

A Comprehensive, Non-Partisan Analysis of Arizona's Charter School Plan

Stephen Chemsak*

Teachers College, Columbia University

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* The author is a doctoral student in International Educational Development with a policy focus, at Teachers College, Columbia University. He would like to thank Professor Henry Levin for his invaluable comments, questions, and support; and Natasha Ridge for generously proofreading the manuscript.

Abstract

Arizona's charter school plan has been called the "gold standard" for charter school plans. The plan has been ranked 1st for its policy environment by researchers, and has received an "A+" for financial audits. It is highly deregulated and includes a huge number of charter schools, the most per capita in the nation. Yet no in-depth, comprehensive, non-partisan analysis of the plan has been conducted. In the past decade, the Arizona plan has encountered shifting political realities and has become the subject of contentious fiscal debates.

Utilizing Levin's (2002) framework, this paper looks first at how the policy instruments of finance, regulation, and support services are being used in Arizona by policymakers to achieve charter schools' goals. The paper then lays out specific measures or benchmarks for assessing the dimensions of freedom of choice, productive efficiency, equity, and social cohesion, and undertakes a discussion of the likely consequences based on these criteria.

Based on this analysis, the issue of charter school finance emerges as a litigious and contested issue in Arizona. Concerns with transportation are highlighted. In addition, it is clear that the large number of charter schools in Arizona correlates with a wide range of charter school missions and philosophies. But recent state involvement in the curriculum and restrictions on school sponsorship could set precedents for limiting or reducing freedom of choice. Arizona policymakers have stressed efficiency in intent and on paper, but there is little available evidence that levels of this dimension are high. Together with likely low levels of equity and debatably similar or lower levels of social cohesion, the conclusion is that on balance there is little basis upon which Arizona's charter schools could claim any significant general advantage over their non-charter public counterparts.

INTRODUCTION

Proposed in Minnesota in the 1980s by prominent educators, the charter school has grown into a reform movement that now includes thousands of educational institutions in numerous states across the nation (Kane and Lauriciella, 2001). Able to forgo compliance with many government regulations provided it follows its mission statement, a charter school is a public institution that allows for flexible educational approaches based on local needs (Belfield and Levin, 2005).

Like charter schools individually, state charter school plans vary greatly. Perhaps more than any other charter school plan, Arizona's has been invoked as the "gold standard" for charter schools across the nation (Maranto et al., 2001; Scott and Barber, 2002; Hassel and Terrell, 2004). In 2000, Arizona earned an "A" grade from the Center

for Educational Reform for its charter school law (Scott and Barber, 2002). Others have ranked it 1st in the nation for “policy environment” and given it an A+ for “financial audits and progress reports required” (Palmer and Gau, 2003, p.3; Arizona State Board for Charter Schools, 2003, p.1).

The Arizona plan’s sheer size and highly deregulated nature also makes it an important case for analysis. Constituting 10% of its public school system (Tschumy, 1998), Arizona’s charter schools form the largest constellation of charter schools per capita of any state in the nation. At least 464 charter schools, one for every 13,000 people, operate in Arizona. In contrast, California (with the most charter schools of any state at 618) has one charter school for every 59,000 people (U.S. Charter Schools, 2008; U.S. Census Bureau, 2008). Arizona’s charter school legal statutes are open-ended and there are relatively few restrictions on how charter schools in Arizona operate.

Yet the “wide” and “wild” Arizona plan is changing and evolving, and some critics have not been sanguine in their assessments (Hartley, 1999; Chi and Welner, 2008). In the past few years, political challenges to charter schools’ autonomy and questions about their relationship to social equity and academic achievement have dampened expectations and have sculpted a different policy landscape for charter schools than had been the case only a decade ago. Recent attempts by the government of the state of Arizona to limit some of its charter schools’ freedoms have buttressed the arguments of those who laud charter schools for their autonomy and those who decry them for the same reason. Contentious debates regarding charter school financing have emerged. For these reasons, analyses of the Arizona plan should be continually refined.

In this paper, a framework created by Henry Levin, the William Heard Kilpatrick Professor of Economics and Education at Teachers College, Columbia University and Director of the National Center for the Study of Privatization in Education is used to structure an analysis of the Arizona plan. Levin’s framework is less partisan and value-laden than those using “strong”, “weak”, “good”, or “bad” designations, which have come under critique for their presumptive opposition to government involvement in education and the narrowness of their criteria (Chi and Welner, 2008). It captures the competing complexities and subtleties of many educational reform situations and openly admits that charter school legislation likely will involve necessary policy tradeoffs (Scott and Barber, 2002; Chi and Welner, 2008). I first analyze the Arizona charter school plan using the policy instruments of *finance*, *regulation*, and *support services*. Often used on voucher plans, these instruments can also be used to frame analyses of other educational policy interventions, including charter schools (Levin, 2002). I then detail some specific measures or benchmarks to assess the privatization dimensions of *freedom of choice*, *productive efficiency*, *equity*, and *social cohesion*. Finally, I discuss the likely consequences of the Arizona plan according to the specific measures chosen.

