representative Bob Hensley argued, “You are using public money to foster a private purpose, using tax dollars to foster schools with admission preferences. It makes some students a little more equal, some parents a little more equal and that is not right” (Rawlins, 1997b, p. A3).

The Senate, however, rejected the House’s version of the proposed amendments (Charter School Bill Faces Revamp, 1997). The House and Senate then appointed negotiators to work out differences, and in a compromise bill the House and Senate agreed to giving priority in charter school admissions to siblings of students in the school; children of teachers, teachers’ assistants, and principals; and, in the first year, children of members of the school’s initial board of directors as long as the prioritized students account for no more than 10% of a school’s total enrollment or a total of 20 students, whichever is fewer (Amend Charter School Laws Act, 1997; Charter Schools Compromise OK’d, 1997). Neither charter school advocates nor critics have said anything regarding admissions preferences since the passage of these amendments.
Charter School Diversity

In an effort to prevent charter schools from becoming “white flight havens” (Associated Press, 1998, p. 6C), and re-segregating North Carolina’s public schools, some members of the General Assembly believed it necessary to include in the Charter Schools Act (1996) requirements for the racial composition of charter schools. Of particular concern to lawmakers was the possibility that charter schools might use their mission to avoid serving significant portions of the K-12 public school population. In order to dissuade this practice, lawmakers specified in the law that within one year of a charter school opening its doors, its student body must reflect either the racial composition of the population residing within the county where the school is located, or the racial composition of the special population that the school serves residing within the county where the school is located.

This racial composition provision of the charter school law drew questions from charter school advocates and critics from the beginning. State Board of Education member Eddie Davis asked very early on whether an Afro-centric school with an open admissions policy that ends up with an all black student body would be legal (Associated Press, 1996). Assistant State Superintendent Henry Johnson responded, “You might be able to do that, but if that’s seen as a way to get around discrimination on race, I suspect it would be disallowed” (Associated Press, 1996, p. 3C). These early questions posed by education officials about the legality of possible all black charter charters proved to be extremely pertinent to how the charter school movement in North Carolina would evolve. By 1998, at least half of North Carolina’s charter schools were more than 85% black and the State Charter School Advisory Committee was considering whether to revoke schools’ charters due to racial imbalance.
Some education leaders have argued that the predominance of black students in so many charter schools is attributable to racism. Ruth Hopkins, principal of 100% black Carter G. Woodson Charter School in Winston Salem, maintains that black interest in charter schools stems from pervasive racism in many traditional public schools. According to Hopkins, “It’s a culture that holds down expectations, invites excuses and creates failure. The race that is the majority is more enthusiastic about supporting its own” (Associated Press, 1998a, p. 5C). Jeanne Allen, president of The Center for Education Reform, a Washington D.C. based charter school advocacy group, voiced similar sentiments saying, “I think what we are seeing is that charter schools attract parents who feel the most disenfranchised from their schools. The South has been plagued with the question of how to educate black children” (Associated Press, 1998a, p. 5C). Also, Gregory Cizek, education professor at the University of North Carolina at Chapel Hill, put forward that segregation at charter schools was a matter of choice by parents of black children. According to Cizek:

They’re choosing it. It’s an option for them that they clearly want to pursue. I think it’s somewhat different from the old segregation days. People are deciding that it’s a better option for them than the school that they would be assigned to. (Vaden, 2002, p. A5)

Nevertheless, in 1998 many questions loomed as to how the State Board of Education and/or the General Assembly would handle charter school racial imbalance, and there were clearly differences of opinion. Even among members of the Charter School Advisory Committee, there was no consensus as to what should be done. Charter School Advisory
Committee member and School Superintendent of the Raleigh Catholic Diocese Mike Fedewa asserted, “What people don’t want to see happen is you re-segregate public schools. We want to be sure we’re not creating two separate-but-equal schools systems” (Thompson, 1998, p. 3C). Conversely, Phil Kirk, chairman of the State Charter School Advisory Committee commented, “It does not bother me if a charter school has a certain mission that attracts a certain group of people—white, black, Japanese, whatever” (Associated Press, 1998b), “I don’t want to be shutting down schools that parents are actively choosing, but not everyone agrees with me. We don’t know what we are going to do” (Associated Press, 1998a, p. 5C).

In May 1998, the Charter School Advisory Committee recommended to the State Board of Education that charter schools be exempted from racial diversity standards, prioritizing parental choice over the goal of racial diversity. The committee’s recommendation was that each charter school’s racial enrollment be examined, and if a school fails the standard but can show that it has attempted to diversify its enrollment, it would be exempt from the integration rules that govern traditional schools (Associated Press, 1998b). However, not everyone was pleased with the recommendations of the advisory committee. Julius Chambers, a civil rights lawyer who won a 1972 U.S. Supreme Court case that established busing as a school integration tool and Chancellor of historically black North Carolina Central University, held that, “Because charter schools are financed with public funds, they should shoulder the responsibility of diversity the same as any public school. I don’t think we should be creating havens for black students or for white students” (Associated Press, 1998b, p. 6C).
The State Board of Education accepted the recommendation of the Charter School Advisory Committee that charter schools should be monitored to ensure that they are as diverse as possible. However, disagreement surrounded the question of how schools based on the idea of parental choice should be diversified. One suggestion was to hold charter schools to the same racial standards as traditional public schools in their district of residence. However, several North Carolina school districts have predominantly black schools. Additionally, the Board questioned whether it would be fair to permit all black charter schools to operate, but prohibit all white charter schools.

Finally, in July 1998 the State Board of Education accepted the racial standards recommendations of the Charter School Advisory Committee and wrote its official Policy on Charter Schools Racial Balance (Policy ID Number: EEO-U-003). The policy requires all charter schools to have open admissions procedures and policies. It further states that charter schools must have student demographic make-ups that fall within the range exhibited by the regular, non-magnet, non-special schools in their counties. The racial composition of charter schools that have a mission that targets a specific population must reflect the percentage of the targeted population in the county. The policy directs the Charter School Advisory to investigate any charter school whose racial make-up does not fall into these ranges to determine whether the charter school made a good faith effort for diversity during its enrollment.

The State Board of Education’s new policy did not quell the charter revocation fears of the board of directors at at least one predominantly black charter school. The North Carolina Foundation for Individual Rights—on behalf of Healthy Start Academy in
Durham—unsuccessfully sought a preliminary injunction in Wake County Superior Court that would keep the state from shutting down any charter school because it lacked racial diversity. The plaintiffs alleged that the racial requirement was vague and would violate the Constitution’s equal protection clause to force charter schools to use racial preference policies (Associated Press, 1998c, p. 3C). Healthy Start Academy’s board of directors expressed concern over the ambiguity of the State Board of Education’s Policy on Charter Schools Racial Balance which requires charter schools to prove that they have made a good faith effort to diversify. Jack Daly, executive director for the North Carolina Foundation for Individual Rights reported, “Not one of the education bureaucrats in the maze of agencies that run public schools, nor any legislator I spoke with, could explain precisely the intent, degree, and application of the law” (Associated Press, 1998c, p. 3C). Similarly, Nate Pendley, attorney for Healthy Start Academy argued, “The law is far from clear and could easily be interpreted as a diversity requirement...Good faith may be as good as a handshake in the country, but this is a court of law” (Simmons, 1998c, pp. B4). Attorneys for the State Board of Education argued that they had no intention of closing any charter school that was not racially diverse, but wanted to ensure that all charter schools recruit diverse populations of students and are open to all.

Charter school advocates continue to argue that charter schools that end up as single race schools should not be penalized as long as they are not discriminatory in their recruiting and admissions processes. Charter school advocates see the hullabaloo that has been made about charter schools’ racial composition as a tactic of charter school critics aimed at scarring charter schools in any way possible. Some study participants pointed out that oftentimes the
location of a charter school influences what the school’s demographic make-up will be, and that there is little that the individual school or the State Board of Education can do to change that. One interest group representative commented:

Critics will complain that charter schools are not diverse if it has an application process that’s for high achieving students and it ends up being very white. They complain about that. But if I have a charter school in Southeast Raleigh, which we do have a couple of them, that focus on at risk African Americans, I mean by the very nature a charter school focused on at risk African Americans, it is not going to be very diverse. It’s going to be at risk African Americans. They don’t like that either.

Similarly, a charter school official related:

If you’re going to set up a school in a low income area, I don’t care what color you are, you’re going to have trouble attracting people with higher income levels. And people are not necessarily segregated according to color but it has a lot to do with finances.

Also, charter school advocates recognize and even support the idea that unique missions of charters schools may at times lead to schools having rather homogeneous racial make-ups. Study participants spoke directly to the concern that charter schools might use their missions or the specifics of their charters to avoid serving certain populations of students. Results indicate that charter school advocates are not concerned about this possibility, and in some cases believe that charter schools serving unique populations of students can be advantageous. One state official spoke specifically about the important role that single-race schools could play in the development of black children. He commented:
Why shouldn’t we have a charter school that allows this kid, and kids like him, to be in an environment where they can be told, you’re just as smart as a white kid. You have just as great of ability to succeed as a white kid. And you don’t have to wish you were anything other than what you are, if you’ll just use what you’ve got. And you don’t have to wish that you were something else that you’re not.

Additionally, charter school advocates question what a rigid enforcement of racial composition provision of the charter school law would hope to accomplish: diversifying schools for the sake of diversity, or improving academic achievement. A state elected official remarked:

My position is that we shouldn’t determine the lives of kids based on desegregation. We should determine the lives of kids based on the quality of their education. So if I end up with an all black school. I don’t really care, if we educate the kids. Because if we educate kids, they can decide how much integration they want. They can decide how much desegregation they need....I don’t think we should try to influence that. I think what we should say is that you’re not permitted to turn away a kid who does not fit the demographic you put in the school. In other words, you can have a school that serves white kids, but you better not ever turn away a black kid who tries to get in.

