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Not For the Faint of Heart: The Social Construction of Oregon Charter Schools

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NOT FOR THE FAINT OF HEART: THE SOCIAL
CONSTRUCTION OF OREGON CHARTER SCHOOLS

by

ANTHONY DEAN VALLEY

A dissertation submitted in partial fulfillment of the
requirements for the degree of

DOCTOR OF EDUCATION
in
EDUCATIONAL LEADERSHIP:
ADMINISTRATION

Portland State University
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DISSERTATION APPROVAL

The abstract and dissertation of Anthony Dean Valley for the Doctor of Education in Educational Leadership: Administration were presented June. 2, 2003, and accepted by the dissertation committee and the doctoral program.

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ABSTRACT

An abstract of the dissertation for Anthony Dean Valley for the Doctor of Education in Educational Leadership: Administration presented June 2, 2003.

Title: Not for the Faint of Heart: The Social
Construction of Oregon Charter Schools

Over the past two decades, pressure to both reform public education and provide educational choices for families has led to the creation of charter schools. Charter schools are based on the premise of operational autonomy in exchange for accountability for agreed upon results. Their appeal is widespread, with over 2,000 charter schools opening in the United States since 1990.

The purpose of this qualitative, descriptive study is to describe the process of initiating a charter school. Eight key informants representing five Oregon charter schools were included in the study. These key informants were directly involved in the formation of their schools. I also interviewed a charter school specialist at the Oregon Department of Education to provide context. Potential limitations included the size of the interview

pool and the experiences of the author at an Oregon charter school.

I collected interview and document data from the key informants. The interview data were transcribed and analyzed using NUD*IST 4 data analysis software. Study findings revealed that the key informants were motivated by (a) the desire for freedom, (b) the desire to meet perceived community needs, and (c) a desire to exercise school choice. The key informants accessed opportunities, including (a) the opportunity to access Oregon's newly created charter school law, (b) the opportunity to work with individuals with whom founders had previous professional experience, and (c) the opportunity to form new working relationships. The key informants also accessed (a) grants, (b) professional services, and (c) community resources as means to initiate their schools.

Additionally, I found that the experiences of the participants in creating their charter schools had strong connections to Berger and Luckman's (1966) concepts of social construction.

The results of the study indicated that (a) Oregon's charter school founders had a strong desire for freedom, (b) charter schools were a safety valve for school districts to respond to opposition, (c) Oregon's charter

school laws handicapped charter founders, and (d) the future of Oregon charter schools is uncertain.

DEDICATION

This work is dedicated to the memory
of three great American educators:

Gyneth Auseth
Bill Hawkins
Mary Wing

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The dissertation you hold in your hands represents a culmination of my 40 years of experience as a student, teacher, and school administrator. As such, it is not my work alone--I had a lot of help along the way. I wish to thank the following people for their assistance with this dissertation:

The individuals associated with Oregon charter schools who shared their experiences with me brought this project to life. They were both generous with their time and candid with their observations. I hope that I have done justice to their vision and hard work.

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CHAPTER I

INTRODUCTION

The freedom to choose is a fundamental American value. From our earliest history as a nation, Americans have developed, cultivated, and exercised this freedom in a variety of ways: through electoral politics; religious freedoms; and vocational, consumer, and settlement choices. It is this historic freedom to choose that helps to define us as Americans.

But this freedom to choose comes with responsibilities. While people can choose, they can also make the wrong choices. Individuals can exercise freedom, but at the same time they are obligated to take responsibility for both their choices and the results of those choices. As might be imagined, choice creates a significant tension between individual freedom and responsibility, a paradox that is central to American life.

As viewed by marketplace theory, ideas and products are involved in a vast communal interplay, with individuals freely choosing and utilizing the best ideas and products. Sub-standard ideas and products wither and eventually disappear, victims of public indifference. In

this free marketplace theory, then, the utility of an idea or product is, in the end, determined by individuals and not by the government, the church, or any other institution.

The Purpose of This Study

This study focuses on a specific aspect of American public education that involves the tension between freedom and responsibility--the right to choose the school that children will attend. More to the point, I examine the process by which charter schools--public schools of choice--are begun in Oregon. To better understand the significance of this study, Chapter I places the process of creating a charter school in a historical context, defines the differences between proponents of school choice, public schools and charter schools, and provides a foundation upon which to rest the balance of this study.

What's Wrong and What's Right With American Education

In the past 40 years there have been many calls to extend the ideal of freedom of choice to American public education (Berliner & Biddle, 1995; Chubb & Moe, 1990; Harmer, 1994). Forty-three million Americans--90% of the school-aged population and one sixth of all Americans--attend public schools (Ravitch, 2000). While some view

these statistics as evidence of the strength of public schools, school choice proponents argue that many parents are forced to enroll their children in public schools and that parents have been historically denied the freedom to choose schools for their children. Since the freedom to choose products and services is necessary to the functioning of the American marketplace, proponents argue that there should be greater choice in education and thus more competition for the public schools

The concept of public school choice has found a contemporary articulation in the writings of Milton Friedman, the Nobel Prize-winning economist. Friedman (1962) wrote that American public education had failed to prepare students to enter the workplace, and he called for the development of a free market approach to the delivery of educational services as a way to remedy this perceived failure. In essence, Friedman argued that educational services are best provided by free market operators who offer families a range of educational options under competitive conditions. According to Friedman, choice and competition, not a public school monopoly, create the best educational system.

While the concept of choice remained largely submerged during the 1960s and 1970s, it resurfaced during the politically conservative Reagan administration in the

1980s. The discussion continued into the 1990s, finally catching the attention of the American public and becoming a conservative lightning rod for the reform of the perceived failures of American public education (Berliner & Biddle, 1995).

Generally speaking, educational choice proponents hold four viewpoints:

1. Choice proponents often cite standardized test scores and other supportive comparison data to paint what they perceive as a woeful picture of the current state of public education in America. They argue that public schools, in spite of significant reform efforts, have failed to bring about any significant growth in student academic achievement.
2. Choice proponents argue that public education is essentially devoid of competition. As a result of the monopoly-like status of American public education, choice proponents see American public education as stagnant, ineffective, and unresponsive to its consumers.
3. Choice proponents believe that the best reform for American public education comes from creating competition and providing educational consumers with choices from among a variety of

educational options (including both sectarian and non-sectarian private schools).

4. Choice proponents suggest a number of ways to provide consumers with choices. Among them are educational vouchers (which parents can use to pay for at least some educational expenses), magnet schools (which offer curricular emphasis in specialized areas), home schooling (which requires the alteration of compulsory attendance laws to allow parents to teach their children at home), and the privatization of public school resources (which uses private, profit-seeking corporations to manage schools. Berliner & Biddle, 1995; Chubb & Moe, 1990; Harmer, 1994).

Regardless of the options offered, the message of educational choice proponents is clear: American public education is failing, and only by injecting competitive market elements into the public school system will it be able to survive (Berliner & Biddle, 1995; Chubb & Moe, 1990; Harmer, 1994).

In contrast to this view, many have come to the defense of public education in the United States. These defenders of public education hold four central ideas (Berliner & Biddle, 1995):

1. American public education creates equality of opportunity. Access to public education is viewed as an important equalizer in American culture, leveling the playing field for the less fortunate, and providing the opportunity for everyone to obtain an education.
2. Contrary to the picture painted by choice advocates, public school students actually perform well in comparison to their international counterparts when data are examined in proper context.
3. School choice plans, especially vouchers, will siphon off financial resources from public schools, hindering public schools from meeting their goals for all students.
4. School choice plans contribute to an already segregated public school system (along economic lines more so than racial ones) with the children of the rich attending the better schools and the children of the poor attending sub-standard schools.

Public school defenders argue that the reality is that the public schools do well despite criticism (Berliner and Biddle, 1995).

Educational Tensions

Clearly there is significant tension between the proponents of educational choice and the defenders of public education. The proponents of educational choice favor freedom and the opportunity to choose, while the defenders of public education support society's collective responsibility to provide an equitable education to all students. There are tensions between these two belief systems because the two ideologies appear to be incompatible. Acceptance of one belief system appears to be at the expense of the other. It is, it would seem, a zero-sum situation.

Yet several inconsistencies exist within each group's positions and in their analysis of the other's ideas. For example, critics of public education often cite the failure of American schools to produce a highly productive and competitive workforce. Yet, the recent long period of prosperous economic activity in the 1990s was, by most measures, the most robust in American history. During this productive period, companies employed millions of graduates of the same "sub-standard" public school system decried by the choice proponents, many of whom themselves are graduates of public schools. An important question then is: How did the United States become so productive with these public school graduates?

Another inconsistency in the arguments of choice proponents is the scant attention paid to the responsibility side of the freedom/responsibility equation. The mandate for individual choice is often heard, but little is said about the responsibility for that choice. Who assumes responsibility if a wrong choice of schools is made? Do individuals have the right, once a poor choice of schools is made, to continue to make poor choices of schools? And perhaps most importantly, how can citizens know that the education received at a private school is either adequate or appropriate? Furthermore, private schools are under no obligation to follow any publicly sanctioned curriculum, nor are they obligated to report their progress to the public. This illustrates some of the problems associated with the use of public money for private means.

There is also a lack of realism present in many choice proposals: for example, most voucher plans currently in place do not cover the costs of a private education. Moreover, most state legislatures and/or local school boards, given the other financial obligations they already oversee, are unlikely to award vouchers at a rate greater than the current per pupil, Average Daily Membership (ADM) funding. Indeed, some states award less than ADM even for public schools of choice. If vouchers

are awarded at public school per pupil rates, they do not cover the costs of a private education, leaving only those who can afford to cover the cost difference able to use the voucher.

Finally, there is the matter of private school selectivity. Even if a family has voucher money and other resources in hand to send a child to a private school, the private school is not obligated to accept him/her. Private schools are just that--private. They have their own rules and standards, and they have the ability to choose or reject students as they see fit. This does little to promote the true aims of choice.

Yet, there are also inconsistencies in the claims of public school defenders. On the one hand, public school defenders often dismiss weak or negative results on standardized tests for a variety of reasons: the tests are skewed, the tests don't measure what is important, the school has many students who don't do well on standardized tests, the school doesn't have adequate resources. On the other hand, the same defenders that are critical of negative test scores will tout the quality of instruction if the test scores are positive. This practice contributes to a perception that public schools aren't honest with the public.

In addition, the unwillingness of public school proponents to consider seriously any educational choice proposal makes it appear that they are unwilling to consider any deviations from "the one best system." When public schools are viewed as failing public school defenders rarely view the failure as a call for reform. Rather, they usually claim that more resources will make the schools better.

Public school systems are often inept in dealing with the public effectively. They often do not reach out to their constituents, and too often "circle the wagons" to ward off public criticism. Too often, public schools take a position of authority--insisting that they are the professionals, and that the public needs to accept their analysis of all educational issues.

In sum, there are clear differences between the ideas educational choice/freedom advocates and public school defenders. Proponents on both sides of the issue utilize selectively meaningful data and biased arguments to support their ideas, all the while ignoring a third alternative, that of school choice within the context of the public school system. One variation of this is an alternative known as a charter school.

A Third Way: Charter Schools

A charter school is an autonomous public school created by teachers, parents, and/or community members who have negotiated an agreement, or charter, with a sponsoring agency (usually a local school board) to meet agreed-upon goals for students. It often operates with the same funding as, or less state per-pupil funding than, other public schools. In exchange for an agreement to meet academic and/or other goals for students, a charter school may be exempt from a variety of state laws, such as those for teacher certification. A charter school that meets its goals retains its charter, while a charter school that fails to meet its goals may have its charter revoked (Finn & Bierlien, 1996; Finn, Bierlien & Manno, 1997; Hassel, 1999; Nathan, 1996).

The charter school movement, which represents a means of providing school choice within the context of the public school system, is the culmination of a variety of educational, historical, political and social forces which coalesced in the late 1980s. By the year 2000, 36 states had enacted charter school legislation (Finn & Bierlien, 1996; Finn, Bierlien & Manno, 1997; Hassel, 1999; Nathan, 1996).

The fundamental differences between charter schools and traditional public schools are:

1. Any interested group of parents, community members, and/or educators may petition to begin a charter school. This process varies considerably from the traditional public school practice of using local population demographics and local geography to determine whether to build a public school and to determine how to organize and staff it.
2. The charter school may be granted exemptions from certain laws in forming and managing the school. This is in contrast to traditional public schools, which are obligated to follow a large number of federal, state, and local regulations.
3. In what is perhaps the most significant difference, a charter school that fails to meet the terms of its charter may have its charter revoked and its doors closed. In a poorly performing, traditional public school, teachers and/or administrators might be reassigned by the school district, but normally the school organization would remain open (Finn & Bierlien, 1995; Finn, Bierlien & Manno, 1997; Hassel, 1999; Nathan, 1996).

Given these primary characteristics, what makes charter schools a viable choice? Why would a family choose a new charter school instead of an established traditional public school? Charter school proponents present a number of characteristics that might convince families to enroll their children in a charter school.

1. Charter schools provide alternatives within the context of a traditional public school system. One style of teaching and learning does not necessarily work for all students. A charter school can provide an alternative for students (and their families) who are not successful in or are not satisfied with a given public school experience.
2. The charter school can remove many barriers often present in traditional public schools. For example, in charter schools more decisions about curriculum design, textbook adoptions, and other matters can rest with the front-line professionals and not be subject to central office approval. As long as specific goals are met, teachers can become more enterprising, a condition that can inject not only more freedom, but also increased responsibility into the school.

3. The charter school can involve parents and community members at a much deeper level in the formation and management of the school. While many public schools do seek involvement from community members, charter schools are linked closely to their constituents and thus have a clear rationale to encourage meaningful participation.
4. Charter schools appear to address the paradox of choice and responsibility. Students and parents are allowed the freedom to choose a charter school, and in turn, take more responsibility, along with the founders and staff, to keep the school viable (Finn & Bierlien, 1996; Finn, Bierlien & Manno, 1997; Hassel, 1999; Nathan, 1996).

Currently, there are 37 states with charter school laws. Oregon is one of the most recent states to enact charter school laws. Under Oregon's charter school law, as delineated in Oregon Senate Bill 100 (1999; see Appendix A), a group of teachers, parents, and/or community members may elect to form a charter school. Parties who wish to do so must complete a written, 25-part application and obtain the sponsorship of an educational agency, usually the local public school board.

In the Oregon guidelines, there is an emphasis on the student learning goals--the proposal must specify student performance goals, in addition to the general methods that the proposed charter school will use to meet performance goals. Like most states' guidelines, the Oregon guidelines focus on both freedom and responsibility: the freedom to propose new models of schooling and the responsibility to attain specific student performance goals.

The process of forming an Oregon charter school, however, is not merely one of filling out a few papers, attending a few meetings, hanging up a shingle, and opening the doors. There is, obviously, much more to the process than that. The process is as exacting and fraught with important decisions, tension, anxiety, and paradox as any major enterprise worthy of the effort and resources involved in its creation. Understanding the process of starting a charter school is the topic of this research project.

Research Question

Charter schools are a new phenomena in Oregon, with the oldest charter school in the state not yet four years old. Due to their newness, little data are available regarding the early stages of these charter schools.

Historians and social scientists have long recognized the value of examining the origins of new institutions, since the ways in which such institutions are initiated can provide valuable insights into the ways institutions function in our society, and the ways individuals function within those institutions.

More to the point, when individuals are motivated to work together to create an Oregon charter school, they are undertaking the creation of a new social setting. To bring this new setting to life, the necessary groundwork that has to be completed is astonishing, and clearly requires more effort than one person is able undertake alone. Thus, new social settings also have to be created in order to complete the task of initiating a charter school organization.

The creation of these new settings, of necessity, blends the motivations, aspirations and ideals of many individuals as they go about the business of actually forming their schools. Understanding the process of how these organizations form would provide insight into the earliest stages of charter schools, and the interplay between choice, reform, and public schooling.

Given the present ideological debate over school choice, set within the context of scarce resources and uncertainty of the future of public education in the

United States, there is a need to know much more about charter schools. How do these organizations form? What are charter school advocates seeking to accomplish? What are their motivations, ideals, and aspirations? What experiences do they encounter in forming their schools? Thus, the general research question I examine in this study is descriptive in nature: "What is the process by which a charter school is initiated?"

CHAPTER II

LITERATURE REVIEW

The purpose of Chapter II is to review selected literature about charter schools in the United States. It comprises five sections. The first section reviews literature specific to the origins of the school choice movement in the United States. The second section reviews school choice literature. In section three, literature specific to the development of charter schools is reviewed. Section four reviews literature related to the process of initiating a charter school. Finally, section five summarizes the literature reviewed in this chapter.

The Origins of School Choice in the United States

School choice in the United States has two influences: the desire to exercise free market principles and the desire to reform education. Free marketplace theory is central to the American ideal of freedom of choice, providing an ideological foundation for the school choice movement. Moreover, in the past 20 years, some American public education reformers have adopted aspects of free marketplace theory to bolster their arguments for school choice. Examining the connections between these

two desires provides insight into the forces that eventually led to the creation of charter schools.

Free Marketplace Theory

Free marketplace theory has provided a foundation for describing and understanding school choice in the United States. Free market theory, based on the idea that "in an exchange of goods or services, both parties expect to mutually benefit" (Rothbard, 2002, p. 1), is a leading economic theory in the modern world, permeating American society and its economy. Because free markets have dominated the American economic landscape, it has perhaps not been difficult to understand the desire to apply free market thinking to government services such as public education.

Applied to American public schooling, free market thinking had several roots. Smith (1776), for instance, argued that a nation's economic growth was dependent on the specialization and division of labor, and that the restriction of trade by the government was bound to be harmful to that nation's economy; to Smith, a laissez-faire approach was best. Government kept interference in matters of trade to a minimum.

Paine (1791) also viewed government influences skeptically, and suggested the desirability of private sector control in a number of areas, including education:

Government is no farther necessary than to supply the few cases to which society and civilization are not conveniently competent; and instances are not wanting to show, that everything which government can usefully add thereto, has been performed by the common consent of society, without government. (Paine, 1791, pt. 2, chap. 2, p. 1)

In essence, Paine echoed Smith's ideas of the desirability of limited government. For both of them, limited government was the best government in a free society.

Writing specifically about education, another free market thinker, Mill (1859), advocated a free market education system in which the government played a minimal role:

If the government were to make up its mind to require for every child a good education, it might save itself the trouble of providing one. It might leave to parents to obtain the education where and how they pleased, and content itself with helping to pay the school fees of the poorer classes or defraying the entire school expenses of those who have no one else to pay for them. (Mill, 1859, p. 98)

In Mill's view, government should serve only as a guarantor of education for citizens too poor to provide for their children; he was opposed to government educational systems, and saw them as systems that promoted government ideals:

It [i.e. government education] is a mere contrivance for molding people to be exactly like one another; and as the mold in which it casts them is that which pleases the predominant

power in government . . . it establishes a
despotism over the mind. (Mill, 1859, p. 98)

Mill's solution to this state of affairs was free
market competition among educational systems, whether
government-sponsored or otherwise: "An education
established and controlled by the state should only exist,
if it exists at all, as one among many competing
experiments" (Mill, 1859, p. 98).

The ideas of free market choice, competition, and the
limited role of government in education provided some of
the theoretical foundations for the more contemporary free
market views espoused by Friedman (1962). Friedman
favored individual action over that of the government, a
key point in free market thinking: "government action can
never duplicate the variety and diversity of individual
action" (Friedman, 1962, p. 4) At the same time, Friedman
offered that government had a role in providing
standardized levels of public services, which might
improve levels of living and performance in many areas,
including education:

At any moment in time, by imposing uniform
standards in housing, or nutrition, or clothing,
government could undoubtedly improve the level
of living of many individuals; by imposing
uniform standards in schooling, road
construction, or sanitation, central government
could undoubtedly improve the level of
performance in many local areas and perhaps even
on the average of all communities. (Friedman,
1962, p. 4)

But to Friedman, government standard setting came at a price. He argued that the standardization of services by the government ultimately led to stagnation and mediocrity:

But in the process, government would replace progress by stagnation, it would substitute uniform mediocrity for the variety essential for that experimentation which can bring tomorrow's laggards above today's mean. (Friedman, 1962, p. 4)

Friedman's free market remedy to stagnation and mediocrity in education was the introduction of competition to the public schools as a reform measure. Competition in this context bridged the gap between a need for standardized services and a desire for free market competition. In Friedman's vision of education, parents would be able to exercise freedom of choice over their children's schooling. The means for this choice was provided in the form of a government-provided educational voucher controlled by individual parents, and used to purchase educational services in a competitive environment:

Governments could require a minimum level of schooling financed by giving vouchers redeemable for a specified maximum sum per child per year if spent on "approved" educational services. Parents would then be free to spend this sum and any additional sum they themselves provided on purchasing educational services from an "approved" institution of their own choice. The education services could be rendered by private enterprises operated for profit, or by non-profit institutions. (Friedman, 1962, p. 89)

If the schools were competitive, he argued, and students and parents were allowed to choose their schools, families would then make informed educational choices based on the strength of individual schools and programs. Schools that didn't improve would not survive in this new choice marketplace climate, but would close their doors. The schools that survived would offer the best choices to their students. Permitting the use of vouchers in education "would widen the range of choice available to parents . . . parents could express their views about schools directly by withdrawing their children from one school and sending them to another." (Friedman, 1962, p. 91).

Friedman believed that by promoting competition and by offering the opportunity for families to make educational choices through the use of vouchers, each family's access to equality of opportunity would increase:

The development of arrangements such as those outlined above would make capital more widely available and would thereby do much to make equality of opportunity a reality, to diminish inequalities of income and wealth, and to promote the full use of our human resources. And it would do so not by impeding competition, destroying incentive, and dealing with symptoms, but by strengthening competition, making incentives effective, and eliminating the causes of inequality. (Friedman, 1962, p. 107)

Elimination of government-imposed barriers between parents and schools was Friedman's ultimate goal. It may

be argued that Friedman believed a government-run school system was an impediment to educational opportunity. Taken together with the ideas of Smith, Paine, and Mill, Friedman's free market conceptualization of school choice, especially his ideas about vouchers, served as a basis for the application of free market principles to public education in the United States.

Reforming American Education

The second ideological influence on school choice in the United States was the desire to reform public education. Bierlien (1993, p. 1) stated that the impulse for school reform had two roots--the first being that the vast majority of Americans have attended public schools, and so were aware of the experiences and expectations of public education. The second root, according to Bierlien, was found that while other professions such as law and medicine required a great deal of specialized knowledge that most people did not possess, nearly everyone had attended public school. This familiarity with the system led many people to believe that they had good ideas about how public schools worked most effectively.

Put another way, Bierlien suggested that when it came to American educational reform, there were many opinions, professional and lay, informed and uninformed, analytical and emotional about how best to reform public education.

This created a climate in which public education was analyzed, criticized, politicized, and scrutinized. Because public education involved 90% of the school-aged population (translating to one sixth of the national population, or 43 million people), it is perhaps not surprising that there was significant interest in the success of public education in the United States.

While public education has been a target of reform efforts throughout American history, the past two decades witnessed reform efforts of particular intensity.

An impetus for this intensity was contained in the federal report A Nation at Risk (National Commission for Excellence in Education [NCEE], 1983). Beginning with the public reaction to the appearance of this report, the desire for educational reform in the United States took on an urgency perhaps unrivaled by that of any other time period in our nation's history. Although some of the reform ideas discussed in this chapter predate the appearance of A Nation at Risk, the report's appearance re-energized calls for fundamental education reform in the United States.

A Nation at Risk (NCEE, 1983), sponsored by the United States Department of Education, reported that a "rising tide of mediocrity threatens our very future as a nation and a people" (p. 5) and proposed five reforms to

stem this perceived tide of mediocrity: (a) content reform--imposing specified requirements ("The New Basics") for graduation from high school; (b) standards reform--adopting rigorous, measurable standards for high school and college students; (c) time reform--lengthening the school day and year and of the time spent on content-reform subjects; (d) professional reform--improving teacher preparation and the professionalism of teachers; and (e) leadership and fiscal reform--raising school performance expectations, with appropriate fiscal support from the citizenry to achieve these reforms.

A Nation at Risk (NCEE, 1983) provided an important impetus for re-energizing education reform efforts during the past two decades, as it proposed the imposition of more numerous and more challenging expectations on the nation's public education system. Several types of school reform plans traced their roots in part to the ideas in this report.

Murphy and Schiffman (2002) traced the development of school reform plans over the past two decades, and identified three distinct development phases. Table 1 illustrates these phases.

Table 1
Recent School Reform Plans

Phase/type of plan	Time period	Reform model
1) Top down	1980-1987	Government generated reforms
2) Power distribution	1986-1995	Site-based management; limited school choice
3) Comprehensive educational choice and accountability	1992-present	Acknowledgement of parental rights; marketization

The first phase of recent reform efforts, characterized as top-down, government initiated reforms such as those contained in A Nation at Risk (NCEE, 1983), came about in the early to mid-1980s "because the government was the dominant player in the educational enterprise," and reformers "expected the state to develop and administer appropriate remedies" (Murphy & Schiffman, 2002, p. 7). According to Murphy and Schiffman, "this approach assumed that the conditions of schooling contributed to poor quality of workers, low expectations and effort, and inadequate tools," (2002, p. 7) and resulted in the application of reforms that were designed to "implement prescriptive remedies, such as specified resource allocations, instructional models, and mandated high student expectations" (2002, p. 7).

Critics of these top-down reforms emerged in the late 1980s. They questioned "whether continued reliance on an increasingly discredited reform engine--government --would ever work . . . because they were not designed to get to the heart of the problem" (Murphy & Schiffman, 2002, p. 7).

This fundamental criticism led to the second reform phase, the power distribution phase. As a response to the perceived defects in government mandated education reforms two dominant power distribution reform ideas emerged during the late 1980s and early 1990s: site based management and limited school choice. Both of these ideas capitalized on the mistrust of governmental reform mechanisms.

Murphy and Schiffman (2002) stated that site based management grew out of efforts to decentralize and restructure schools, either through a shift of professional influence from administrators to teachers, or through a shift to greater citizen control in school decision-making. Reformers made these shifts due to a belief that school structure itself, with its bureaucracy, administrative rules and regulations, and other red tape impeded the performance of public schools. By changing the public school's basic structure, a reformer could transform the system.

These were appealing ideas, stated Murphy and Schiffman, because they spoke to the distrust engendered by "top down," government originated reform plans:

It is not surprising that the focus of improvement in this era of reform was on the professionals who populated schools and the conditions they required to work effectively . . . Nor is it surprising that that reformers who considered the basic structure of the school as the root of education's problems should also propose more far reaching and radical solutions than their predecessors who believed that the current system could be repaired. (Murphy & Schiffman, 2002, p. 8)

The other reform plan fitting the power distribution model that appeared during this time was limited school choice. Limited school choice, according to Murphy and Schiffman (2002), placed some power in the hands of families by allowing them to select among traditional public schools. This was a departure from previous practice, in which a family's neighborhood school figured prominently. By allowing for limited choice, school districts introduced a modicum of free market thinking and accountability to public education, as it

brought the marketplace into the reform equation in a systematic fashion for the first time, and with it new ways of thinking about educational improvement, ones built on sensitivity and responsiveness to customer needs and interests. (Murphy & Schiffman, 2002, p. 8)

Limited school choice introduced marketplace ideas and with them the marketplace tensions associated with choice and responsibility for the outcomes of choice.

These marketplace ideas were related to the free market ideas espoused by Smith, Paine, Mill, and Friedman in that they emphasized the desirability of a free market approach to providing educational services.

In the third and final phase of recent educational reforms identified by Murphy and Schiffman (2002), proposals have emerged which emphasize more comprehensive educational choice and greater accountability. Two of these ideas have been particularly powerful.

The first of these was an expression of parents rights, which allowed "parents to form their own schools and to participate more in the operation of the schools they select for their children" (Murphy & Schiffman, 2002, p. 9). Murphy and Schiffman saw this impulse as one that blended with other free market reforms.

Marketization was the second of these recent educational reform ideas. According to Murphy and Schiffman (2002), marketization occurred when

market influences began to work their way into reform designs . . . marketization has become a reform ideology in its own right, one that is used at times to jar public schools from their perceived complacency and at other times to provide alternatives to public provision for educational services. The central strategies here are best captured under the concept of privatization. (p. 9)

Examples of marketization included vouchers, based on Friedman's (1962) idea of allowing parents full rights to

choose their children's education, and private contracts in which privately owned businesses contract with government to provide educational services for profit.