I define “the Arizona plan” as encompassing (a) the set of points in Section 15 Chapter 8 of the Arizona Revised Statutes at the Arizona State Board for Charter schools website (Arizona State Board for Charter Schools, 2007)¹; (b) the available evidence on the means through which these statutes are acted upon; and (c) the results measured “on the ground”.

¹ In this paper, relevant Arizona statute articles are cited by number using the following format: 15-181, 15-182, etc.

Using the above framework and definition, the evidence on Arizona’s charter school plan points to a relatively high degree of freedom of choice achieved through a low degree of regulation and a combination of public and private financing. The other dimensions of charter schools—productive efficiency, equity, and social cohesion—probably manifest at similar or lower levels, when compared to those of the traditional state public school system.

In the end, this analysis is aimed at providing one possible roadmap for analyzing charter school plans in a non-partisan and comprehensive fashion. It should inform the debate on whether or not charter schools are an advantageous mode of reform compared to more traditional public approaches, particularly in Arizona and in high per capita charter school states that little regulate their charter schools.

ANALYSIS OF THE ARIZONA PLAN: FINANCE, REGULATION, AND SUPPORT SERVICES

Finance, regulation, and support services (Levin, 1991; Levin, 2002; Belfield and Levin, 2005) are policy instruments used by policymakers to shape initiatives aimed at achieving goals under the dimensions of *freedom of choice, productive efficiency, equity, and social cohesion* (Levin, 1991; Levin, 2002; Scott and Barber, 2002; Belfield and Levin, 2005). Analyzing the policy instruments used to implement Arizona’s charter school plan, in this section I detail, comment on, and provide examples of their features and sub-components, setting the stage for an exploration of how policymakers are contributing to or detracting from the various privatization dimensions.

Finance

The policy tool of finance includes how resources are allocated, their magnitude, and basic sources of funding (Levin, 1991; Belfield and Levin, 2005). Applicants who seek to start a charter school in Arizona must submit a financial plan for the first three years of operation (15-183). Charter schools in Arizona must conduct an annual financial audit with a certified public accountant (CPA) and demonstrate compliance with a uniform standard of financial record keeping or generally accepted accounting principles (GAAP). Each charter school must also include a description of the methods of funding by the school district (15-185 A-1; Arizona Department of Education, 2003). Arizona charter schools cannot charge tuition, levy taxes, or issue bonds (15-185).

Funding from Public Sources— “If sponsored by a local district, a charter school receives per pupil funding equal to at least the average cost per pupil for the district as a whole. If a charter is state approved, the charter school is funded directly by the state based on the state funding formula for all schools” (U.S. Charter Schools, 2008). One way policymakers have enabled Arizona charter schools to receive funding from public sources is through a charter school “stimulus fund”, which provides financial support to charter schools for “start-up costs and costs associated with renovating or remodeling existing buildings and structures” (15-188).

Only a small amount of charter school regular public funding comes directly from the districts; nearly all comes from the state. “More than 80 percent of charter school funding (in Arizona) comes from the state, 13.2 percent from the federal government, and 6.7 percent from local sources. Districts’ revenue sources come primarily from local and state sources (43.9% and 44.3% respectively)” (Hassel and Terrell, 2004, p.13; Arizona

Department of Education, 2003). Charter schools in Arizona receive different amounts of money from public sources based on their characteristics. For example, in a charter school finance study conducted during of the 1998-99 school year in Arizona, Nelson et al. (2003) show how charter schools in Arizona receive a foundational sum of money but also how they “qualified for additional funding based on the specific characteristics of students, school size, grade level, and special education” (p.43).

According to a recent report, the Arizona Department of Education provides charter schools with funding on average amounting to \$287 more per pupil than school districts (Scarpinato, 2007). The Arizona State Senate (2007) explains this difference: “In the ADE (Arizona Department of Education) fiscal analysis, the school districts have on average \$287 less in formula assistance per pupil than charter schools; however, the school districts are able to generate on average \$1,155 in additional revenue through bonds and additional tax levies for items such as desegregation, excess utilities and transportation.” Thus, one reason given that Arizona public schools appear to receive less funding per pupil than charter schools from the state is that charter schools are argued not to receive as much funding from the public sources at the district level, even though the amount from the latter source is apparently quite small (recall around 7% is received from “local sources”). Some critics nevertheless contend that charter schools in Arizona do not receive enough funding. Under a new bill by Senator Linda Gray of Glendale and supported by State School Chief Tom Horne, lawmakers would ensure that charter schools would receive increased funding from the state to make total funding per pupil more equitable (Scarpinato, 2007).²