As of January 2009, the racial composition provision of North Carolina’s charter school law remains. Charter schools continue to be either predominantly black or predominantly white, with the great majority of schools being predominantly black. But there has been neither recent political action by charter school advocates and operators to change this provision, nor pressure by charter school critics and traditional public school interests to
force schools into compliance with the provision with the threat of charter revocation.

**Teacher Certification**

North Carolina’s charter school legislation requires that at least 75% of teachers in charter schools in grades kindergarten through five hold valid North Carolina teaching certificates, and that at least 50% of teachers in charter schools in grades six through twelve hold valid North Carolina teaching certificates. Since the passage of the Charter Schools Act (1996), the teacher certification requirements of the law have not been at the center of much political debate. Charter school operators have not mounted noticeable opposition to the requirements. But clearly, the fact that not all charter school teachers are required to hold teacher certification has fueled traditional public school interests’ hostility toward charter schools. This has particularly been the case for NCAE, the state’s largest and most powerful professional educator organization.

There was consensus from study participants that both charter school advocates and critics, while not wholeheartedly agreeing with the teacher certification requirement, had accepted it as the law. According to one study participant and charter school advocate, “It’s part of the law. They’re supposed to have 75% K through 5 and 50% 6 through 12 certified teachers. That’s the law”. Additionally, charter school advocates believe that having properly trained teachers is essential to the continued growth of both individual charter schools and the charter school movement in North Carolina. One charter school official noted, “We never were involved in saying that you should be able to get by if you’re not certified. If you don’t have the requirements then basically it’s black and white”. Another participant spoke
specifically to the importance of charter schools attracting and retaining quality, certified staff:

Early on people said I don’t know if I want to go to a charter school because they can hire just anybody to be a teacher. Just that idea that someone would be teaching their kids that might not have that degree, that certification. And it can be a valid concern. And I think to help legitimize, to give legitimacy to charter schools you have to not open yourself up to that kind of attack. We have to try to seek out quality people....The only way to compete with the other public schools is to have a real sound footing in what you’re doing. And part of that’s having qualified people.

While charter school operators and advocates have not openly challenged the teacher certification requirements of the charter school law, several charter schools have struggled to meet the law’s requirement. Some participants believed that charter schools’ difficulties stemmed from a slow paperwork process at the Department of Public Instruction, and teachers who are licensed in other states and applying for North Carolina certification. Amidst mounting pressure from traditional public school interests to enforce the teacher certification requirement, in April 2008 the State Board of Education passed a new policy which financially penalizes schools that are out of compliance. The new policy allows the State Board of Education to take away that state’s share of the salary of the headmaster, and later for teachers until standards for teacher certification are met.

Early opposition to the State Board of Education’s new policy has come from charter school operators contending that such a harsh penalty could force some charter schools into closing (Charter Schools Get New Faculty Rules, 2008). However, most study participants
expressed neither support nor disdain for the new policy.

Teacher Retirement

A battle spanning five years ensued over charter school teachers’ eligibility to participate in North Carolina’s teacher retirement system. At the root of the issue was the question of whether charter school teachers would be considered state employees, or, since charter schools are operated by boards of directors of non-profit corporations, would they be seen as private employees of that corporation. The original charter school legislation stipulated that for the purpose of providing state-funded employee benefits, employees of charter schools electing independence from school districts were not deemed employees of the local school district and were not entitled to state-funded employee benefits including membership in the North Carolina Teachers’ and State Employees’ Retirement System.

Traditional public school interests saw keeping charter school teachers out of the teachers’ retirement system as a way to impede the progress of charter schools in recruiting and retaining qualified veteran public school teachers. Immediately, charter school organizers recognized this limitation. An interest group representative recounted:

The treasurer had ruled that charter schools could not be in the state retirement system which is good and bad. Bad if you’re trying to recruit teachers that have 25 years because they want their five more years. They’re not going to leave if they can’t keep their retirement.

Thus, charter school interests moved into action to push for change in the policy to allow charter school teachers to participate in the state retirement system.
One study participant remembered, however, that one sticking point was with the IRS. He recounted, “The IRS was ruling that you have to be a state employee, so are you a state employee if you’re employed by a charter school that’s funded by the state but run by a non-profit?” He described the steps taken by charter school advocates:

We decided we were all going to visit Senator Helms’ office to see. We didn’t see him but we saw a representative. The representative said this is a local issue, we’re not involved in this. One guy was smart enough to say the IRS is the one that’s holding it up. Senator Helms was always known to help constituents. Within 12 hours, certainly within 24 hours the IRS was calling the state saying let’s see what is required....The IRS just got on it because Senator Helms had some power to make them jump, and they wanted to make sure he was happy.

Charter school interests celebrated amendments to the original charter school law which changed the eligibility requirements for charter school teachers to participate in the state teachers’ retirement system. A provision of the Amend Charter School Laws Act (1997) sponsored by Democratic Senator Wib Gulley declared that all charter school employees were deemed employees of the local school district for purposes of providing state-funded benefits. The General Assembly justified this change in the legislation stating that charter schools are public schools and their employees are public school employees and “teachers” for purposes of membership in the North Carolina Teachers’ and State Employees’ Retirement System.

However, the change in eligibility requirements for charter school teachers had the potential to be a double-edged sword for charter school operators. In January 1998, Jack
Pruitt, Director of the North Carolina Retirement Systems Division, sent a memorandum to all charter schools advising them that teachers and other full-time, permanent employees of charter schools were required to enroll in the Teachers’ and State Employees’ Retirement System by February 1, 1998. The memorandum stated that charter schools were required to contribute six percent of employees’ salaries along with an employer contribution of 10.6%. Charter school advocates had won in the sense that their teachers were now eligible for participation in the state retirement system, but they had not fully anticipated the costs to charter schools associated with their participation. Bill Estes, principal of Orange Charter School in Hillsboro, said that cost to his school could be as much as $20,000. A temporary reprieve for charter schools came with an opinion letter from Senior Deputy Attorney General Ann Reed, on January 29, 1998, stating that the Retirement System’s interpretation of the charter school law requiring mandatory participation by charter school employees was correct, but that the Retirement System could “reasonably and responsibly delay implementation of mandatory participation until July 1, 1998.”

With the news that the new legislative amendments would require charter schools and their teachers to participate in the state retirement system, and the realization that the unforeseen financial burden to charter schools associated with their participation would be substantial, some charter school operators began to experience what one journalist referred to as “buyer’s remorse”. While many charter schools had lobbied and advocated for the right to participate in the Teacher’s State Retirement System, several were deciding that they would rather not participate. One interest group representative recounted, “So we said, can we do it like universities where professors can elect state retirement or can have their own policies.
And we got word, no it’s all or nothing because if you guys have this choice, regular teachers are going to want this choice.”

During the 1997-1998 session of the General Assembly, several unsuccessful bills were introduced in the General Assembly, including Senate Bill 1551 sponsored by Democratic Senator Wib Gulley and House Bill 1739 sponsored by Republican Representative Leo Daughtry. These bills would have changed the provision of charter school law requiring mandatory participation in the North Carolina State Retirement System. During the 2001-2002 session, however, a compromise was reached with the Local Flex. Regarding Charter School Teachers Act (2001), sponsored by Republican Representatives Allred and Ross. This amendment to the charter school law changed the mandatory participation provision requiring participation of charter school teachers in the state retirement system and gave charter school boards of directors the power to elect to become participating employers in the Teachers’ and State Employees’ Retirement System with the caveat that if a charter school elected to participate in the system, all of its employees must participate. This amendment was viewed by charter school advocates as a significant victory for charter schools.

**Interest Group Strategies**

**Charter School Advocacy**

The charter schools’ parents, employees, and boards of directors have been the primary advocates for lifting the charter school cap (and all other charter school policy issues as well). The political base of support for charter school advocates has been the state
Republican Party. North Carolina charter schools have not enjoyed the support of any high-ranking state officials, or many advocates at all outside of those with direct involvement with charter schools. The John Locke Foundation and the North Carolina Education Alliance are not lobbying organizations, but they have produced a substantial amount of research in support of removing the charter school cap. Outside of conservative Republicans and direct charter school stakeholders, only a few additional organizations including the League of Charter Schools, Americans for Prosperity in North Carolina, and Parents for Educational Freedom have been active in their support for lifting or removing the charter school cap. These organizations have engaged primarily in lobbying the General Assembly and engaging in grassroots mobilization. One charter school advocacy interest group representative described her organization’s political strategies saying:

I lobby representing my grassroots members who are for charter schools and we bring them to the legislature. There are times when we would perhaps do grassroots advocacy campaigns. In other words, put up a radio ad or a TV advertisement. We’ve definitely done some newspaper ads. Call representatives and tell them to help. But it’s all of matter of getting people to contact their legislator, raise the profile of charter schools and show people they’re supportive of them.

Another charter school advocacy interest group representative spoke similarly of his organization’s activities. He explained:

It includes mostly mobilizing people to contact their legislators either in person or via telephone or email and pushing legislators to support removing the cap and support charter friendly legislation. We have charter school day at the general assembly
where we hold rallies and bring charter schools, we also try to take the press to charter schools and show them how successful they are. We form partnerships with charter schools, parents, advocates, and a broader base.

Another strategy used by charter school advocates in trying to have the charter school cap removed has been applying pressure to local school boards seeking to pass bond referendums. Charter school advocacy organizations have threatened to fight against the passage of school bonds unless local boards of education agree to support lifting the charter school cap either by passing resolutions or changing their legislative agendas to support lifting the cap. One interest group representative commented on the strategy of fighting against school bond referendums saying:

There will be times when we fight bonds of all types. It will always be something we bring up in a school bond fight is look, ya’ll have got to raise all this money and raise taxes to build more schools but if we just had three more charter schools in this county, how much could that save, because they have to go find their own building. We provide millions of dollars for school construction in North Carolina, maybe we won’t have to provide so much if we raise the cap on charter schools.

Another interest group representative recounted the experience of fighting a school bond saying, “We fought a $1 million bond referendum. We lost. But one of the things is if you start beating these local school bonds that might help get the cap raised on charters schools”.