The continuing development of free market-based educational reforms also brought with it the marketplace tensions between choice and responsibility. When families chose to exercise free market options for education, they assumed the responsibility and risk for the outcomes. Smith, Paine, Mill, and Friedman essentially argued that this was exactly the way the system should operate: Families as consumers used their freedom of choice to choose the best educational options for their children.

The presence of strong choice options, however, also revealed the difficult position in which public education found itself. Murphy and Schiffman (2002) stated, "the very viability of the system of public education [has been] thrown into question" (p. 9). This caused state governments to take what they believed to be strong reform actions.

Government agencies responsible for overseeing education responded with mandates for higher standards and greater accountability, according to Murphy and Schiffman (2002). These government-mandated initiatives attempted to create more effective licensure standards for individual educators and more effective accreditation of

the institutions that prepared them to teach. Reforms also led to the development of educational standards, which brought greater accountability to public schools. These state government reforms were were designed to both improve public schools and to respond to challenges to calls for school choice.

Summary

School choice in the United States has two origins: the desire to exercise free market principles and the desire to reform education. Dating back 200 years, free market principles have permeated our economic thinking, and have made significant inroads into our educational system as well.

The desire for school reform has become more intense in the past two decades. The appearance of an influential reform report (A Nation at Risk, NCEE 1983) combined with natural inclinations to reform education fueled this intensity. During the past two decades, school reform efforts have moved through a series of phases, beginning with top-down, government-mandated reforms and ending with a blend of reforms combining choice and accountability.

For the purposes of this dissertation, it is important to understand the origins of school choice in the United States. Free market principles, school reform impulses, and the desire for greater choice and

accountability created the climate in which the Oregon charter school founders in this study operated. This knowledge of the origins of school choice provides insight into the issues faced by charter school founders as they initiated their charter schools.

Recent School Choice Literature

Murphy and Schiffman's (2002) analysis of recent issues in school reform provides a framework for reviewing selected literature in this section about school choice. Murphy and Schiffman's school choice ideas centered on two main themes, as identified earlier in Table 1: (a) Power Distribution, as expressed through limited school choice, and (b) Comprehensive Educational Choice and Accountability as expressed through both acknowledgement of parent's rights and the marketization of public education. These choice ideas had long roots in free market thinking as illustrated by Smith, Paine, Mill, and Friedman. The preference for private enterprise with less government interference and control; the introduction of competition, risk, and reward; and the utilization of utilizing vouchers to pay for education were free market ideas that intersected with school reform ideas. Recent school choice literature has drawn on the ideas of free

market thinkers as well as the ideas of contemporary reformers.

Power Distribution

As detailed by Murphy and Schiffman (2002), power distribution models for school reform began to emerge in the mid-1980's. One type of power distribution model, limited school choice, presented parents with the opportunity to choose among several local public school options for their student's education. Limited school choice models appealed to those seeking a viable alternative to the top-down reforms that emerged after the appearance of A Nation at Risk. These limited school choice plans appeared in several forms.

One such plan appeared in Cambridge, Massachusetts. Here, a pioneering school choice plan began in 1981, and provided for limited school choice. The plan allowed parents to choose from among the public schools in Cambridge. Harmer (1994) reported that "the majority of students go to their first choice; nearly all students end up attending one of their top four choices" (p. 169). Chubb and Moe (1990) reported that there were gains in racial balance and student achievement among the students in this program, and called these results "a huge improvement over the district's troubled past" (p. 212).

In Minnesota, Shaten and Kolderie (1984) suggested that the formation of contracted teacher partnerships allowed for limited school choice. They saw education as an industry, and noted that private industry often purchased their learning needs from private contractors who were in effect educational entrepreneurs. Shaten and Kolderie proposed a similar system for public education: the creation of teaching partnerships that contracted with school districts to offer teaching services to students. They believed that the teaching talent pool existed for this purpose; however, they believed that educational bureaucracy interfered educational quality.

This type of system injected some elements of the free market approach to education while it offered some components of school choice to families. The creation of teacher partnerships which contracted with school districts implied that there would be competition for contracts among teacher partnerships. It also may be inferred that families would then make their own individual arrangements with these teaching partnerships for their children's education. This allowed for a type of limited school choice.

A third example of a limited school choice plan was found in Minnesota's efforts to create additional educational options. Nathan (1996) detailed these

efforts. In 1985, Governor Perpich, responding to a call to expand educational opportunity, put forward three options: a post-secondary option, an option to attend other schools, and an open enrollment option.

Under the post-secondary option, a high school junior or senior could take course work at a local post-secondary institution and the local school district would pay all tuition and fees. The second option permitted unsuccessful high school students to attend other public high schools (and, in some cases, private schools) outside their home districts. Under the open enrollment option, all K-12 students were allowed to attend public schools outside their districts. By 1988, according to Nathan, all three of these options had become law.

In time, the bonds limiting school choice plans began to loosen as pressure mounted from both free market proponents and a growing number of activist parents. Free market thinkers had analyzed the public school system, found it wanting, and offered in its place a system of unlimited school choice. Thinkers like Chubb and Moe (1990), Harmer (1994) and Kolderie (1990) essentially proposed eliminating traditional public schooling altogether. Chubb and Moe (1990) noted, for example, that public school systems started out as democratic institutions but had developed bureaucracies whose actions

reflected compromised values. They further believed that these compromised values had a negative political influence on local school boards and state legislatures. As a solution, they proposed instituting a new system of independently governed schools which met minimal, non-instructional requirements, such as safety standards. Decisions such as instructional focus, planning, and delivery would be left to individually, self-governed schools:

Schools would be legally autonomous: free to govern themselves as they want, specify their own goals and programs and methods, design their own organizations, select their own student bodies, and make their own personnel decisions. Parents and students would be legally empowered to choose among alternatives, aided by institutions designed to promote active involvement, well-informed decisions, and fair treatment. (Chubb & Moe, 1990, p. 226)

Chubb and Moe's school choice proposal, uncoupled from the traditional public school system, had the potential to allow for the creation of new types of public schools, such as the teacher owned and operated schools suggested by Kolderie (1990). Arguing that site-based management and other reform ideas did not work, Kolderie proposed a plan of "public school divestiture, or allowing the districts to get out of running and operating public schools altogether" (Kolderie, 1990, p. 2). In his plan, teacher owned and operated schools:

Educators who want to own their group, school or program would receive the per pupil cost for the total enrolled. They would be accountable for results, and they would have to persuade their students to come and to stay. (Kolderie, 1990, p. 18)

Kolderie acknowledged that these ideas would encounter powerful opposition (largely from teacher unions and others with a vested interest in maintaining the current system), but saw reasons for optimism because of the success of choice legislation, the changing attitudes of educators, and a sense of urgency in the community about educational reform.

Chubb and Moe were concerned with compromised systemic values, and Kolderie was concerned with the failure of site based management, Harmer (1994) was concerned about the deleterious effects of the government monopoly in education, with its corresponding detrimental impact on the nation's economy. Like Kolderie, and Chubb and Moe, Harmer believed that the public school system had fundamental defects, and was in need of repair:

The school system is a government-owned, government-operated monopoly. Most children must attend the school within whose boundaries they reside, regardless of its quality. Payment for the product is automatic, regardless of the individual consumer's satisfaction with the service . . . Government schools have few direct incentives to succeed and almost no penalty for failure. (Harmer, 1994, p. 64)

School choice options for families, Harmer argued, were the best remedies to repair what he perceived to be the damage done by the public school monopoly.

Not every school choice proponent, however, saw school choice as a market driven imperative. Nathan (1992), for example, saw school choice as a process of expanding educational opportunities. He analyzed what he termed as "myths" about school choice, chief among them that the origins of school choice were a market based idea. He argued instead that choice ideas derived from expanding opportunities and from controlled competition that encouraged improvements.

Nathan (1992) acknowledged that "school choice will not solve all of our school's problems" (p. 71), but suggested that choice and equality of opportunity were not incompatible, and that school choice would benefit society as well as parents and students.

Of course, as Kolderie (1990) stated, calls for school choice generated powerful opposition. The opposition to school choice took two forms: opposition from theorists and opposition from the educational establishment.

Some theorists opposed to school choice saw problems with the relationship between the imperatives of free market choice and the democratic ideals promoted by public

schools. For example, Bracey (1997) saw school choice plans as inherently anti-democratic:

One response to economics driven choice is that it is profoundly anti-democratic. There is nothing democratic about capitalism. It is an economic system that coexists with democracy but does not inform it. Indeed, the fundamental drive of capitalism is totalitarian: capitalists at heart wish to establish a monopoly for their products. (Bracey, 1997, p. 149)

Bracey criticized free market thinkers like Friedman and Harmer, both of whom were concerned with what they viewed as the monopolistic effects of the public school system. Bracey challenged these ideas by placing the burden for the potentially negative outcomes of an education monopoly on the outcomes of a free market education system. Berliner and Biddle (1995) continued in a similar vein, commenting that ending both federal and state control over education, as some school choice proponents desired, would create "a recipe for disaster:"

Among other things, this would involve abandoning all federal record-keeping and support of research concerned with education, all attempts to develop national or state-wide education policies that support American economic growth, and all programs that provide support for schools in poor and needy districts from general tax revenues . . . this is a recipe for disaster. (Berliner and Biddle, 1995, p. 171)

Still other thinkers were critical of school choice plans because they did nothing to address issues of inequality. Molnar (1997) suggested that school choice

plans would not mend society's ills until fundamental socioeconomic inequities were resolved. Nathan (1994), who suggested that choice plans were opportunity driven, as they provided for a wider range of options for students, disagreed with this assessment, as did Chubb and Moe (1990) and Harmer (1994), who believed that the problems of public schools were the problems of the school system only, and that the conditions of society had little impact on the operation of school systems.

The public educational establishment also opposed school choice. Harmer (1994) reported that a state school choice initiative had been defeated in California in 1993, largely due to the combined efforts of teacher unions and the state school boards association. This school choice plan was of particular interest to Harmer, as President of ExCEL (Excellence through Choice in Education League), the chief sponsor of the initiative. He reported that the California Teachers Association spent 14 million dollars to defeat the initiative to put school choice in effect in California, and that the California State School Boards Association opposed it as well, spending tax dollars to defeat the initiative. Even PTA groups, reported Harmer, came out against the initiative.

Over a period of several years during the 1980s to the mid-1990s the ideas of power distribution evolved.

Among these ideas were school choice options. Free market thinkers such as Chubb and Moe, Harmer, Kolderie, and Nathan developed school choice ideas and proposals. Their fundamental stance was that injecting elements of free market choice into public education would improve the education system. They were opposed by theorists such as Berliner and Biddle, Bracey, and Molnar, who viewed choice plans as anti-democratic, potentially disruptive and ultimately ineffective, and by the educational establishment, who opposed school choice ballot initiatives in places like California.

Ideas of choice, then, underwent transformation as school choice proponents, concerned with compromised educational values, the perceived failure of reforms such as site-based management, and the effects of the public school monopoly, proposed plans for unlimited school choice.

Comprehensive Educational Choice and Accountability

Limited school choice began to evolve into unlimited school choice plans, some public school districts responded by seeking to acknowledge the concerns of their constituent parents. These districts offered school reform programs that permitted parents to exercise greater influence over their student's education. The Milwaukee

school choice program was perhaps the most widely known and studied example.

Originating in 1990, Milwaukee's program grew out of the efforts of Polly Williams and other activist parents, who were interested in both asserting their own rights and obtaining better educational choices for their children. Milwaukee's program allowed students of low socioeconomic status to attend private schools in Milwaukee, through government-funded vouchers.

As the nation's first effort to incorporate vouchers as a school choice program, Milwaukee's school choice program was closely monitored by the state of Wisconsin. Witte (1994), the program's state evaluator, issued a report that criticized the program's progress. He found a high attrition rate at private schools among Milwaukee voucher program students, and a lack of evidence that students in the voucher program outperformed public school students.

McGroarty refuted Witte's claims, terming Witte a "hired gun" (McGroarty, 1994, p. 100) for choice opponents who skewed program data. McGroarty also examined the reaction to Witte's findings and determined that "His negative findings have been headlined and hyped, his cautions and caveats unheeded; and his positive findings ignored" (McGroarty, 1994, p. 100).

McGroarty refuted three claims of choice opponents:

1. Choice hurts minorities (93-96% of Milwaukee voucher students were African-American; 59% were on AFDC);
2. Choice will lead to re-segregated schools (Witte [1994] found that there was diversity in Milwaukee choice schools); and
3. (c) Choice schools will siphon off the cream of the crop among students (Witte [1994] found that test score outcomes remained mixed after three years of the program, and concluded that Milwaukee choice children were more likely to underperform other public school students (McGroarty, 1994, pp. 108-109).

Minnesota, a pioneer in offering educational options, continued to expand its choice offerings in the 1990s. Nathan and Ysseldyke (1994) wrote about Minnesota's pioneering experiences with various educational choice options for students. Among these choices were open-enrollment, magnet schools, alternative schools, schools-within-schools, charter schools, and early college enrollment.

Nathan and Ysseldyke saw school choice as a natural extension to the idea that there was no one best way to educate--there needed to be a number of choices available

to students. They provided several examples of students who used choice to gain the best education for themselves. Nathan and Ysseldyke also saw charter schools as a viable choice option, an option which also originated in Minnesota.

They stated that Minnesota's choice options may not be appropriate for every state (Nathan & Ysseldyke, 1994, p. 683). Further, they suggested that well-designed choice programs could help improve achievement, while poorly-designed programs that lacked equal opportunity admissions, transportation, or funding equity, for example, would not produce improvements in student achievement (Nathan & Ysseldyke, 1994, p. 686).

For Nathan and Ysseldyke the key to a successful program was access to a variety of opportunities: a variety of opportunities ensured that real choices were available. The issues of equal opportunity admissions, transportation to the chosen schools, and funding equity were of particular importance because they believed these factors had a direct impact on the ability of a school choice program to function properly.

Lack of equal opportunity admissions blocked access for students who wished to take advantage of a school choice opportunity; lack of transportation blocked access to opportunity, particularly for poor students; lack of

funding equity saddled a choice program with financial impediments to program success. This last point illustrated an idea from A Nation at Risk (1983) that was often overlooked--the necessity for adequate school funding to carry out desired reforms.

Parental rights was another impetus for choice programs in the mid-1990s. San Antonio, Texas; Montgomery County, Maryland; and Cleveland, Ohio, for example, developed school choice programs that grew out of parental concerns over educational choice. Fuller (1995) examined three of these programs, reviewing school choice plans in San Antonio, Texas (a private school choice plan, funded by local business); Milwaukee, Wisconsin (a voucher plan for low income students); and Montgomery County, Maryland (a magnet schools program).

Fuller found that in San Antonio's choice plan, aimed at Latino students, there was a small, but measurable gain in student achievement, while in Milwaukee's plan, students did not learn more than their public school counterparts. He presented no student learning data about Montgomery County. Fuller stated that the design details of a choice program could make a large difference in the outcome, and that school choice did not guarantee greater parental involvement.

These findings tended to support Nathan and Ysseldyke's (1994) contention that the design details (e.g., access, transportation, funding) of a choice program had a significant impact on its outcomes. Fuller also offered support for Witte's (1994) conclusions that voucher students did not outperform other public school students.

Gardner (2002), a former Milwaukee school board chairman, stated that the Milwaukee program was beneficial to the Milwaukee public school district. While overall student achievement remained unacceptably low, Gardner reported that students in Milwaukee public schools made significant gains in the period 1997-2001, which was concurrent with the time of the most rapid expansion of the Milwaukee voucher program. Student achievement improved, the dropout rate declined, and internal changes resulted in stronger school organizations. The net effect of these changes was strongest among low-income, minority children.

Though such programs gained support in many school districts, others were critical of this approach. For example, Berliner and Biddle (1995) saw problems with voucher systems.

Since poor people lack the supplemental resources that rich people have for their children, it is foolish to argue that voucher programs would help to equalize educational

opportunities. (For example, rich parents can afford the extra costs for transportation, clothing and educational supplies when they send their child to a distant, private school; poor families cannot. Berliner & Biddle, 1995, p. 175)

Berliner and Biddle (1995) had other criticisms of voucher plans. They believed that additional bureaucracy would be needed (an argument that countered the idea that vouchers would reduce government). They went on to state that voucher plans created social and economic inequalities and impeded economic growth through creating even greater disparities of wealth.

To support their criticism of vouchers, Berliner and Biddle (1995) reported about the voucher experiment in Australia, which provided substantial per capita subsidies to non-government schools. Since 1970, public school effectiveness in Australia had diminished, with a lower percentage of public school graduates entering higher education, and the socioeconomic status of students became polarized in communities that had both public and private schools. To Berliner and Biddle, then, voucher programs would most likely divert funds from public to private schools and their affluent neighborhoods, transfer dollars from poor to rich communities, and create a two-tiered educational system that would actually reduce access to the opportunities touted by school choice proponents, especially by Nathan and Harmer.

Another critic of school choice plans, Bracey (1997) noted that there were arguments in favor of school choice (reduced bureaucracy; increased parental involvement; more creative, diverse and innovative schooling; rising student achievement; greater competition) and arguments opposing school choice (loss of the common school tradition; increased problems with race and disability; loss of accurate information about schools and their performance). On balance, however, Bracey stated that it was difficult to evaluate the true effectiveness of school choice programs:

There is no way to really evaluate the choice or anti-choice arguments in this country because most choice programs have been so narrowly focused. The experience of other nations [i.e. Holland and Great Britain], however, suggests that there are more negative outcomes than positive outcomes. (Bracey, 1997, pp. 139-140)

Bracey also challenged the idea that free market-based choices would automatically lead to more choice and better opportunities for students. He suggested that embracing a free market system for education could actually lead to the same monopoly in education that some free market advocates decried about public education.

Summary

School choice rests where the ideas of the free market intersect with those of the American school reform movement. Beginning in the 1980s, these two strands of

thought combined to create a body of literature that suggested it was possible to reform American public education through the application of free market principles. These principles included competition and the freedom to choose from among a variety of educational choices.

Suggesting a fundamental shift in the way that public schooling occurred, it was perhaps not surprising that the school choice debate polarized opinions. Thinkers who supported school choice believed that the current system of public education was damaged and needed significant reform. Adding elements that offered educational choice, acknowledged parental rights, and created educational marketization opportunities, they thought, could only improve public education. They favored plans that offered a range of choices to families for the education of their children. Included in this array of choices were voucher programs, magnet Schools, open enrollment plans, and, as will be discussed in the next section of Chapter II, Charter Schools. These plans showed a desire to experiment with educational reform ideas.

On the other hand, thinkers who opposed school choice did so largely for equity reasons. They believed that the current system of public education, while not perfect, offered students an opportunity for an education free of

the problems inherent in the free market. They feared that the imposition of marketplace conditions, rather than offering equality would confer additional advantages on the wealthy at the expense of the poor and middle class. Opponents further suggested that the early results of choice programs, which they believed did not indicate significant success in improving student achievement, did not warrant any wholesale changes in the current system of public education.

For the purposes of this study, this body of selected literature illustrates the essential arguments on both sides of the school choice issue—free market principles arrayed against the democratic ideals of public education. These were fundamental concerns in the charter school movement as well, and were issues that the participants in this study wrestled with as they initiated their Oregon charter schools.

Charter School Literature

Charter schools are a method of introducing school choice into the public school system. Murphy and Schiffman's (2002) framework classified charter schools as a part of the comprehensive educational choice and accountability trend described earlier in this chapter. As described in Chapter I, charter schools appear to be a

third way of framing the debate about school choice, one that blends the desires for free market choice and school reform.

Charter schools are public schools that are initiated by citizens who obtain an agreement, or charter, with a governing agency (usually a local school board) to provide education to students and to meet agreed upon goals. A charter school operates on the same funding or less per-pupil funding from state authorities as regular public schools. In exchange for the agreement to meet specified academic goals, a charter school may be exempt from a variety of laws, such as those for teacher certification. A charter school that meets its goals may remain open, while a charter school that fails to meet its goals may have its charter revoked and may be closed (Finn, Bierlien & Manno, 1997; Hassel, 1999; Nathan, 1996).

The Origins of the Charter School Concept

The charter school concept originated with Budde's (1988) interest in school reform. He reviewed school reform efforts and proposed several goals for the reorganization of schools. These goals included year-round schooling, three-to-five-year budget cycles, the use of technology, and the integration of educational research into the fabric of individual school district planning.

His primary goal, though, referred to the role of teachers: "Give teachers responsibility for and control over instruction" (Budde, 1988, p. 30).

Budde proposed "education by charter" (1988, pp. 48-51) as a way to grant teachers responsibility and control of instruction. He based his ideas for chartering education on a 17th-century charter for exploration between Henry Hudson and the East India Company. Budde went on to outline the essential components for education by charter, suggesting that the necessary restructuring and reorganization effort take place over a ten-year period. Budde's charter components included:

1. a grantor (for a charter team, the local school board);
2. a grantee, or person with a vision (teams of teachers with visions about how to either develop or revitalize education);
3. a degree of risk, such as exploring uncharted territory (teachers leaving the safe haven of present practice to try something new);
4. franchise and competition (school boards granting the opportunity to teach in new ways, and allowing for groups of teachers to compete with one another for students;

5. supplies and resources provided by the grantor (classroom space, furniture, and supplies);
6. specific tasks to be completed in a specified time (teachers would detail their philosophy, methodology, and curriculum, and set goals to attain over time);
7. payment and rewards available to the grantee (regular salaries, payments for in-service time, and the extension of teaching to a year-round profession); and
8. specific accountability of the grantee to the grantor (a plan for accountability for results) (Budde, 1988, pp. 48-51).

Budde's central premise, then, was that teams of teachers within schools could be chartered directly to the local school board, and that the school board would have a reduced administrative in matters of instruction. He acknowledged that instituting a charter system was challenging, but believed it to be necessary.

Our challenge is to build and maintain organizations in which people, over a continuing period of time, can fulfill the mission of the organization and accomplish its purposes. Can we in education build and maintain a school in which teachers own the function of instruction and, through their efforts, pupils learn what they need to know and, in the process, acquire the attitudes and skills to become lifelong learners? Education by Charter within a ten year plan is one way this might be accomplished. (Budde, 1988, p. 123)

Budde's ideas about chartering education were allied with those of free market school reformers, and echoed the teacher partnerships model suggested by Shaten and Kolderie (1984). Budde's chartering proposal introduced elements of competition, risk and reward, and accountability to education. While not speaking specifically about choice for families, one could infer that Budde's chartering proposal would lead to the implementation of an educational choice system as teams of teachers obtained charters and began to succeed or fail.

Shankar promoted the idea of chartering education was promoted to a wider audience. He modified Budde's proposal, and suggested that the chartering concept could be applied to entire schools, not just teams of teachers. In his weekly New York Times column, Shankar (1988) proposed that "local school boards and unions jointly develop a procedure that would enable teams of teachers and others to submit and implement proposals to set up their own autonomous public schools within their school buildings" (Shankar, 1988, July 10, E4).

Application of these ideas, along with the suggested by Shaten and Kolderie (1984) and refined by Kolderie (1990), led to the creation of the nation's first charter schools in Minnesota in 1991. The concept then grew

rapidly during the 1990s: over 2,000 charter schools opened in 35 states.

The charter school concept has also generated much literature in the past ten years. Literature included commentary and information about charter school accountability, as well as the operational and political concerns generated by the charter school movement. In the next three subsections, selected charter school literature will be reviewed in the areas of charter school accountability, operations, and political concerns.

Charter School Accountability

The essential charter school premise was the offer of operational autonomy in exchange for the agreement to achieve agreed upon results. The ways in which this exchange occurred had significant implications for every individual involved in the charter school movement.

The issue of accountability, however, was not without challenges. In many cases the autonomy for accountability exchange was not as sharply defined as charter school proponents would have liked. For example, Finn, Bierlien, and Manno (1997) examined 43 charter schools in seven states, conducting site visits at each charter school and carrying out over seven hundred interviews. They found that charter schools were not schools for only the very best students or those from wealthy families, but were

also educating large numbers of socio-economically disadvantaged children. They noted that charter schools faced problems with troubled students, business requirements, planning time, governance, and regulatory and political hurdles.

Finn, Bierlien and Manno (1997) also found that charter schools and the accountability laws that governed them were "stronger in theory than in practice" (p. 26), and that charter school accountability systems were in their "earliest and most primitive stages" (p. 27). While "most of the schools we visited have developed--or were in the midst of developing, or knew they must promptly develop--a clear, written set of expected outcomes for their students" (Finn, Bierlien & Manno, 1997, p. 40), they noted that "[s]chools that do not produce the necessary results have no right to continue engaging in educational malpractice. If they cannot improve, they should close" (p. 45). Their report reflected a commitment to the free market aspects of charter schools, particularly in the area of accountability.

Others, noting the challenges of creating and assessing accountability systems, made an effort to define a framework for measuring the success of charter schools. Kolderie (1998), for example, wrote about the free market accountability aspects of the charter school concept, and

suggested a framework for determining whether or not charter schools were working. To "work," Kolderie argued, "the law has to produce good schools and it has to get rid of bad schools, and has to create dynamics that will cause districts to create better schools of their own" (Kolderie, 1998, p. 4).

Kolderie suggested that accountability extended beyond the charter schools themselves and included the people or agencies overseeing the charter schools.

The charter idea depends on sponsors acting courageously to enforce accountability. If they do, and if schools know they do, then accountability should work at the school level. If the sponsors fail, then the law is failing and the Legislature should change the law. (Kolderie, 1998, p. 8)

At the same time that Kolderie (1998) suggested forms of charter school accountability, others had developed their own systems and were conducting charter school program evaluations. These evaluations reviewed the aims of a state's charter school laws, reported on the state's charter schools' progress, and drew conclusions about the status of the state's charter schools.

Minnesota, the first state to offer charter schools, conducted an evaluation in 1998. Lange, Lehr, Seppanen, and Sinclair (1998) in their evaluation of Minnesota's charter schools, focused on three major policy questions: (a) were Minnesota charter schools doing what they were

designed to do? (b) were the charter schools improving student achievement? and (c) were charter schools successful? They collected data from Minnesota's 16 charter schools through site visits, conducted a review of charter school and student data and compared Minnesota's charter school law to other state's charter school laws. These evaluators concluded that a lack of examples to follow made conditions challenging for Minnesota's charter operators, who had to innovate under daily pressure. Charter operators also faced challenge of developing appropriate measures of student accountability. These findings were similar to findings by Finn, Bierlien and Manno (1997) noted above.

Another evaluation was conducted by Northwest Regional Educational Laboratories about Oregon's charter schools. This evaluation assessed types of data similar to the Minnesota program evaluation. Geiger, Shepelavey, and Ellis (2001) conducted surveys, interviews, and site visits, and offered a snapshot of the status of Oregon's charter schools. They concluded that

(a) Oregon charter schools were making progress on meeting their goals, although not all goals were clearly measurable; (b) a wide variety of learning opportunities for students were available; (c) charter schools were bringing students back to public schools; (d) charter schools were creating new professional opportunities for teachers; and (e) charter schools were building stronger links between

students, parents, teachers and the community.
(Geiger, Shepelavey & Ellis, 2001, p. iii)

The evaluators concluded that Oregon charter schools could be improved if: "1) measurements of progress toward meeting goals were tightened; 2) charter schools ensured that they reflected district demographics and 3) public awareness of charter schools was increased" (Geiger et al., 2001, p. iii).

Not all evaluation reports were as optimistic about charter schools or their progress and prospects for the future. Wells (1998), for example, challenged the notion that charter schools were the "magic bullet" (Wells, 1998, p. 305) that could transform American education. In reviewing the results of a study of 17 California charter schools, Wells (1998) stated that "Charter school reform, for the most part, falls short of the broad and comprehensive claims made by their supporters" (p. 305). Wells determined that California's charter school laws allowed people greater freedom, but also concluded that the law

provides them [i.e., charter school operators] virtually no support. As a result, what charter school operators can accomplish is often related to the resources, connections, and political savvy that they bring with them. Furthermore, with out additional resources targeted toward the poorest communities, charter school operators have little power to overcome existing inequalities. (Wells, 1998, p. 305)

In her review of the essential charter school premise, i.e., operational autonomy in exchange for results, Wells (1998) concluded that teachers

are proud of their commitment to these new schools . . . Yet, in terms of instructional practices (classroom organization, curriculum, pedagogy, and so on) we found that a majority of charter school teachers employ techniques that they used before they came to these schools. (Wells, 1998, p. 309)

As to accountability, Wells stated that due to the differences between each charter school's aims, standards, baselines of comparison, and local political pressure, "talk of accountability is cheap. Actually implementing a system of accountability is another story" (Wells, 1998, p. 308).