² Public funding of charter schools in Arizona is a highly complex and currently contentious topic. I refer the reader interested in delving deeper to the study by Nelson, Muir, and Drown (2003), to Scarpinato’s

One example of charter schools receiving special funding from the U.S. Federal Government was in 2006 when the U.S. Department of Education's Credit Enhancement for Charter Schools Facilities Grant program awarded Arizona a multimillion-dollar grant "to provide grants to public entities and non-profit organizations to enhance the credit of charter schools to obtain facilities." Those states receiving the grants, including Arizona, were to place the money in a reserve account which guarantees capital to address costs associated with acquiring, constructing, or renovating charter school facilities (U.S. Department of Education, 2006, para. 6).

The state government of Arizona itself also helps with facilities in three ways: "per pupil allocation", "grant funding", and "conduit financing" (University of Arkansas Office for Education Policy, 2006). Per pupil funds from the state do not have categorical restrictions - they can be used for charter school finance capital projects; money from charter stimulus grant programs (grant programs for start-up purposes) may also be used for facilities; finally, charter schools "may apply for bonds through government Industrial Development authorities" which "act as a conduit between the school and bondholders" (University of Arkansas Office for Education Policy, 2006).

Funding From Private Sources—There is evidence that charter schools in Arizona are given freedom to raise funds privately and receive funding from private sources (Nelson et al., 2003). Thus, monetary capital from philanthropic foundations may be garnered. Facilities may be constructed or provided by non-profit organizations. The stimulus fund, mentioned under public sources, "for start-up costs" and those

(2007) recent article, and to the U.S. Charter Schools Arizona State Profile page (<http://www.uscharterschools.org/cs/sp/view/sp/2>, retrieved November 17, 2007) for the most up-to-date information. The Arizona Department of Education Website budget schema information (<http://www.ade.state.az.us/schemas/BudgetSchemas.asp>, retrieved November 17, 2007) is unfortunately difficult to access, and the data is not presented in a useable format.

“associated with renovating or remodeling existing buildings”, can consist of money appropriated from private sources (15-188). One example of private funding of charter schools can be found in the Phoenix metro area, where the Ball Foundation, whose mission “is to increase literacy achievement for all students using systemic changes to improve professional practice”, established and initially provided support for two charter schools, Dobson Academy in Chandler, AZ and Hearn Academy in Phoenix (Ball Foundation, 2008).

Affordability—Since charter schools in Arizona cannot charge tuition, parents seemingly should be able to afford to send their student(s) a charter school of choice. However, such an assertion does not take into account costs for transportation, tutoring, and academic materials. Affordability is in particular need of analysis on the facet of transportation as the number of charter schools in Arizona, although quite large compared to the number of charter schools in other states, is small compared to the number of non-charter public schools in Arizona, the 6th largest state in the United States, of some 114,000 square miles.

Nelson et al. (2003) contend that “Even though charter schools (in Arizona) tend to be concentrated in urban areas, they face many of the transportation problems experienced by sparsely populated school districts—[for] students who live far from school...so many miles are involved when parents drive their own children to a charter school” (p.49). Nelson et al. however do not provide empirical data to back up this generalization. Cobb and Glass (1999) similarly marshal no empirical data to support a converse generalization: that transportation is usually not a problem because most children in Arizona are not traveling that far to attend charter schools. However, Cobb

and Glass refer to two related and important voucher studies (Adler, Petch, & Tweetie, 1989; Bridge and Blackman, 1978) which suggest that the “maximum distances parents are willing to commute naturally bound their catchment areas”. That is, Cobb and Glass go on (interpreting the second study), parents often consider distance as a major factor, even more important than curriculum, in choosing where to send their children to schools.

There is little evidence of a concern among policymakers on affordability of transportation to charter schools in Arizona, and no studies appear to have highlighted problems with affordability of transportation to charter schools in the state; however it would indeed be surprising if this were not a problem, as around 60% of Charter Schools are located in the urban centers of Phoenix and Tucson (Mulholland, 1999). It is reasonable to suppose that in counties of the state with a large number of charter schools, such as Maricopa county with 256 charter schools (Arizona State Board for Charter Schools, 2006), transportation on average will be less expensive for parents sending their children to charter schools than those counties with a small number of charter schools, such as neighboring LaPaz County with 1 charter school and about half the size of Maricopa County (Arizona State Board for Charter Schools, 2006), all other things being equal. Parents who live in counties such as LaPaz must almost certainly opt to send their children to local non-charter public schools or private schools instead.

However, there is evidence that poor families in Arizona are encountering roadblocks to enrolling their children in private schools and that state-sponsored programs designed to increase such enrollment, such as Arizona’s Education Tax Credit Program, are ineffective (Wilson, 2002).