In 2000, a Wake County a citizens’ advisory committee that actually assisted in shaping a proposed $500 million school bond issue said to the school board that it would only support the bond vote if the board endorsed the committee’s call to lift the state’s limit
on charter schools (Hui, 2000). Again in 2006, an advertising campaign sponsored by Americans for Prosperity North Carolina, the North Carolina League of Charter Schools, and Imagine Schools was linked to a Wake County School Board $970 million school construction bond referendum (New Campaign, 2006). Appealing to citizens weary of additional taxes for the purpose of building schools, the campaign ads touted charter schools as alternatives to traditional public schools that do not require additional funding for school facilities.

Pressure from charter school advocacy organizations on one side and from the North Carolina School Boards Association on the other has at times put local boards of education in precarious positions. The North Carolina School Boards Association has consistently maintained the position that the State General Assembly should retain the cap of 100 charter schools statewide. Further, the North Carolina School Boards Association has made special appeals to local boards of education to not break ranks with other school districts. Leanne Winner, government relations director for the School Boards Association, commented, “We have made it very clear to our local school boards that we need to have one voice on issues” (Hui, 2000, p. A1). But in February 2007, amidst pressure from charter school advocates threatening to derail any proposed school bond referendum and feeling a pinch for space due to astronomical growth, the Wake County School Board broke ranks with the School Boards Association and approved a resolution asking the General Assembly to lift the cap of 100 on the state’s charter schools. One study participant commented on the Wake County School Board’s change of position on the charter school cap:

Wake county was getting a great deal of political pressure to support charter schools
from the Republican dominated county commissioners who felt like if there were more charter schools, they wouldn’t have to build new public schools. The county commissioners gave a great big push, because our growth is so high that we don’t have a place for all of the children.

Overall, the strategy of fighting school bonds has experienced a limited degree of success. In Mecklenburg County, charter school advocates were able to successfully defeat a bond referendum in 2005. But a charter school advocacy interest group representative admitted that overall, the strategy is a weak one and would not lead to the removal of the charter school cap. He admitted, “Do I honestly believe if we got 100 county commissions in all of North Carolina to pass resolutions to support more charter schools that that would suddenly change things. I don’t.”

Additionally, as mentioned in the preceding sections on charter school diversity policy and charter school facilities and finances, charter schools have not shied away from using litigation as a political strategy. With respect to the State Board of Education’s diversity policy, an individual charter school filed an injunction to prevent the State Board of Education from closing charter schools that did not meet the racial diversity standards set in charter school legislation. Regarding school finance, again, individual charter schools filed suit to obtain funds that they were entitled to but were being withheld by local school districts.

Even with these strategies, however, for the most part, the efforts of charter advocacy organizations have been disjointed and largely ineffective. Many study participants, including both charter school advocates and critics, commented on the weaknesses and
ineffectiveness of charter school advocacy groups in pushing legislation to remove the charter school cap. In fact, charter school advocates were much more critical of their own organizations’ advocacy efforts than both charter school critics and state government officials. Charter school advocates offer several explanations of why they have been unsuccessful in their attempts to have the charter school cap lifted or removed. First, they confess that the charter school movement in North Carolina is one that has been somewhat fragmented, disorganized, and lacking effective leadership. One study participant speaking about the disjointedness of charter school advocacy in North Carolina commented:

Is there a movement? That’s the question! The movement is, if I want to start a charter school, I write a charter application and I see if there’s space for me to open a charter school. That’s the movement. Again, it’s so fragmented, and it’s lead by independent schools [charter schools] and communities across the state. Mostly independent.

Another interest group representative spoke extensively about some of the failures of charter school advocacy organizations saying,

Charter schools have never been able to lobby effectively in the general assembly. And whether that’s because they came about so quickly, and putting together a legislative strategy was not in the top priority of charter schools, mainly it’s existing. Just getting a charter together and existing. You don’t really have time to think about lobbying. The league of charter schools came about to try to do that. Roger Gerber was the head of that and Roger did a pretty good job. The thing about lobbyists is, you have to have relationships with General Assembly members whether you like it
or not. And you have to have relationships with them no matter what their vote is on another issue. Roger has had a real tough time building relationships with people he disagrees with. They’re just not that effective.

**Charter School Opposition**

All study participants pointed to two interrelated organizations as the biggest hurdles for charter school advocates to overcome in their quest to lift or remove the charter school cap: the state Democratic Party and NCAE. Partisanship has undeniably played a significant role in the legislative debate over the charter school cap. Generally, Republicans have tended to favor lifting the cap and Democrats have tended to favor leaving it in place. Because the General Assembly has been and continues to be dominated by the Democratic Party (see Appendix F), charter school advocates have faced a very difficult time passing legislation to lift or remove the charter school cap. Most study participants commented on the role that partisanship has played in the debate over the charter school cap. One state government official conveyed, “Many of the Democrats have been pretty cool about doing anything. The Republicans are the ones, the conservative Republicans are very adamant about putting charter schools out there.” Likewise, an interest group representative commented:

I think Republicans in general are for charter schools and Democrats in general are against them. What you get out of Democrats in the General Assembly is, “Oh I support more charter schools! I love charter schools!” But they support leaders that they know won’t do that. So they are complicit.

Even though the debate has been largely a partisan one, support and opposition for lifting or removing the charter school cap has not been entirely along party lines. The state’s
original charter school legislation in 1996 was borne out of bipartisan efforts. Additionally, document analysis revealed that Democratic legislators in the General Assembly have sponsored as many bills to lift or remove the charter school cap as Republican lawmakers. Several study participants cautioned against looking at the issue only through partisan lenses. In fact, they advanced that there are increasing numbers of Democratic legislators who support raising the cap on charter school schools. According to one state education official:

I think that a lot of opposition comes out of some of the Democratic quarters and it seems like this is kind of a Republican – Democratic, but that’s not totally true because there are a lot of Democrats that support charter schools. There are a lot of liberals that don’t support charter schools, and a lot more conservatives that do support charter schools. But I think right now it’s so fluid that a lot of people are changing attitudes toward charter schools.

Similarly, a state government official commented:

Some of the Democrats are also in favor of it. Earline Parmon, who is the co-chair of the House committee on K-12 education, actually is the principal of a charter school, and she was the main speaker at this press conference on this thing we’re going to give you a copy of. Larry Shaw from Fayetteville, an African American Muslim from Fayetteville, is one of the sponsors of legislation to raise the cap. But even though we had a majority of senators in favor of raising the cap, the way the senate works is that you have to have the leadership.

Several statewide organizations, including the North Carolina Association of School Administrators and the North Carolina School Boards Association, have included
maintaining the charter school cap of 100 in their legislative agendas. Additionally, several study participants have specifically mentioned these organizations as opponents of raising or removing the charter school cap. But NCAE has been the most vocal of statewide organizations opposing the expansion of charter schools in the state. Both document analysis and interviews reveal that no organization has had nearly the level of influence in the political battle over the charter school cap as NCAE. In fact, charter school advocates contend that the most crucial component to understanding why the majority of Democratic lawmakers have not been supportive of efforts to lift or remove the charter school cap is Democratic lawmakers’ relationships with NCAE, the most influential teachers’ organization in the state. Study participants said that NCAE exerts a tremendous amount of influence over many Democratic members of the state General Assembly. One interest group representative went so far as to say, “The reality is they [Democrats] won’t do anything unless NCAE says so.” According to one state education official:

They’re [NCAE] against it and they’re very powerful. They donate a lot of money to politicians, Democrats. And they are single handedly, outside of elected officials, they have been the ones that have stopped it. There is nobody else.

Another participant commented on the political and financial influence of NCAE:

Well, NCAE is a very strong political group. It has a membership of several hundred thousand teachers. Now they’d like to say that those teachers will all vote the way they endorse candidates, and that’s not true. But the legislature for two reasons will not cross NCAE as a general rule: one because of that perceived voting power, and two because they give a lot of money to candidates during election time. And
candidates don’t generally cut off pipelines that feed money into their campaign.

Whether the state’s cap on charter schools should be lifted was a frequent topic of debate between candidates during the 2008 North Carolina gubernatorial campaign. Pat McCrory, Republican candidate and mayor of Charlotte, favored lifting the cap as part of his overall education plan for bringing more competition in education to North Carolina. According to McCrory, “Choice is good in public schools. It’s shortsighted to limit expanding the current cap on charter schools when you have a 30% drop-out rate” (Bonner, 2008, p. B1). Richard Munger, the Libertarian candidate, also favored lifting the charter school cap, saying, “Allowing more charters is the first thing I would press for. It’s the centerpiece of my education program. ...Rich people have choices now. I want everyone to have a choice” (Bonner, 2008, p. B1). Beverly Perdue, the Democratic gubernatorial candidate, was the only major party candidate who did not support lifting the charter school cap. Lt. Governor (now Governor) Perdue contended, “It doesn’t make sense to allow more charter schools when some don’t do a good job. The goal with the whole charter philosophy is shut down the ones that don’t create innovation and change, and keep the stream of newness coming” (Bonner, 2008, p. B1). Several participants tied Governor Perdue’s stance on charter schools to NCAE’s financial contributions to her and other Democrats’ campaigns. An interest group representative remarked:

The teachers union [NCAE] provides tons of money to campaigns; to Perdue’s campaign, to the State Democratic Party, to the Democratic state senate and house committee. It was tons of money. Nothing illegal about it, but it is a pay to play. Another participant said succinctly, “NCAE gave a lot of money to Bev Perdue in the last
couple of weeks of her campaign. Enough said.”

Despite strong opposition from traditional public school interests, study participants were at least confident that charter school policy as it now stands in North Carolina is safe, and that legislative action would not be taken or even attempted that would seek to eliminate charter schools. One interest group representative commented:

People might talk about, will the general assembly ever pull the plug on charter schools? And we rent our space out, but there are schools building charter schools, and borrowing money through a lender to do it....Short answer is I see it as a stable system. It’s in place. I don’t think it will back track.

Likewise, another participant conveyed, “I think the 100 schools is a pretty stable thing. Going forward, I don’t see people rolling that back, it is a natural movement, and it would make pretty big waves if they moved that back.”