Accountability concerns were not just limited to charter school founders and evaluators; their sponsors also played a significant role in providing the autonomy for accountability exchange. As detailed by Hassel and Vergari (1999), grantor agencies provided initial charter approval, monitored charter school progress, and acted upon data they received about the charter schools. Each agency action required significant, specific knowledge about the approved charter schools, and needed to balance the requirements of autonomy and accountability.

Acknowledging political and fiscal realities about charter schools was also important for these grantor

agencies, declared Hassel and Vergari (1999). Setting measurable criteria for charter schools, establishing working relationships with charter schools, and developing appropriate responses to political pressures ranked highly in the tasks required by agencies that granted charters.

Hassel and Vergari (1999) offered suggestions about the ways that chartering agencies should respond to these challenges. They recommended that agencies should interact with one another to learn from one another's experiences and that agencies also should enter into a dialogue with charter operators.

Charter School Operations

As autonomous entities, charter schools and their operators found that they had to be concerned not only with educational matters, such as the delivery of curriculum, but with operational matters as well. These operational matters included developing a vision for the school and then completing a charter proposal to match their vision. They were often in need of instruction in these areas.

Millot and Lake (1996) provided a primer intended to assist charter school starters. The primer was the result of a workshop for charter school starters held in Seattle and sponsored by the University of Washington. According to the authors, the information in their primer was most

relevant for operators in states that gave them some control over the economic decision of the school.

Millot and Lake recommended the achievement of several essential tasks as critical for the success of charter school founders in developing and preparing to present their proposal. Among these tasks were:

1. develop a common vision;
2. obtain assistance--"knock on doors until there are no more to open" (Millot & Lake, 1996, p. 10);
3. prepare for public relations--"be ready to deal with friends, opponents and the media" (Millot & Lake, 1996, p. 11);
4. know who the important people are--"Know who you threaten" (Millot & Lake, 1996, p. 13), and "be aware that opponents focus first on the quality of the charter school proposal" (Millot & Lake, 1996, p. 13);
5. pay attention to Special Education--"Acknowledge that Special Education should receive the same amount of attention as rest of educational program" (Millot & Lake, 1996, p. 16); and
6. consider marketing strategies--"understand the difference between legitimate marketing and discrimination" (Millot & Lake, 1996, p. 17).

Millot and Lake (1996) noted that actual charter negotiations depended on "the charter school statute, the attitude of the chartering agency, and the politics of charter schools where the applicant is located" (p. 26), and that "what matters most is the agency's attitude toward the charter school concept" (p. 27). They suggested that charter founders had to be prepared to walk away during this phase, as "continuous amendment of a proposal weakens the proposal's vision" (p. 28). With regard to financing the school, Millot and Lake noted that banks reviewed the loan applicant's capacity to pay, collateral, and character--"it is the applicant's job to reassure the bank that the loans can be repaid" (p. 29).

Others also offered operational advice to charter founders. Finn and Bierlien (1996) reported findings from a series of observations at charter schools in seven different states. They acknowledged that charter schools were often challenged by the business side of their operations. They suggested that charter schools create diverse founder teams, some of whom had business backgrounds. Additionally, they proposed state-sponsored, low-interest loan programs and timely and effective charter approval procedures as ways to assist charter school founders.

Finally, in the area of charter school proposal development, Finn and Bierlien (1996) were unwilling to simply leave matters in the hands of the open marketplace to provide needed oversight. They believed that another entity should serve monitor and approve charter proposals that may not be well-developed or workable.

Capital costs were another area of operational concern for charter schools. Finn and Manno (1998) reported that the "success and continued proliferation [of charter schools] is hardly assured" (p. 19), and went on to state that "by far the most difficult barrier is access to capital: acquiring a building, refurbishing, furnishing and equipping it; obtaining books and other instructional materials" (p. 20). To meet the challenges of founding and sustaining a charter school, Finn and Manno appealed to civic duty.

The participation of individuals in the creation of charter schools is itself an exercise in citizenship: people rolling up their sleeves, joining together, and working side-by-side to improve one of the most fundamental institutions in the community: its schools.
(p. 24)

Although Finn and Manno (1998) acknowledged that access to capital was an operational concern, charter school supporters, according to Wells (1998), continued to claim that charter schools could operate more efficiently (i.e., with less money). Wells concluded that there was a

disparity in access to capital that led to the unequal distribution of funds to charter schools in California: "it is clear that charter schools do receive different amounts of public funding . . . strong leaders had the most success obtaining funding for their schools from both public and private sources" (Wells, 1998, p. 309). In poorer communities, Wells continued, the problem was even worse: the "need to generate funds increased the workload of an already-strapped staff because extra funding came with extra demands" (p. 309).

Finally Manno, Finn, and Vanourek (2000), examined organizing and sustaining charter schools over time. They were concerned with several operational questions and found data to respond to them:

1. Were the barriers to initiate charter schools too challenging? (In many states, yes—restrictions made it "risky, costly and exceedingly difficult to bring a charter school into being" Manno, Vanourek, & Finn, 2000, p. 224);
2. How permanent were charter schools? (Institutionally, their current status was "ambiguous" (Manno, Vanourek, & Finn, 2000, p. 225);

3. How dangerous was "re-regulation" of charter schools? ("It is very dangerous-"freedom in return for results is the basic charter bargain" (Manno, Vanourek, & Finn, 2000, p. 228); and
4. Were there enough energetic and capable people available to sustain the momentum? ("lack of business savvy and burnout may limit the talent pool" (Manno & Vanourek, 2000, p. 232).

In spite of these operational concerns, Manno, Vanourek, and Finn remained optimistic about the future of charter schools.

Charter School Politics

During the 1990s, three fourths of all states created and passed charter school legislation. As a result, the concept of charter schools generated considerable interest among law makers, policy makers, and others concerned with the political impact of charter schools.

Much of the political action surrounding charter schools in the 1990s took place in state legislative bodies as they wrestled with the challenges presented by charter schools. Fuserelli's (1998) case study used the voucher and charter school movements in Texas to examine and evaluate the process of policy change in education. He examined the political conflict surrounding the Texas

legislature's efforts to create school choice, and explained why charters were successful and vouchers were not.

Fuserelli (1998) conducted 20 interviews and found that Texas charter school legislation emerged as the result of political compromise. This compromise was created among competing groups that wanted to halt the implementation of vouchers. He also found that charter schools had more widespread support among legislators that did vouchers.

Fuserelli (1998) viewed the political conflict and policy change processes as a struggle among competing constituency groups. To Fuserelli, competition in selecting among educational choices was not limited to the choices families make, but extended to the political arena as well. Legislators and others were forced to make choices about the direction that various school choice plans took. It may be groundbreaking to realize that the same risk and reward factors faced by charter school operators, and the same tensions between choice and responsibility for parents, were also present in this decision making process for legislators.

Others also recognized that educational choices were not only made by families. Kolderie (1998) commented about the legislature's role in implementing

accountability systems, stating that legislators had an obligation to make the charter school oversight system work. Hassel and Vergari (1999) wrote about the responsibilities that charter school sponsors had to make choices about charter school proposal approvals. They stated that charter sponsors had to possess a wide range of specific knowledge about operational and educational concerns to be most effective.

In another example of examining state charter school laws, Hassel (1999) reviewed charter school legislation in several states. Focusing on the implementation of charter school laws in four states (Colorado, Georgia, Massachusetts, and Michigan), he developed criteria for measuring the relative strength of charter school laws, and defined a strong charter school law as one which grants charter schools sufficient autonomy, resources, and authority to impact the school system at large. Hassel noted that the strength of charter school laws had an impact on type, number, and success of charter schools in each state.

Hassel (1999) also noted that reforms were often designed to fail due to the legislative political forces that shaped them, and concluded that Republican-controlled state governments were more likely to pass strong charter

school laws than were Democratically-controlled state governments.

Some thinkers went beyond state level political considerations to the national level. Nathan (1997), for example, saw expanded opportunity as the chief benefit of charter schools. Nathan believed that charter schools were part of the "200 year long struggle of the less powerful to gain full access to the education system" (Nathan, 1997, p. 1). Nathan likened charter schools to an expansion of opportunities, such as those championed by Susan B. Anthony, Martin Luther King, Jr., and Cesar Chavez. He argued that charter schools were completely accessible to poor and minority students, and maintained choice options within the public school system.

Nathan (1997) went on to say, however, that there were several unanswered questions about charter school. Among these were the impact of charter schools on students, the willingness of policy makers to write strong charter school laws, the responses of colleges and universities to charter schools, and the stance of education groups on charter schools.

In asking questions about the impact of politics on charter schools in general, Manno, Vanourek, and Finn (2000) found that charter schools had acquired a set of political enemies. Among these enemies were teacher's

unions and school bureaucrats, private schools, bond houses, disability advocacy groups, and free-market capitalists. Partially in response to these enemies, charter school operators changed, becoming in some cases self-interested lobbyists: "More than one legislator has remarked that it did not take long for the charter operators in his state to turn from educational revolutionaries into an interest group" (Manno, Vanourek & Finn, 2000, p. 226).

Over time, charter school political opponents underwent a series of change phases themselves. Manno, Finn, and Vanourek (2000) stated that charter school opponents first tried to prevent charter schools from opening--for example, the collusion of state and national teachers' unions in Washington state prevented the passage of a charter school law. To date, the proposed law, which has appeared on the ballot three times, has yet to pass.

In a second phase, charter school opponents placed restrictions on charter schools to weaken them--what Manno, Finn, and Vanourek termed the "re-regulation of charter schools" (Manno, Finn, & Vanourek 2000, p. 738). Then charter school opponents tried to out do the charter schools. Manno, Finn, and Vanourek likened the public schools to the post office, which had to introduce improved package delivery in order to compete effectively

with private business. They echoed Kolderie (1998) in making this point:

In the charter strategy, incentives are central...Without the dynamics that make performance necessary, the system will remain inert, unable to generate internally the will to do the hard things that excellence requires. (Manno, Finn, & Vanourek, 2000, p. 741)

Finally, Manno, Finn, and Vanourek (2000) noted that some charter school opponents accepted charter schools and made use of them: as educational laboratories, as alternative schools, and as a way to achieve ends that a school district couldn't otherwise achieve.

Manno, Finn, and Vanourek (2000) also detailed the criticisms charter schools faced from both the political left and right. Most attacks on charter schools came from the left: charter schools were elitist, did not reflect diversity, and neglected the disabled. As for the political right, charter schools were not free market enough, sapping energy from vouchers and other fully free market ideas. Friedman, for example, a strong advocate of free markets and vouchers in education, wrote in a letter to Manno, Finn, and Vanourek:

I believe charter schools are at best an unstable halfway house on the road to effective parental choice. They do provide a wider range of alternatives to some parents and in this way introduce some competition on the demand side. But they remain government institutions subject to control by the educational establishment. (cited in Manno, Finn & Vanourek, 2000, p. 740)

Sarason's (1998) criticism took a different form. He believed that most charter schools would fail because they were poorly implemented. Drawing on his earlier work about the creation of new settings (Sarason, 1974), Sarason said that while he agreed with the charter school concept, he predicted "that their implementation will be self-defeating for most of them" (Sarason, 1998, p. vii). He went on to say that he believed that the difficulties that charter schools were having were predictable "if and when the creators of new settings were conceptually unprepared for what they had undertaken" (Sarason, 1998, p. viii).

A second reason for his pessimism was his dissatisfaction with the political system that created charter schools. He was disturbed that state governments failed to provide ways to determine why charter schools succeeded or failed.

Sarason (1998) believed that "charter schools are the most radical challenge ever to the existing system" (Sarason, 1998, p. 52), and noted that the mere presence of a charter school was "an implicit criticism of and challenge to the existing system . . . opposition to it should not be surprising" (p. 53). In implementing charter schools, state lawmakers had not fully provided for charter schools because the concept of charter schools

had not been well thought out in the first place. Therefore, charter schools would ultimately be defeated: "politics, resistance to charter schools by vested interests, and ignorance of potential problems in the end will frustrate or defeat charter school founders" (p. vii).

Other thinkers also looked at the political underpinnings of charter schools and found them inadequate. Wells, Grutzik, Carnochan, Slayton, and Vaseduva (1999), for example, sought to identify the conflicting ideas underlying policy decisions about charter schools. They stated that these conflicting ideas were present because charter schools represented many things to many people, and so, in the words of one California education official, amounted to "an empty vessel" (Wells et.al., 1999, p. 516).

Policy thinking about charter schools fell into three categories, Wells et al. (1999) reported that policy makers' conflicting assumptions fell into these three categories:

1. Charter schools will end government run public education;
2. charter school reform must succeed in order to save the public education system; and

3. charter schools are one way to revitalize public education. Therefore, "[C]harter school legislation is less a clear consensus of views than it is a fragile compromise between policy makers and local activists with different intended outcomes" (Wells et al., 1999, p. 532).

To Wells et al. (1999) the compromise aspects of charter school policy at the local level undermined the schools' eventual success.

Ultimately, Manno, Finn and Vanourek (2000) reported that charter schools had comprehensive political and policy impacts on local, state and national levels. At the local district level, they saw that charter schools had a range of effects: public schools lost students/funding, administrative responsibilities shifted and staff morale deteriorated. On the state level, they stated that charter schools, although small in numbers, had a disproportionately large symbolic and political importance, and aided in bringing other reform issues to the table. Nationally, charter schools had also become such a popular reform idea that many called for "a public education system in which every school is a charter school" (Manno, Finn, & Vanourek, 2000, p. 743).

Summary

The idea of charter schools originated in a desire to provide for meaningful school reform within a public school context. As the charter school concept grew, the accountability, operational, and political aspects of charter schools generated considerable literature. Review of this literature has suggested the following:

1. Accountability was an area of charter schools that has not yet been fully developed. Even strong supporters of charter schools, such as Finn, acknowledged that true charter school accountability has remained elusive. While accountability was at the heart of the charter school transaction, the lack of consensus on this issue, on balance, has appeared to impede the progress of charter schools;
2. With respect to operations, challenges faced by charter operators included capital acquisition and the mastery of business considerations. A way to respond to these challenges has been to include business people in founder teams and to take full advantage of available resources.
3. With respect to political concerns, charter school operators faced challenges from both the political right (charter schools were not free

market enough) and left (charter schools promoted systemic inequities). Charter operators also discovered that responsibility for educational choice was an issue that extended beyond families to sponsoring agencies and legislative bodies. Charter operators found that the ways charter school laws were written and administered had an impact on the eventual success of charter schools, and that differing policy goals impacted the success of charter schools.

The selected charter school literature reviewed here is significant to this study as it reflects some of the issues faced by Oregon's charter school founders. Accountability concerns, as well as operational and political issues were significant considerations to them, because school founders had to address these issues as they initiated their schools. How they chose to address them would, in turn, have an impact on their initial and continuing success.

Literature About Initiating a Charter School

This section of Chapter II reviews selected literature about initiating a charter school. The literature in this section examines issues that charter

school founders address at the schoolhouse level. It is divided into two parts: motivating factors and individual charter school challenges.

Motivating Factors

Discovering the motivations of Oregon charter school founders was a part of this study. As such, it was necessary to survey the literature to discover what others have reported about the motives of charter school founders. Kane (1998) reported that New Jersey charter school founders were often motivated by a dissatisfaction with local schools. Horn and Miron (1998) classified the motives of Michigan charter founders as either profit-making motives or a blend of individual motives (such as a desire for curriculum focus, a dissatisfaction with local schools, a desire for safe schools, or a search for stable school resources). Ervin (1999) studied four North Carolina charter schools, and focused on the reasons why people chose to organize, operate and support charter schools. Ervin found that the reasons for founding charter schools may affect the legislative intents of the charter school law. Akbar (2002), discovered that the founders of a Florida charter school were motivated to provide an alternative for students who had failed at other public schools. Finally, Murphy and Schiffman (2002) stated that charter school founders "are an

eclectic mix," (p. 87) who were either committed to a vision of education, or committed to a mission to work with a special group of students.

Individual Charter School Challenges

As new entities charter schools faced many challenges. Among these challenges were clearly articulating the goals and values of the school. Freeman (1999) wrote a case study that examined the experiences of charter school founders at four North Carolina charter schools. He reported that school organizers had difficulties in developing a communal set of values and goals. These difficulties created tensions that impeded the founder's level of commitment.

Charter school founders also faced the challenge of creating an organizational structure. Dolan (2000) examined a charter school in Connecticut, seeking evidence of organizational innovation and experimentation. Dolan discovered that the charter school's structure looked like that of a traditional public school. However, Dolan found that the school had some innovative features, such as locally developed school goals. He concluded that the school staff was dedicated to creating an integrated school culture, had developed strong ties to students and had maintained a small school environment, had developed clear expectations for appropriate student behavior, and

had both retained autonomy and the ability to have input into decisions made at the school.

In some charter schools, organizational issues were more elementary. For example, some charter schools found that even after they had been open for some time, basic problems persisted. Hansel (2001) described the persistent problems at a Washington, D.C. charter school in its third year of operation. The school was struggling with development, implementation, and evaluation of its academic and remedial programs, while simultaneously trying to develop, implement, and evaluate organizational issues. The substantial effort required to meet both challenges created tensions and concerns among staff and parents.

Charter schools also faced the challenge of responding to local needs. Halseth (2000) conducted case study that analyzed how educational, political and social pressures manifested themselves in the creation of four Wisconsin charter schools. Halseth found that responding to needs for innovation/change and parent/community involvement issues were the chief factors leading to the initiation of these charter schools. She also concluded that, although charter schools were doing what they were designed to do, they were not innovative; that charter schools offered parents a voice in decision making and the

opportunity to opt out of public schools; and that attending a charter school didn't necessarily translate into student improvement.

Finally, parents who founded charter schools faced special challenges. Often non-educators, they faced additional burdens in creating their schools. Mastering accountability, operational and political concerns of the school, difficult enough for individuals already involved in education, were especially challenging for parents, as they often had little experience in these matters. Yet, parents did open successful charter schools.

As an example, Nappi (1999) offered the perspective of parents directly involved in founding a charter school. She detailed the efforts of parents in Princeton, New Jersey to start a charter school. Several Princeton parents were dissatisfied with local public schools: the school's standards, they believed, were not clearly articulated. When these parents were not able to resolve the problem in traditional ways (for example, through greater involvement in the schools), they elected to initiate a charter school.

After many challenges, including having to deal with criticism that their charter school was an elitist enterprise, these parents believed that their school was well run, that it emphasized a systematic, rigorous

curriculum and, that it was staffed with dedicated, competent teachers.

Summary

This section reviewed selected literature about initiating a charter school. Two subsets of literature relating to motivation and challenges were reviewed. The literature illustrated the issues inherent in initiating a charter school at the building level. Among these issues were discovering the motivation for initiating the school, creating and articulating the vision of the school, and addressing organizational and educational issues.

For the purposes of this dissertation, it is important to understand the impact of these issues, particularly the issue of motivation of the charter school founders as they initiated the process of beginning a charter school.

Summary

Chapter II examines selected literature about school choice, charter schools and initiating a charter school. Several ideas have emerged from this literature.

Paramount among these ideas is the concept that school choice remains controversial. The notion that parents choose their child's school is deceptively

complex, with significant educational, economic, political, and social policy implications riding upon its resolution. At the heart of the debate is the set of tensions generated among choice, accountability and the limits of individual risk and reward.

Another theme that has emerged in the literature is that charter schools are viewed as a unique choice option, originating from a perceived need to address free market and educational reform considerations within a public school context. The concept of a public school that is autonomous, innovative, accountable for results and largely free of compliance with administrative rules is appealing to many individuals.

There is also a recognition within the literature that charter schools, as a new phenomena, are not fully formed and have yet to achieve their full potential. For example, there is still a need for clearly defined methods of accountability, as noted by Finn et al. (1997), Kolderie (1998), and Manno, Finn and Vanourek (2000), and there is still significant ambiguity present in the interpretation of student achievement assessment data, as noted by Wells (1998).

In reference to charter school operations, some of the literature suggests that capital acquisition and business management are concerns for charter schools. The

formation of diverse founder teams and the process of identifying and accessing available resources are frequent responses to these concerns.

Finally, the literature also discusses the legal and political dimensions of charter schools, which continue to be important issues. The experience of Texas legislators related by Fuserelli (1998), for example, suggests that legal issues play a crucial role in matters of school choice. Hassel and Vergari (1999), Kolderie (1998) and Manno, Finn and Vanourek (2000) suggest that the scope of choice considerations are not limited to families and charter schools alone, but are also the responsibility of chartering agencies and the community at large.

The selected literature reviewed in Chapter II outlines some of the basic issues that face charter school founders in their efforts to initiate their schools. However, most of the charter school literature seems concerned with global issues, such as the impact of charter schools on educational policy, the analysis of charter school laws, and how issues of autonomy and accountability are resolved, and so forth. There is little empirical research regarding the foundation issues involved in initiating charter schools. To better understand the process of founding a charter school, we need to have more rich descriptions of the process that

occurs when individuals set out to initiate a charter school.

Chapter III outlines the methodology used to examine and describe the process of founding selected charter schools in Oregon.

CHAPTER III

METHODOLOGY

Chapter III discusses the methodology used in conducting this study. The study's purpose, conceptual framework, research question, selection of key informants, description of the key informants, data sources, data analysis, and study limitations and influences are discussed in this chapter. A summary of the methodology appears at the end of the chapter.

The Purpose of the Study

The purpose of this qualitative, descriptive study is to describe the process of initiating a charter school. Oregon's charter school law is relatively new, taking effect in September, 1999. Oregon became the 36th state to create charter school legislation (see Appendix A). As detailed in Chapter II, charter schools are a subset of a national movement designed to provide a variety of educational choices to parents and students.

As with many emergent phenomena, there is interest in the current status and future prospects of charter schools. However, very little literature discusses the process individuals undertake when initiating a charter

school. As noted in Chapter II, most charter school literature is more global in nature, concerning itself with the impact of charter schools on educational policy, the analysis of charter school laws, how issues of autonomy and accountability are resolved, and so forth.

Descriptive research lends itself to the "building of rich descriptions of complex circumstances which are unexplored in the literature" (Marshall & Rossman, 1999, p. 33). Since comparatively little literature exists about the process of initiating a charter school, a descriptive research approach appears most appropriate. This study, then, examines the phenomena of Oregon charter schools with the purpose of describing the experiences of individuals who initiate charter schools.

Conceptual Framework of the Study

The concept of charter schools grew out of a desire to exercise greater freedom of choice in education. In the exercise of choice the process of initiating a charter school represents a challenge to an established public educational institution. This challenge became manifest through a process of social change, resulting in a proposal for a charter school. Understanding the interplay between educational choice and the creation of social change is useful because the initiation of a

charter school embodies elements of both of these principles.

While describing the initiation of a charter school serves partially to conceptualize the process of creating an Oregon charter school, these elements in and of themselves do not explain the process by which groups of individuals work together to create the school. The application of a formal theory of collective action helps researchers to understand this set of conditions. For the purposes of this study, relativism and the interpretivist research paradigm serve as a conceptual framework in which to better understand the formation of specific charter schools.

Relativism and the Interpretivist Research Paradigm

When individuals work together to create an entity such as a charter school, these activities constitute a social process. The process engages individuals who create relationships with one another, and unites the resulting group of disparate individuals in an effort to achieve a common goal. In order to understand the social process involved in the creation of an Oregon charter school, it is therefore necessary to examine how these social processes emerge. Theories of social interaction

serve in part to explain the forces that are present in the creation and development of social institutions.

According to Travis (1999), in the relativist world view, reality "exists in the form of multiple mental constructs that are individually created, and are dependent on those individuals for their form and content" (p. 1042). The interpretivist research tradition originates and operates within this world view. The interpretivist research tradition generally concerns itself with the study of meaningful social action. Researchers work through detailed process data in order to acquire an in depth understanding of how individuals and groups construct meaning in real life situations. Using the interpretivist research tradition as a lens through which to view the process of initiating a charter school served to place the initiation process in a context where a social entity is ultimately constructed. This paradigm is more fully discussed in Chapter IV.

Research Question

In creating this study of Oregon charter schools, a specific research question drove the research focus. This question emerged from a consideration of the tenets of descriptive research and its focus on describing newly created phenomena. The purpose of this research question

is to provide information that describes the process of initiating a charter school. The general research question is: "What is the process of initiating a charter school?"

Selection of Key Informants

I decided to interview key informants as a primary method of data gathering to address the primary research question. These key informants were individuals who were directly involved in the process of initiating their respective charter schools, and who would likely have detailed, first-hand information about that process. These key informants became the unit of analysis for this study, as I gathered, analyzed and reported findings from the interviews I conducted with them.

The key informants for the study were identified through a snowball procedure. A snowball procedure "identifies cases of interest from people who know people who know what cases are information rich" (Marshall & Rossman, 1999, p. 78). To initiate the snowball procedure for this study, I contacted two individuals commonly regarded as knowledgeable about Oregon charter schools: (a) the head of a charter school assistance organization located in Oregon, and (b) a charter school specialist employed at the Oregon Department of Education.

During a telephone discussion with the head of the Oregon charter school assistance organization, I asked him which charter schools he thought would be important to contact for a study about the process of initiating a charter school. He suggested that I contact representatives of three types of charter schools:

1. Oregon charter schools that had had a relatively easy time obtaining a formal charter, obtaining the charter with little opposition from the district (Type 1);
2. Oregon charter schools that had had a difficult time obtaining a charter, obtaining a charter only after an initial rejection from the sponsoring district (Type 2); and
3. Oregon charter school organizations that had been completely unsuccessful in obtaining a formal charter from a sponsoring school district (Type 3).

It was this administrator's belief that contacting representatives from each of these types would provide a wider range of experiences to include in my study. After additional discussion about the merits of this typology, this individual then suggested a list of Oregon charter schools he believed fit these criteria.

Next, I discussed this typology with an Oregon Department of Education charter school specialist. She agreed that the proposed typology had merit and suggested a list of Oregon charter schools she believed fit these criteria. I then cross-matched the two lists, and contacted potential key informants representing nine of the charter schools appearing on both lists. These contacts were made between August and October, 2001.

The key informants at these nine schools were contacted because they fit my time and travel schedule during the time frame for the study. Key informants from five of these nine schools agreed to be included in the study (i.e., two schools were of Type 1, two schools were of Type 2 and one school was of Type 3). For each of these five schools, the decision to be included in the study was made by the key informant originally contacted, usually the director of the charter school. I later interviewed these five individuals for the study. Additionally, I interviewed three other key informants involved in the charter school initiation process; they were each identified by the director of their respective schools. Finally, I interviewed an Oregon Department of Education charter school specialist to provide contextual information.

Several potential key informants at other schools declined to be included in the study, citing reasons such as their relationship with their sponsoring district, their concerns about confidentiality, time involvement, and their school's recent changes in leadership. Additionally, one potential key informant failed to appear for repeated interview appointments.

To summarize, potential key informants representing nine Oregon charter schools were contacted to determine their interest in being interviewed for the study. These key informants were individuals directly involved in the process of initiating a charter school. Eight key informants representing five charter schools, plus one key informant who was a charter school specialist with the Oregon Department of Education, were eventually interviewed for the study. These key informants serve as the unit of analysis for this study.

Description of Key Informants

In this section of Chapter III, I briefly describe the study's key informants and their respective Oregon charter schools. The purpose of these descriptions is to provide contextual information about key informants and their respective charter schools. All key informants were directly involved in the formation of their charter school. I have given all key informants and schools a

pseudonym to conceal their identities. I have summarized this information in Table 2 and have followed it with brief descriptions of the key informants and their schools.

Table 2

Key Informants and Their Charter Schools

Charter school/type	Key Informant and role	Student enrollment	Grades enrolled
Grapeview Charter School Type 2	Ruth Ross Director Lynn Morris Teacher Patty Combs Parent	85	4-8
Lakeland Charter School	Kate Brown Director Susan Smith Teacher	51	6-8
Oak Street Charter School Type 1	Steve Taylor Director	130	9-12
Sherwood Creek Charter School Type 2	Mary Johnson Director	49	K-8
Southside Charter School Type 3	Bob Carter Board Chair	100 (projected)	6-8
	Linda Swanson Oregon Department Of Education Charter School Specialist		

Grapeview Charter School

Grapeview Charter School is located in an Oregon community with a population of 25,000 to 50,000. Developing individual learning plans for students is the school's curricular focus. The school is housed in an office building that has been remodeled to fit the needs and specifications for an elementary school with an enrollment of 85 students. As such, there was significant construction activity taking place at the time of the August 2001 interview. Ruth Ross, director, and Lynn Morris, a teacher and partner in forming Grapeview, were available to be interviewed. They revealed that significant community work had gone into creating Grapeview, and that they had written a 200 page charter proposal to obtain their charter. The approval of their charter did not occur, however, without resistance from the district, which rejected initial overtures from them before agreeing to the charter proposal. For purposes of this study, this set of conditions placed them into the Type 2 category.