*Responsiveness to Educational Needs and Resource Costs*³ - Charter schools in Arizona receive Title 1 funding. However, The Arizona Department of Education “provides no breakdown of local or federal revenue for charter schools” (Nelson, Muir, Drown, 2003, p.51), so it is difficult to report precisely how exactly they are spending this money. There is evidence that state officials are informing Arizona Charter schools of the availability of such funding: “Charter school operators in Arizona told us that their state department of education notifies them of (federal) funding opportunities and application requirements” (Blanchette, 1997, p.2-3), and it is hard to imagine that eligible Arizona charter schools would not be applying for it. In 2005, the Arizona State Board for Charter Schools in fact sued the U.S. Department of Education for denying for-profit charter schools Funding for Title 1 and special education services even though for-profit charter schools in Arizona have been required to provide these services (Ryman, 2005).

However, shortly after the lawsuit was filed an Arizona Republic Congressperson added an amendment to the Department of Education’s FY 2006 appropriations bill (H.R. 3010). This was an amendment that would reverse the Department’s policy on for-profit charters. The bill passed the House in June 2005 (The Heritage Foundation, 2007, referring to Sparks (2005) and Sawchuck and Sparks (2005)), though its fate in the Senate has been unclear. However, in September 2006, the Ninth Circuit Court of Appeals in San Francisco ruled that federal funds cannot go to for-profit charter schools because federal law is “plain and unambiguous”. According to the court, only non-profit schools are eligible to receive such funds (Fischer, 2007).

³ In this section I focus on Title 1 and special education because these have been the subject of great recent discussion and controversy with respect to Arizona charter schools. See discussion in *Equity* section of this paper, which also discusses the topic of Arizona charter schools and special education.

Regulation

Regulation includes conditions set by the government such as curriculum content, personnel, admissions standards, facilities, student eligibility, and parental and school disputes (Levin, 2002; Belfield and Levin, 2005). Several sub-features of Arizona charter school regulation, such as the broadly-worded statutes on curriculum, underscore the “hands-off” approach that policymakers have taken in Arizona, although the state government recently has been involving itself more directly in charter school affairs with respect to curriculum.

Curriculum and School Performance— By law, the teaching of religion in Arizona charter schools is forbidden (Hassel and Terrell, 2004). All Arizona charter schools are required to provide, “a comprehensive program of instruction for at least a kindergarten program or any grade between grades one and twelve, except that a school may offer this curriculum with an emphasis on a specific learning philosophy or style or certain subject areas such as mathematics, science, fine arts, performance arts or foreign language” (15-183). Arizona’s charter schools’ curricula must also demonstrate alignment to Arizona’s Academic Standards (Arizona State Board for Charter Schools, n.d.) which cover a range of “areas” from the arts to foreign and native language to technology⁴. Schools sponsored by the State Board for charter schools must provide “curriculum samples in their charter application before a charter can be granted” (Arizona State Board for Charter Schools, n.d.).

Some might view the vagueness of the Arizona legislation on curriculum as evidence that lawmakers are not using the curriculum component of the regulation policy

⁴ Detailed descriptions of these standards lie beyond the scope of this paper. I refer those interested further to <http://www.ade.state.az.us/standards/contentstandards.asp> (Retrieved November 18, 2007).

tool. However, it is more likely that Arizona lawmakers have been intentionally vague. At the national level, a prime rationale for promoting charter schools has been the enablement of local educational actors themselves to determine much of the shape that the pedagogical process will take (Buckley and Schneider, 2007). By leaving the statutes on curriculum open-ended, Arizona's legislature has set a stage where charter schools themselves are more likely to have the power to determine how the legislated framework plays out at the school level. As Belfield and Levin (2005) observe: "Typically, states have provided charter schools with considerable autonomy in meeting the goals of their charter" (p.7). This is probably especially true in the case of Arizona, which is known as being especially conservative politically (Hassel and Terrell, 2004).

In 2003, however, the state of Arizona began insisting that charter schools align their standards in reading, math, and science with public school standards by teaching according to the same teaching schedule. Several Arizona charter schools had been suing the state superintendent and board of education in Maricopa County superior court, claiming that charter schools are exempt by law from such regulation. On August 7, 2007, a Maricopa County Court judge ruled that five schools—BASIS Tuscon, BASIS Scottsdale, Chandler Preparatory Academy, Mesa Preparatory Academy, and Phoenix's Veritas Preparatory Academy—must abide by state standards that require the teaching of the subject of American history before that of World History, in contrast to the schools' original policies which called for the opposite curricular ordering. The schools' rationale for not previously ordering the curriculum in the way that the state had wanted was that teaching World History first would help students better understand America's role in a global context. The judge denied the schools injunction request "on a technicality" and

was to have heard the case “on its merits” later (Melchior, 2007). However, on October 15, a settlement between the schools and the state was reached. This settlement permits the schools “to request alternative standards on when to teach social studies topics other than the grades 5-12 sequence specified by the state standards.” However, the alternative standards “would have to require that the materials still be taught at some point”. The alternative curriculum would also be required to reflect much greater rigor (Davenport, 2007).