However, there appears to be consensus among charter school stakeholders that as long as the General Assembly is dominated by the Democratic Party and the governor’s mansion is occupied by a Democrat, the chances of passing legislation to eliminate the charter school cap are very slim. Most study participants expressed their beliefs about the short-term outlook for lifting the cap. One participant commenting on the future predicted, “It will not go anywhere over there. It will get pushed around. It won’t get heard until the makeup of the legislature changes.” Another participant lamented:

I think the short term hope is not very good. I am not optimistic about the short term future....Long term future I don’t know. I’ll be honest I don’t see any change until there’s a Republican legislature or at least a Republican governor or chamber of the
legislature, some philosophical, ideological difference where some other, where there’s significant change from what we have now electorally.

Another interest group participant summarized his prediction for the outcome of the fight over the charter school cap by saying:

It’s pretty bleak in North Carolina. A lot of this comes from the fact that the North Carolina Senate has been under one party rule for 138 years and frankly two people run the Senate, the Speaker and the majority leader. Between Basnight and Tony Rand if they don’t want something it doesn’t happen. And if they want something it probably will happen. And charter schools is not high on their agenda.

Summary

In short, charter school policy in North Carolina has changed very little since the passage of charter school legislation in 1996. Relatively minor amendments have been made to the original legislation a few areas. A table outlining charter school policy change since the passage of the original charter school legislation is included in Appendix G. Policy changes favoring charter school interests include an amendment allowing charter schools to lease facilities from sectarian organizations; an amendment granting admissions preferences to children of charter school board members, employees, and siblings of charter school students; an amendment allowing charter school boards of directors to elect to participate in the state teachers retirement system; and a weak interpretation and enforcement of the original charter school legislation’s provision regarding charter school racial composition. Charter school advocates’ political activities have included lobbying the state General
Assembly, grassroots mobilization, and use of the media as well as use of the courts. These efforts, however, have been very disjointed, and charter school advocacy organizations have failed to build a coalition capable of making significant progress for charter schools in North Carolina.

Traditional public school interests in North Carolina have been extremely dominant. Their dominance has at least in part been attributable to their intimate involvement with the state’s dominant political party. NCAE’s political support of Democratic lawmakers has resulted in Democratic legislators standing guard in the state General Assembly to protect traditional public schools’ stronghold on public education. Traditional public school interests’ victories over charter school interests include the legislative requirement that all charter schools participate in the state’s academic accountability program, including the administration of state standardized tests; preventing the passage of legislation permitting the allocation of additional state or county funding to charter schools, including state lottery funding; the State Board of Education’s enforcement of the original legislation’s provision regarding teacher certification; and most significantly, preventing the removal of the charter school cap.
CHAPTER 5
DISCUSSION AND CONCLUSIONS

Introduction

This chapter begins with a summary of the study’s major findings. Next, the study’s theoretical and practical implications are explored. Findings are discussed in light of Lacireno-Paquet and Holyoke’s (2007) findings and in light of recent literature on the public policy process, interest group strategies, and research on school choice politics. The chapter concludes with suggestions for future research stemming from this study’s findings.

Summary of Findings

Purpose of the Study

The purpose of this study is to examine the evolution of charter school policy in North Carolina since the passage of the state’s initial charter school legislation in 1996. Specifically, this study explores Lacireno-Paquet and Holyoke’s (2007) hypothesis of partial policy reversion. Lacireno-Paquet and Holyoke propose that dramatic new policies, such as charter school policies, “are frequently short-lived; though new policies are rarely erased” (p. 185). Instead, a compromise is reached between competing sets of interests. This study seeks to understand how the actions of charter school advocates and opponents have affected charter school policy since the passage of charter school legislation. Lacireno-Paquet and Holyoke contend that charter school policy provides an excellent opportunity for testing the partial reversion hypothesis for two reasons: (a) the passage of charter school policy is a clear policy punctuation, and (b) there are often two sides to charter school debates represented by
organized interests and lawmakers on both sides.

The present study answers the same primary research question posed by Lacireno-Paquet and Holyoke (2007) in examining charter school policy in Michigan and the District of Columbia: How has charter school policy in North Carolina evolved since the passage of charter school legislation in 1996? Two sub-questions are also explored: (a) How have the actions of proponents of charter schools affected charter school policy since the passage of charter school legislation in 1996? and (b) How have the actions of opponents of charter schools affected charter school policy since the passage of charter school legislation in 1996? In answering these questions, the study determines whether a reversion or the establishment of the new status quo has occurred.

Key Findings of the Study

Traditional public school interests in North Carolina, or the B.L.O.B.—Big Learning Organizations Bureaucracy—as one study participant referred to them, have been extremely successful at keeping charter schools in a box. They have not sought to eliminate charter schools in North Carolina. They have accepted the state’s experiment of 100 charter schools, but have masterfully played political defense and impeded charter schools from encroaching any further on their territory. While charter schools in North Carolina appear to be a permanent fixture in the public education landscape, they are a very small one. In fact, they are so small that they can easily be missed. The majority of North Carolina’s 100 counties do not have any charter schools at all. And even in Wake County, with the state’s highest concentration of charter schools, charter school students make up less than one percent of the county’s public school enrollment. Charter schools reached their cap in 2001 and since that
time, the State Board of Education has only been able to grant new charters when existing ones are revoked or voluntarily relinquished. According to this study’s findings, things do not appear likely to change any time soon.

The passage of charter school legislation in North Carolina came at a time when traditional public school interests were most vulnerable. Charter school interests were able to push through passage of charter school legislation during the one time in North Carolina’s recent history that Republicans controlled one chamber of the General Assembly. Republican control of the House, however, was very short-lived (see Appendix F), resulting in that opportunistic policy window closing rather quickly and making gaining additional ground for charter school interests a near-impossible undertaking.

Traditional public school interests’ close relationships with Democrats in the General Assembly allowed them to prevent the passage of charter school legislation from being a clean victory for charter school interests. While the advocacy work of groups like NCAE and the North Carolina School Boards Association has been important, of even greater importance has been the institutional access these organizations have to Democratic leaders in the General Assembly. They enjoy this access for several reasons. First, NCAE’s political action committee donates an extraordinary amount of money to Democratic candidates for political office. Wright (1990), in study of the Congressional Ways and Means Committee found that interest groups’ campaign contributions to committee members were an effective way to gain institutional access. The present study’s findings support those of Wright. Additionally, a sizeable minority of Democratic General Assembly members are vested in traditional public schools, either because they or a close family member spent their career
working in traditional public schools or because they have very close ties to local school districts. Also, traditional public school employees make up a substantial number of voters. NCAE and the North Carolina School Boards Association contend that these voters vote as a block based on public education issues. While their assertion may or may not be entirely true, many Democratic legislators have grown comfortable with the support in the polls they have enjoyed in the past, and are not likely to gamble with that support to allow for charter school expansion.

Traditional public school interests have used their institutional access to ensure the blockage of all legislation that would allocate additional funding to charter schools. They have adamantly opposed the allocation of any additional funding to charter schools for two reasons. First, local school districts rightly or wrongly see public school funding as a zero-sum game; funding that goes to charter schools is funding out of the coffers of traditional public school districts. Second, additional funding allocations to charter schools would mean additional resources for them to be more competitive with traditional public schools.

Legislators have introduced numerous bills in the General Assembly that would have authorized boards of county commissioners to allocate funds to charter schools for capital expenditures, and authorized the State Board of Education to allocate state funds matching federal grant funds that could be used for start-up costs. Democrats have also blocked legislative attempts to allow revenue generated by the state lottery for capital expenditures to flow to charter schools. Democratic leadership in both chambers of the General Assembly has prevented these proposals from even progressing to committee consideration, much less proceeding favorably out of committee.
Another victory for traditional public school interests has been the requirement that all charter schools participate in the state’s school accountability system, including the administration of state standardized examinations. At the very beginning, charter schools had the option to choose an alternative to state standardized exams. Media attention to charter schools that were not administering the examination led to the passage of State Board of Education policy requiring all charter schools to administer the exams and participate in North Carolina’s ABCs school accountability model. This restriction on charter schools has to some degree, forced them closer to the mold of traditional public schools. These findings are similar to those of Crawford and Fusarelli (2001) in Texas. They found that the institutional structure of Texas’ traditional public school system, which included its traditional accountability mechanisms and standardized testing, “exerts tremendous pressure on charter schools to conform to the traditional model of education” (Crawford & Fusarelli, 2001, p. 8). Charter school advocates and administrators in North Carolina have been very vocal in their opposition to the requirement of state testing, but they have done little or nothing in the way of lobbying or political advocacy to change the requirement. Though in disagreement with the requirement, most charter school advocates have chosen to use all of their resources to push for removal of the charter school cap.

Charter school interests have been able to celebrate some minor, but all the same significant, amendments to legislation. These changes have been integral to giving existing charter schools the opportunity to be successful. Charter school operators won a victory with new provisions to the law allowing charter school boards of directors to elect to participate in the state teachers’ retirement system. Also significant to the success of charter schools was
the early amendment to the original legislation allowing schools to lease school facilities from sectarian organizations, provided that no religious artifacts are visible. Additionally, a relatively soft interpretation and enforcement of the Charter School Act’s racial composition provision has been very important in keeping the doors of many charter schools open.

Charter school stakeholders and community members have formed both formal and informal advocacy organizations. Most of these organizations’ work has been aimed at lifting or removing the charter school cap. They have engaged in the political process through lobbying at the General Assembly, working at the grassroots level to get voters to contact their legislators asking for their support of legislation favorable to charter schools, and working to defeat local school bonds of school boards that will not pass resolutions in support of lifting the charter school cap. Like the cases of Michigan (Bulkley, 2005; Lacireno-Paquet & Holyoke, 2007), however, charter school interests in North Carolina have been unable to build a large enough or powerful enough coalition to have any chance of defeating traditional public school interests and their Democratic allies in the General Assembly.