Later, in September 2001, I met with Patty Combs, a parent involved in the formation of Grapeview Charter School. The interview was held at a local coffee shop. She was able to confirm much of what Ruth Ross and Lynn Morris had described earlier.

Lakeland Charter School

Lakeland Charter School is located on the site of a large public middle school in a community with a population of 50,000 to 100,000. Expeditionary Based Learning (which emphasizes teamwork, learning by doing, service, and character development) for at-risk middle school students is the school's curricular focus. The school itself is located at the back end of the public school property in portable classroom space which Lakeland is leasing from the sponsoring school district. The interviews took place in August 2001 before the beginning of the new school year. As such, the classroom space was in a state of purposeful disarray, with several ongoing projects in evidence, and a feeling of great energy and urgency in the air. Kate Brown, the director, and Susan Smith, a teacher and her partner in forming Lakeland, were available to be interviewed. They revealed that the origins of the school grew out of their previous work together, and a realization that the Oregon charter school law provided an avenue for pursuit of some ideas they held to meet the needs of approximately 50 at-risk middle school students in the community. They believed that due to the clear articulation of their plans, and their positive relationship with the sponsoring school district meant they had a comparatively easy time of obtaining a

charter. This experience placed them into the Type 1 category.

Oak Street Charter School

Oak Street Charter School is located in a downtown business building in an Oregon community with a population over 75,000. Alternative education for high school students in partnership with downtown businesses is a major curriculum focus at Oak Street. Occupying the second story of the building, Oak Street has an enrollment of approximately 130 high school students. The school's public entrance area had an impressive display of information about the school's accomplishments, as well as a prominent display of student art and written work. After a tour of the school, and after observing students and teachers at work, I interviewed Steve Taylor, the school's director, in a nearby coffee shop. Taylor revealed that the school had grown out of a successful high school program started several years before and had evolved into a separate charter school program. Oak Street had a comparatively easy time negotiating a charter agreement with their sponsoring district, which placed the school in the study's Type 1 category.

Sherwood Creek Charter School

Sherwood Creek Charter School is located in a rural Oregon community with a population of less than 1,000 people. Sherwood Creek's curricular focus is to offer personalized education to elementary students in a traditional rural setting. The school is housed in an old-fashioned white school building located at a rural crossroads. Approximately 50 elementary school students attend Sherwood Creek.

I conducted the interview on site one evening after school in September 2001, with the director, Mary Johnson.

Ms. Johnson had deep roots in the community, having worked at the school since 1977. The Sherwood Creek Charter School was formed in response to a school district decision to close the small, rural school that Sherwood Creek subsequently replaced. Sherwood Creek Charter School initially experienced difficulties negotiating its charter with the district. This was due to the turmoil created by the initial decision to close the original public school, but Sherwood Creek ultimately was able to obtain its operating charter. This experience made Sherwood Creek a Type 2 school for the purposes of this study.

Southside Charter School

Southside Charter School, at the time of the interview in August 2001, existed only as a thick stack of charter school proposals, correspondence, and curriculum documents. Having been blocked at virtually every turn by the potential district sponsor, the Chairman of the Board for Southside, Bob Carter, remained confident that Southside would eventually open. During the interview, conducted in a busy coffee shop, Carter revealed that Southside planned to serve more than 100 at-risk middle school students in an Oregon community with a population of over 100,000.

Southside planned to offer a program to at-risk middle school students with the stipulation that each student would achieve the day's objectives before moving to the next day's objectives. Upon examination, Southside appeared to have a well-defined program in their proposal. However, the potential sponsoring district disagreed, citing curricular and transportation issues, and did not approve the proposed school. Mr. Carter believed that the proposed Southside Charter School would need to appeal to the Oregon State Board of Education under terms of Senate Bill 100 (State of Oregon, 1999) for assistance in obtaining a charter. This set of conditions placed

Southside into the Type 3 category for the purposes of this study.

Data Sources

For this study, two sources of data were used: interviews with the nine key informants and the rather extensive body of documents available about each of the five charter schools. These two sources of data provided for large amounts of useful information and permitted subsequent analysis and cross checking of responses.

Interviews

Interviews are a way to generate and collect data that can provide depth and context to activities that are common and familiar, but complex in substance (Kahn & Cannell, 1957). Mishler (1986) outlined standard interview practice, and Marshall and Rossman (1999) provided information about the use of interviews in collecting data. These writers suggested that the interviewer needs to have highly developed listening and interpersonal skills, and that skill needs to be exercised in framing questions and eliciting information from interview subjects.

I developed a set of interview questions for potential use in this study. These interview questions (found in Appendix B) derived from two sources:

(a) research literature about issues involved in initiating a charter school, and (b) my own experiences with and informed thinking about charter schools. As a result, I created interview questions and follow up questions designed to elicit information about the process of initiating a charter school. Table 3 categorizes these interview questions:

Table 3
Interview Question Categories

Type of Interview Question	Question #
Community Relations	9, 10, 14
General Information	1
Learning/Curriculum	7, 15
Means	4, 12
Motives	2
Planning Process	3
Policy/Governance	6, 8, 13
Research	5
School Choice	16, 17

I used a draft of these questions to conduct a pilot interview with an Oregon charter school director in July 2001. I then used the results of the pilot interview to refine the interview questions I eventually used in this study.

Key informants participating in the study were then contacted to arrange an interview date, time and location. Each key informant was provided with written information and waiver forms to sign (see Appendix C). Each interview (lasting from 45 to 90 minutes) was tape recorded, and I took notes during the interviews. The tapes were then transcribed for later use during data analysis.

Documents

Documents are an unobtrusive way to gather concrete, written information. As noted by Cresswell (1994), document analysis is a method in which a researcher can analyze information over time in a reflective and deliberative manner. As a second source of data, a variety of documents were used (see Table 4).

Data Analysis

I used NUD*IST 4 qualitative research software to analyze the data I collected. The program categorized and coded the amassed data.

The categorizing and coding took place in four stages, as illustrated by Table 5:

Table 4

Document Data Collected From Oregon Charter Schools

Charter school	Document data collected
Grapeview Charter School	Brochures Charter proposal Charter proposal addendum, including curriculum information and responses to public school board concerns
Lakeland Charter School	Charter proposal (original) Correspondence with potential district sponsor Final charter agreement with district sponsor Responses to district concerns about original charter
Oak Street Charter School	Brochures/promotional information Final charter agreement with district sponsor Incentive grant application
Sherwood Creek Charter School	Charter proposal
Southside Charter School	Charter proposal Correspondence between Southside and public school district Draft public school district charter school policy and Southside's analysis of the draft policy's discrepancies with Oregon charter school law Public school board meeting minutes and analysis

Table 5

Coding Process for "Motivation"

Coding Stage	Categories	Researcher Actions
Stage One	Example: "Motivation"	Break all interview data into 17 categories, corresponding to the interview questions; This example corresponds to "Motivation"
Stage Two	Motivation Autonomy Vision Process Passion Challenge Change Anger Career Aspirations Community Need Timing of Charter School Movement Competition	Break the Sub-Categories: "Motivation" category into 11 sub-category entries corresponding to an aspect of motivation cited by key informants
Stage Three	Anger: Anger with the District Frustration Lack of Support Local Opposition to SB 917 Disgruntled Parents Incensed with System	Break data in each sub-category (example: Anger) into more detailed categories-this required examining individual sentences from interview transcripts
Stage Four	Anger with District Anger with a Vision	Data are reduced to a final level of analysis-individual words are considered

Example: Anger with District is broken down into its final level: Anger with a Vision as illustrated by Table 5. In stage one, I created seventeen data analysis categories, each corresponding to a general interview question (for example, "motivation"). I examined each interview response made by the key informants. I assigned each response to a category depending on which general interview question the response corresponded to. If an interview response referred to more than one of the seventeen initial categories, it was placed into each of the categories it referred to. This first stage of coding allowed for an initial categorization of the interview data.

In stage two, each paragraph assigned to the seventeen general categories was reexamined and broken into sub-categories describing specific aspects of the assigned categories. For example, "motivation" was now broken into eleven sub-categories, each corresponding with an aspect of motivation reported by the key informants. I did this for each of the seventeen original categories.

In stage three, these sub-categories were further refined by seeking out subtle differences in the key informant's responses. For example, in the category of motivation, one key informant identified "anger" as a motivating factor in initiating a charter school. This

key informant went on to say that "anger with the district" was a source of this motivation. Thus, an "anger with the district" category was created in this third stage of data analysis.

Finally, in stage four, a saturation level was reached, with very few new sub-categories being created. To complete my example, the key informant's comment about anger with the district as a motivating factor in initiating a charter school was further refined by the statement that the anger with the district was "anger with a vision," with the initiation of the charter school as a manifestation of that vision.

Upon completion of stage four, approximately 700 categories of data had been completed for the study's code book. After I completed this analysis, I then reviewed the categorized data, using various NUD*IST 4 data search options available in the software to resort and collate the data (for example, searching for key words or phrases that frequently appeared in informant's responses). The purpose of this review was to search for informational trends that emerged from the data that could be in turn identified and reported as research findings. Additionally, I reviewed and analyzed the collected document data to cross check and substantiate the collected interview data. Finally, throughout this

process, I reviewed and revised my assumptions in analyzing the data, creating data categories, coding the data, and creating the code book. This data analysis process yielded the findings which are discussed in Chapter IV.

Study Limitations

This study has a number of potential limitations. First, the pool of interviewees was not as large as I had originally intended. Original plans called for interviewing three to six key informants representing nine Oregon charter schools, providing for a desired depth and level of context upon which to make a study. This did not occur as intended. For example, I contacted potential key informants representing four charter schools, all of whom declined to become involved in the study. They cited reasons such as a concern for their relationship with their sponsoring district, a concern for confidentiality, a concern for time involvement and a recent change in school leadership.

Even within the five schools that became the sample for the study, not all those asked to participate agreed. One potential key informant missed several interview appointments and failed to provide an interview, while another potential key informant, nominated by the director

of his school, flatly declined to participate, citing his own confidentiality concerns about the study. This smaller pool of key informants from a more limited sample of schools has the potential effect of limiting the scope of the study.

Finally, my own Oregon charter school experience has influenced my thinking about charter schools. This experience includes service as acting director for an Oregon charter school that closed in June 2001. I was directly involved in the placement of the charter school's former students at other local schools, and in the subsequent litigation that arose from this charter school's closure. Later, I worked with two colleagues to plan an Oregon charter school which foundered in the planning stages and failed to open. Finally, as charter schools have some roots in alternative education, it should be noted that my younger son is a graduate of an Oregon alternative high school.

Summary

The purpose of this qualitative, descriptive study is to describe the process by which charter schools are initiated. The literature revealed that much of the charter school literature was concerned with global issues, and that few studies focus on how charter schools

are begun. The study focused on the research question "What is this process of initiating a charter school?"

I used a snowball method to identify the key informants included in the study. These key informants represented five Oregon charter schools, and were directly involved as founders of their schools. I also interviewed a charter school specialist at the Oregon Department of Education to provide context.

I developed, piloted and refined interview questions designed to probe the key informant's perspectives on beginning a charter school. Additionally, I asked the key informants to suggest documentary evidence that might reflect on these experiences for analysis. I then analyzed the data using NUD*IST 4 qualitative analysis software. The size and depth of the key informant interview pool and my own experiences with Oregon charter schools limit the study. Chapter IV reports the study's findings.

CHAPTER IV

STUDY RESULTS

Since their emergence in 1999, Oregon's charter schools have created interest among educators, policy makers, parents, students, and the general public. The purpose of this study is to provide information about why Oregon charter schools are started. More specifically, the interrelationships among choice, motivation, opportunities, and means are viewed through Berger and Luckmann's (1966) theory of the social construction of knowledge. This consideration serves as the study's conceptual framework.

Three research questions were examined using this framework:

1. What motivates individuals to start an Oregon charter school?
2. How do individuals utilize available opportunities to start an Oregon charter school?
and
3. What means do individuals employ in order to initiate an Oregon charter school?

A snowball method was used to nominate subjects for the study. Two individuals knowledgeable about Oregon

charter schools nominated potential subjects. I then cross-matched their lists. Potential subjects appearing on both lists were contacted about participation in the study. Nine nominated individuals agreed to participate. I developed, pilot-tested and refined interview questions. Study participants provided both interview and document data for the study.

I then analyzed the data using NUD*IST 4 qualitative analysis software. I created data categories and conducted data searches while analyzing the data. I also created an extensive coding system with the NUD*IST 4 software. I then analyzed the data to identify data trends that could be reported as study findings.

Chapter IV presents the findings of the study, and is organized into five parts: Motivation, Opportunity, Means, Social Construction, and Summary. Data to support findings for the research question were obtained from the analysis of interviews and documents as described in Chapter III. The next section presents findings about the motivations of Oregon charter school founders.

Motivation

As detailed in Chapter I, school choice is a recent phenomena in American society. In an increasing number of instances, families are now able to choose the location,

type, and curriculum emphasis of the school their child attends at public expense. This often represents a significant shift in state public education policy.

Oregon's public education choices serve to illustrate this policy shift. Home schooling, open enrollment, magnet schools, and charter schools are all ways in which families are able to exercise public school choice in Oregon.

Charter schools are of particular interest. They are a new kind of public school, schools that are free of certain regulations but which must achieve certain goals to stay in operation. Obtaining an operating charter can be a demanding process, one which may require considerable effort on the part of the charter founders. The data that I gathered, categorized and analyzed suggested that the desires that motivate individuals to initiate a charter school can assist us in more fully understanding the process by which charter schools are initiated. Thus, I found that motivation played a key role in the process of initiating a charter school.

The data in this study indicated that there were three sources of motivation to start an Oregon charter school. These sources of motivation are:

1. A desire for freedom;

2. A desire to meet perceived community educational needs; and
3. A desire to implement school choice

A Desire for Freedom

A desire for freedom was a significant motivation for individuals beginning the process to initiate an Oregon charter school. Freedom, as is indicated by the data, is defined as the organizational capacity to independently plan, finance, implement and evaluate decisions relevant to schooling. Among the manifestations of freedom identified by Oregon charter school operators were a desire to establish program autonomy, a desire to make independent academic and administrative decisions, and a desire to be as free as possible of the constraints associated with the traditional public school system.

Charter schools, though often sponsored by local public school districts, are designed to operate as independent entities with their own curriculum focus, administrative rules, budget authority, and so forth; therefore, in the eyes of study participants, establishing program autonomy was critical. Bob Carter, board chair of Southside Charter School, commented that "You need autonomy to run a program." Steve Taylor, director of Oak Street Charter School, noted that "as a charter school, we

have the autonomy to deliver the curriculum." Susan Smith, teacher at Lakeland Charter School, said:

You get to be completely autonomous and that is so wonderful . . . this is the perfect next step, because we can take all that we have been through and do it, make up our own rules. So it's giving us freedom . . . The freedom is just so wonderful.

Program autonomy, in the eyes of study participants, also included the freedom to make independent academic and administrative decisions, such as establishing a charter school's curriculum focus or administrative rules. Study participants found the freedom to make independent academic and administrative decisions in the process of starting a charter school. For example, Steve Taylor of Oak Street Charter School stated that "We have some flexibility here [in delivering the curriculum]." Lynn Morris, teacher at Grapeview Charter School stated, "We were absolutely clear that one of the stalwart cornerstones of my reason to do this is freedom. I want academic freedom." As for administrative rule making, Lynn Morris stated: "And for me, one of the freedoms I am so looking forward to is that I no longer have to justify rules that don't make sense to me."

Finally, the desire for freedom often asserted itself as the desire to be as free as possible of the traditional public school system. For example, the Grapeview Charter School founders found themselves in conflict with the

local public school district's central administration. Lynn Morris further noted that the local district's "decision process seemed to be based on money, numbers and space. And my ethic is that decisions should be based on program clientele."

Ruth Ross, Grapeview's director, noted her disappointment after a meeting with district administrative personnel about the future of their original program within the school district:

I believe in change, and I believe that you can do it within the system . . . and that [meeting] turned out horribly. At that point, doors were closed to me in all kinds of ways, because I realized we can no longer make change within the system.

Patty Combs, a Grapeview parent, stated that Morris and Ross's program had been moved from being housed at the local high school to first one, then another middle school in a three year period. On one occasion the district moved it "without any conversation, without any dialogue with any of the parents." She also noted her "frustration" with the school district's unilateral decision to move her daughter's class to a less desirable location.

Another charter school founder, Mary Johnson, the director of Sherwood Creek Charter School, commenting on a perceived series of problems with the local public school district, stated flatly that "We don't trust the district."

The desire for freedom, as illustrated by the desires to establish program autonomy, to exercise independent academic and administrative decision making, and to be as free as possible from the traditional public school system, serve as a source of motivation to begin an Oregon charter school.

A Desire to Meet Perceived Community Educational Needs

A second source of motivation to begin an Oregon charter school was a desire to meet perceived community educational needs. Community educational needs, as they emerged from the data, are defined as those areas of education perceived by study participants as being inadequately met by local public school systems. Study participants often focused on the needs of a special population of students and their families.

The needs of what one charter school founder termed "at-risk" students gained the attention of study participants. Steve Taylor of Oak Street Charter School stated that the impetus for their program "was reaching a broad group of students that really just weren't connecting with school. It was a class that was connecting students to their learning, applying it to the real world." He also noted that because these at-risk students required more attention "we needed to

write additional grants to bring in additional staff so that this could be handled."

Regarding the needs of "at-risk" middle school students, Kate Brown, Director of Lakeland Charter School, stated:

I started thinking about how I wanted to reach kids that were not successful in the regular public schools and to create some sort of place for kids that were in transitions or home school kids who wanted to get back into the system, at-risk children: kids who lived in tents and cars, all those kinds of kids were the target that I chose. And so I decided to look at the charter school option. I looked around the community and asked myself "Where is the greatest need?" And the greatest need in my opinion was to have an option in the public schools for the middle school level.

Bob Carter, the board chair at Southside Charter School, was motivated to improve education for students who were falling through the cracks. He stated:

I hadn't expected to start a charter school, but the desire to improve education came from a long ways earlier . . . I kept looking for commonalities of need areas where kids didn't seem to be learning and I tried to assess why that wasn't happening.

Carter also noted a cynicism in lower income communities which he hoped to address:

In less affluent communities, kids come in having been raised with parents and neighbors, having sleepovers at each other's houses, and there is quite often the sense, especially in the inner city, that education the parents worked for did not work for them. They might have been educated for the job, but didn't get because of race, or what they had perceived as

race. . . . That's changed alot, but the kids have to know that it has changed.

Charter school founders were also looking to provide new opportunities for students by giving them a voice in the school. Lynn Morris said, "I'm really excited about having the kids' voices involved in what is determined." Bob Carter, board chair of Southside Charter School, also noted the need to have students involved in the school:

You've got to get the kids on board. It's really important to what you are trying to do. Not because you're trying to fake them out, but because you are trying to do something really legitimate for them.

In addition to providing for the needs of at-risk students and giving students a voice in the school, the founders also considered the needs of parents as well. Lynn Morris of Grapeview Charter School commented on the needs of parents for increased parenting skills as their children grew older: "The parent[ing] model does not always shift with the kids . . . so one of the components of our school is going to be a parent resource center open to the community."

Kate Brown of Lakeland Charter School also addressed the issue of parental needs, stating:

I am beginning to believe our at-risk students also have at-risk parents. . . . But we're trying to find ways to get parents involved because all children benefit when their parents are involved. So that is a goal.

Patty Combs, a Grapeview parent, noted that parent involvement would also improve learning. She thought that "Any way that parents can and want to be involved we want to make sure that they are involved. It's a community school. I think students learn better when their parents are invested also."

This desire to meet perceived community educational needs, however, was not without some pitfalls. For example, Oak Street Charter School had to overcome some initial negative community perceptions. Steve Taylor stated that Oak Street's desire to have the kids involved in the community came "with some concerns."

It was very important that we wanted the community involved in our school. We wanted the kids involved in the community . . . but that obviously comes with some concerns and some challenges...Once it was in the media that the charter school had been approved, all of a sudden the concerns started coming about "why in the heck are you going to locate a school for bad kids downtown?" . . . there was a core group of business owners who were very concerned about us coming downtown.

In the community served by Grapeview Charter School, the proposed charter school produced several negative reactions. Some community members saw the charter school as trying to fix something that wasn't broken. The community didn't necessarily perceive the same needs the charter founders did. Ruth Ross of Grapeview Charter School stated:

So there is a contingent that doesn't understand it. We went to a senior citizen community neighborhood association meeting and had a guy stand up and say "Well, when I grew up, I was told that if it ain't broke, you don't fix it. So what do think is broke that you gotta fix?"

Others in that community saw the charter school as divisive, in part because it created de facto competition with local public schools. Ruth Ross stated that this view "came out in the [local newspaper] from one of the teachers we worked with, who wrote an editorial that said 'Don't let them do this, it's divisive.'"

There were also doubts that founding teachers could work with parents. Ruth Ross, director of Grapeview Charter School, said that parents "would come and bring us a mission statement, and it was this whole 'Can we even work with parents?' So that was a whole new thing for me."

The desire to meet perceived community educational needs was an important motivation for starting an Oregon charter school. The charter school founders identified unmet community needs, and did so in a fairly focused manner, often targeting a special population of students and their families. However, their plans for the local community were not always greeted positively within their community.

A Desire to Implement School Choice

A desire to implement school choice was also a source of motivation to some charter school founders. As noted in Chapter II, the idea of school choice has taken hold over the past 40 years in American thinking about public schools. Various choice ideas have been proposed and implemented; charter schools were one of these choice ideas. Here in Oregon, legislation that permitted the creation of Oregon's charter schools provided a vehicle for educational choice within the public school system.

The study revealed that a belief in the principle of school choice was a motivation for a significant number of study participants. Ruth Ross, director of Grapeview Charter School, said

I see choice as an integral part in all of it, because I think you're right: it is an American trait. We are a menu sort of people. That's what we thrive on . . . Kids have chosen to be in our classroom. Parents have chosen it because of that . . . We have absolutely lived on choice and we have moved to a place where we can't live without choice.

Lynn Morris, teacher at Grapeview Charter School echoed this sentiment.

I view choice as not just in what building do I go to school in, but within the actual education program, the whole concept of choice should permeate it. Because we all learn better what we want to learn, no doubt about it.

Patty Combs, parent at Grapeview Charter School, stated: "I think that charter schools are a great

opportunity for school choice. I think it's a great opportunity now and I hope more and more people get involved."

A belief in the principle of school choice was echoed by the founders of Lakeland Charter School. Director Kate Brown, said, "I believe in choice. I believe in competition in education. I think it's vital to bring the whole profession up." Susan Smith, teacher at Lakeland Charter School, stated, "It really came to light how powerful the movement of charter schools is . . . that we were part of a movement in education whose time has come, definitely."

Lakeland's Kate Brown also said that the charter school movement was a much needed innovation, not "just a movement started by disgruntled parents who hate the system."

At Sherwood Creek, there was also a general belief in the principle of school choice. Mary Johnson, director of Sherwood Creek Charter School, stated,

I just think that people need to be educated and to be able to make their own choices, and the state doesn't enable people to make choices. The state tries to make choices for people and you get non-thinkers that way.

However, not all charter founders were motivated by a desire to implement school choice. For example, Bob Carter, board chair of Southside Charter School, said that

trying to begin a charter "really didn't have anything to do with school choice." He went on to say that he was much more interested in charter schools as a way to improve education.

At another school, Steve Taylor, director of Oak Street Charter School, stated, "I don't have a really strong opinion one way or another, as far as school choice [goes] . . . but we are very pro-public schools." His interest was in more fully developing an existing innovative educational program he and his colleagues had initiated.

Summary

Although not true for all charter founders, the desire to implement school choice was one source of motivation to begin an Oregon charter school. School choice, the desire for freedom, and the desire to meet perceived community educational needs, constituted the three main sources of motivation to initiate a charter school. These three sources of motivation, as discussed, were reflected in the perception and beliefs of the founders of Oregon charter schools.

Opportunities

As I analyzed the data, I found that individual motivations alone were not enough to result in the

formation of a charter school. Individual charter school founders did not possess the full range of necessary skills and abilities to take advantage of the opportunities available through the charter school law; it was both more complicated and time consuming than one person could manage alone. Of necessity, charter founders found that they needed to rely upon the assistance and expertise of others in starting their school.

To do this, the charter founders accessed previously established working relationships to acquire needed assistance and expertise. This was an important process in the development of the charter school. Taking advantage of the opportunity afforded by these working relationships gave charter founders a foundation on which to build their school.

Therefore, the second finding of this study was that charter founders accessed available opportunities to initiate their schools. Three types of opportunities emerged:

1. The opportunity to utilize Oregon's charter school law;
2. The opportunity to rely on previously developed working relationships; and
3. The opportunity to create new working relationships.

The next three sub-sections discuss the opportunities that became available to charter founders as they continued the process of initiating their charter schools.

Oregon's Charter School Law

Oregon's 1999 charter school law, which permitted the creation of new educational settings, afforded charter school founders an opportunity to act upon their motivations. Many of the study participants commented on the opportunities that were provided by the charter school law. For example, Bob Carter, board chair of Southside Charter School, recognized that the presence of the law presented an opportunity to negotiate with a school district about starting a charter school:

What I am trying to say, though, is that when you first start thinking about starting a charter school, you look at the law and read the law, and it is pretty straight forward. Then you start negotiating with the district.

To be able to take advantage of the opportunity the law afforded, a knowledge of the law and its specific elements was critical. Knowledge of the law took on added significance because Oregon charter schools were sometimes misunderstood by local school district officials, and were untried by Oregon court precedent or case law. Kate Brown, director of Lakeland Charter School, acknowledged this, stating:

The law; I became very familiar with the law. And I would recommend to anyone starting a charter school that you know your state law--whether it's Arizona or Oregon or Wisconsin or wherever you are, to become really familiar with the language of the law. Because during the process, you are often times, especially with us and our district, you are working with a board that hasn't done this before. So you end up being sometimes their guide. Because they will assume things, or think that they know something and you often times have to refer to the law. So it is a very powerful thing, when you know the law.

Steve Taylor, director of Oak Street Charter School, echoed this, noting that both the district and his proposed school had a great deal of work to do to understand the parameters of charter school law prior to considering initiating a charter school proposal:

There were lots of holes in the charter school law that were hard to interpret. And while we had to follow charter school law, the district had to set policies and procedures into place.

Bob Carter, the Southside Charter School board chair, also noted that the charter school law provided for flexibility, and allowed for changes to be made even during the process of negotiating the charter:

The law is set up so that there should be considerable give and take on both sides--an opportunity to be very flexible. They can arrive at changes in the charter. Even in the appeal status, the law says you can have all these opportunities for change . . . One thing that it is important for you to know is that the law favors the opening of charter schools.

Oregon's charter school law thus provided a specific opportunity for study participants to act upon their

motivations. Knowledge of the law was especially critical to them because of the untested nature of charter schools in Oregon.

Relying on Previously Established Working Relationships

Oregon charter school founders sought out others to join in the work of starting the charter school. Most of the founders relied on previously established working relationships in their efforts to start an Oregon charter school. During previous work experiences which charter advocates came to rely on each other by developing respect for and building trust with each other.

Study participants provided several examples of their reliance on past working relationships in starting their charter school. Kate Brown, director of Lakeland Charter School, illustrated this process, stating:

We had taught together in the early 90s at this school, and discovered each other. It took a very short time and we team taught together . . . we just went berserk with all kinds of integrated learning. We had the TAG program at that time and found that we could work together and have the same philosophy about kids and teaching.

At Oak Street Charter School, Steve Taylor spoke of the previous experiences he had with his co-founders:

And over the next eight months, we essentially the three of us, and I am not entirely boastful or whatever, but with very little support from the school district, organized an international ten day summit, and raised close to \$100,000 in

cash and in-kind contributions to pull this thing off.

At Grapeview Charter School, Ruth Ross and Lynn Morris utilized their prior working relationship to take a program they had developed and turn it into a charter school program. Ruth Ross stated that she and Morris "were incredibly good at raising a community of support, and getting the kids involved and the parents involved." Lynn Morris, her partner at Grapeview Charter School, echoed this, stating that she "came out here and taught a 4th-5th blend, the first time I did that, and met Ruth there. We started working together and actually did our Master's together on collaborative work."

The founders of Sherwood Creek also took advantage of the opportunity provided by their prior working relationships. Mary Johnson, director of Sherwood Creek Charter School, stated:

Well, we'd been through two state standardization visits before, and any time that you go through those, you have all of the policies for your school district together. So when we put our policy book together, I would say it was heavily influenced by some of that. Plus, our years of experience told us "hey, this is going to work." And alot of school policy is just basic business sense. You know, how you are treating students, and safety, and personnel. All that basic stuff. Well, we already had all of that in place.