With respect to academic assessment, no evidence exists of increasing state involvement, but still apparent is the familiar requirement of standardized testing, one of the main means schools across the nation—charter and non-charter alike—are held accountable by policymakers and citizens. Arizona charter schools are required to participate in the Arizona “instrument to measure standards test” and the “nationally standardized norm-referenced achievement test as designated by the state board...” (15-183E4). “Arizona’s charter schools are subject to the same requirements of the NCLB (No Child Left Behind) Act as traditional public schools, except that they are not required to have certified teachers” (Hassel and Terrell, 2004, p.30). According to the Center for Educational Reform and Education Commission of the States, Arizona charter schools, “Must participate in state mandated annual nationally norm-reference testing program and in the Arizona criterion-reference testing program (AIMS-Arizona Instrument to Measure Standards) in grades three, five, eight, 10 and 12” (Hassel and Terrell, 2004, p.10). Arizona’s Instrument to Measure Standards (AIMS) is “a Criterion Referenced Test (CRT) designed to measure each student’s progress in learning the Arizona Academic Standards.” “The Arizona Academic Standards define what students should

know and be able to and be able to demonstrate at various stages of K-12 Education” (Scottsdale Unified School District, 2007). Arizona academic standards (and therefore presumably the test) cover the subjects of reading, writing, and mathematics (Scottsdale Unified School District, 2007). Arizona charter schools also must complete and distribute an annual report card (15-183E4). “Under NCLB, LEAs (local educational agencies) receiving funding under Title I, Part A are required to assess and report publicly on the progress of all students, and of students in various population groups toward meeting Arizona’s academic proficiency standards in reading and in mathematics. The subgroups are racial/ethnic groups, special education students, English language learners, and economically disadvantaged students” (Horne, n.d., p. 5).

Personnel Requirements—Arizona’s charter schools’ charters must include a description of the school’s personnel policies and qualifications, and they must keep resumes of all current and former employees who provide instruction to students at the charter school on file. These resumes, “shall include an individual’s educational and teaching background and experience in a particular academic content subject area” (15-183F). Unlike charter school teachers in many other states, Arizona charter school teachers do not have to be certified although they must have a B.A. (Education Commission of the States, 2007). According to the State Superintendent of Public Instruction:

NCLB mandates that all teachers in a state that receives NCLB funds meet the definition of “Highly Qualified” if they are teaching one or more of the core academic subjects. The definition has three components: full state certification, bachelor’s degree, and subject knowledge demonstration. Teachers in states such as Arizona whose charter school law permits charter school teachers to teach without state certification do not need to meet the first component. All teachers must meet the second and third components. New elementary teachers must meet subject-testing requirements; new middle and high school teachers must

demonstrate subject knowledge through an academic major, a subject knowledge test, academic coursework, a graduate degree, or additional credentialing in the subject area being taught (Horne, n.d.).

For example, at Desert Star Community School, a Waldorf-inspired charter elementary school in Sedona Arizona, the policy on teacher qualifications makes no mention of a teacher certification requirement. “Teachers...will be required to be highly qualified as defined by the Arizona Department of Education, which includes a Bachelors degree and passing a State test for competency”. The school will train teachers in Waldorf teaching methods if they do not have a background in Waldorf teaching methods (Desert Star Community School, 2006).

Charter schools in Arizona are required to inform parents of availability of resume information and make it available for inspection on request of parents and guardians of children enrolled. Charter schoolteachers, guaranteed several rights and privileges, cannot lose “right of certification”, retirement benefits, or any other benefit provided by local or state law (15-187A). In addition, teachers who have taught at charter schools are given employment preference by their school district as long as they submit an employment application to the school district no longer than three years after ceasing employment with the district and a suitable position is available (15-187B). No statute specifies how salaries and benefits are determined, nor places restrictions on staffing and class size or on collective bargaining agreements.

Sponsorship—The sponsor of a charter school in Arizona may be a school district governing board, the state board of education, or the state board for charter schools (15-183C). The Arizona charter school statutes do not authorize churches, non-governmental non-profit organizations, or for-profit organizations to “sponsor” charter

schools. However, “public organizations, nonprofit private organizations, and private individuals are permitted *to open* (emphasis added) charter schools” (Hassel and Terrell, 2004, p. 9). Once a charter school is opened, a governing board oversees school policy. The school is accountable to its sponsor, but the sponsor has “very little to do with daily charter school operations” (Arizona Charter School Association, 2007).