Limitations

This study focuses solely on the evolution of charter school policy in North Carolina since the passage of charter school legislation in 1996. It does not address the politics or political development of the state’s charter school policy prior to the legislation’s passage. Neither does the study address the development or evolution of other school choice policies in North Carolina. Admittedly, examining charter school politics within the context school
choice politics or even state education politics might provide insights that did not surface in
the present study.

Limitations also result from the data collection methods chosen. In this study as with
any study, there are weaknesses associated with interviews. There is inevitably a certain
amount of bias based on the wording of questions. The researcher attempted to overcome this
limitation to the greatest extent possible by soliciting the feedback of the dissertation
committee on the interview protocol. Substantive revisions to the interview protocol were
made based on their suggestions. Also, whenever interviews are conducted, there is always
the possibility that informants will not tell the whole truth. Yin (2003) refers to this weakness
as reflexivity, where the informant gives the interviewer what he or she believes the
interviewer wants to hear. Attempts were made to overcome this limitation by seeking
corroboratory and contrary evidence of what informants provided in interviews. This
evidence was obtained through from interviews with other study participants as well as from
document collected.

This study is conducted from a realist epistemological position. According to Gutek
(2004), realism “asserts that we live in a world of objects that truly exist and are external to
us. Although objects exist outside of us, we can acquire information about them and come to
know them” (p. 35). In this study, as any study conducted from a realist position, the data
collection and analysis employed are only an attempt to directly observe that objective
reality. A realist stance, while supposing that objective reality exists beyond our experiences,
recognizes that we also need our creative minds to clarify its existence and then to identify
explanatory mechanisms (Grbich, 2007). In this study, the researcher sought to collect, analyze, and present data in such a manner that both the researcher and reader are able to draw conclusions and come close to observing reality as it truly exists. However, this analysis and the conclusions drawn in this study are still limited by the researcher’s subjectivity (see subjectivity statement on p. 66).

**Theoretical and Practical Implications**

It appears that North Carolina charter school interests are fighting a battle that will not easily or readily be won. Using the terminology of John Kingdon’s (2003) multiple streams framework, Republican control of the state House of Representatives opened a political window of opportunity for charter schools to punctuate the equilibrium of the tightly controlled public education policy subsystem. Thus, charter school legislation in North Carolina may be viewed as an example of an “equilibrium punctuating opportunistic policy” (Lacireno-Paquet & Holyoke, 2007, p. 211). But at this point, the political window of opportunity for proponents of charter schools appears to be closed.

Lacireno-Paquet and Holyoke (2007) found that differences in the degree of counter-advocacy by displaced interests resulted in different policy outcomes in Michigan and the District of Columbia. Lacireno-Paquet and Holyoke propose that in the aftermath of policy punctuation, rather than charter school interests clearly emerging and “take[ing] root as a new enduring and stable subsystem” (p. 191), education policy will most likely reflect a balance between competing interests, with that balance dependent on the strength of interest
groups and the power of legislators who champion their causes. In North Carolina, both of these factors contributed significantly to traditional public school interests regaining their dominance in education policy making and preventing charter school interests from making any substantial advances toward charter school expansion.

Lacireno-Paquet and Holyoke identified four characteristics of subsystems where some type of reversion has occurred:

1. Two or more distinct sides in terms of the policy preferences of the relevant interest groups and the continued employment of definitions used to support the old status quo and the new.

2. Consistent advocacy by both sides.

3. Lawmakers willing to listen to, and advocate for the preferences of both sides.

4. The resulting policy reflects some, but not all, of the policy preferences of both sides. (p. 192)

In the absence these characteristics, Lacireno-Paquet and Holyoke expect that a new stable subsystem favoring the new interests will emerge. In Michigan, they found that all of these conditions had been met. Post-punctuation charter school politics in North Carolina bears striking resemblance to Lacireno-Paquet and Holyoke’s (2007) findings in Michigan. Two distinct sides to the debate are clearly discernable in North Carolina. There is consistent advocacy on the sides of both charter school advocates and opponents. The resulting policy does reflect some of the policy preferences of both sides, with the caveat that preferences of traditional public school interests are weighted a great deal more than those of charter school advocates. And in North Carolina, as in Michigan, lawmakers are willing to listen to, and
advocate for the preferences of both sides. It must be noted, however, that it is primarily Democratic lawmakers that listen to and advocate for the preferences of traditional public school interests and Republic lawmakers that listen to and advocate for the preferences of charter school advocates.

Additionally, in both Michigan and North Carolina traditional public school interests, namely state teachers’ organizations and state school boards associations, made it their mission to stop any expansion of charter schools by blocking any legislative attempt to remove a charter school cap. In both states, traditional public school interests ensured charter school participation in state accountability and testing programs; a strategic move to attempt to force charter schools into the mold of traditional public schools (Crawford & Fusarelli, 2001). In both states, the implications of the results are clear. But specifically in North Carolina, while advocacy for both charter school interests and traditional public school interests is very important, institutional access appears to be most important. Indeed, this study’s findings indicate that the institutional access enjoyed by traditional public school interests have trumped virtually all advocacy by charter school interests.

In treating the passage of charter school policy as a punctuation in the equilibrium of education policy, the data indicate that a post-punctuation reversion of policy has taken place. Following the passage of charter school policy in North Carolina, traditional public school interests have been able to reassert themselves. Conversely, charter school interests’ emergence with the passage of charter school legislation did not result in a new, stable, and enduring policy subsystem. Presently, traditional public school interests not only have influence in state education policy making, but they have regained a position of dominance in
education policy making. In fact, traditional public school interests are so dominant and the overall impact of charter school legislation in the state has been so small that future research should address the question of whether the passage of charter school legislation in North Carolina was a true punctuation at all.

This study’s findings are quite unlike those of DeBray-Pelot et al. (2007), Kirst (2007), and Vergari (2007) at the national level, and Fusarelli (2003) at the state level, who all found that advocacy coalitions played significant roles in school choice politics. In a study of school choice politics and coalitions at the national level, DeBray-Pelot, et al. identify a relatively stable national coalition opposing vouchers, “with civil rights groups, teachers unions and administrators groups, and other public school advocates banding together to battle various proposals” (p. 213). They found advocacy coalitions in support of school choice included left and centrist groups, in addition to Carl’s (1994) New Right.

In separate national analyses of school choice politics, both Kirst (2007) and Vergari (2007) found patterns of advocacy and opposition to school choice similar to those found by DeBray-Pelot et al. (2007). Vergari asserted that a traditional public school coalition operates under an almost religious ideology that “schools are operated and financed by the government and do not compete with one another” (p. 22). She held that a school choice reform coalition adheres to the belief that “self-interested actions on the part of individuals in a system of competition and choice will yield social benefits” (p. 22). At the state level, Fusarelli (2003) used the advocacy coalition framework as one of several lenses in analyzing school choice politics. Supporting the hypotheses of Sabatier and Jenkins-Smith’s (1999) advocacy coalition framework, Fusarelli (2003) concluded that charter school legislation in
Texas was “a byproduct of the competition between advocacy groups” (p. 93); although well-defined advocacy coalitions were more prominent with private school vouchers.

Kirst (2007) cautioned that patterns of school choice politics may differ substantially due to differences in the specifics of policies and state political dynamics. The case of charter school politics in North Carolina is a prime example of state political dynamics having a tremendous impact on traditional public school interests’ and school choice interests’ decisions to join or not join coalitions. Previous research has shown that factors contributing to interest groups’ decision to form or join coalitions include the opportunity to share scant resources for advocacy, and the presence of strong, well organized opposition (Berry, 1977, 1997; Hula, 1995). In this case, NCAE is the state’s largest and arguably most politically powerful education organization, and it has shown that it has both the resources and the political capital to accomplish its political goals. Further, since the passage of charter school legislation in 1996, charter school interests have not posed any formidable challenge to traditional public schools. Charter school interests have been uncoordinated and allied with the state Republican Party which seems to occupy a near permanent subordinate position in the North Carolina General Assembly (see Appendix F). In short, there has been no need for traditional public school interest groups to form coalitions.

Charter school interests in North Carolina have not formed coalitions either, but they should. Charter school proponents have used what Opfer (2001) referred to as non-access requiring techniques, including grassroots mobilization. But it appears that charter school interests have every reason to form and participate in political coalitions. Working collaboratively would allow charter school advocacy organizations, which are all
comparatively smaller than traditional public school interests, to pool human, material, and financial resources, greatly increasing their possibilities for lobbying the state legislature. Mintrom (2000) contended that coalition building can be viewed as a set of efforts to pursue policy change. He asserted, “Such action can serve to draw greater attention to an issue, and signal to state legislators that a substantial group of people are committed to keeping the issue alive” (Mintrom, 2000, p. 230). It must be noted that working independently has not been a strategic decision on the part of charter school interests in North Carolina. Rather, failing to work cooperatively with other organizations has been a failing of these organizations’ leadership. Study participants reported that not working collaboratively has indeed been a shortcoming of the charter school movement in North Carolina, and an area that they hope to improve upon in the near future. Nevertheless, charter school interests’ failure to work cooperatively has only contributed to their ineffectiveness at achieving their policy goals.

Several lessons should be learned from the actions of traditional public school interests. They did not roll over for emerging charter school interests during policy punctuation. They were strategic. First, recognizing that Republican control of the state House of Representatives would not be long-lived in a state dominated by Democrats, they continued to politically and financially support Democratic candidates to retain their institutional access. Second, rather than seeking the elimination of charter schools, they have strategically set out to do only two things: (a) keep charter school operations as close as possible to the operation of traditional public schools, making them appear to not be much of an alternative to traditional public schools at all; and (b) prevent charter schools from
expanding any further than the legislatively allowed 100 schools. Traditional public school interests recognized that while the concept of charter schools did indeed represent a notable departure from traditional public schools, if the program was prevented from growing, in the big picture of public education in North Carolina, the impact of charter schools would be minimal. Additionally, traditional public school interests recognized that trying to eliminate a public program once created is a daunting and oftentimes impossible task. Rather than use their valuable political resources to seek to eliminate charter schools, they chose to try to keep them pinned down with the hope that they would self destruct.