Although previously developed working relationships can help in the beginning of an Oregon charter school, the

formulation of a proposal for a charter school is a very complex process, one that requires the implementation of a wide range of skills. Taking advantage of individual motivations and the opportunities afforded by previously developed social networks is not sufficient to launch a charter school. Thus, it is necessary to create additional working relationships that can augment the skill set of prior relationships.

Creating New Working Relationships

The process of initiating an Oregon charter school took considerable time and effort. It required not only the efforts of study participants, but called upon them to take advantage of the opportunity to create new working relationships. This was true because the work required was involved and specialized, often requiring skills beyond the capabilities of the individual charter school founders. The study participants fostered new working relationships with community professionals, charter school board members and the local media.

One example of this process was found in accessing the skills of accountants, architects, attorneys, and others. The efforts of these local professionals were needed because they provided specialized skills and expertise in areas that the study participants did not

have. For example, Kate Brown, director of Lakeland Charter School, stated:

Our community has been very good. We've got an accountant that cut us a deal-the 501(c)(3) is a nightmare, and the accountant cut us a cut-rate deal. Our legal, our attorney, never charged us a thing for doing the legal work . . . I've got an architect that has donated plans for a new school or refurbishing an old one.

Accountants, architects, and attorneys also donated their time and resources as well. I was at Grapeview School on a day when their architect was on site, and was later told by Ruth Ross and Kate Morris that he had donated both time and building plans at a value in excess of \$10,000.

Charter schools also tapped the professional expertise of both the Oregon Department of Education and a private Oregon based charter school assistance organization. While both organizations were available to assist charter operators, their aims were different: The Department of Education's chief aim was to offer assistance with an eye toward compliance with Oregon's charter school law, but the charter organization concerned itself with advocacy issues, offering assistance to promote the establishment of more charter schools.

These organizations provided advice about how to begin the charter proposal development process, information and assistance in grant writing, assistance in

accessing charter school support resources, and assistance in meeting the requirements of Oregon's charter school law. Interviewees from each of the five schools in this study made positive reference to these two resources.

Another opportunity to create new working relationships came when founders created the governing boards for the charter schools. These boards comprised a broad cross-section of community members, and provided expertise in some of the areas that study participants did not have. Lakeland Charter School's Kate Brown said:

We have a representative from service organizations, from different parts of the community. Not only because you get a broad perspective, but you get broad support and expertise that you can use on your board."

Ruth Ross of Grapeview Charter School was "thrilled with the amount of depth we have on our board. We have [an academic from Lewis and Clark, and someone in construction for facilities] a corporate trainer, a lawyer, someone from Human Resources" with a well known international company.

Steve Taylor said that Oak Street Charter School "sought out a board of directors that really represented a broad section of the community," and Bob Carter of Southside Charter School said of board composition that "you need to set qualifications so that you have a spectrum of the community."

Another source used to create new working relationships was the local media. Some study participants were able to use local media coverage to generate public support, invite additional assistance in starting the school, and attract students to their schools. At Lakeland Charter School, Kate Brown stated:

The newspaper, our local newspaper, has chronicled our development and progress quite closely. As a matter of fact, [the reporter] is supposed to be out here this morning, the reporter to talk to us about "Are we ready to do this thing?" So we had coverage in the paper.

Linda Swanson, a charter school specialist at the Oregon Department of Education, stated that "Lakeland had lots of positive press in the papers. At least some in the community see Lakeland as fulfilling a need in the community."

At Grapeview Charter School, local press coverage was helpful in shaping public opinion about the school. Lynn Morris said the local newspaper "has been very supportive . . . they shifted public opinion in this article."

Creating new social networks was an important element in the process of forming a charter school. Although the charter founders possessed a number of needed abilities and skills, they also needed to access other skills, such as accounting, architectural, and legal skills. Being able to integrate individuals with these skills into the growing social network of the charter school was another

indicator that charter school founders were able to utilize the opportunities available to them.

Summary

Acting upon their motivations to start a charter school, charter school founders took advantage of three types of opportunities: (a) the opportunity provided by the presence of Oregon charter school law, (b) the opportunity to rely on previously developed working relationships, and (c) the opportunity to create new working relationships.

Reliance on existing and newly created working relationships is of particular importance. Charter schools are social entities that begin to come about through the motivations of individual actors. These individuals then enlist others to join their enterprise. New individuals, whether previously known to the original actors or not, bring experiences and expertise to the complex process of creating a charter school. Yet, the addition of these new individuals to the growing charter school social network also raise some new challenges. Charter school founders would have to decide how the charter school would function as it became a more complex entity, decide how to work with the surrounding community, and continue to acquire the means necessary to open and operate the school.

Means

As we have seen, the charter school founders in this study were motivated by their desires to exercise freedom, meet perceived community educational needs, and implement school choice. They were then able to blend these motivations with the opportunities presented by Oregon's charter school law as well as those arising from previously developed working relationships. They also reached out to create new working relationships that could aid them developing their charter schools.

I discovered that charter founders next had to acquire the necessary means to act upon their motivations and take advantage of available opportunities to initiate an Oregon charter school. The strongest motivations and the greatest opportunities cannot make goals become actualized unless the means to do so are acquired. Therefore, a third finding of the study was that acquiring means to initiate a charter school was significant. I found that two categories of means emerged from the data:

1. Financial Resources; and
2. District Sponsorship.

Financial Resources

Acquiring adequate financial resources was imperative to the process of beginning an Oregon charter school.

Linda Swanson, a charter school specialist at the Oregon Department of Education, indicated to me that when it came to charter schools, founders felt that there was never enough money.

One source for this perception is the manner in which charter schools are funded in Oregon. Charter schools received less per-pupil funding than other public schools. Elementary charter schools received 80% of the per pupil funding allocation for each student, and charter high schools received 95% of the per-pupil funding for each student. Therefore, there was a perceived need to access other funding sources.

Grants from external sources were a leading source of funds for Oregon charter schools. They were most readily available through the Oregon Department of Education for organizing, startup, and implementation costs. Charter schools that qualified for the grants were allocated the funds over three phases: an organizational grant of \$10,000 was available as the school planned to open; a start-up grant of \$100,000 became available in the school's first year; and an implementation grant of \$50,000 was available in the school's second year. The dispersal of these funds was made when the charter school met specified criteria as outlined by the Oregon Department of Education. Each of the five schools in this

study used Department of Education grants to help initiate their school.

As Steve Taylor, director of Oak Street Charter School said, these grant funds were "critical."

We were one of the first groups to get that initial \$10,000 planning grant . . . once you get that in the first round, you are eligible to get the implementation grant for continuation dollars, which are critical.

Kate Brown, director of Lakeland Charter School, echoed the critical nature of these funds, declaring that she "sat on pins and needles" while waiting for approval:

We turned in our application to the state to qualify for the planning grant, for the \$10,000 planning grant. That was October 1. Sat on pins and needles until the middle of October, actually it happened rather quickly when we were told at the state level that we had qualified for the \$10,000, because after that the \$100,000 and the next \$65,000 for the first and second year implementation come automatically. You don't have to requalify for that. So, knowing that we had qualified for those grants gave us hope, I think, that we could put this thing together.

At Southside Charter School, the grant funding was being used to help them organize their school. Bob Carter, board chair, stated "[W]e received a grant about three months ago for \$10,000 to address about three different areas and we're still in the process of getting that concluded."

Kate Brown, director of Lakeland Charter School, spoke to the reality of charter school funding, declaring

"80% [is] not enough money to run a school on. So we aggressively seek additional funding, and will continue to do so."

Brown also acknowledged the importance of assistance from the Oregon Department of Education in tracking down other needed funding:

The state, yes they did help. They were very good at tracking down additional funds. We got a technology grant through the state. We got money to go to that [charter school] conference through the state. We got additional funds for planning through the state . . . We got the money now for this year, to open the doors. We have 65 coming in for next year because of the second year of the implementation grant. We know that. But it isn't going to be enough.

Another significant financial resource was provided by the personal financial sacrifices made by some charter founders. At Lakeland and other charter schools, making ends meet was a challenge. To answer this challenge, some made financial sacrifices. Kate Brown said:

And another thing that I am thrilled about is the willingness of great educators to take less money to come with us . . . And it's because they believe in what we're doing, and they believe in choice in education. They have come here to join us in this great adventure.

The need for personal financial sacrifices existed at other Oregon charter schools as well; Linda Swanson, a charter school specialist with the Oregon Department of Education, told me of being contacted by charter founders who had "maxxed out" their credit card limits.

At Grapeview Charter School, study participants and others were also putting up personal assets. Lynn Morris, teacher at Grapeview Charter School, stated, "I'm putting up my house against one of the loans." Ruth Ross, director of Grapeview Charter School, stated, "We have three members of our board of directors putting up some personal assets, giving us some lines of credit for the cash flow issue."

Finally, some charter schools were able to acquire donations from individuals and businesses in order to augment their budgets. For example, Lakeland obtained free copying services by becoming the "Kinko's Copy Center School" for a year. At another charter school, local connections led to significant donations. Steve Taylor, director of Oak Street Charter School, stated that "We got out through our board, made connections, and got a local businessman to donate \$40,000."

In another case, a charter school acquired a year's free building rental. Ruth Ross, director at Grapeview Charter School, stated, "[T]hree years this building sat empty. And then we came in and started negotiating with the landlord...we came away with a year's free rent." Lynn Morris, a teacher at Grapeview, stated, "We were really lucky to locate this building, and we have a landlord who is really great."

Acquiring financial resources was of critical importance to study participants; without these resources their goals would have remained unfulfilled. These resources came in the form of grants, personal financial sacrifice, and donations.

Issues of District Sponsorship

The ultimate goal of charter founders was to acquire the legal means to exist, which took the form of their operating charter. This normally took place through a series of negotiations between charter school founders and potential district sponsors. However, obtaining this sponsorship was sometimes a challenge to charter founders for three reasons.

First, charter schools were new to Oregon, and due to their untried nature, districts were sometimes reluctant to commit to chartering a school. Second, some study participants noted that they'd had prior trouble with their sponsoring school districts and believed that this was an impediment to acquiring a charter. Third, charter schools were a possible challenge to school districts in that they would compete for students. Districts believed that this competition could have a negative financial impact on other schools in the district. We now examine these three problems in more detail.

Lakeland Charter School's attempts to obtain sponsorship from the local school district illustrate the problem of district commitment. Lakeland tried to complete this process on a short time line, but the process turned into what Kate Brown termed a "dance" with the district:

We are just making it up as we go, and our school district is making it up as they go, because we are the first one for them . . . We're going to make sure that we dot all our i's and cross all our t's and there is very little chance of failure. So, we went through a process of turning our application and there was a committee appointed by the board . . . and they kept kicking our application back, saying that they needed more information on the curriculum. So Susan and I would put the curriculum together, and give it to them. And they would give it back to us saying that the curriculum needed to be more "open." We were doing this kind of dance with the district.

Susan Smith, a co-founder at Lakeland, also expressed frustration with the process:

Definitely the frustration was the timing. Because instead of initially turning in the application and have them hand us back a list of incomplete things, it was just one thing at a time. "Here's one thing that isn't right-go back." Then, "Here's another thing." And every time they did that, you [sic] have to wait another month for the next board meeting. And it was like "We don't have another month!"

Along with the problem of being a new entity, some study participants seeking district sponsorship had prior difficulties with their would-be sponsoring school

district. These difficulties were due to a variety of reasons.

At Grapeview Charter School, the founders believed that the district did not want a charter school. Lynn Morris, teacher at Grapeview, said this was

Because they [the district] think arrogantly that "we're good." They feel that because they're such a good district, no one's ever going to want to do a charter school; why would you if the school system is so great, there's no reason to.

She also believed that the school district was overly sensitive to criticism:

I think the dissonant voice now is something they seek to quiet. They see it as criticism instead of questioning "Is there a better way?" And I think that is how change occurs. If you no longer have a dissonant voice, what you're saying is that you have grown all you can grow.

This conflict eventually created problems for Grapeview in the charter negotiation process. The district gave evidence, in the words of Lynn Morris, of holding the proposed charter school to higher standards than they held themselves: "I think the other piece that's hard is that the district held us accountable for things that they had never been accountable for" [e.g., teaching library skills].

The presence of this conflict finally contributed to angry feelings expressed by Grapeview Charter School director Ruth Ross:

I think in life, anger fuels alot of things. And so anger fueled a huge proposal . . . And I think anger fuels alot of good things. And so I don't think that anger is necessarily all bad . . . [the] anger of "I can make this different now," because it's not like "I'm going to get revenge on you."

At Sherwood Creek Charter School, the circumstances were different. Although the rural community's small public elementary school had been in existence for over 100 years, it was slated for closure. This came in the wake of a merger mandated by Oregon Senate Bill 917 (1991), which obligated small rural elementary schools like Sherwood Creek to merge with larger public school districts. According to Mary Johnson, Sherwood Creek's assets were being mishandled by their new district.

Well, our school was merged . . . and we had saved up \$650,000 . . . Our [new] district seized the money before June 30. We didn't give the teachers bonuses, we wanted to pay our vendors, and they used some of the money to pay their bills, and the \$450,000 that was left . . . was never accounted for to any of the taxpayers. Now, if you want to make a group of people mad.

Later, according to Johnson, workers from the new school district came to the Sherwood Creek unannounced to pick up materials: "there were guys just throwing stuff into vans." The new school district was taking things out of Sherwood Creek School, in some cases things that the community had paid for over many years. It was perhaps no

wonder, then, that she stated flatly "We don't trust the district."

At Southside the potential district sponsor identified several problems with Southside's charter proposal--curriculum, transportation, school site and rental cost--and did not appear to be willing to compromise with Southside's founders to resolve these problems. Bob Carter, Southside board chair, noted his frustration with the chartering process:

Well, basically we have reinvented the wheel. Once you apply for a charter and send in your amended application . . . the law is set up so that there should be considerable give and take on both sides--an opportunity to be very flexible. They can arrive at changes in the charter. Even in the appeal status, the law says you can have all these different opportunities for change. And the district is very adamant that once you put it down on paper, that's your program.

Carter later told me that Southside was abandoning district negotiations, and was going to appeal to the Oregon State Board of Education to obtain a charter.

The third problem in acquiring district sponsorship was the competition for students that existed between the charter school and district schools. This competition existed as a result of the introduction of charter schools as a new public education option; families could now choose between public schools to meet their educational needs. Lynn Morris of Grapeview Charter School stated, "I

would say they [the local school district] were not happy at being challenged." Morris stated "I don't know of anybody who doesn't think that there is nothing wrong with public schools; not a soul."

Supporting this viewpoint, Bob Carter, board chair of Southside Charter School, stated, "The district is the most likely entity to oppose charter schools for the largest number of reasons." To Carter, the primary reason that public school districts opposed charter schools was loss of enrollment:

I don't think that schools fear competition for grades or test scores, but they fear competition for numbers of students . . . the thought of losing a few hundred kids or a couple of thousand kids to charter schools bothers them a great deal.

Mary Johnson, director of Sherwood Creek Charter School, noted that the conflict with the local school district was out in the open:

Then you go to a school board and say we really want to start a charter, and no matter how you put it, it comes out, "you didn't do a good enough job!" And no matter how you say it, that's how it's going to come out. There's no way that you can hand that out any different. You can swallow it up, but the bottom line is we don't like what you are doing.

Not all charter schools, however, encountered these problems with their sponsoring school districts. For Lakeland Charter School's Kate Brown, this may have had to do with the way they approached the district:

We never did once stand up and say "you're doing it wrong. You've been doing wrong and we're here to save the kids in this district." Rather than that, we said, "we want to work with to provide a program that will help the kids in this district." And that has made all the difference . . . But all the time, we kept running towards the district. We didn't run away from the district. And this was said at the charter school conference we went to. We were sitting down with ELOB, the expeditionary learning group, and told them about what we were doing. And a woman turned to us and said "You'll be successful." We said "How do you know that?" And she said "because you are running toward your district and not away from your district." And we kept that motto. We kept saying that to our school district anytime we had the opportunity.

Susan Smith, her colleague, echoed this point of view:

But we were all just learning, and by the end, by the time that we were finally chartered in April, it was at a school board meeting and we were all embracing . . . It was great, it was. Because we need their support. And we have got nothing but support since then. Of the departments in the district we have had to access, they have given us everything that we've wanted, including their time, and it's been wonderful.

Without open conflict with their sponsoring district, Lakeland was able to acquire its charter with relatively little difficulty. Kate Brown enthusiastically recalling the school board meeting at which their charter was finally granted, said "We were hugging the school board, kissing the Superintendent!"

Oak Street Charter School also had a positive experience working with their sponsoring school district:

Steve Taylor, director of Oak Street Charter School, stated, "We were working in concert with the district and the school board to move this through." He went on to say of the charter development process:

I really want to credit the district for their collaboration in this effort. Because like us, they were learning during this process, too. There were lots of holes in the charter school law that were difficult to interpret. And while we had to follow charter school law, policies and procedures had to be set into place for the school district . . . And the district, to their credit, was working cooperatively with us . . . So we were working in concert with the district and the school board to see this through. Our biggest advantage we had was, well we had a proven program; it wasn't an unknown entity, it wasn't an idea, and that we weren't . . . [sic] we had a reputation in the school district...And the district worked very well with us, and I've got to say, spent a lot of hours. Because they set up a team of administrators that were the charter school review team to work with us during our application stage, our review stage. Lots of meetings. Lots of back and forth.

Summary

Analysis of the chartering process may be summarized as follows: Motivated individuals identified educational problems that they believed may be solved through the creation of a charter school. They then used their knowledge of charter school law to create a working group that took advantage of the experiences and expertise of other individuals. The working group set about creating a charter school proposal, which spelled out what they intended to do at their school. As their proposal was

being developed and shaped by the working group, the founders also set about acquiring the necessary financial means to operate their school. The financial means consisted of proposed state funding, state grants and donations of various types. Finally, as their proposal reached maturity, the charter school founders presented their proposal, negotiated with the sponsoring school district, and obtained their sponsorship and charter. Charter founders may then operate their school.

This summary of the findings of this study encapsulates the essential processes involved in creating an Oregon charter school. A more comprehensive understanding of this process may be gained through consideration of the creation of a charter school as a process of social change. As the initiators of new educational settings, charter school founders sought to create new educational environments in which they initiated social change.

The process of initiating a charter school was both challenging and complex. The process was challenging in that charter school founders had to blend motivations, opportunities and means in a manner that permitted successful launching of the school. The process was complex in that charter school founders had to consider responses to difficult philosophical questions. For

example, was it reasonable to expect financial sacrifices on the part of founders? Was it reasonable to inject characteristics of capitalist-style competition for students (and the state funding they represented) into public education? Was the exchange of operational autonomy for results accountability reasonable? The manner in which charter school founders responded to these challenging and complex issues shaped to a large extent the manner in which they created social change.

In thinking about these questions, I discovered that one social change perspective, that of social construction, appeared to contain elements that resonate with the process of creating an Oregon charter school. In the next section of Chapter IV, these two processes are examined together.

Social Construction

As an organizing concept, social construction is often applied to aspects of educational research. As an illustration of this application, I conducted an ERIC search to discover the presence of social constructivist-oriented studies in educational. The search revealed over 850 references, detailing work done in a wide variety of areas, including, but not limited to, comparative education, elementary and secondary curriculum

development, socially constructed learning and play by young children, staff development, student-teacher relationships, and teacher training. Thus, the utilization of social construction as a conceptual framework is commonplace in educational research. When used in combination with additional organizing concepts such as motivation, opportunities, and means, social construction can have a significant impact on the qualitative research paradigm as practiced by educational researchers. Therefore, I believe that a consideration of social construction is appropriate to use in this study as it serves as a way to illustrate the social processes involved in the process of initiating a charter school.

Socially Constructing the Charter School

Charter schools are clearly rooted in dissatisfaction with the existing public school system. Oregon's charter school legislation might be considered to be enabling in that it permits the creation of organizations that ostensibly improve the process of schooling and thus reduce the level of dissatisfaction. Yet while this legislation is enabling, it guarantees nothing. Only when specific actions are taken by individuals and collectives of individuals does the concept of charter schools take

form. In that formation process, then, changes in organizations and institutions may occur.

It is useful to understand the birth and nurturance of a charter school as part of a generalized process of social change within a society. Berger and Luckmann (1966) discuss this process of change as stemming from the process by which the unproblematic becomes problematic. They note that "as long as the routines of everyday life continue without interruption, they are apprehended as unproblematic" (Berger & Luckmann, 1966, p. 24). But what happens when something comes along that signals that this routine doesn't work any more?

Berger and Luckmann (1966) discuss that when a routine is viewed as problematic, the first reaction of most individuals is to try to incorporate the problem into the current routine--that is, to adapt the problem so it fits into the known reality. But often that will not be successful, and the problem persists. When that occurs, one is "now faced with a problem that transcends the boundaries of the reality of everyday life and points to an altogether new reality" (Berger & Luckmann, 1966, p. 25).

In many ways, this is the process occurring in the creation of charter schools. It begins with individuals identifying issues or problems that seem to be persistent

within the taken-for-granted reality of schooling. These issues or problems, for example, could be the perceived need for educational alternatives for students, as at Lakeland, Oak Street and Southside Charter Schools; the need for consistency in maintaining existing programs, as at Grapeview Charter School; or the need for a small, isolated community to keep its rural school open, as at Sherwood Creek Charter School.

At first, actions might be taken to solve these problems within the current organizational reality. Steps might be taken to provide additional resources to shore up existing programs, or even to create new programs in response to these perceived problems. For some, whatever solutions emerged might be considered satisfactory; for others, they are not.

For charter school founders, the solutions that were tried were viewed as insufficient, and the problems persisted. For example, Grapeview's founders were forced to relocate their original program three times; Sherwood Creek's small rural public school was slated for closure; and in the communities served by Lakeland, Oak Street and Southside, the perceived need for alternative programs persisted. These problems remained unresolved within the value framework of charter school founders. They could

not resolve the problems within their own value systems, and they became motivated to seek a solution.

The charter school legislation, by enabling the potential formation of a different educational reality, presented an opportunity to act upon motivation to resolve the perceived problem of inadequate schooling. Due to the opportunities presented through the legislation, interested parties could now address these problems with solutions *they* had created. In doing so, they could at once address both their dissatisfaction with the status quo and their desire to provide new educational solutions.

Thus far, I have discussed the process by which individuals come to view the need for a reality that is an alternative to the present reality. But as Berger and Luckmann (1966) note, "the reality of everyday life is shared with others" (p. 28). Somewhere along the line, individuals find that others share their perception that the current reality is a problematic reality, and thus become attracted to these other individuals. They can now take part in the collective construction of a new reality. The irritation that they may have experienced with having so many issues remain problematic decreases as they engage in face to face interactions with others who share their perception of reality.

The significance of face-to-face interactions among those who shared perceptions of reality figured prominently in the formation of the five schools in this study. For example, the founders at Grapeview, Lakeland, and Southside Charter Schools had taught previously together. At Oak Street Charter School, the director had previously worked with the other two founders on a very complex education project. At Sherwood Creek, the founders were community members whose desire to keep their small rural school open was matched by a significant mistrust of their school district administration. The relationships formed through these interactions were important in providing a social framework on which to build the charter school organization.

As individuals interact, then, the problematic becomes increasing unproblematic within the evolution of a new alternative reality. Individuals come to view those individuals with whom they share this reality in certain ways--as "progressive," as "reasonable," as "courageous" because in essence they share the same reality. Over time, as I interact on many occasions with these individuals, these views become ingrained patterns of behavior. Berger and Luckmann term these patterns "typificatory schemes," or more simply "typifications" (Berger & Luckmann, 1966, pp. 30-31).

Such typifications become the basis of future face-to-face interactions as long as they remain unproblematic (Berger & Luckmann, 1966, p. 31).

Thus charter school founders sought out other individuals who share their passion for and dedication to creating a new form of education within the public school system. As shown with the charter school founders discussed in this study, they most often seek out people with whom they have had previous experiences. As new organizations such as charter schools began to coalesce, new individuals are both sought out by and attracted to the nascent organization.

All five charter schools in the study also attracted a variety of individuals to their budding organization. Some of these individuals were involved in a number of professional pursuits--higher education, nationally known or locally owned businesses, accounting, insurance, building construction, law, and so forth--and also had a desire for educational change. However, they were not necessarily primary participants like the school founders were. Through face-to-face interactions, these secondary participants eventually were recognized by charter founders as individuals who shared similar views of reality, and in time they too were included in the typificatory schemes that emerged.

Of course, it is one thing to view, both individually as well as collectively, a world in a certain subjective framework, and still another to translate those views into "enduring indices of the subjective processes of their producers" (Berger & Luckmann, 1966, p. 34). This is what Berger and Luckmann term "objectification" or the "products of human activity that are available both to their producers and to other men [sic] as elements of a common world" (Berger & Luckmann, 1966, p. 34). Language, symbols, and the products which arise from language and symbols are examples of such objectification. In this case, the charter proposals that began to be shaped by the founders of the five charter schools served as an objectification. Thus, the shared reality that public schools are problematic and that an alternative reality is in need of creation only becomes manifest when those realities become objectified. These realities are objectified in the form of means available to transform subjective reality into objective reality. How charter school founders use these means, then, is critical to the process of change.

One way that charter school founder groups create change is by translating their collective typifications, shared language, and indices of objective reality into a blended whole, creating "a human environment, with the

totality of its socio-cultural and psychological formations" (Berger & Luckmann, 1966, p. 51). This new environment is the sum total of both the social interactions and professional knowledge held by the members of the charter school group. The sum total of interaction and knowledge is acquired through the face to face interactions which lead to the typifications identified by Berger and Luckmann.

Examples of these face-to-face interactions occurred with each of the five schools studied as they collectively wrestled with the requirements of Oregon's charter law. In writing mission statements, determining the curriculum focus, proposing daily operation protocols, developing school employment policies, and the like, each of the schools engaged in a process of blending diverse ideas into the objective reality of the charter school. Ruth Ross of Grapeview Charter School noted the real difficulty of creating this objective reality through a mission statement: "It was the hardest three pages of the whole thing." Lynn Morris of Lakeland and Steve Taylor of Oak Street both noted the long hours necessary for developing ideas and writing the charter proposal. Bob Carter of Southside summed the process up by saying, "We basically reinvented the wheel."

Through the process of creating a new environment, charter school founders can now rely on the various levels of experience and expertise held by the members of the organization. Through the individual typifications (objective language and symbols the charter school founders have developed) school founders can begin to standardize the new reality they have created. At Grapeview Charter School, Lynn Morris noted that she and her co-founder, Ruth Ross, had different skills, and that was what made them a team. Ross, for her part, recognized that a mix of skills would be needed in the new organization, and sought out a variety of skilled people (a human resources manager, a construction business owner, an academic, and so forth) to join the organization as board members. This process was repeated at Lakeland and Oak Street, where the founders made a point to seek out local professionals to join the organization in a variety of capacities. In each of these cases, the new charter school organization benefited from the addition of skilled, experienced individuals to their organizational mix.

This new human environment, then, supports and sustains the standardized establishment of patterns of repeatable behavior habits, or "habitualization," which Berger and Luckmann see as a "pattern which can then be

reproduced with an economy of effort, and which, ipso facto, is apprehended by the performer as the pattern" (1966, p. 53). The charter school founders, in reaching this plateau, now have an organizational foundation upon which to build. They have identified and established their individual and collective motivations, have begun to access opportunities, and are focused on their goal-the creation of their charter school.

In Berger and Luckmann's terms, the charter founders habitualized actions, as they are reciprocated by one another, create an institution in the sense that "there is a reciprocal typification of habitualized actions by types of actors" (Berger & Luckmann, 1966, p. 54). In other words, the charter founders can now be said to be "on the same page," with one another, with a collective, agreed upon understanding of the purpose and aim of their organization. All five schools in the study provided illustrations of this process in their development of their charter proposals.

One value of institutions is that they establish a set of behavior patterns for individuals to follow in particular social situations:

Institutions also, by the very fact of their existence, attempt to control human conduct by setting up predefined patterns of conduct, which channel it in one direction as against many other directions that would theoretically be possible. (Berger & Luckmann, 1966, p. 55).

Over time, then, all institutions (including charter schools) become objective entities as patterns of expected actions are repeated over and over again by individuals, and these expected actions, as stated in the developing charter proposal, are passed on to others now as a set of norms or expectations.