Facilities—Applications to establish a charter school must include a description of the charter school’s facility (15-183A). Charter schools shall ensure “compliance with federal, state, and local rules relating to health, safety, civil rights, and insurance” (15-183E1). “The Department of Education must provide a list of vacant buildings owned by the state that are suitable for charter schools...”(Center for Educational Reform, 2001, cited in Hassel and Terrell, 2004, p.11; this claim adapted from Center for Education Reform and Education Commission of the States data).

Student Eligibility—In admission policies and employment practices, charter schools in Arizona must remain nonsectarian and admit eligible pupils who submit a timely application. The selection process must be equitable (a lottery for example according to the stipulation) and the charter school cannot limit admission based on ethnicity, national origin, gender, income level, disabling condition, proficiency in the English language, or athletic ability; however it may limit admission to students within a given age group or age level (15-184). Arizona Charter Schools “must comply with all provisions of Individuals with Disabilities Education Act (IDEA), as well as with any restrictions or regulations related to acceptance of federal funding for start-up or programmatic functions” (Arizona State Board for Charter Schools, 2004, as cited in Hassel and Terrell, 2004).

Parental and School Disputes—There are no provisions in the Arizona legislation that address parental or school disputes. Some such support is provided *de facto* for “exceptional students”, and will be discussed under *Support Services*. According to the Arizona State Board for Charter Schools (2004), “each charter school develops its own policies related to discipline...” “Most charter schools provide opportunities for parental involvement ranging from volunteering in the classroom to serving on a ‘site council’”.

The Board advises parents:

If you have an issue/complaint with a charter school, try to resolve the issue/complaint at the school site or with the operator of the school. If this action does not result in a resolution, find out when the governing board of the school meets and bring your concern before the board for consideration. It is generally helpful to view the charter during the complaint process to determine if the school is acting outside of the parameters of its charter. You may also decide during this process that this particular charter school is not the best fit for your child’s needs. If this process does not result in resolution, put your concern in writing and submit it to the sponsoring board, either the State Board of Education, the Arizona State Board for Charter Schools, or the local district governing board (Arizona State Board for Charter Schools, 2004).

Support Services

The final tool policymakers use to address the privatization dimensions, support services are designed to increase the effectiveness of the free market in education (Belfield and Levin, 2005). With respect to charter schools in Arizona, few support services are provided or mandated. However, those that are, I describe below.

Transportation—Nothing in the Arizona statutes mandates busing or other transportation. According to Scott and Barber (2002), the Arizona legislation on charter schools allocates \$174 multiplied by the student count of any given charter school for busing, but schools are not required to use this money in this way.

Information—Teske and Schneider (2000) argue the “manner in which officials make information available about choice programs” can “critically influence” outcomes (p.610). As with transportation, nothing in the Arizona statutes mandates information provision on charter schools; however, information is now in fact available on various websites (e.g. <http://www.ade.state.az.us/>, <http://www.asbcs.state>). The information on the Arizona Department of Education website (<http://www.ade.state.az.us/>) includes categories on “teacher certification”, “standards”, and “accountability.” The information on the Arizona State Board for Charter Schools website (<http://www.asbcs.state.az.us/>) is grouped into three main categories: “Parent Resources”, “School Resources”, and “Applicant Resources”. “Parent Resources” includes further information such as “Parent Brochure/FAQ”, “School Search”, “Parent Satisfaction Survey”, and “Other Resources and Links”. “School Resources” contains further information such as “Fingerprinting”, “Audit Guidelines and Documents”, and “Useful Links”. Finally, “Applicant Resources” includes “New Charter Application” “Elective Transfer Application Pilot Replication Application-Prospective Applicant Workshops” (sic), and “Useful Links”. Anyone with online access, including Arizona parents, should be able to access this information. One can reasonably question however, whether less-educated or lower-income parents as a group have the same or similar capacities and opportunities to critically assess and act on such information, or whether they take time to access it, compared to parents of higher socioeconomic status.

Dispute Provision—No provisions are included in the Arizona statutes for the resolution of disputes in charter schools. However, there is a unit set up by the state department of education that handles disputes specifically for special education students

(Arizona Department of Education, 2007c). Charter schools in Arizona are public institutions, and this unit presumably extends its services to them as well. “The Dispute Resolution Unit offers resources for parents and school personnel who require assistance with special education related disputes.” There are three processes or options for resolving disputes. These include “Due Process”, “Complaints”, “Mediation”, and “Solving Problems Informally”. Of these, “Due Process is the most formal of the dispute resolution options”. It involves submitting a signed written request to the Arizona Department of Education, which “forwards this request to the Arizona Office of Administrative Hearing where the case is assigned to an Administrative Law Judge, who will case manage and ultimately conduct the hearing.” “Individuals or organizations may file signed written complaints with ADS/ESS (Arizona Department of Education/ Exceptional Student Services), if they believe an agency responsible for the provision of special education services is not in compliance with state and federal laws or regulations.” “Mediation is the most informal dispute resolution options [sic]. [It] is a voluntary process that is held only if both parties agree to mediate. A mediator is provided by ADS/ESS (Arizona Department of Education/Exceptional Student Services) at no expense to the parent or the district. Parties wishing to request mediation should contact the Dispute Resolution Coordinator”. “Solving Problems Informally” includes “talking to the teacher” first and, if there are still questions and concerns, talking with the school administration (Arizona Department of Education, 2007c).