Traditional public school interests have not used the strategy of going public. In fact, other than brief and almost scripted comments to reporters, and public legislative agendas that include retaining the charter school cap as an item, these organization do not talk about charter schools at all. This is because interests who enjoy institutional access and occupy a place of dominance in policy making benefit more from keeping policy decisions out of the public realm (Baumgartner & Jones, 1993; Schnattschneider, 1969; Van Horn et al., 1989).

The actions of charter school interests in this study also provide useful lessons. Charter school interests have failed to form politically productive alliances. Their alliance primarily with conservative Republicans has not been very fruitful for them. The partnership between conservatives and charter school advocates is a natural one, since conservatives typically are supporters of deregulation and less bureaucracy. Their partnership was instrumental in the passage of initial charter school legislation, but since then has yielded very little.

A strategy that may be advantageous to policy losers is to use problem definition or
redefinition to forge new alliances. Baumgartner and Jones (1993) contended that the keys to toppling a stable policy subsystem are forcing a change of venue and/or a change in the policy image. Because of the degree that traditional public school interests are entrenched in the General Assembly, the State Board of Education, and the Department of Public Instruction, a change of venue is much less of a feasible option for charter school advocates; thus making a change in policy image one of the only strategy alternatives left. One possibility would be for charter school advocates to attempt to sell charter schools to the public as the policy answer to the achievement gap, with the hopes of forging alliances with minority citizens groups as well as with members of the North Carolina Legislative Black Caucus, a relatively influential group of Democrats (DeBray-Pelot et al., 2007; Schnattschneider, 1969). Another possibility would be to play on traditional public school interests’ fear of school vouchers; a strategy that was instrumental in passage of the state’s initial charter school legislation. If charter school interests could convince Democrats and traditional public school interests that vouchers or tuition tax credits are an impending reality in North Carolina, and that the expansion of charter schools would be a way to hold them off, temporary alliances could potentially be formed with moderate Democrats to push legislation to lift or remove the charter school cap.

Finally, the fact that so many charter school advocates and advocacy organizations are so personally vested in and passionate about charter schools has been both a benefit and a liability to their political progress. The positive side of it has been that charter school advocates tend to be extremely passionate about and committed to the growth and success of charter schools in North Carolina. The drawback, however, has been that oftentimes these
people do not have the political acumen to make much progress. Passion can be an extremely powerful motivator, but it can also get in the way of playing the game of politics. Study participants talked about opportunities blown by charter school advocates to form at least temporary alliances because of ideological differences. Charter school advocates will either have to be more amenable to playing the game, or hire people with the necessary skills to play the game for them.

**Directions for Future Research**

Baumgartner and Jones (1993) coined the concept of policy punctuations in political science. They define punctuations as dramatic new policies that bring drastic change to once stable policy subsystems. In taking a step back, closer attention should be given to the actual point of punctuation. A possible research question might be, are all punctuations alike? For example, was the punctuation of the passage of charter school policy in North Carolina the same degree of punctuation as the passage of charter school policy in the District of Columbia? Care would have to be taken to differentiate between the effects or aftermath of punctuation as opposed to measuring the degree of the change itself. In other words, how different is this policy from what the status quo was prior to this policy’s passage? Since the status quo of education policy in North Carolina is different than the status quo of education policy in the District of Columbia, the passage of charter school policy represents a different degree of change in North Carolina than in the District of Columbia. A corollary question might be, what degree of change qualifies as a punctuation? Is it necessary that emerging interests completely topple and displace the existing policy subsystem for the change to
qualify as a punctuation? Consideration of both the degree of the change as well as the post-change effects is essential to a more complete understanding of the policy process. Additionally, the amount of time since policy enactment could be a relevant consideration.

Next, several recent school choice politics have examined the use of coalitions as a strategy of school choice and traditional public school interest groups (DeBray-Pelot et al., 2007; Kirst, 2007; Vergari, 2007). However, these studies have relied solely on Sabatier and Jenkins-Smith’s advocacy coalition framework as a theoretical lens for looking at coalitions’ composition and actions. Future studies should include but also look beyond the advocacy coalition framework when analyzing coalition activity. The coalitions described by DeBray-Pelot et al., Kirst, and Vergari could be closer in relation to the participatory coalition depicted by Berry (1977, 1997) than the advocacy coalition depicted by Sabatier and Jenkins-Smith. DeBray-Pelot et al. make the point that school choice advocacy has become increasingly specific in recent years, with groups aligning themselves more and more with certain school choice policies and staying away from others. This increasing specificity of interest groups’ policy goals lends itself more to group cooperation on some policy issues but not others. For instance, the composition of a coalition supporting the passage of charter school legislation might look considerably different from a coalition advocating for the passage of legislation to provide tuition tax credits to parents who send their children to private schools. The impermanence or fluidity of such coalitions makes mapping alliances between groups over any period of time like shooting at a moving target. Alliances continue to shift depending on the policy issue.

Finally, while this study’s theoretical framework has been very useful in analyzing
the evolution of North Carolina’s charter school policy, other frameworks might be equally as useful. John Kingdon’s (2003) multiple streams framework in particular could be a wonderful complement to this study’s theoretical framework. Looking at the passage of charter school legislation in 1996 as a point in time when the three streams of politics, problems, and policy coupled could shed additional light on North Carolina’s eventful charter school policy story.
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APPENDICES
Appendix A

Post-Punctuation Politics Interview Guide

Date:

Legislator/Legislative Staff Questions:

1. Describe your/your legislator’s position on charter schools in North Carolina.
   a. Are there specific charter school policy issues that you/your legislator are in favor or against?

2. Describe your involvement with charter school policy/politics?

3. Has your/your legislator’s involvement with charter school politics included any of the following:
   a. Being lobbied?
   b. Accepting contributions?
   c. Enjoying electoral support?
   d. Litigation?
   e. Grassroots organizing?
   f. Drafting policy?
   g. Sponsoring legislation?
   h. Collaborating with other groups?

   If so, please describe those activities.

4. How has charter school policy changed since the passage of legislation in 1996?
   a. What groups or individuals are responsible for those changes (ex. Legislators, interest groups, school boards, state board of education, charter school administrators/staff/parents)?
   b. In what ways did they seek these changes (lobbying, contributions, electoral support, litigation, grassroots organizing)?
   c. What groups/individuals were most/least influential?

5. How has charter school policy not changed since the passage of legislation in 1996?
   a. What groups or individuals are responsible for preventing changes in policy (ex. Legislators, interest groups, school boards, state board of education, charter school administrators/staff/parents)?
   b. In what ways (lobbying, contributions, electoral support, litigation, grassroots organizing)?
6. By whom are you/your legislator contacted about charter school issues (other legislators, government officials, interest groups, constituents)?

   a. How are you contacted? How often are you contacted?

7. What charter school issues are you contacted about (charter school cap, funding, application/authorization, oversight)?
   a. Describe your/your legislator’s response(s) to requests.

8. What do you believe the future of charter school policy in North Carolina to be?

9. Is there anything that has not been covered thus far that you would like to discuss?

   Thank You!

Charter School Advocates/Opponents Questions:

1. Describe your organization/agency position on charter schools in North Carolina.
   a. Are there specific charter school policy issues that you/your legislator are in favor or against?

2. Describe your involvement with charter school policy/politics?

3. Has your involvement with charter school politics included any of the following:
   a. Lobby?
   b. Political contributions?
   c. Support of political candidates?
   d. Litigation?
   e. Grassroots organizing?
   f. Drafting policy?
   g. Sponsoring legislation?
   h. Collaborating with other groups?

   If so, please describe those activities.
4. How has charter school policy changed since the passage of legislation in 1996?
   a. What groups or individuals are responsible for those changes (ex. Legislators, interest groups, school boards, state board of education, charter school administrators/staff/parents)?
   b. In what ways did they seek these changes (lobbying, contributions, electoral support, litigation, grassroots organizing)?
   c. What groups/individuals were most/least influential?

5. How has charter school policy not changed since the passage of legislation in 1996?
   a. What groups or individuals are responsible for preventing changes in policy (ex. Legislators, interest groups, school boards, state board of education, charter school administrators/staff/parents)?
   b. In what ways (lobbying, contributions, electoral support, litigation, grassroots organizing)?
   c. What groups/individuals are most/least influential?

6. Who do you contact about charter school issues (specific legislators, legislative staff, government officials)?
   a. How do you contact them? How often do you contact them?

7. What charter school issues do you contact government officials about (charter school cap, funding, application/authorization, oversight)?
   a. Describe their response.

8. What do you believe the future of charter school policy in North Carolina to be?

9. Is there anything that has not been covered thus far that you would like to discuss?

Thank You!
Appendix B

Letter of Invitation

Wayne D. Lewis
North Carolina State University
Department of Educational Leadership and Policy Studies
608 Poe Hall- Campus Box 7801
Raleigh, North Carolina 27695
January 29, 2009

Potential Study Participant

[Title]
[Company Name]
[Street Address]
[City, ST ZIP Code]

Dear Name of Participant:

My name is Wayne Lewis. I am a doctoral candidate in the Department of Education Leadership and Policy Studies at North Carolina State University. I am writing to request your participation in a study of charter school politics and policy in North Carolina. I would like to ask you for your observations about the key issues and influences on charter school policy in North Carolina.

Your participation would consist of an in-person, audio-recorded interview, which would last no longer than one hour. Upon request, interview questions will be provided to you prior to the interview. Confidentiality of your identity and responses are assured.

If you would like to participate, or have any questions at all about the study, please feel free to contact me via email at wayne_lewis@ncsu.edu, or by phone at (919) 389-4528.

Thank you for considering this request and I look forward to your response.