To this point, I have discussed the process by which the kernel of a social entity, a charter school, is birthed and nurtured by the collective efforts of like-minded individuals. However, for the charter school's founders to affect the educational changes they have initially identified and desired, they must act on a larger stage, a societal stage. Berger and Luckmann (1966) state that "Society is a human product. Society is an objective reality. Man is a social product" (p. 61). In other words, the human, objective product of the charter school fits into the larger context of human society, and takes its ultimate meaning from its place in that society. The task for charter school founders at this point becomes one of gaining that place in the larger society through acceptance by the community at large.

One way for charter schools to gain the community acceptance is to inform the community about their activities--their origins, purpose, and goals. This information, or "knowledge" is transmitted in a variety of

ways, but is clearly an important step in gaining community acceptance:

The objectivated meanings of institutional activity are perceived as "knowledge" and transmitted as such. Some of this "knowledge" is deemed relevant to all, some only to certain types. All transmission requires some sort of social apparatus. That is, some types are designated as transmitters, others as recipients of the traditional "knowledge." (Berger & Luckmann, 1966, p. 72)

A charter school, then, seeking to establish itself within the community conscience, transmits collective organizational knowledge through a variety of "social apparatus"--public meetings, community forums (as with Grapeview, Lakeland, and Oak Street), and written information. For example, Southside used frequent written communication with their potential sponsor to inform the district of their intentions and progress. Grapeview developed a 200-page charter document that became a model for other charter schools in the state. Oak Street took advantage of one founder's experience in public relations work to produce professional quality brochures to gain local exposure. Grapeview, Lakeland, Oak Street, and Sherwood Creek were able to take advantage of the interest of local newspapers to get their message out to the community.

As the repeated, habitualized institutional actions of the charter school organization are accepted by the

community, charter schools gain legitimate status.

"Legitimation 'explains' the institutional order by ascribing cognitive validity to its objectivated meanings" (Berger & Luckmann, 1966, p. 92). In other words, when a charter school is able to successfully articulate its origins, purpose, and goals within the larger community context, and the community deems it acceptable by assigning a positive value to it, the charter school becomes a legitimate institution. Legitimation is of critical importance to charter school founders--

"Legitimization justifies the institutional order by giving a normative dignity to its practical imperatives" (Berger & Luckmann, 1966, p. 93).

To charter school founders, a tangible signal of community acceptance is the approval and issuance of their operating charter. Obtaining the operating charter is a cause for celebration, for "hugging the school board and kissing the superintendent!" in the words of Lakeland's Kate Brown. Now the school can begin in earnest with important tasks like accessing state funds for implementation, negotiating a building lease, ordering curriculum materials, and recruiting students.

The issuance of the charter confers an additional symbol to the community at large about the newly legitimate status of the charter school--it is a *de facto*

acknowledgement that there is a breach in the status-quo, in the "way things are done around here." When a breakdown in the status quo takes place, according to Berger and Luckmann (1966), social change may occur more readily-- "breakdown in the taken for granted acceptance of the monopoly accelerates social change" (pp. 122-123). As I have shown earlier in Chapter IV, the drive to create social change through charter schools is an important motivation for charter founders.

These are the essential elements in the process of the social construction of a charter school, which are connected to the data presented in this chapter. I have analyzed the actions of the charter founders through the lens of Berger and Luckmann's ideas of social construction, and I have identified several points where the actions and ideas intersect. These intersecting points illustrate that the actions taken by charter school founders have a larger social meaning, one that transcends their own settings.

Summary

This chapter presents the findings of the qualitative, descriptive study I conducted about Oregon charter schools. My findings are reported under three categories: motivations, opportunities, and means. I also

analyzed the connection between the actions of the charter founders in this study and the process of social construction.

I found that a desire for freedom motivated the Oregon charter school founders in this study. The charter school founders identified the freedom to create social change in the form of a new educational as an important consideration.

The desire to meet perceived community needs also motivated the charter founders. Many of the founders believed that their charter schools would meet these needs, whether through the creation of an alternative educational program, through maintenance of an existing rural school, or through the establishment of a permanent home for a successful program that had been forced to relocate several times.

The desire to exercise a belief in school choice also motivated some of the charter school founders in this study. While explicitly important to some of the founders in this study, other founders declared that exercising school choice had no impact on their motivation to initiate a charter school. In seeking to act on each of these motivations the charter founders undertook the process of starting an Oregon charter school.

I found that charter school founders then used available opportunities to act upon their motivations. Oregon's charter school law provided one important opportunity. Charter school founders utilized the provisions of the law as an avenue to initiate their schools. In the words of Kate Brown of Lakeland Charter School, knowing the law was "important" because the law delineated the limits of the founders' actions in initiating their charter school.

The opportunity to access previously developed working relationships was also significant in initiating the charter schools. Each charter school founder in the study made use of previously developed relationships. A chief advantage of these types of relationships was that these individuals already knew each other's strengths and limitations.

Charter founders also made use of the opportunity to create new working relationships. As their organizations coalesced, the founders identified areas of expertise that were still needed in order to initiate their school. New individuals possessing these needed skills were accessed by the charter founders to assist in creating their school.

I found that charter school founders also had to acquire the means to initiate their schools. These means

included financial resources and district sponsorship. Every charter school founder in this study commented on the need for adequate funding for their schools. As a result, every charter school in this study relied upon grant funding available through the Oregon Department of Education. To a lesser extent, the charter school founders also relied upon their own financial sacrifices, as well as the financial sacrifices of others. These sacrifices included taking out second home mortgages, working at the charter school for a smaller salary, and utilizing personal credit to bridge funding gaps.

The founders also received community and corporate donations. Accountants, architects and attorneys donated professional services, and local businesses donated goods and services. Some charter schools received reduced building lease costs.

I discovered that obtaining sponsorship from local districts was both critical and challenging. It was critical in that the charter school could not operate without sponsorship. It was challenging because local school districts did not always welcome the presence of charter schools, due in part to the competition for students between the two types of schools. Some charter schools were in active conflict with their district

sponsor, but other charter schools managed better relationships.

In this chapter I also analyzed connections between the specific process of starting a charter school and the more generalized process of Berger and Luckmann's social construction (1966). In thinking about the process, I discovered that there are several key points of intersection between the two processes. When individual actors become dissatisfied with current social reality, some of these individuals eventually seek to construct a new social reality, in this instance a charter school. In time, they encounter other individuals with whom they share common values. As they repeatedly encounter one another in their efforts to create this new social reality, their interactions become habitualized into a form of institutional behavior. When their new reality of social change reaches a level of community acceptance through social interactions within the community, the new institution they have created in the form of the charter school begins to challenge the taken-for-granted reality represented by the traditional public school. It is at this point that social change begins to occur as students now enroll in the charter school. The quality and degree of intersection between these two processes suggests that using the theory of social construction as a way to

understand the process of creating a charter school helps us to understand charter schools within a larger explanatory system of institutional change.

CHAPTER V

CONCLUSIONS

Chapter V comprises five sections. The first section contains a summary of the study's context. Section two reviews the methodology used in the study. Section three is a summary of the results. Section four discusses the implications for Oregon charter schools suggested by the findings of the study, and the final section discusses the significance of the study, suggests directions for future research, and provides concluding remarks.

Summary of Study Context

During the 1999 Oregon legislative session, charter schools became part of Oregon law with relatively little debate or public fanfare. What support and opposition that did occur appeared to be arrayed around the poles that one might typically expect: support from Republican lawmakers and the business community, who supported the law for its implementation of parental choice, accountability for school operators and deregulatory aspects; opposition from Democratic lawmakers and teacher's unions concerned about student access, equity

and opportunity, and the potential for a diminished role of public education in Oregon.

During this time, I was taking a course entitled Contemporary Issues in Education, the topics of which included public school prayer, student rights, and current legislation. As part of my reading for the course, I developed an interest in the new Oregon charter school law and its potential impact on Oregon's public education system. At about the same time, my son (who had been unsuccessful at his traditional public high school) had just completed a successful school year in an alternative public high school, suggesting that school choice had worked for him. These two events combined to pique my interest in formally examining the emerging phenomena of Oregon charter schools.

My decision to conduct the study was cemented when the school district for which I work (I am the Assistant Principal of a large Oregon middle school) opened one of the first Oregon charter schools in September 1999. I personally knew the school's director, several of the school's staff members, and most of the students. Over time I developed a positive working relationship with the director and became involved in steering potential students toward enrollment in the school. These three

factors, then, were instrumental in making the decision to pursue this study of school choice.

Key Literature of School Choice

The ideas of school choice are rooted in the larger American cultural ideal of the freedom to choose. Tracing its philosophical roots to Smith (1776), Paine (1791) and Mill (1859), through the work of the Nobel economist Friedman (1962), the idea of school choice has gained momentum in American educational thought over the past forty years.

At its core, the concept of school choice operates from a free market model: let parents be free to send their students to any school, public or private, that they choose, regardless of restrictions such as residence or religion. The government would act as an agent to funnel finances (often in the form of a voucher) to appropriate schools based on enrollment. Some schools would succeed and other schools would fail; the free market would rule all. In theory, the end result would be an overall improvement in the nation's education system.

Naturally enough, there were critics of these ideas. Critics charged that school choice would promote economic elitism, support certain religious ideas, and widen racial divisions. Critics of public schools, however, argued that institutional inertia in the school system was a

hindrance to educational reform of any real consequence. What emerged from these arguments was a compromise position, a "third way" that provided for school choice and accountability, but respected the tenets of the public school system.

Suggested by Budde (1988), and refined by Shanker (1988) the first charter schools appeared in Minnesota in 1991. These charter schools offered both choice and accountability within the system. They were designed to be a public alternative with public schools because they could use their exemption from certain legal requirements (such as teacher licensing laws) to assist in developing innovative programs that traditional public schools could not or did not offer. At the same time, charter schools were to be held accountable for achieving agreed upon results, which were developed through negotiation of a charter agreement with a sponsoring agency, usually a local school board. Failure to achieve the agreed upon results could result in the imposition of consequences, even the eventual closure of the charter school.

Because of the ways in which charter schools address concerns of accountability, choice, freedom, and respect for the public school system, their growth over the past decade has been phenomenal. During the 1990s more than 35 states passed charter school enabling laws, and nearly

2,000 charter schools opened nationwide. Prominent educators and politicians from all along the political spectrum have praised the concept of charter schools and encouraged their growth.

Oregon joined this movement in 1999. In the fall of 2002, there were 16 charter schools operating in Oregon, with several more in the process of organization and proposal development. The Oregon Department of Education and numerous private organizations are available to assist charter founders with technical assistance, training, and access to grant money.

Study Methodology

This study was designed as a descriptive study with the purpose of providing information to educators, public policy makers, parents and the general public about the emerging phenomena of Oregon charter schools. The study focused on the research question "What is the process by which a Charter School is initiated?"

I selected study subjects through a snowball method. At the time I conducted the study (August 2001-October 2001), 14 charter schools were in operation in Oregon.

I asked two individuals who were knowledgeable about Oregon charter schools to provide a list of potential schools to study. I cross-matched these lists, and where

a school appeared on both lists, I contacted the schools to determine their interest in participating in the study. I interviewed eight individuals, representing five Oregon charter schools. I also interviewed an Oregon Department of Education charter school specialist to provide context.

I developed and piloted an interview protocol in July 2001. Interview and document data were then collected between August and October 2001. Interviews followed the piloted interview protocol (see Appendix B) and were taped by me; I also took interview notes. Furthermore, I collected several types of document data, including charter proposals and signed charter agreements.

I analyzed the transcribed interview data and using NUD*IST 4 analysis software. I developed a coding system, identifying 17 major categories and a substantial number of sub-categories as part of the data analysis process. Patterns emerged from the data analysis that enabled me to determine findings and report results.

Study Results

The study centered on the process of initiating a Charter School.

Based upon the information provided by charter school founders, I determined that a desire for freedom, a desire to meet perceived community educational needs and a desire

to implement school choice were the prime motivating factors for these individuals.

School choice is rooted in deceptively difficult idea that parents should have the right to choose their child's school. It is seemingly simple because exercising individual choice is a fundamental part of everyday American life. It is deceptively difficult because exercising educational choice brings into play other issues, such as the equity of access to opportunity, the impact of socioeconomic considerations on choices individuals make, and the role of education in a free society. School choice proponents generally argue that less government interference in education is better for all concerned.

The participants in this study were not ideologues; that is, they told me that they did not follow a script about school choice in making the decision to begin a charter school, nor did they seem to have an affinity for any particular school choice thinking. Indeed, some of the participants of this study were scarcely motivated by the political issues surrounding school choice at all, stating that it was not a consideration in starting their school.

What they did value was freedom--the freedom to create a public school that fit their vision of education.

In this desire for freedom, their motivation illustrated the thoughts of Nathan (1997), who saw freedom as a part of the larger issue of educational opportunity; Shaten and Kolderie (1984), who viewed independently contracted, largely autonomous groups of teachers as a way to reform education; and Chubb and Moe (1990), who envisioned independent, self governed schools as a way to reform education.

The desire of study subjects to meet perceived community needs is an issue discussed in several studies of charter schools. Nappi (1999), for example, discussed the perceived need for more curriculum focused and responsive schools in her community, Princeton, New Jersey. Halseth (2000) recounted the origins of Wisconsin charter schools that began in part due to the pressures for curricular innovation and parent involvement. Akbar (2002) discussed a Florida charter school that originated in order to create a school that met the needs of minority students who had a difficult time in traditional public schools. These researchers found that responding to perceived community needs was a significant motivating factor, just as the Oregon founders described this factor as a motivation for the creation of their charter schools.

Oregon's charter school law presented the founders with the opportunity to act upon their motivations. The

importance of knowing the provisions of the law was stressed by several study participants. The small groups of individuals who took the initial steps to form Oregon charter schools often had worked together previously. The relationships formed during these past experiences helped to provide the opportunity to form a charter school. These same individuals went on to take advantage of the opportunities to create new social networks of individuals with abilities not possessed by the original founders.

Oregon charter school founders found it challenging to acquire the necessary tangible means to form and subsequently operate their charter schools. They were able to access grant funding through the Oregon Department of Education, but often found that this was not adequate to meet their needs, as state funding of their schools was limited to 80% (elementary) or 95% (secondary) of ADM (Average Daily Membership) funding. To augment the resource base, the founders sought donations from their community, and in some cases, put up their own personal assets in order to support the charter school. Finn and Manno (1998) validated the fact that access to capital was the most difficult hurdle for charter founders to overcome.

The final step in initiating the school, obtaining the operating charter, was as much a political exercise as

an educational one. In some cases, it was especially difficult because relationships between charter founders and their prospective school district sponsors had been damaged. But when the charter finally was granted, it was often an occasion for "hugging the school board and kissing the superintendent," in the words of Lakeland Charter School's Kate Brown.

Berger and Luckmann (1966) created a model of institutional change that is useful in describing the creation of a charter school. Beginning with the idea that there are social problems which may require new solutions, detailing the process of forming groups to create these new solutions, and then outlining the process of gaining societal legitimacy for these new solutions, Berger and Luckmann provided a conceptual framework for understanding the work of Oregon charter school founders. Their framework is especially valuable in two specific areas: (a) the manner in which social groups come together, and (b) the tensions present when the legitimacy of institutions such as public schools are challenged, either from within the system or by individuals outside the system.

Charter school literature such as Hassel and Vergari (1999), Manno (2000) and Manno, Finn, and Vanourek (2000), illustrated how institutions responded to a perceived

challenges. Hassel and Vergari reviewed the challenges to charter sponsors, suggesting that establishing open communication between the chartering organization, charter founders and other agencies was important in meeting their responsibilities. Manno detailed the four possible responses that local school districts could have toward charter schools, from outright hostility to acceptance. Manno and Vanourek cautioned charter founders about the possibility of districts "re-regulating" charter schools by saddling them with additional requirements.

The results of this analysis suggested that there was merit in using social construction to understand the process of starting an Oregon charter school.

Implications

Through data collection and analysis, I reached four conclusions in this study about Oregon charter schools.

They are as follow:

1. the desire for freedom among charter founders plays a major role in the decision to initiate the chartering process;
2. Oregon's charter school law provides a safety valve for school districts to respond to opposition;

3. Oregon charter schools are handicapped by the charter school law; and
4. the future of Oregon's charter schools is uncertain.

The Desire for Freedom

Oregon charter school founders identified the desire for freedom as a prime motivating factor in their drive to initiate a charter school. As noted in Chapter IV, this desire asserts itself in three ways: (a) a desire to establish program autonomy, (b) a desire to make and independent academic and administrative decisions, and (c) a desire to be as free as possible of the traditional public school system.

The individuals who take steps to initiate the chartering process are highly committed--each of the founders interviewed struck me as having a streak of independence. As a group, they are willing to work hard, put their professional reputations on the line, and risk public failure in order to start their schools. This independent streak made itself known through the stories that they told. Individual actions of the founders--angering the very people that might rule on their proposal, working long into the night on many occasions while developing their charter proposals, taking out second mortgages, charging their credit cards "to the

max," persistently pursuing grants, donations and in-kind assistance, and never giving up--strongly suggest that these are stubborn people who are not easily deterred. I think it is necessary for these individuals to have this independent streak, given the various forces arrayed against them in initiating their charter schools.

These individuals are also capable educators. As a group, they have significant teaching experience, and bring experience and expertise in a variety of educational settings to their schools. Additionally, their experiences--with the state legislature, business, public relations, and travel to other countries--make them a group with a good deal of background to draw upon in the inevitable problem-solving situations in which they find themselves.

It is understandable that such strong-willed individuals could lose themselves in the process of starting these schools. I have found examples in this study of deep, personal commitment when people are given a chance to exercise the freedom to choose. As a part of this freedom, the opportunity to establish program autonomy and to make independent academic and administrative decisions seemed to be irresistible to them.

Their experiences as educational practitioners who are sometimes in conflict with the "taken-for-granted monopoly" (Berger & Luckmann, 1966, p. 123) of the traditional public schools can be understood with the ideas of social construction. As the charter school practitioners, motivated by values of freedom and autonomy, come into conflict with the experts of the school district, who are motivated by values of standardization and relative conformity, "occasions for social conflict" (Berger & Luckmann, 1966, p. 117) are often a result. This was the case in three of the five charter schools in this study.

Berger and Luckmann (1966) note that "What is likely to be particularly galling is the experts claim to know the ultimate significance of the practitioners' activities better than the practitioners themselves" (p. 117). Given the strong personalities of the charter school founders, such conflicts are likely not to be easily resolved or forgotten. Proposing a charter school can resolve the conflict by allowing an opportunity to access the freedom to choose.

Responding to Opposition

Oregon's charter school legislation confers benefits upon school districts. Many school districts acquire critics that they cannot satisfy. Although Oregon's

charter school law provides an opportunity for individuals and groups, it also creates a potential political safety valve for public school districts to use in responding to their critics.

In this scenario, critics of school districts may be placated by the very existence of the charter school law. School districts might say to critics "If you are dissatisfied with our school system, you can start a charter school," with the knowledge that the odds are slim that this will actually ever occur, and the school district holds most of the cards. The school district can also delay, essentially with impunity, the efforts of charter school founders, or, if they do grudgingly approve a charter, they can set impossible conditions that ensure the enterprise will fail.

Although it is certainly true that there are school districts that support charter schools, the institutional inertia identified by Berger and Luckmann (1966) suggests that many school districts are opposed to charter schools. Indeed, what incentives are there for public schools to give up their traditional monopoly in education? It may well be that the opportunity to begin a charter school is trumped by the very institutional inertia the law is designed to address.

Oregon Charter Schools Are
Handicapped by Oregon's
Charter School Laws

Oregon's charter schools are handicapped by Oregon's charter school laws. This implication, suggested by Hassel (1999), holds that the seeds of the failure of government institutions are often found in the ways in which the institution is created, specifically in the ways that its laws and policies are written and implemented. Oregon's charter school laws carry these handicaps in three fundamental areas: charter school funding, the chartering process, and the consequences of school choice.

Charter school funding. With regard to charter school funding, it is apparent from conversations with charter school founders that the issue of resources is a deep and fundamental concern. Linda Swanson, a charter school specialist with the Oregon Department of Education, stated, "There is never enough money." This was due to four factors.

The first, most readily apparent factor, is found in the way that charter schools in Oregon are funded. At the elementary level, charter schools receive only 80% of state ADM funding for their students; at the high school level, the figure is 95%. As the typical Oregon public school budget earmarks approximately 80% of its expenditures for personnel costs alone, this means that a

prospective Oregon charter school is already at a financial disadvantage before it opens its doors. This disadvantage makes it difficult for charter schools to offer competitive salaries and benefits to attract qualified personnel, to make funding available for curricular and extracurricular programs, and to even find the money for tangibles such as rent, utilities, textbooks, and supplies.

The second financial problem is the need to rely heavily on grant funding to fill the gaps. Oregon's Department of Education granted \$160,000 to each of the charter schools in this study. Although this is a welcome resource, it is a temporary resource: state grant funding disappears after the second operational year, forcing the charter school to seek out other funding sources to bridge the gaps. Under the strains of creating a new school, founders are under pressure to constantly seek out new funding sources, many of which carry strings, i.e., attached expectations.

A third financial problem grows out of the first two. Since charter schools receive less state funding than non-charter schools and rely heavily on external funding, the founders and others feel compelled to use their own resources in order to launch the school. Several people interviewed for this study noted their sacrifices. Some

were working for substantially less money (in some cases, as much as 40% less than a comparable public school teacher), taking out second mortgages, or "maxxing out" their charge cards. This places an unrealistic set of expectations on the professionals involved in charter schools. The financial problem may also serve as a barrier to those who wish to begin a charter school but who lack access to the needed funds to make a school successful.

Finally, charter school founders find themselves relying heavily on the largess of the community for both needed services and tangible assets. Several individuals interviewed for this study pointed with pride to the many volunteer hours and substantial pro-bono work done by professionals like accountants, architects, and attorneys. Although many founders are able to tap into community good will at the outset, this resource is itself finite and dependent on the founders fundraising skills.

The chartering process. Another handicapping aspect of the charter school law is the chartering process itself. Charter school founders have to satisfy a sponsor, usually a local school district, in order to obtain a charter. This can be a difficult process, as noted by Manno and Vanourek (2000), who outline some of the pitfalls awaiting charter founders in this stage,

including nearly unattainable standards and potential enemies, such as local teacher groups. School districts may also choose to be openly helpful, openly hostile, or anything in between (Manno, Finn & Vanourek, 2000). There may even be, as in the case of Grapeview Charter School, substantial disagreement between school district administrators and the elected school board about the whether or not to grant the charter. These factors may create serious handicaps for Oregon charter founders.

The ultimate barrier for charter school founders is this: local school districts are under no obligation to grant charters. It is true that there is a well-defined appeals process involving the State Board of Education, but this offers would-be charter operators a difficult challenge. According to Linda Swanson, the State School Board is reluctant to charter a school themselves, although they recently did grant a charter to a school following a protracted appeals process. Any charter school that receives its charter from the state through the appeal process will still have significant problems when it opens its doors in a district that previously denied it a charter.

The Future of Oregon Charter
Schools is Uncertain

Factors in the composition of leadership within Oregon charter schools and the changing face of Oregon school reform efforts reveal the uncertain future of Oregon charter schools.

Charter schools are led and driven by people with a passionate belief in what they are attempting to do. It is, however, interesting to contemplate what may occur at these schools when the principal players decide that it is time to move on to other challenges. Will the charter school be able to continue in operation and sustain the passion and belief that led to its founding in the first place? Does the drive and ambition that is required to build the school translate into the less exciting, but equally challenging, demands of daily operation? Will the continual challenge to obtain operating funds, meet the demands imposed by the charter, and maintain enrollment eventually sap the will to keep the charter school in operation? These are all open questions at this point in the development of Oregon's charter schools.

Oregon's efforts in educational reform will also have an impact on the continuing presence of Oregon's charter schools. Many Oregon charter schools have roots in the tenets of alternative education. As Oregon educators continue their attempts to reform, their efforts could

reduce the need for charter schools. Oregon public schools have been forced, in part by school reform issues and in part by persistent school funding concerns, to examine and make changes in the programs they offer their students. What this may ultimately do is to reduce both the need and desire of local public school districts to sponsor charter schools.

On the other hand, school choice proponents might argue that the presence of charter schools creates a desired level of competition for finite resources, and that this competition is exactly what is needed in public schools. However, these very same advocates are not considering the undue burden on charter founders to be resourceful. The playing field for charter schools, therefore, is not level. I don't believe that this was the intent of the charter law, which speaks of curriculum innovation rather than financial innovation. One might legitimately argue that charter schools are schools of choice, and that all of the players, professionals and parents alike, know what the financial limitations are when they get involved with charter schools. However, purposefully reducing the resources available to charter school operators while placing performance requirements upon them ultimately trumps the freedom they have to run

their programs: freedom is not freedom if you cannot fully exercise it.

If the primary goal of Oregon's charter school law is to create both choice for students and competition for public schools, the funding allotments for charter schools simply must change; charter school funding must be changed to match the levels of state funding for all public schools. It must do this for three reasons.

The first reason is student choice. For students to have a true choice, the entities that they are choosing from must be on a relatively equal footing. The disingenuous economic elitism that is sometimes present in school choice schemes will create a situation of institutionalized disadvantage if unequal funding is permitted to continue. What student or parent, unless filled with zeal for the ideas a specific charter school represents, would choose a struggling, underfunded school over a school that is receiving regular funding?

The second reason is competition. If the goal of Oregon charter school law is to create competition, why saddle a charter school with fewer resources, hindering its ability to compete? Where this really hits home is in the ability to attract qualified staff. Although it is true that dedicated people will work for less money under the right conditions, it is also true that underqualified

people who cannot obtain teaching positions in public schools will also work for less money. This can create problems in that, over time, inadequate teaching by less qualified individuals may lead to the failure of the school and its subsequent closure.

The final reason to amend the funding stipulations is simple fairness. Like the freedom to choose, equality of opportunity is also an American ideal. Providing a choice between a fully funded public school and one that is funded at only 80% or 95% simply does not provide a fair and equal opportunity for students, parents, or professionals. In addition, Oregon's persistent public school funding crises place additional pressures on law makers to shortchange charter schools. The freedom that is occasioned by Oregon charter school law is trumped by the restrictions imposed by finances. This is not desirable, equal, or fair.

Study Significance, Suggestions for Future Research, and Concluding Remarks

The final section of this dissertation includes a discussion of the significance of the study, suggested directions for future research about Oregon charter schools and the concluding remarks.

Study Significance

This is the first empirical investigation of the organizational dynamics of Oregon charter schools. It is true that Northwest Regional Educational Laboratory recently conducted a program survey and evaluation of Oregon charter schools (2001). However, as noted in Chapter II, this study was a snapshot that focused on current program status and performance.

This study is also significant for its value to individuals interested in starting a charter school. All over Oregon, individuals are considering whether or not to begin charter schools-many are in the planning stages. I have been contacted by individuals who are considering active involvement in an Oregon charter school and, knowing of my work in this subject, want to discuss what I have learned. Individuals who wish to start an Oregon charter school may find it valuable to read about the experiences of others who have traveled the same path.

Finally, I believe that the study is also significant for its contribution to the literature of charter schools in the United States. No study that I reviewed examined the blend of motivations, means, and opportunities available to charter school founders. Equally important, no studies I reviewed examined charter schools through a

social constructionist lens, placing charter schools within a framework of social change.

Suggestions for Future Research

Three possible research studies may arise from the information and findings reported by this study. The first possibility suggested by this dissertation is to revisit the subjects of this study at a later time, perhaps several years from now. The purpose of this new study would be to test the original dissertation findings, and to determine if the founders have altered their views about the significance of the chartering process. The potential value of a study of this type would be in its attempt to replicate and validate the original findings of this study.

Another type of study is suggested by the work of Hassel (1999). Hassel examined charter school laws in four States (Colorado, Georgia, Massachusetts, and Michigan), and compared each of the laws to a set of standards he had developed. He determined that states with strong charter school laws placed few restrictions on charter founders and actually worked to encourage the establishment of many charter schools. Weak charter school laws, by contrast, placed many restrictions on charter school founders and inhibited their establishment.

It would be useful to complete a similar study that included Oregon's charter school law and determined its relative merits when compared independently developed standards such as Hassel's. The potential utility of this study would be in its value to potential charter school founders and other interested parties as an analysis of Oregon's charter school law. It could also be useful to Oregon law makers who may have interest in amending the charter school law.

Finally, the state needs information from a study that examines the collective effectiveness of Oregon's charter schools. This information is needed because charter schools, as educational innovations, require attention to the issue of outcomes. Developing a rubric that examines charter schools and their effectiveness beyond whether they meet the terms of their individual charter agreements would be useful to law makers, policy makers and the general public. At a minimum, attributes to be examined should include data-based assessments of how well Oregon charter schools meet student achievement goals, curriculum implementation goals, and program stability goals (enrollment, financial and staff stability, for example). The study should also determine the extent to which Oregon charter schools actually help generate innovative education programs.