**BENCHMARKS/MEASUREMENTS TO ASSESS FREEDOM OF CHOICE,
PRODUCTIVE EFFICIENCY, EQUITY, AND SOCIAL COHESION**

Having analyzed Arizona's plan using Levin's policy instruments, I next discuss specific measurements or benchmarks used to assess dimensions that schools are expected to address in a free and democratic society (Levin, 2002). After doing this through a survey of relevant theoretical literature, I assess whether the Arizona plan achieves greater or lesser amounts of each in the final section of the paper.

Freedom of Choice

Freedom of choice has been argued as being one of the main foci of the Arizona plan (Garn, 2000). Choice is generally considered to be the liberty to choose the kind of instruction, curricula, methods, and school setting parents want for their children. Marshall et al. (1989) define freedom of choice as "The presence of a range of options for action, as well as the ability to select a preferred option." Scott and Barber (2002) break down choice into "choosing to start a school", "curriculum and instruction guidelines", and "information" (p 12-13). Levin (2002) is the most specific, arguing that freedom of choice depends on a range of phenomena, including school philosophies, religious practices, and educational goals that will be allowed, as well as the magnitude of exercising these choices. One specific measure of choice would be the range of school options consistent with child rearing practices (Levin, 2002).

Productive Efficiency

A claim made by proponents of educational privatization, particularly in Arizona, is that the market creates the conditions for greater productive efficiency by encouraging

innovation and competition (Garn, 2000). High productive efficiency entails that for every unit of input into the school, program, or system, the amount of output is also high. The goal of productive efficiency is that, under some alternative plan, a given result will be obtained by using a similar or fewer resources. The first component of productive efficiency in education is educational achievement. Test scores can be examined as one measure of this component. Often overlooked are important measures of achievement that include problem solving, working in teams, and effective decision making (Levin, 2002). Other measures might be dropout rates, graduation rates, and educational attainment (Belfield and Levin, 2005). The second component of productive efficiency is cost. Cost comparisons should include those of producing similar services for similar populations (Levin, 2002).

Equity

Equity is one of the most difficult of the dimensions to assess because it is a normative concept defined differently by different people (Levin, 2007). In the literature, equity has conventionally included the idea that all students have the opportunity to receive a quality education and the same or similar access to resources and instruction regardless of race, ethnicity, gender, religion, and social class. Identification of demographic information is thus usually necessary. Components of an equity analysis might include degree of access to educational opportunities, quality of those opportunities, and the probable educational outcomes for those groups (Levin, 2002). Fuller et al. (2004) use three conventional indicators—school resources, student attributes, and access, as well as two localized indicators—“specialized mission and

autonomy” and “coherent community, parent, and teacher participation” (p.104-105).

Garn (2000) has used funding of special education students at charter schools compared to funding of special education students at public schools as one benchmark, and provision of transportation as another.

Social Cohesion

The criterion of social cohesion sees schools as a means of promoting the common social good. “This criterion (social cohesion) incorporates a major public purpose of schooling in a democratic society, the provision of a common educational experience that will orient all students to grow to adulthood as full participants in the social, political, and economic institutions of our society. This is usually interpreted as necessitating common elements of schooling with regard to curriculum, social values, goals, language, and political institutions of our society” (Levin, 2002, p. 163). Muntaner et al. (1999) define social cohesion as “participation in public affairs, civic responsibility, or involvement in public life.” Scott and Barber (2002) have used three sub-criteria—access, resources, admissions, and instruction—as measures or benchmarks for measuring social cohesion. One benchmark could be the extent to which civic education is provided. Social cohesion might be evaluated with indicators of voting participation or newspaper readership linked to current or former students. Assessments of student exposure to history, political institutions and dynamics, legal frameworks and institutions, citizen rights and responsibilities in the political and legal systems, economic institutions and functions, and common language could be others (Levin, 2002).