Sincerely,

Wayne D. Lewis, Jr.
Doctoral Candidate
North Carolina State University
Appendix C

Informed Consent

North Carolina State University
INFORMED CONSENT FORM for RESEARCH

Title of Study: Post-Punctuation Politics: The Evolution of Charter School Policy in North Carolina
Principal Investigator: Wayne D. Lewis, Jr. Faculty Sponsor (if applicable): Drs. Lance D. Fusarelli & Tamara V. Young

What are some general things you should know about research studies?
You are being asked to take part in a research study. Your participation in this study is voluntary. You have the right to be a part of this study, to choose not to participate or to stop participating at any time. The purpose of research studies is to gain a better understanding of a certain topic or issue. You are not guaranteed any personal benefits from being in a study. Research studies also may pose risks to those that participate. In this consent form you will find specific details about the research in which you are being asked to participate. If you do not understand something in this form it is your right to ask the researcher for clarification or more information. A copy of this consent form will be provided to you. If at any time you have questions about your participation, do not hesitate to contact the researcher(s) named above.

What is the purpose of this study?
The purpose of this study is to examine and describe the political debate in North Carolina surrounding the expansion of charter schools in the state. This study seeks to identify the major policy players (governmental and non-governmental) in the political process, and uncover the strategies that they have employed in seeking to either advance or halt charter school expansion.
This study is important in that it will explain how individuals and groups in North Carolina have used the political process to bring about educational reform.

What will happen if you take part in the study?
Your participation will involve one face-to-face interview at a place of your choosing, scheduled at a convenient time for you. The interview will take approximately one hour to complete. In order to get all of your input and not slow down the interview, it will be audio-record. Anything that you say will be held in complete confidence. The recording will only be heard by the researcher. It will be kept in a secure location and destroyed when the project is complete.

Risks
There are no foreseeable risks to participants for participating in this study.
Benefits
No direct benefit is to be gained by participating in this study. However, the knowledge gained from this study will help to inform all school administrators and school administrator training programs about school spending decision making in ways that will hopefully improve school spending effectiveness and efficiency, and better train future school administrators.

Confidentiality
You and your agency/group will remain anonymous in any ensuing presentations or publications that may come from this research. Anything that you say will be held in complete confidence. The recording will only be heard by the researcher. It will be kept in a secure location and destroyed when the project is complete.

Compensation
There is no compensation for participating in this study.

What if you have questions about this study?
If you have questions at any time about the study or the procedures, you may contact the researcher, Wayne Lewis, at North Carolina State University; Dept. of Educational Leadership and Policy Studies: Campus Box 7801-608 Poe Hall; Raleigh, NC 27695-7801, or (919) 389-4528.

What if you have questions about your rights as a research participant?
If you feel you have not been treated according to the descriptions in this form, or your rights as a participant in research have been violated during the course of this project, you may contact Dr. David Kaber, Chair of the NCSU IRB for the Use of Human Subjects in Research Committee, Box 7514, NCSU Campus (919/515-3086) or Mr. Matthew Ronning, Assistant Vice Chancellor, Research Administration, Box 7514, NCSU Campus (919/513-2148)

Consent To Participate
“I have read and understand the above information. I have received a copy of this form. I agree to participate in this study with the understanding that I may withdraw at any time.”

Subject's signature_______________________________________ Date
Investigator's signature__________________________________ Date
Appendix D

North Carolina State University
Institutional Review Board for the Use of Human Subjects in Research

Submission for New Studies

GENERAL INFORMATION

1. Date Submitted:
2. Title of Project: Post-Punctuation Politics: The Evolution of Charter School Policy in North Carolina
3. Principal Investigator: Wayne Lewis
5. Campus Box Number: 7801
6. Email: wayne_lewis@ncsu.edu
7. Phone Number: 919-389-4528
8. Fax Number: 919-515-8950
9. Faculty Sponsor Name and Email Address if Student Submission: Dr. Tamara V. Young (tamara_young@ncsu.edu) & Dr. Lance D. Fusarelli lance_fusarelli@ncsu.edu
10. Source of Funding? (required information): N/A
11. Is this research receiving federal funding?: No
12. If Externally funded, include sponsor name and university account number: N/A
13. RANK:
   □ Faculty
   ☒ Student: □ Undergraduate; □ Masters; or ☒ PhD
   □ Other (specify): _____

As the principal investigator, my signature testifies that I have read and understood the University Policy and Procedures for the Use of Human Subjects in Research. I assure the Committee that all procedures performed under this project will be conducted exactly as outlined in the Proposal Narrative and that any modification to this protocol will be submitted to the Committee in the form of an amendment for its approval prior to implementation.
Principal Investigator:

Wayne D. Lewis, Jr.  
(typed/printed name)  
(signature)  
(date)

As the faculty sponsor, my signature testifies that I have reviewed this application thoroughly and will oversee the research in its entirety. I hereby acknowledge my role as the principal investigator of record.

Faculty Sponsor:

Dr. Tamara V. Young  
(typed/printed name)  
(signature)  
(date)

*Electronic submissions to the IRB are considered signed via an electronic signature

Please complete this application and email as an attachment to: joe_rabiega@ncsu.edu or send by mail to: Institutional Review Board, Box 7514, NCSU Campus (Administrative Services III). Please include consent forms and other study documents with your application and submit as one document.

For SPARCS office use only

Reviewer Decision (Expedited or Exempt Review)

☐ Exempt  ☐ Approved  ☐ Approved pending modifications
☐ Table

Expedited Review Category: ☐ 1  ☐ 2  ☐ 3  ☐ 4  ☐ 5  ☐ 6  ☐ 7  ☐ 8a  ☐ 8b  ☐ 8c  ☐ 9

___________________________________________________________________________

Reviewer Name     Signature

Date
In your narrative, address each of the topics outlined below. Every application for IRB review must contain a proposal narrative, and failure to follow these directions will result in delays in reviewing/processing the protocol.

A. INTRODUCTION
   1. Briefly describe in lay language the purpose of the proposed research and why it is important.

   The purpose of this study is to examine and describe the political debate in North Carolina surrounding the expansion of charter schools in the state. This study seeks to determine how policy actors in North Carolina have affected the evolution of charter school policy since the passage of charter school legislation in 1996. This study is important in that it will explain how individuals and groups in North Carolina have used the political process to reform education.

   2. If student research, indicate whether for a course, thesis, dissertation, or independent research.

   This study is for dissertation research.

B. SUBJECT POPULATION
   1. How many subjects will be involved in the research?

   Approximately 12 North Carolina state-level charter school policy actors will be involved in the research.

   2. Describe how subjects will be recruited. Please provide the IRB with any recruitment materials that will be used.

   Study participants will be recruited using a letter sent either through email (See Attached). Participants’ names and contact information will be obtained using the World Wide Web.
3. List specific eligibility requirements for subjects (or describe screening procedures), including those criteria that would exclude otherwise acceptable subjects.

   In order to participate, participants must be actively involved in North Carolina charter school politics. This involvement may be through their professional position (i.e. journalist, appointed or elected official, legislative staff person, or charter school staff person or board member); or through special interest affiliation (i.e. unions and interest groups).

4. Explain any sampling procedure that might exclude specific populations.

   Only state-level education policy actors will be sampled.

5. Disclose any relationship between researcher and subjects - such as, teacher/student; employer/employee.

   There are no relationships between the researchers and the potential participants in this study.

6. Check any vulnerable populations included in study: None

   ☐ minors (under age 18) - if so, have you included a line on the consent form for the parent/guardian signature
   ☐ fetuses
   ☐ pregnant women
   ☐ persons with mental, psychiatric or emotional disabilities
   ☐ persons with physical disabilities
   ☐ economically or educationally disadvantaged
   ☐ prisoners
   ☐ elderly
   ☐ students from a class taught by principal investigator
   ☐ other vulnerable population.

7. If any of the above are used, state the necessity for doing so. Please indicate the approximate age range of the minors to be involved.

   N/A
C. PROCEDURES TO BE FOLLOWED
   1. In lay language, describe completely all procedures to be followed during the course of the experimentation. Provide sufficient detail so that the Committee is able to assess potential risks to human subjects. Make sure to include practical details regarding how research activities will be carried out.

   Participants who agree to participate in the study will be scheduled for a face-to-face, audio-recorded interview with the researcher at their earliest convenience. The interviews will take place at convenient location of the participant’s choosing. Interviews will be semi-structured. Questions will be asked from an interview guide. Participants will also be asked to elaborate on things of relevance to the study that surface during the interview. Finally, participants will be asked to add any additional relevant information that was not discussed during the interview.

   2. How much time will be required of each subject?

   Interviews will last approximately one hour.

D. POTENTIAL RISKS
   1. State the potential risks (physical, psychological, financial, social, legal or other) connected with the proposed procedures and explain the steps taken to minimize these risks.

   There are no potential risks to participants connected with the proposed study.

   2. Will there be a request for information that subjects might consider to be personal or sensitive (e.g. private behavior, economic status, sexual issues, religious beliefs, or other matters that if made public might impair their self-esteem or reputation or could reasonably place the subjects at risk of criminal or civil liability)?

   No.

   a. If yes, please describe and explain the steps taken to minimize these risks.

   N/A

   b. Could any of the study procedures produce stress or anxiety, or be considered offensive, threatening, or degrading? If yes, please describe why they are important and what arrangements have been made for handling an emotional reaction from the subject.

   No.
3. How will data be recorded and stored?

The data will be recorded using a digital audio recorder. Immediately after each interview, that data will be downloaded and saved to the researcher’s computer with password protection. Data will be transcribed by the researcher, and saved as a Microsoft Office document to the researcher’s computer with password protection. All audio files saved to the computer will then be erased. Interview transcripts will be analyzed using Atlas Ti.

   a. How will identifiers be used in study notes and other materials?

Participants will be identified only by alphanumeric identifiers. All participant names and identifying information will be kept strictly confidential.

   b. How will reports will be written, in aggregate terms, or will individual responses be described?

Reports will be written in aggregate terms, and supplemented with the description of individual responses. Participants will not be identifiable by their responses. Participants will be identified as ‘informant’ to provide anonymity of participant responses, and no identifying information (e.g. age, race, gender, previous experience, school information) will be used in describing individual responses.

4. If audio or videotaping is done how will the tapes be stored and how/when will the tapes be destroyed at the conclusion of the study.