Concluding Remarks

This dissertation is the first of its kind conducted about the origins of Oregon charter schools. As such, it not only pioneers work in an emerging area of interest, but also suggests at least three future studies about the experiences of Oregon charter school founders and the effectiveness of Oregon charter schools.

Regardless of an individual's position about Oregon charter schools, the work of Oregon charter school founders clearly merits respect. This study has shown that initiating an Oregon charter school is incredibly difficult work, given the economic, educational, legal, and social obstacles that charter school founders must overcome. John of Salisbury (c. 1160) once wrote:

Bernard of Chartres used to compare us to dwarfs perched on the shoulders of giants. He pointed out that we see more and farther than our predecessors, not because we have keener vision or greater height, but because we are lifted up and borne aloft on their gigantic stature. (cited in Cook & Herzman, 1982, p. i)

It may be hyperbole to compare Oregon charter school founders to Bernard's giants, but there is no question that they are passionate, persistent, and daring people. After all, as Ruth Ross of Grapeview Charter School said, creating an Oregon charter school is "not for the faint of heart."

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APPENDIX A

OREGON SENATE BILL 100 (1999)

Chapter 200 Oregon Laws 1999

Session Law

AN ACT

SB 100

Relating to charter schools; creating new provisions; amending ORS 181.539, 326.603, 326.607, 327.077, 327.109, 329.045, 337.150, 339.141, 339.147, 339.155, 342.232 and 659.155; appropriating money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Policy statement. It is the intent of sections 1 to 23 of this 1999 Act that new types of schools, called public charter schools, be created as a legitimate avenue for parents, educators and community members to take responsible risks to create new, innovative and more flexible ways of educating children within the public school system. The Legislative Assembly seeks to create an atmosphere in Oregon's public school system where research and development of new learning opportunities are actively pursued. The provisions of sections 1 to 23 of this 1999 Act should be interpreted liberally to support the goals of this section and to advance a renewed commitment by this state to the mission, goals and diversity of public education. It is the intent that public charter schools may serve as models and catalysts for the improvement of other public schools and the public school system. The goals of public charter schools shall be to:

- (1) Increase student learning and achievement;
- (2) Increase choices of learning opportunities for students;
- (3) Better meet individual student academic needs and interests;
- (4) Build stronger working relationships among educators, parents and other community members;
- (5) Encourage the use of different and innovative learning methods;
- (6) Provide opportunities in small learning environments for flexibility and innovation, which may be applied, if proven effective, to other public schools;

- (7) Create new professional opportunities for teachers;
- (8) Establish additional forms of accountability for schools; and
- (9) Create innovative measurement tools.

SECTION 2. Definitions. As used in sections 1 to 23 of this 1999 Act, unless the context requires otherwise:

- (1) "Applicant" means any person or group that develops and submits a written proposal for a public charter school to a sponsor.
- (2) "Public charter school" means an elementary or secondary school offering a comprehensive instructional program operating under a written agreement entered into between a sponsor and an applicant and operating pursuant to sections 1 to 23 of this 1999 Act.
- (3) "Sponsor" means:
 - (a) The board of the common school district or the union high school district in which the public charter school is located that has developed a written charter with an applicant to create a public charter school.
 - (b) The State Board of Education pursuant to section 9 of this 1999 Act.

SECTION 3. Formation of a public charter school. (1) A public charter school may be established:

- (a) As a new public school;
 - (b) From an existing public school or a portion of the school; or
 - (c) From an existing alternative education program, as defined in ORS 336.615.
- (2) Before a public charter school may operate as a public charter school it must:
- (a) Be approved by a sponsor;
 - (b) Be established as a nonprofit organization under the laws of Oregon; and
 - (c) Have applied to qualify as an exempt organization under section 501(c)(3) of the Internal Revenue Code.
- (3) An applicant seeking to establish a public charter school shall submit a proposal pursuant to section 6 of

this 1999 Act to the school district board of the school district within which the public charter school will be located at least 120 days prior to the date upon which the public charter school would begin operating. However, it is recommended that an applicant consult with the school district board prior to submitting a proposal.

(4) An applicant seeking to establish a public charter school shall provide to the State Board of Education a copy of any proposal submitted to a school district board under section 6 of this 1999 Act and a copy of any subsequent approval by the school district board.

(5) All schools in a school district shall not become public charter schools. However, a school in a school district that is composed of only one school may become a public charter school.

(6)(a) A school district board or the State Board of Education may not approve a public charter school proposal that authorizes the conversion of any private school that is tuition based to a public charter school.

(b) Notwithstanding paragraph (a) of this subsection, a school district board or the State Board of Education may authorize the conversion of an existing alternative education program, as defined in ORS 336.615, to a public charter school.

(7) A school district board or the State Board of Education may not approve a public charter school proposal that is affiliated with a nonpublic sectarian school or a religious institution.

SECTION 4. Phase-in. (1) The total number of students enrolled in public charter schools located in a school district shall not be more than 10 percent of the total number of students enrolled in all public schools in the school district.

(2) A school district board may waive the requirements of subsection (1) of this section.

SECTION 5. Section 4 of this 1999 Act is repealed January 1, 2003.

SECTION 6. Application process. (1) An applicant seeking to establish a public charter school shall submit a

written proposal to a school district board.

(2) The proposal shall include, but need not be limited to:

- (a) The identification of the applicant;
- (b) The name of the proposed public charter school;
- (c) A description of the philosophy and mission of the public charter school;
- (d) A description of the curriculum of the public charter school;
- (e) A description of the expected results of the curriculum and the verified methods of measuring and reporting objective results that will show the growth of knowledge of students attending the public charter school and allow comparisons with public schools;
- (f) The governance structure of the public charter school;
- (g) The projected enrollment to be maintained and the ages or grades to be served;
- (h) The target population of students the public charter school will be designed to serve;
- (i) A description of any distinctive learning or teaching techniques to be used in the public charter school;
- (j) The legal address, facilities and physical location of the public charter school, if known;
- (k) A description of admission policies and application procedures;
- (L) The statutes and rules that shall apply to the public charter school;
- (m) The proposed budget and financial plan for the public charter school and evidence that the proposed budget and financial plan for the public charter school are financially sound;
- (n) The standards for behavior and the procedures for the discipline, suspension or expulsion of students;
- (o) The proposed school calendar for the public charter school, including the length of the school day and school year;
- (p) A description of the proposed staff members and

required qualifications of teachers at the public charter school;

(q) The date upon which the public charter school would begin operating;

(r) The arrangements for any necessary special education and related services provided pursuant to section 21 of this 1999 Act for children with disabilities who may attend the public charter school;

(s) Information on the manner in which community groups may be involved in the planning and development process of the public charter school;

(t) The term of the charter;

(u) The plan for performance bonding or insuring the public charter school, including buildings and liabilities;

(v) A proposed plan for the placement of public charter school teachers, other school employees and students of the public charter school upon termination or nonrenewal of a charter;

(w) The manner in which the program review and fiscal audit will be conducted; and

(x) In the case of an existing public school being converted to charter status:

(A) The alternative arrangements for students who choose not to attend the public charter school and for teachers and other school employees who choose not to participate in the public charter school; and

(B) The relationship that will exist between the public charter school and its employees, including evidence that the terms and conditions of employment have been addressed with affected employees and their recognized representative, if any.

(3) In addition to the requirements of subsection (2) of this section, the school district board may require any additional information the board considers relevant to the formation or operation of a public charter school.

(4) At the request of the applicant, the school district board may provide technical assistance in developing the proposal for operation of the public charter school.

(5) To the extent such information is reasonably available, education service districts shall make available to the public lists of vacant and unused public and private buildings or portions of buildings that may be suitable for the operation of a public charter school. School districts shall provide to the public and to their education service districts lists of unused or underutilized buildings that are owned by the school districts. Nothing in this subsection requires the owner of a building on the list to sell or lease to a public charter school a building or any portion of a building.

SECTION 7. Approval process. (1) Within 60 days of receipt of a proposal submitted under section 6 of this 1999 Act, the school district board shall hold a public hearing on the provisions of the proposal.

(2) The school district board shall evaluate a proposal in good faith using the following criteria:

- (a) The demonstrated, sustainable support for the public charter school by teachers, parents, students and other community members, including comments received at the public hearing held under subsection (1) of this section;
- (b) The demonstrated financial stability of the public charter school;
- (c) The capability of the applicant, in terms of support and planning, to provide comprehensive instructional programs to students pursuant to an approved proposal;
- (d) The capability of the applicant, in terms of support and planning, to specifically provide, pursuant to an approved proposal, comprehensive instructional programs to students identified by the applicant as academically low achieving;
- (e) The extent to which the proposal addresses the information required in section 6 of this 1999 Act;
- (f) Whether the value of the public charter school is outweighed by any directly identifiable, significant and adverse impact on the quality of the public education of students residing in the school district in which the public charter school will be located;
- (g) Whether there are arrangements for any necessary

special education and related services for children with disabilities pursuant to section 21 of this 1999 Act; and

(h) Whether there are alternative arrangements for students and for teachers and other school employees who choose not to attend or who choose not to be employed by the public charter school.

(3) The school district board must approve a proposal or state in writing the reasons for disapproving a proposal within 30 days after the public hearing held under subsection (1) of this section.

(4) Written notice of the school district board's action shall be sent to the applicant. If the proposal is not approved, the reasons for the denial and suggested remedial measures, if any, shall be clearly stated in the notice sent by the school district board to the applicant. If the proposal is not approved, the applicant may amend the proposal to address objections and any suggested remedial measures and resubmit the proposal to the school district board. The school district board shall approve or disapprove the resubmitted proposal within 20 days after receiving it. If the proposal is not approved, the applicant may appeal the decision of the school district board to the State Board of Education.

(5) Individual elements in a public charter school proposal may be changed through the application and chartering process.

(6) A proposal to convert an existing public school to a public charter school must be approved by the school district board of the public school.

(7) The school district board or the State Board of Education shall not charge any fee to applicants for the application process.

(8) Upon request by a school district, the State Board of Education may grant an extension of any timeline required by this section if the district has good cause for requesting the extension.

SECTION 8. Terms and form of charter. (1) Upon approval of a proposal by a school district board under section 7 of this 1999 Act, the school district board shall become the sponsor of the public charter school. The sponsor and

applicant shall develop a written charter that contains the provisions of the proposal that have been duly approved by the sponsor and public charter school governing body. The sponsor and the applicant may agree to change elements of the proposal prior to incorporating them into the charter or exclude elements of the proposal from the charter. The charter, when duly executed by the sponsor and the public charter school governing body, shall act as the legal authorization for the establishment of the public charter school. The charter shall be legally binding on both the sponsor and the public charter school governing body. The charter shall be in effect for a period of not more than five years and may be renewed upon the authorization of the sponsor.

(2) The sponsor and the public charter school governing body may amend a charter by joint agreement.

SECTION 9. Application process review. (1) If a school district board does not approve a proposal to start a public charter school pursuant to section 7 of this 1999 Act, the applicant may request that the State Board of Education review the decision of the school district board.

(2) Upon receipt of a request for review, the State Board of Education:

(a) Shall attempt to mediate a resolution between the applicant and the school district board.

(b) May recommend to the applicant and school district board revisions to the application.

(c) If the school district board does not accept the revisions to the application and the applicant agrees to the sponsorship, may become the sponsor of the public charter school.

(3) Upon receipt of a request for review, in addition to actions described in subsection (2) of this section and at any time during the review process, the State Board of Education may reject a proposal to start a public charter school based on the criteria listed in section 7 (2) of this 1999 Act.

(4) An applicant may seek judicial review of an order of the State Board of Education pursuant to ORS 183.484. If

the court finds that the decision of the State Board of Education is not supported by substantial evidence in the record, the court shall enter a judgement directing the State Board of Education to sponsor the public charter school.

SECTION 10. Charter review. (1) A public charter school shall report to the sponsor and the State Board of Education at least annually on the performance of the school and its students. A public charter school shall disclose in its report information necessary to make a determination of compliance with the requirements of sections 1 to 23 of this 1999 Act. The sponsor or the sponsor's designee at least annually shall visit the public charter school site and review the public charter school's compliance with the terms and provisions of the charter.

(2) The public charter school shall have an annual audit of the accounts of the public charter school prepared in accordance with the Municipal Audit Law, ORS 297.405 to 297.555 and 297.990. The annual audit shall be forwarded to the sponsor, the State Board of Education and the Department of Education.

(3) The State Board of Education may require public charter schools to file reports with the Department of Education as necessary to enable the department to gather information on public charter schools for inclusion in the Oregon Report Card issued pursuant to ORS 329.115.

SECTION 11. Review and termination. (1) During the term of a charter, the sponsor may terminate the charter on any of the following grounds:

(a) Failure to meet the terms of an approved charter or sections 1 to 23 of this 1999 Act.

(b) Failure to meet the requirements for student performance stated in the charter.

(c) Failure to correct a violation of a federal or state law that is described in section 12 of this 1999 Act.

(d) Failure to maintain insurance as described in the charter.

(e) Failure to maintain financial stability.

(2) If a charter is terminated under subsection (1) of this section, the sponsor shall notify the public charter school governing body at least 60 days prior to the proposed effective date of the termination. The notice shall state the grounds for the termination. The public charter school governing body may request a hearing by the sponsor.

(3) A public charter school governing body may appeal any decision of a sponsor that is:

(a) A school district board to the State Board of Education. The State Board of Education shall adopt by rule procedures to ensure a timely appeals process to prevent disruption of students' education.

(b) The State Board of Education to the circuit court pursuant to ORS 183.484.

(4)(a) Notwithstanding subsection (2) of this section, a sponsor may terminate a charter immediately and close a public charter school if the public charter school is endangering the health or safety of the students enrolled in the public charter school.

(b) The public charter school governing body may request a hearing from the sponsor on the termination of the charter under this subsection. The sponsor shall hold a hearing within 10 days after receiving the request.

(c) The public charter school governing body may appeal a decision of a sponsor under this subsection to the State Board of Education. The State Board of Education shall hold a hearing within 10 days after receiving the appeal request.

(d) Throughout the appeals process, the public charter school shall remain closed at the discretion of the sponsor unless the State Board of Education orders the sponsor to open the public charter school and not terminate the charter.

(5) Termination of a charter shall not abridge the public charter school's legal authority to operate as a private or nonchartered public school.

(6) If a charter is terminated or a public charter school is dissolved, the assets of the public charter school that

were purchased with public funds shall be given to the State Board of Education. The State Board of Education may disburse the assets of the public charter school to school districts or other public charter schools.

(7) A public charter school governing body may only terminate a charter, dissolve or close a public charter school at the end of a semester. If a charter is terminated by the public charter school governing body or a public charter school is closed or dissolved, the public charter school governing body shall notify the sponsor at least 180 days prior to the proposed effective date of the termination, closure or dissolution.

SECTION 12. Restrictions, protections, waivers and application of law. (1) Statutes and rules that apply to school district boards, school districts or other public schools shall not apply to public charter schools. However, the following laws shall apply to public charter schools:

- (a) Federal law;
- (b) ORS 192.410 to 192.505 (public records law);
- (c) ORS 192.610 to 192.690 (public meetings law);
- (d) ORS 297.405 to 297.555 and 297.990 (Municipal Audit Law);
- (e) ORS 181.539, 326.603, 326.607 and 342.232 (criminal records checks);
- (f) ORS 337.150 (textbooks);
- (g) ORS 339.141, 339.147 and 339.155 (tuition and fees);
- (h) ORS 659.150 and 659.155 (discrimination);
- (i) ORS 30.260 to 30.300 (tort claims);
- (j) Health and safety statutes and rules;
- (k) Any statute or rule that is listed in the charter;
- (L) The statewide assessment system developed by the Department of Education under ORS 329.485 (1);
- (m) ORS 329.045 (1) (academic content areas);
- (n) Any statute or rule that establishes requirements for instructional time provided by a school during each day or during a year; and

- (o) Sections 1 to 23 of this 1999 Act.
- (2) Notwithstanding subsection (1) of this section, a charter may specify that statutes and rules that apply to school district boards, school districts and other public schools may apply to a public charter school.
- (3) If a statute or rule applies to a public charter school, then the terms "school district" and "public school" shall include public charter school as those terms are used in that statute or rule.
- (4) A public charter school shall not violate the Establishment Clause of the First Amendment to the United States Constitution or section 5, Article I of the Oregon Constitution, or be religion based.
- (5) A public charter school shall maintain an active enrollment of at least 25 students.
- (6) A public charter school may sue or be sued as a separate legal entity.
- (7) The sponsor, members of the governing board of the sponsor acting in their official capacity and employees of a sponsor acting in their official capacity are immune from civil liability with respect to all activities related to a public charter school within the scope of their duties or employment.
- (8) A public charter school may enter into contracts and may lease facilities and services from a school district, education service district, state institution of higher education, other governmental unit or any person or legal entity.
- (9) A public charter school may not levy taxes or issue bonds under which the public incurs liability.
- (10) A public charter school may receive and accept gifts, grants and donations from any source for expenditure to carry out the lawful functions of the school.
- (11) The school district in which the public charter school is located shall offer a high school diploma, certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery to any public charter school student who meets the district's and state's standards for a high school diploma, certificate, Certificate of Initial

Mastery or Certificate of Advanced Mastery.

(12) A high school diploma, certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery issued by a public charter school shall grant to the holder the same rights and privileges as a high school diploma, certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery issued by a nonchartered public school.

(13) Prior to beginning operation, the public charter school shall show proof of insurance to the sponsor as specified in the charter.

SECTION 13. Authority for rules and waivers. (1) The State Board of Education may adopt any rules necessary for the implementation of sections 1 to 23 of this 1999 Act. The rules shall follow the intent of sections 1 to 23 of this 1999 Act.

(2) Upon application by a public charter school, the State Board of Education may grant a waiver of any provision of sections 1 to 23 of this 1999 Act if the waiver promotes the development of programs by providers, enhances the equitable access by underserved families to the public education of their choice, extends the equitable access to public support by all students or permits high quality programs of unusual cost. The State Board of Education may not waive any appeal provision in sections 1 to 23 of this 1999 Act or any provision under section 12 (1)(a) to (n) of this 1999 Act.

SECTION 13a. Report to Legislative Assembly. The Department of Education shall report to the Seventy-first Legislative Assembly on any public charter schools for which the State Board of Education is the sponsor.

SECTION 14. Students. (1) Student enrollment in a public charter school shall be voluntary. All students who reside within the school district where the public charter school is located are eligible for enrollment at a public charter school. If the number of applications from students who reside within the school district exceeds the capacity of a program, class, grade level or building, the public charter school shall select students through an equitable lottery selection process. However, after a public charter

school has been in operation for one or more years, the public charter school may give priority for admission to students:

(a) Who were enrolled in the school in the prior year; or
(b) Who have siblings who are presently enrolled in the school and who were enrolled in the school in the prior year.

(2) If space is available a public charter school may admit students who do not reside in the school district in which the public charter school is located.

(3) A public charter school may not limit student admission based on ethnicity, national origin, disability, gender, income level, proficiency in the English language or athletic ability, but may limit admission to students within a given age group or grade level.

(4) A public charter school may conduct fund-raising activities. However, a public charter school shall not require a student to participate in fund-raising activities as a condition of admission to the public charter school.

SECTION 15. Temporary student enrollment restrictions. Notwithstanding section 14 of this 1999 Act, at least 80 percent of the students enrolled in a public charter school shall be residents of the school district within which the public charter school is located.

SECTION 16. Section 15 of this 1999 Act is repealed January 1, 2004.

SECTION 17. Employment status of public employees in public charter schools. (1) Employee assignment to a public charter school shall be voluntary.

(2) A public charter school or the sponsor of the public charter school may be considered the employer of any employees of the public charter school. If a school district board is not the sponsor of the public charter school, the school district board shall not be the employer of the employees of the public charter school and the school district board may not collectively bargain with the employees of the public charter school. The public charter school governing body shall control the

selection of employees at the public charter school.

(3) The school district board of the school district within which the public charter school is located shall grant a leave of absence to any employee who chooses to work in the public charter school. The length and terms of the leave of absence shall be set by negotiated agreement or by board policy. However, the length of the leave of absence may not be less than two years unless:

(a) The charter of the public charter school is terminated or the public charter school is dissolved or closed during the leave of absence; or

(b) The employee and the school district board have mutually agreed to a different length of time.

(4) An employee of a public charter school operating within a school district who is granted a leave of absence from the school district and returns to employment with the school district shall retain seniority and benefits as an employee pursuant to the terms of the leave of absence. Notwithstanding ORS 243.650 to 243.782, a school district that was the employer of an employee of a public charter school not operating within the school district may make provisions for the return of the employee to employment with the school district.

(5) For purposes of ORS chapter 238, a public charter school shall be considered a public employer and as such shall participate in the Public Employees Retirement System.

(6) For teacher licensing, employment experience in public charter schools shall be considered equivalent to experience in public schools.

(7) Notwithstanding ORS 342.173, a public charter school may employ as a teacher or administrator a person who is not licensed by the Teacher Standards and Practices Commission. However, at least one-half of the total full-time equivalent (FTE) teaching and administrative staff at the public charter school shall be licensed by the commission pursuant to ORS 342.135, 342.136, 342.138 or 342.140.

(8) Notwithstanding ORS 243.650, a public charter school shall be considered a school district for purposes of ORS

243.650 to 243.782. An employee of a public charter school may be a member of a labor organization or organize with other employees to bargain collectively. Bargaining units at the public charter school may be separate from other bargaining units of the sponsor or of the school district in which the public charter school is located. Employees of a public charter school may be part of the bargaining units of the sponsor or of the school district in which the public charter school is located.

(9) A school district or the State Board of Education may not waive the right to sponsor a public charter school in a collective bargaining agreement.

SECTION 18. The provisions of section 17 of this 1999 Act apply only to a collective bargaining agreement that is entered into, renewed or extended after the effective date of this 1999 Act.

SECTION 19. Transportation services. (1) The public charter school shall be responsible for providing transportation to students who reside within the school district and who attend the public charter school. The public charter school may negotiate with a school district for the provision of transportation to students attending the public charter school.

(2) Notwithstanding subsection (1) of this section, the school district within which the public charter school is located shall be responsible for the transportation of students attending the public charter school pursuant to ORS 327.043 in the same manner as students attending nonchartered public schools if the student is a resident of the school district. However, a school district may not be required to add or extend existing bus routes or other transportation services pursuant to this subsection.

(3) Students who attend public charter schools and who reside outside of the school district may use existing bus routes and transportation services of the school district in which a public charter school is located.

(4) Any transportation costs incurred by a school district under this section shall be considered approved transportation costs for purposes of ORS 327.013 (8) in the same manner as transportation costs incurred by the

school district for transporting students who attend nonchartered public schools are considered approved transportation costs for purposes of ORS 327.013 (8).

SECTION 20. Funding. (1) Students of a public charter school shall be considered to be residents of the school district in which the public charter school is located for purposes of distribution of the State School Fund.

(2) A school district shall contractually establish, with any public charter school that is sponsored by the board of the school district, payment for provision of educational services to the public charter school's students. The payment shall equal an amount per weighted average daily membership (ADMw) of the public charter school that is at least equal to:

(a) Eighty percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade eight; and

(b) Ninety-five percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

(3) A school district shall contractually establish, with any public charter school that is sponsored by the State Board of Education and within the boundaries of the school district, payment for provision of educational services to the public charter school's students. The payment shall equal an amount per weighted average daily membership (ADMw) of the public charter school that is at least equal to:

(a) Ninety percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade eight; and

(b) Ninety-five percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

(4) The estimated amount of each school district's General Purpose Grant per ADMw shall be determined each year by

the Department of Education and made available to all school districts.

(5) The school district in which the public charter school is located shall transfer an amount per weighted average daily membership (ADMw) of the public charter school that is equal to 50 percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 that is not paid to the public charter school through a contract created pursuant to subsections (2) or (3) of this section to:

(a) Any school district in which the parent or guardian of or person in parental relationship to a student of a public charter school resides pursuant to ORS 339.133 and 339.134; or

(b) The Department of Education if the State Board of Education is the sponsor of the public charter school.

(6) The department may use any money received under this section for activities related to public charter schools.

(7) A school district and a public charter school may negotiate to establish a payment for the provision of educational services to the public charter school's students that is more than the minimum amounts specified in subsection (2) or (3) of this section.

(8) A school district shall send payment to a public charter school based on a contract negotiated under this section within 10 days after receiving payments from the State School Fund pursuant to ORS 327.095.

(9)(a) A public charter school may apply for any grant that is available to school districts or nonchartered public schools from the Department of Education. The department shall consider the application of the public charter school in the same manner as an application from a school district or nonchartered public school.

(b) The department shall award any grant that is available to school districts based solely on the weighted average daily membership (ADMw) of the school district directly to the public charter school. This paragraph does not apply to any grant from the State School Fund.

SECTION 21. Special education. (1) Notwithstanding

section 20 (1) of this 1999 Act, for purposes of this section, the "resident school district" of a student who is eligible for special education and related services shall be the school district in which the student's parent or guardian or person in parental relationship to the student reside pursuant to ORS 339.133 and 339.134.

(2) For students who attend public charter schools and are eligible for special education and related services:

(a) The resident school district of the student shall be responsible for providing any required special education and related services to the student; and

(b) Amounts from the State School Fund for those students shall be distributed through the resident school district pursuant to this section.

(3) Notwithstanding section 20 (2) of this 1999 Act, a resident school district of a student who is eligible for special education and related services shall contractually establish, with any public charter school in which the student is enrolled, payment for provision of special education and related services to the student. If a student is enrolled in a public charter school and is eligible for special education and related services an additional amount shall be added to the ADM of the public charter school as described in ORS 327.013 (7)(a)(A). The payment per ADMw in the public charter school that is attributable to the student who is eligible for special education and related services shall equal an amount that is at least equal to:

(a) 40 percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade eight; and

(b) 47.5 percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.

(4) If the resident school district is not the sponsor of a public charter school, the resident school district for each ADMw that is attributable to a student enrolled in a public charter school who is eligible for special

education and related services shall transfer five percent of the amount of the school district's General Purpose Grant per ADMw as calculated under ORS 327.013 to the sponsor of the public charter school.

(5) Notwithstanding subsection (3) of this section, a school district and a public charter school may negotiate on a case-by-case basis for an alternative distribution of funds other than the distribution prescribed by subsection (3) of this section.

SECTION 22. Public Charter School Development Fund. (1) There is established a Public Charter School Development Fund, separate and distinct from the General Fund, consisting of all funds received from the federal government or from other sources for public charter school development and any loans repaid under section 23 of this 1999 Act. All expenses incurred in the administration of section 23 of this 1999 Act shall be borne by the Public Charter School Development Fund. Interest earned by the fund shall be credited to the fund.

(2) The moneys in the fund are appropriated continuously to the Department of Education.

SECTION 23. Grant and loan program. (1) The Department of Education shall award grants and loans to public charter schools that have a charter approved by a sponsor or to applicants that wish to establish or expand a public charter school. The purpose of the grants and loans is to promote development of high quality public charter schools.

(2) Pursuant to rules adopted by the State Board of Education, the Department of Education shall award grants and loans on the basis of need. Priority for awarding grants and loans shall be to those public charter schools serving at-risk youth.

(3) The State Board of Education shall adopt by rule criteria for awarding grants and loans under this section.

SECTION 24. ORS 181.539 is amended to read:

181.539. (1) Upon the request of the Teacher Standards and Practices Commission or the Department of Education, the Department of State Police shall furnish to the authorized staff of the Teacher Standards and Practices Commission or

the Department of Education such information on a subject individual as the Department of State Police may have in its possession from its central bureau of criminal identification, including but not limited to manual or computerized criminal offender information.

(2)(a) Subsequent to furnishing the information required under subsection (1) of this section, the Department of State Police shall conduct nationwide criminal records checks of the subject individual through the Federal Bureau of Investigation by use of the subject individual's fingerprints and shall report the results to the staff of the Teacher Standards and Practices Commission or the Department of Education, who must be specifically authorized to receive the information.

(b) The Federal Bureau of Investigation shall either return or destroy the fingerprint cards used to conduct the criminal records check and shall not keep any record of the fingerprints. However, if the federal bureau policy authorizing return or destruction of the fingerprint cards is changed, the department shall cease to send the cards to the federal bureau but shall continue to process the information through other available resources.

(c) If the Federal Bureau of Investigation returns the fingerprint cards to the Department of State Police, the department shall return the fingerprint cards to the Teacher Standards and Practices Commission or the Department of Education. The Teacher Standards and Practices Commission or the Department of Education shall destroy the fingerprint cards and shall retain no facsimiles or other material from which a fingerprint can be reproduced.

(3) For purposes of requesting and receiving the information and data described in subsections (1) and (2) of this section, the Teacher Standards and Practices Commission and the Department of Education are designated agencies for purposes of ORS 181.010 to 181.560 and 181.715 to 181.730.

(4) As used in this section, "subject individual" means:

(a) An individual who is applying for initial issuance of a license under ORS 342.120 to 342.430 as a teacher,

administrator or personnel specialist if the individual has not submitted to a criminal records check within the previous year with the Teacher Standards and Practices Commission for the purpose of a criminal records check.

(b) An individual who is applying for reinstatement of a license as a teacher, administrator or personnel specialist whose license has lapsed for at least three years.

(c) An individual who is applying for initial issuance of a certificate under ORS 342.475 as a school nurse.

(d) A school district or private school contractor, whether part-time or full-time, or an employee thereof, whether part-time or full-time, who has direct, unsupervised contact with students as determined by the district or private school.

(e) An individual newly hired, whether part-time or full-time, by a school district or private school in a capacity not described in paragraphs (a) to (c) of this subsection who has direct, unsupervised contact with children as determined by the district or private school.

(f) An individual employee, whether part-time or full-time, of a school district or private school in a capacity not described in paragraphs (a) to (c) of this subsection who has direct, unsupervised contact with children as determined by the district or private school.

(g) An individual who is registering with the Teacher Standards and Practices Commission for student teaching, practicum or internship as a teacher, administrator or personnel specialist, if the individual has not submitted to a criminal records check within the previous year with the Teacher Standards and Practices Commission for student teaching, practicum or internship as a teacher, administrator or personnel specialist.

(h) An individual who is a community college faculty member providing instruction at a kindergarten through grade 12 school site during the regular school day.

(i) An individual who is an employee of a public charter school.

(5) "Subject individual" does not include an individual

described in subsection (4)(d), (e), (f) , [or] (h) **or (i)** of this section if the individual or the individual's employer was checked in one school district or private school and is currently seeking to work in another district or private school unless the individual lived outside this state during the period between the two periods of time of working in the district or private school.

(6) Nothing in this section shall be considered to require a subject individual as described in subsection (4)(d) , [or] (e) **or (i)** of this section to submit to fingerprinting until the individual has been offered employment or a contract by a school district or private school. Contractor employees shall not be required to submit to fingerprinting until the contractor has been offered a contract.

(7) As used in this section:

(a) "Private school" means a school that provides educational services as defined in ORS 345.505 and is registered as a private school under ORS 345.505 to 345.575.

(b) "School district" means:

(A) A school district as defined in ORS 330.003.

(B) The Oregon State School for the Blind.

(C) The Oregon State School for the Deaf.

(D) An educational program under the Youth Corrections Education Program.

(E) A public charter school as defined in section 2 of this 1999 Act.

SECTION 25. ORS 326.603 is amended to read:

326.603. (1)(a) A school district shall send to the Department of Education for purposes of a criminal records check any information, including fingerprints, for each subject individual described in ORS 181.539 (4)(d), (e), (f) , [or] (h) **or (i)** .

(b) A private school may send to the Department of Education for purposes of a criminal records check any information, including fingerprints, for each subject individual described in ORS 181.539 (4)(d), (e), (f) or

(h) .

(2) The Department of Education shall request criminal offender information from the Department of State Police in the manner required by ORS 181.539 and shall charge the district or private school a fee of \$42 for the cost of acquiring and furnishing the information described in ORS 181.525 and 181.539. The school district or private school may recover its costs or a portion thereof from the subject individual described in ORS 181.539 (4)(d), (e), (f) , [or] (h) **or (i)** . If the subject individual described in ORS 181.539 (4)(e) , [or] (f) **or (i)** requests, the district shall and a private school may withhold the amount from amounts otherwise due the individual, including a periodic payroll deduction rather than a lump sum payment.

(3)(a) If the Superintendent of Public Instruction informs the school district that the subject individual has been convicted of a crime listed in ORS 342.143 or has made a false statement as to the conviction of a crime, the superintendent shall notify the school district of the fact and the district shall not employ or contract with the individual. Notification by the superintendent that the school district shall not employ or contract with the subject individual shall remove the individual from any school district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

(b) The Superintendent of Public Instruction shall notify the private school if the subject individual has been convicted of a crime listed in ORS 342.143 or has made a false statement as to the conviction of a crime. Based on the notice, the private school may choose not to employ or contract with the individual.

(c) The criminal records are confidential and shall not be released to the district or private school but are subject to inspection by the subject individual. The subject individual, other than a subject individual in a private school, may appeal the determination as a contested case under ORS 183.413 to 183.470 and the superintendent shall notify the subject individual of the right to appeal the determination.

(4) If an individual described in subsection (1) of this section refuses to consent to the criminal records check or refuses to be fingerprinted or if the subject individual falsely swears to the nonconviction of a crime, the district shall terminate the employment or contract status of the individual. Termination under this subsection shall remove the individual from any school district policies, collective bargaining provisions regarding dismissal procedures and appeals and the provisions of ORS 342.805 to 342.937.

(5) The State Board of Education by rule shall specify the information to be required by subsection (1) of this section.

(6)(a) A school district shall not hire or continue to employ or contract with or allow the contractor to continue to assign an individual to the school project if the individual described in subsection (1) of this section has been convicted of a crime according to the provisions of ORS 342.143.

(b) School district employment and contract forms shall contain a notice that employment or contracting is subject to fingerprinting and a criminal records check as required by ORS 181.525, 181.537, 181.539, 326.603, 342.223, 342.227 and 342.232.

(7) As used in this section and ORS 326.607:

(a) "Private school" means a school that provides educational services as defined in ORS 345.505 and is registered as a private school under ORS 345.505 to 345.575.

(b) "School district" means:

(A) A school district as defined in ORS 330.003.

(B) The Oregon State School for the Blind.

(C) The Oregon State School for the Deaf.

(D) An educational program under the Youth Corrections Education Program.

(E) A public charter school as defined in section 2 of this 1999 Act.

SECTION 26. ORS 326.607 is amended to read:

326.607. (1) Upon request from a school district, a private school **or a public charter school** or a school district , [or] private school **or public charter school** contractor and with consent from the individual, the Department of Education may conduct an Oregon criminal history check using the Law Enforcement Data System for screening any individual who is a volunteer for the school district , [or] private school **or public charter school** and who has direct, unsupervised contact with school children, or for screening applicants for employment.

(2) The department may charge the requesting school district, private school , **public charter school** or school district , [or] private school **or public charter school** contractor a fee not to exceed \$5 for each request under subsection (1) of this section.

SECTION 27. ORS 327.077 is amended to read:

327.077. (1) A school may qualify as a remote small school if the average daily membership:

(a) In grades one through eight for an elementary school teaching:

- (A) Eight grades is below 224.
- (B) Seven grades is below 196.
- (C) Six grades is below 168.
- (D) Five grades is below 140.
- (E) Four grades is below 112.
- (F) Three grades is below 84.
- (G) Two grades is below 56.
- (H) One grade is below 28.

(b) In grades 9 through 12 for a high school teaching:

- (A) Four grades is below 350.
- (B) Three grades is below 267.

(2)(a) No elementary school shall qualify as a remote small school under subsection (1)(a) of this section if it is within eight miles by the nearest traveled road from another elementary school unless there are physiographic conditions that make transportation to another school not feasible.

(b) No high school shall qualify as a remote small school under subsection (1)(b) of this section if it is within 10 miles by the nearest traveled road from another high school unless there are physiographic conditions that make transportation to another school not feasible.

(3)(a) If an elementary school in a school district qualifies as a remote small school, the district shall have an additional amount added to the district's ADMw.

(b) The additional amount = $\{224 - (\text{ADMa} - (\text{number of grades in the school} - \text{eight}))\} \times .0045 \times \text{ADMa} \times \text{distance adjustment}$.

(4)(a) If a high school in a district qualifies as a remote small school, the district shall have an additional amount added to the district's ADMw.

(b) The additional amount = $\{350 - (\text{ADMa} - (\text{number of grades in the school} - \text{four}))\} \times .0029 \times \text{ADMa} \times \text{distance adjustment}$.

(5)(a) The distance adjustment for an elementary school = .025 for each 10th of a mile more than eight miles that a school is away from the nearest elementary school measured by the nearest traveled road or 1.0, whichever is less.

(b) The distance adjustment for a high school = .01 for each 10th of a mile over 10 miles that a school is away from the nearest high school measured by the nearest traveled road or 1.0, whichever is less.

(6)(a) A school may qualify as a remote small school under this section only if the location of the school has not changed since January 1, 1995, and if the school qualified as a remote small school on July 18, 1995.

(b) A public charter school as defined in section 2 of this 1999 Act may qualify as a remote small school under this section only if the location of the school has not changed since January 1, 1995, and if the school qualified as a nonchartered public remote small school on July 18, 1995.

[(b)] (c) The Superintendent of Public Instruction may waive the requirements of paragraph (a) **or (b)** of this subsection if the superintendent determines that exceptional circumstances exist.

(7) The opening of a public charter school shall not disqualify a school as a remote small school under subsection (2) of this section or change the distance adjustment for a school under subsection (5) of this section.

[(7)] (8) For purposes of this section:

(a) The "adjusted average daily membership" or "ADMa" for an elementary school shall be the average daily membership for the school, but no less than 25.

(b) The "adjusted average daily membership" or "ADMa" for a high school shall be the average daily membership for the school, but no less than 60.

SECTION 28. ORS 327.109 is amended to read:

327.109. (1) Upon receipt from a citizen of Oregon of a complaint [which] **that** on its face is colorable that a school district **or public charter school** is a district **or public charter school** [which] **that** sponsors, financially supports or is actively involved with religious activity, the Superintendent of Public Instruction or the superintendent's designated representative shall undertake promptly a preliminary investigation of the facts alleged in the complaint.

(2) If, after the preliminary investigation, the superintendent finds that there is a substantial basis to believe that the school district **or public charter school** is a district **or public charter school that** [which] sponsors, financially supports or is actively involved with religious activity, the superintendent shall:

(a) In the case of a school district:

[(a)] **(A)** Notify the complainant and the school district;

[(b)] **(B)** Withhold immediately all funds due the **school** district under ORS 327.095; and

[(c)] **(C)** Schedule a contested case hearing to be conducted in accordance with ORS 183.413 to [183.464] **183.470** .

(b) In the case of a public charter school:

(A) Notify the complainant, the public charter school, the school district in which the public charter school is located and the sponsor of the public charter school;

(B) Withhold immediately all funds for the public charter school that, pursuant to section 20 of this 1999 Act, are due under ORS 327.095 to the school district in which the public charter school is located;

(C) Order the school district in which the public charter school is located to withhold immediately all funds due the public charter school under section 20 of this 1999 Act; and

(D) Schedule a contested case hearing to be conducted in accordance with ORS 183.413 to 183.470.

(3)(a) [If,] In the case of a school district if, after the preliminary investigation, the superintendent finds that there is no substantial basis to believe that the school district is a district [which] that sponsors, financially supports or is actively involved with religious activity, the superintendent shall notify the complainant and the district of that finding and shall not withhold funds due the district under ORS 327.095 or schedule a hearing.

(b) In the case of a public charter school if, after the preliminary investigation, the superintendent finds that there is no substantial basis to believe that the public charter school is a school that sponsors, financially supports or is actively involved with religious activity, the superintendent shall notify the complainant, the public charter school, the school district in which the public charter school is located and the sponsor of the public charter school of that finding and shall not schedule a hearing or withhold funds for the public charter school that, pursuant to section 20 of this 1999 Act, are due under ORS 327.095 to the school district in which the public charter school is located. The superintendent shall also order the school district in which the public charter school is located not to withhold funds due the public charter school under section 20 of this 1999 Act.

(4) During the preliminary investigation, the school district or public charter school shall cooperate to a reasonable degree with the superintendent and provide any and all evidence [which] that the superintendent considers necessary for the investigation. If the school

district **or public charter school** fails or refuses to cooperate to a reasonable degree with the superintendent during the investigation, the superintendent shall presume that there is a substantial basis to believe that the **school district or public charter school** is a **school district or public charter school** [which] **that** sponsors, financially supports or is actively involved with religious activity and shall proceed as provided in subsection (2) of this section.

(5) If the superintendent makes a finding under subsection (2) or (4) of this section, the **school district or public charter school** shall receive no funds under ORS 327.095 **or section 20 of this 1999 Act** from the date of the superintendent's finding until the superintendent finds that the **school district or public charter school** is no longer sponsoring, financially supporting or actively involved with religious activity.

(6) The funds withheld under this section shall be held in an escrow account and shall be removed from that account only as follows:

(a) If the superintendent determines, after a contested case hearing, or a court on appeal rules, that the **school district or public charter school** never sponsored, financially supported or was actively involved with religious activity, the entire amount, including interest thereon, in the escrow account shall be released to the **school district or public charter school** .

(b) If the superintendent determines, after a contested case hearing, or a court on appeal rules, that the **school district or public charter school** sponsored, financially supported or was actively involved with religious activity in the past but has ceased to do so, that portion of the amount, including interest thereon, in the escrow account [which] **that** accrued to the **school district or public charter school** after the **school district or public charter school** ceased the proscribed conduct shall be paid to the **school district or public charter school** . Any amount, including interest thereon, permanently withheld from the **school district or public charter school** shall revert to the State School Fund or to the General Fund, if the biennium has ended.

(c) If the school district **or public charter school** does not cease the proscribed conduct by the beginning of the next school year, the superintendent shall notify the State Treasurer who shall cause the amount in the escrow account, including interest thereon, to revert to the State School Fund or to the General Fund, if the biennium has ended.

(7) If the superintendent schedules a contested case hearing, as provided in subsection (2) of this section, the superintendent may conduct such further investigation of the facts relevant to the complaint as the superintendent considers necessary. In conducting the investigation, the superintendent shall have the power of subpoena to compel production of documents and attendance of witnesses at depositions and may do all things necessary to secure a full and thorough investigation.

(8) If a person or school district **or public charter school** fails to comply with any subpoena issued under subsection (7) of this section, a judge of the circuit court of any county, on application of the superintendent, shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from circuit court.

SECTION 29. ORS 329.045 is amended to read:

329.045. (1) In order to achieve the goals contained in ORS 329.025 and 329.035, the State Board of Education shall regularly and periodically review and revise its Common Curriculum Goals. This includes Essential Learning Skills and rigorous academic content standards in mathematics, science, history, geography, economics, civics and English. School districts **and public charter schools** shall maintain control over course content, format, materials and teaching methods but shall ensure that students receive instruction in the academic content areas [*and in health and physical education*]. The rigorous academic content standards shall reflect the knowledge and skills necessary for achieving Certificates of Mastery and diplomas pursuant to ORS 329.025 and as described in ORS 329.447. The regular review shall involve teachers and other educators, parents of students and other citizens and shall provide ample opportunity for

public comment.

(2) The State Board of Education shall continually review all adopted standards and shall raise the standards in academic content areas to the highest levels possible.

(3) The Common Curriculum Goals reviewed and revised by the board under subsection (1) of this section shall also include goals in physical education and health. In accordance with the Common Curriculum Goals, school districts shall offer instruction in content areas, physical education and health.

SECTION 30. ORS 337.150 is amended to read:

337.150. (1) Subject to ORS 339.155, each district school board shall provide textbooks, prescribed or authorized by law, for free use by all resident public school pupils enrolled in kindergarten through grade 12.

(2) **Subject to ORS 339.155, each public charter school as defined in section 2 of this 1999 Act shall provide textbooks, prescribed or authorized by law, for free use by all pupils enrolled in the public charter school.**

SECTION 31. ORS 339.141 is amended to read:

339.141. (1) For the purposes of this section:

(a) **"Public charter school" has the meaning given that term in section 2 of this 1999 Act.**

[(a)] (b) "Regular school program" means the regular curriculum provided in the required full-time day sessions in the schools of the district , **including public charter schools,** for grades 1 through 12 and the school program for kindergarten during the period of approximately nine months each year when the schools of the district **or public charter schools** are normally in operation and does not include summer sessions or evening sessions.

[(b)] (c) "Tuition" means payment for the cost of instruction and does not include fees authorized under ORS 339.155.

(2) Except as provided in subsection (3) of this section, district school boards **and public charter schools** may establish tuition rates to be paid by pupils receiving instruction in educational programs, classes or courses of study, including driver instruction, which are not a part

of the regular school program. Tuition charges, if made, shall not exceed the estimated cost to the district **or public charter school** of furnishing the program, class or course of study.

(3) Except as provided in ORS 336.805 for driver instruction:

(a) No tuition shall be charged to any resident pupil regularly enrolled in the regular school program for special instruction received at any time in connection therewith.

(b) No program, class or course of study for which tuition is charged, except courses of study beyond the 12th grade, shall be eligible for reimbursement from state funds.

SECTION 32. ORS 339.147 is amended to read:

339.147. (1)(a) Notwithstanding ORS 339.141, no district school board **or public charter school as defined in section 2 of this 1999 Act** shall require tuition for courses not part of the regular school program, except for driver instruction, from a pupil who is a member of a low-income family in an amount in excess of what the low-income family may receive as money specifically to be used for payment of such tuition.

(b) As used in this subsection, "low-income family" means a family whose children qualify for free or reduced price school meals under a federal program, including but not limited to the National School Lunch Act and the Child Nutrition Act of 1966, and all their subsequent amendments.

(2) A family that does not qualify under subsection (1) of this section but believes the payment of school tuition is a severe hardship may request the district school board **or public charter school** to waive in whole or in part the payment of such tuition.

(3) Any parent or guardian who believes that payment of any fee authorized under ORS 339.155 is a severe hardship may request the district school board **or public charter school** to waive payment of the fee and the board **or public charter school** shall waive in whole or in part the fee upon a finding of hardship. Consideration shall be given to any funds specifically available to the parent,

guardian or child for the payment of fees or other school expenses.

(4) No district school board **or public charter school** shall impose or collect fees authorized under ORS 339.155 from any student who is a ward of a juvenile court or of the Oregon Youth Authority or the State Office for Services to Children and Families unless funds are available therefor in the court's, authority's or office's budget.

(5) No district school board **or public charter school** is required to waive any fee imposed under ORS 339.155 (5) (a) or (d).

SECTION 33. ORS 339.155 is amended to read:

339.155. (1) No district school board **or public charter school as defined in section 2 of this 1999 Act** shall require payment of fees as a condition of admission to those pupils entitled under the law to free admission. However, the following are not considered as conditions of admission:

(a) Pursuant to ORS 339.141, but subject to ORS 339.147, tuition may be charged for courses not part of the regular school program.

(b) No charge shall be made for a standard, prescribed textbook but a security deposit may be required which may be refunded if the textbook is returned in usable condition. Supplemental texts shall be made available on loan.

(c) A deposit may be charged for a lock for a locker.

(2) A district school board **or public charter school** may require pupils who do not furnish their own attire for physical education classes to pay an appropriate fee for uniforms provided by the district **or public charter school**.

(3) A district school board **or public charter school** may require pupils who do not provide appropriate towels for physical education classes to pay a fee for use of towels provided by the district **or public charter school**.

(4) A district school board **or public charter school** may require payment of fees for the use of musical instruments

owned or rented by the district **or public charter school** , the fee not to exceed the rental cost to the district **or public charter school** or the annual depreciation plus actual maintenance cost for each instrument; except that children exempt from tuition under ORS 339.147 shall be loaned musical instruments by the school district **or public charter school** without charge.

(5) Subject to ORS 339.147, a district school board **or public charter school** may require payments of fees in any of the following:

(a) In any program where the resultant product, in excess of minimum course requirements and at the pupil's option, becomes the personal property of the pupil.

(b) Admission fees or charges for extracurricular activities where pupil attendance is optional.

(c) A security deposit conditioned on the return of materials, supplies or equipment including athletic equipment.

(d) Items of personal use or products which a pupil may purchase such as student publications, class rings, annuals and graduation announcements.

(e) Field trips considered optional to a district's **or public charter school's** regular school program.

(f) Any authorized voluntary pupil health and accident benefit plan.

(g) As used in this subsection, "minimum course requirements" means any product required to be produced to meet the goals of the course.

SECTION 34. ORS 342.232 is amended to read:

342.232. (1) A school district , [or] private school **or public charter school** may authorize an individual described under ORS 181.539 (4)(d) , [or] (h) **or (i)** to begin carrying out the terms of a contract pending the return of the criminal records check by the Federal Bureau of Investigation.

(2) A school district , [or] private school **or public charter school** may hire on a probationary basis an individual described under ORS 181.539 (4)(e) **or (i)** pending the return of the criminal records check by the

Federal Bureau of Investigation.

SECTION 35. ORS 659.155 is amended to read:

659.155. (1) Any public elementary or secondary school determined by the Superintendent of Public Instruction or any community college determined by the Commissioner for Community College Services to be in noncompliance with provisions of ORS 659.150 and this section shall be subject to appropriate sanctions, which may include withholding of all or part of state funding, as established by rule of the State Board of Education.

(2) Any public institution of higher education determined by the Chancellor of the State Board of Higher Education to be in noncompliance with provisions of ORS 659.150 and this section shall be subject to appropriate sanctions, which may include withholding of all or part of state funding, as established by rule of the State Board of Higher Education.

(3) Any public charter school determined by the sponsor of the school or the Superintendent of Public Instruction to be in noncompliance with the provisions of ORS 659.150 and this section shall be subject to appropriate sanctions, which may include the withholding of all or part of state funding by the sponsor or superintendent, as established by rule of the State Board of Education.

SECTION 36. The State Board of Education and school districts may take all necessary actions to implement sections 1 to 23 of this 1999 Act and the amendments to ORS 181.539, 326.603, 326.607, 327.077, 327.109, 329.045, 337.150, 339.141, 339.147, 339.155, 342.232 and 659.155 by sections 24 to 35 of this 1999 Act prior to the operative date of sections 1 to 23 of this 1999 Act and the amendments to ORS 181.539, 326.603, 326.607, 327.077, 327.109, 329.045, 337.150, 339.141, 339.147, 339.155, 342.232 and 659.155 by sections 24 to 35 of this 1999 Act.

SECTION 37. Sections 1 to 23 of this 1999 Act and the amendments to ORS 181.539, 326.603, 326.607, 327.077, 327.109, 329.045, 337.150, 339.141, 339.147, 339.155, 342.232 and 659.155 by sections 24 to 35 of this 1999 Act become operative 120 days after the effective date of this 1999 Act.

SECTION 38. The section captions used in this 1999 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 1999 Act.

SECTION 39. This 1999 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 1999 Act takes effect on its passage.

Approved by the Governor May 27, 1999

Filed in the office of Secretary of State May 27, 1999

Effective date May 27, 1999

APPENDIX B

INTERVIEW QUESTIONS

INTERVIEW QUESTIONS (WITH FOLLOWUP QUESTIONS)

1. What is your background in education?
2. What was the impetus to begin planning your charter school?
3. What were your first actions in planning the school? Who was involved in the initial planning? How did you follow up these first actions? How long did it take for your school to gain formal approval?
4. Did you seek outside assistance in the planning of the school? What kind of assistance was it? How valuable was this assistance?
5. Did you review current charter school research in planning the school? Were you able to find research that spoke to your particular situation? How did you choose to apply this research in planning the school?
6. How did you plan for governance and leadership of the school? Did you consult leadership literature for assistance? What literature was most useful?
7. What is the student learning philosophy of your school? How is it expressed in your school's mission statement? How is it expressed in your curricular offerings to students?
8. How did you develop the policies that guide your school's day to day management? Which policies differ from "typical" Oregon public school practice?
9. What was community reaction to the news that you were founding a charter school? Did you receive any assistance from the community? What kind of assistance was it?
10. What was the local public school district reaction to the news that you were forming a charter school? Did you receive any assistance from the local public school district? What kind of assistance was it?
11. Describe the process of writing the charter to your school. What were the most difficult elements to resolve? How did you resolve them?

12. New charter schools in other states have typically struggled in three areas: finding a suitable site for the school, gaining financial stability, and working with special needs students. How did your school address and resolve these three problems?
13. One charge that critics make of charter schools is that they will potentially "cream" the best students away from the public schools. How did your school respond to this criticism in writing student admission policies?
14. Increased parental involvement in the day to day operation of the school is a characteristic touted by supporters of charter schools. How did your school respond to this in writing your school charter?
15. Charter school supporters point to increased opportunities for students as a key factor in the charter school movement. How did your school provide for these opportunities in your initial planning?
16. Charter schools are theoretically in "competition" with public schools for students, and by extension, the student ADM monies that follow them. How did you plan to market your school to effectively compete with public schools in your area?
17. Finally, what is your assessment of the impact of the concept of school choice on your decision to start your charter school? Where does the concept of school choice fall in your overall consideration of factors involved in making the decision to start your charter school?

APPENDIX C

INFORMED CONSENT FORMS

You are invited to participate in a research study conducted by Tony Valley from Portland State University, Department of Education. The researcher hopes to learn information about the origins and experiences of the founders of three Oregon charter schools. This study is being conducted in partial fulfillment of the requirements of the degree of Doctor of Education, and is under the supervision of Dr. Bob Everhart, Department of Education.

If you decide to participate, you will be asked to participate in an audio-taped interview with the researcher. This interview will last from one to two hours. The purpose of the interview will be to elicit information from you about your experiences in helping to found your charter school. Questions will pertain to issues of curriculum, policy development, research, and educational leadership. Information about your background experience in education will also be asked. Your school will be asked to provide access to written documentation, including your school's charter document. As the information gathered from the interviews will be kept confidential by the researcher, there should be little risk to participants who elect to be interviewed for the study. You may not receive any direct benefit from taking part in this study, but the study may help to increase knowledge which may help others in the future.

Any information that is obtained in connection with this study and can be linked to you or identify you will be kept confidential; your name will not be revealed or published in any way. This will be done through a coding system that the researcher has developed and secure storage of data in a locked, fire-proof file cabinet for which the researcher has the only key.

Your participation is voluntary. You do not have to take part in this study, and it will not effect your relationship with Tony Valley or Portland State University. You may also elect to withdraw from this study at any time without affecting your relationship with Tony Valley or Portland State University.

If you have concerns or problems about your participation in this study or your rights as a research subject, please contact the Human Subjects Research Review Committee, Office of Research and Sponsored Projects, 111 Cramer Hall, Portland State University, (503) 725-8182. If you have questions about the study itself, please contact Tony Valley, 329 Keene Avenue, Silverton, OR 97381, (503) 873-6504; e-mail: valleyt@molalliariv.k12.or.us.

Your signature indicates that you have read and understand the above information and agree to take part in this study. Please understand that you may withdraw your consent at any time without penalty, and that, by signing, you are not waiving any legal claims, rights, or remedies. The researcher should provide a copy of this form for your own records.

Signature of Participant/Date

July, 2001

Dear Colleague:

My name is Tony Valley, and I am a Doctoral Candidate at Portland State University. I am beginning a study about the origins of three Oregon charter schools, and would like to invite you to participate.

You are being asked to participate because you were directly involved in helping to start your charter school, which I selected from a list of Oregon charter schools provided to me by Joni Gilles at the Department of Education. As a part of the study, I am interested in your opinions and attitudes about the experiences you had in helping to start your charter school, and hope that the information that I collect will help us to better understand the process of forming a charter school. If you decide to participate, you will be asked to meet with me for an audio-taped interview, which involves answering questions about the experiences you had in helping to start your charter school. The interview should take from one to two hours to complete.

As a result of this study, you will be providing confidential information. However, I assure you that this information will remain confidential—your name will not be released to anyone, you will not be identified by name in the published study, your published responses will be coded by a method developed by me, and all documentation you provide will be stored and maintained in a locked, fire-proof file cabinet for which I have the only key.

You will not receive any direct benefit from taking part in this study, but the study may help to increase knowledge that may help others in the future.

Participation in this study is entirely voluntary. Your decision to participate or not will not affect your relationship with me, or with Portland State University in any way. If you decide to take part in the study, you may choose to withdraw at any time without penalty. Please keep a copy of this letter for your records.

If you have concerns or problems about your participation in this study or your rights as a research subject, please contact the Human Subjects Research Review Committee, Office of Research and Sponsored Projects, 111 Cramer Hall, Portland State University, (503) 725-8182. If you have questions about the study itself, contact Tony Valley at 329 Keene Avenue, Silverton, OR 97381, (503) 873-6504; e-mail: valleyt@molalliariv.k12.or.us.

Sincerely,

Tony Valley
Department of Education
Portland State University