The data will be recorded using a digital audio recorder. Immediately after each interview, that data will be downloaded to the researcher’s computer and erased from the digital audio recorder. The computer will be kept in a locked drawer in the researcher’s office. Data will be transcribed by the researcher, and saved as a password protected Microsoft Office document to the researcher’s computer. All audio files saved to the researcher’s computer will then be erased. Interview transcripts will be analyzed using Atlas Ti.

5. Is there any deception of the human subjects involved in this study? If yes, please describe why it is necessary and describe the debriefing procedures that have been arranged.

None.
E. **POTENTIAL BENEFITS**

*This does not include any form of compensation for participation.*

1. What, if any, direct benefit is to be gained by the subject? If no direct benefit is expected, but indirect benefit may be expected (knowledge may be gained that could help others), please explain.

   No direct benefit is to be gained by the participants. However, participants as well as the at large community will gain from this study shedding light on how state-level educational policy actors influence the policy process.

F. **COMPENSATION**

1. Explain compensation provisions if the subject withdraws prior to completion of the study.

   Participants will not receive any form of compensation for participation in this study.

2. If class credit will be given, list the amount and alternative ways to earn the same amount of credit.

   N/A

G. **COLLABORATORS**

1. If you anticipate that additional investigators (other than those named on Cover Page) may be involved in this research, list them here indicating their institution, department and phone number.

   None.

2. Will anyone besides the PI or the research team have access to the data (including completed surveys) from the moment they are collected until they are destroyed.

   No.

H. **CONFLICT OF INTEREST**

1. Do you have a significant financial interest or other conflict of interest in the sponsor of this project? **No**

2. Does your current conflicts of interest management plan include this relationship and is it being properly followed? **N/A**
I. ADDITIONAL INFORMATION
1. If a questionnaire, survey or interview instrument is to be used, attach a copy to this proposal. (See Attached)

2. Attach a copy of the informed consent form to this proposal. (See Attached)

3. Please provide any additional materials that may aid the IRB in making its decision. –N/A

J. HUMAN SUBJECT ETHICS TRAINING
*Please consider taking the Collaborative Institutional Training Initiative (CITI), a free, comprehensive ethics training program for researchers conducting research with human subjects. Just click on the underlined link.
### Appendix E

Table 1: Charter School Politics Studies

<table>
<thead>
<tr>
<th>Authors</th>
<th>Unit of Analysis</th>
<th>Focus of the Study</th>
<th>Significant Factors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bulkley (2005)</td>
<td>State –AZ, GA, MI</td>
<td>Agenda Setting, Policy Adoption</td>
<td>Convergence of multiple streams</td>
</tr>
<tr>
<td>DeBray-Pelot et al. (2007)</td>
<td>Nation</td>
<td>Agenda Setting, Policy Adoption</td>
<td>Advocacy coalition activity</td>
</tr>
<tr>
<td>DiConti (1996)</td>
<td>State—MN</td>
<td>Agenda Setting, Policy Adoption</td>
<td>N/A</td>
</tr>
<tr>
<td>Fusarelli (2003)</td>
<td>State –TX</td>
<td>Agenda Setting, Policy Adoption</td>
<td>Mixed results; primarily institutions</td>
</tr>
<tr>
<td>Hirsch (2002)</td>
<td>State--Colorado</td>
<td>Agenda Setting, Policy Adoption, Policy Change, Implementation</td>
<td>N/A</td>
</tr>
<tr>
<td>McNiff &amp; Hassel (2002)</td>
<td>State—NC</td>
<td>Agenda Setting, Policy Adoption, Policy Change, Implementation</td>
<td>N/A</td>
</tr>
<tr>
<td>Mintrom (2002)</td>
<td>State—MI</td>
<td>Agenda Setting, Policy Change</td>
<td>The convergence of multiple streams and policy entrepreneurs</td>
</tr>
<tr>
<td>Authors</td>
<td>Region</td>
<td>Research Area</td>
<td>Findings</td>
</tr>
<tr>
<td>-------------------------</td>
<td>-----------------</td>
<td>--------------------------------</td>
<td>--------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Renzulli &amp; Roscigno</td>
<td>State (All)</td>
<td>Policy Adoption</td>
<td>Percentage of non-white students, regional states with strong charter school law, passage of open enrollment law at state level</td>
</tr>
<tr>
<td>(2005)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Shober et al.</td>
<td>State (All)</td>
<td>Policy Adoption</td>
<td>Policy elites, at risk students</td>
</tr>
<tr>
<td>(2006)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stoddard &amp; Corcoran</td>
<td>State (All)</td>
<td>Policy Adoption</td>
<td>Demographics, teacher union participation, student performance</td>
</tr>
<tr>
<td>(2006)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stulberg (2007)</td>
<td>State—NY</td>
<td>Policy Evolution</td>
<td>N/A</td>
</tr>
<tr>
<td>Wong &amp; Langevin</td>
<td>State (All)</td>
<td>Policy Adoption</td>
<td>Partisan gubernatorial control, classroom spending, private schools, education finance litigation, minority representation</td>
</tr>
<tr>
<td>(2007)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wong &amp; Shen</td>
<td>State (All)</td>
<td>Policy Adoption</td>
<td>Percentage of private schools in the state, state wealth</td>
</tr>
<tr>
<td>(2002)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Appendix F

Table 2: North Carolina General Assembly Party Affiliations (1979-2009)

<table>
<thead>
<tr>
<th>Session</th>
<th>House</th>
<th></th>
<th>Senate</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Democrat</td>
<td>Republican</td>
<td>Control</td>
<td>Democrat</td>
</tr>
<tr>
<td>09-10</td>
<td>68</td>
<td>52</td>
<td>Democrat</td>
<td>30</td>
</tr>
<tr>
<td>07-08</td>
<td>68</td>
<td>52</td>
<td>Democrat</td>
<td>31</td>
</tr>
<tr>
<td>05-06</td>
<td>63</td>
<td>57</td>
<td>Democrat</td>
<td>29</td>
</tr>
<tr>
<td>03-04</td>
<td>60</td>
<td>60</td>
<td>Shared</td>
<td>28</td>
</tr>
<tr>
<td>01-02</td>
<td>52</td>
<td>48</td>
<td>Democrat</td>
<td>29</td>
</tr>
<tr>
<td>99-00</td>
<td>66</td>
<td>54</td>
<td>Democrat</td>
<td>35</td>
</tr>
<tr>
<td>97-98</td>
<td>59</td>
<td>61</td>
<td>Republican</td>
<td>30</td>
</tr>
<tr>
<td>95-96</td>
<td>52</td>
<td>68</td>
<td>Republican</td>
<td>26</td>
</tr>
<tr>
<td>93-94</td>
<td>78</td>
<td>42</td>
<td>Democrat</td>
<td>39</td>
</tr>
<tr>
<td>91-92</td>
<td>81</td>
<td>39</td>
<td>Democrat</td>
<td>36</td>
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<tr>
<td>89-90</td>
<td>74</td>
<td>46</td>
<td>Democrat</td>
<td>37</td>
</tr>
<tr>
<td>87-88</td>
<td>84</td>
<td>36</td>
<td>Democrat</td>
<td>40</td>
</tr>
<tr>
<td>85-86</td>
<td>82</td>
<td>38</td>
<td>Democrat</td>
<td>38</td>
</tr>
<tr>
<td>83-84</td>
<td>102</td>
<td>18</td>
<td>Democrat</td>
<td>44</td>
</tr>
<tr>
<td>81-82</td>
<td>96</td>
<td>24</td>
<td>Democrat</td>
<td>40</td>
</tr>
<tr>
<td>79-80</td>
<td>105</td>
<td>15</td>
<td>Democrat</td>
<td>45</td>
</tr>
</tbody>
</table>
Appendix G

Table 3: Charter School Policy Changes

<table>
<thead>
<tr>
<th>Policy Issue</th>
<th>Advocates’ Position</th>
<th>Opponents’ Position</th>
<th>Outcome</th>
<th>Policy Winner</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charter School Cap</td>
<td>Cap should be raised or completely removed</td>
<td>Cap should remain in place</td>
<td>Cap remains in place</td>
<td>Opponents</td>
</tr>
<tr>
<td>Oversight and Regulation</td>
<td>School choice model requires a degree of flexibility; testing requirement should be changed</td>
<td>Charter school accountability identical to traditional public schools; state testing requirement for charter schools</td>
<td>Charter schools required to participate in North Carolina’s accountability system including state testing</td>
<td>Opponents</td>
</tr>
<tr>
<td>Facilities and Funding</td>
<td>Divided: Some want additional funding for facilities and some deem it unnecessary</td>
<td>Charter schools should receive no funds in addition to what is authorized in the original state legislation</td>
<td>Charter schools do not receive state lottery funding, or funding from counties facilities</td>
<td>Opponents</td>
</tr>
<tr>
<td>Admissions</td>
<td>Admissions preferences for some students</td>
<td>No admissions preferences for any students</td>
<td>Limited admissions preferences for some students</td>
<td>Advocates</td>
</tr>
<tr>
<td>Diversity</td>
<td>Elimination of the charter school diversity requirement</td>
<td>Require charter schools to meet racial composition requirement of charter school legislation</td>
<td>State Board of Education policy allows charter schools to make a good faith effort to diversify</td>
<td>Advocates</td>
</tr>
<tr>
<td>Teacher Certification</td>
<td>Charter school advocates’ position on teacher certification requirements is not clearly stated in the data</td>
<td>Require charter schools to meet certification requirements of the legislation</td>
<td>State Board of Education Policy which financially penalizes charter schools that do not comply with the requirement</td>
<td>Opponents</td>
</tr>
<tr>
<td>Teachers Retirement</td>
<td>Individual charter schools may elect to participation in teachers’ state retirement system</td>
<td>Charter school teachers ineligible to participate in teachers’ state retirement system</td>
<td>Charter schools may elect to participate in teachers’ state retirement system</td>
<td>Advocates</td>
</tr>
</tbody>
</table>