**CONSEQUENCES OF THE ARIZONA PLAN: FREEDOM OF CHOICE,
PRODUCTIVE EFFICIENCY, EQUITY, AND SOCIAL COHESION**

What does the evidence have to say on whether Arizona’s charter school plan achieves greater or lesser degrees on each dimension? While there is not (and never will be due to necessary tradeoffs) a perfect educational reform strategy able to achieve the highest levels on all dimensions, available data point to at least a couple of questions for Arizona policymakers: have they achieved the goals they explicitly set out to achieve through the policy instruments? And are more than mere tradeoffs among the dimensions occurring?—that is, is there really any overall advantage for charter schools versus their public counterparts in Arizona? The evidence indicates that some dimensions, such as equity and social cohesion, are probably consciously sacrificed for freedom of choice in Arizona; on the other hand, there is little evidence that policymakers seem to be achieving a high level of efficiency, one of their explicit goals, through charter school reform.

Freedom of Choice

Using four “values”—*choice, efficiency, quality, and equity*—Garn (2000) found that policymakers in Arizona have placed more emphasis on choice (and efficiency) than on quality and equity in the state’s charter school plan. Evidence over time does suggest that parents are more satisfied with charter schools than with public schools (Goldwater Institute, 1996), which could be taken as an indicator of high level of freedom to choose.

67% of parents in Arizona give their charter school an A or an A+ (Hassel and Terrel, 2004). Such statewide satisfaction is corroborated by evidence of high levels of parental satisfaction with charter schools nationally (Peterson and Hassel, 1998; Howell and Peterson, 2002).

Less regulation, as found in Arizona, in and of itself suggests more choice (Levin, 2002). Compared to the largest charter school plan, that of California, the Arizona plan has been argued to promote greater freedom of choice (Scott and Barber, 2002). The concern with California has been that numerous regulations and safeguards, much less frequent in Arizona, may discourage schools that are far out of the mainstream from opening (Scott and Barber, 2002).

According to an educational expert at the Goldwater Institute, "...parents, teachers, and school personnel have *opened* (emphasis added) roughly 70 percent of all charter schools in Arizona" (Murray, 2005, para. 5). As mentioned under the policy tool of finance, sponsorship is limited to school districts, the state board of education, and the state board for charter schools (15-183B). In 2005, the Arizona State Board of Education extended a moratorium on charter school sponsorship, so that only the State Board for Charter Schools and school districts could sponsor new schools (Murray, 2005). Thus, the range of choices, at least as far as sponsors, is comparably narrow to what is set out in the statutes, at this particular point in time, as there is no indication that the moratorium has been lifted.

"Each charter school in Arizona subscribes to a certain teaching philosophy or a combination of philosophies" (Arizona Department of Education, 2007b). These

philosophies are diverse, supporting the case that there is a relatively high level of freedom to choose.

For example, at the Arizona Academy of Science in Phoenix, a charter middle school and high school, the five points of the philosophy include: “high academic standards, student participation and involvement, small class sizes, commitment to lifelong learning, and using science and technology responsibly for the benefit of mankind” (Arizona Academy of Science, n.d.).

The Fountain Hills Charter School, a K-8 institution located in Fountain Hills, Arizona, “exemplifies the holistic approach to instruction conceived from the philosophies of Dr. Maria Montessori. It is our mission to develop strategies for the acquisition of knowledge skills and values [sic] needed to participate meaningfully in our pluralistic society...The Fountain Hills Charter School will offer a choice to the parents, students and educators who wish to emphasize self-directed learning processes and active enthusiastic participation in the learning process” (Fountain Hills Charter School, 1999).

The philosophy of Benjamin Franklin Charter School (with sites in Mesa, Gilbert, and Queen Creek, serving K-8) is “to emphasize the teaching of basic skills and information. Its purposes are to: train the intellect, teach skills, instill a sense of pride and respect for self, others, and country, equip students to become decision makers and problem solvers, prepare students for the world outside by challenging them to compete for achievement of standards in the classroom...” (Benjamin Franklin Charter School, 2005).

Productive Efficiency

In terms of intent, the Arizona Charter school plan has been designed with a concern for efficiency at the forefront (Garn, 2000; Scott and Barber, 2002). However, while there are several studies on Arizona Charter school effectiveness, one component of productive efficiency, there appears to be only one study linking costs to benefits or improvements. In this section, I therefore survey research and benchmarks relevant to effectiveness and efficiency:

One study, controlling for race, language, “gifted”, special education, and years in district, among other variables, found higher reading scores for students who attended charter schools for two years in a row in Arizona (Solmon et al., 2001, see p. 12).

Another assessment based on Arizona Department of Education data, found that 40.4% of Arizona charter schools are “highly performing” or “excelling”, while only 26.6% of district schools are performing at the same levels (Hassel and Terrell, 2004, p.6).⁵ However, the original source for this data, the “outcomes” section of an Arizona Department of Education Web page, is not specified precisely and perhaps is no longer accessible. But even if these figures are assumed credible (there is no reason to think they are not) there is no indication that adjustments are made for race, SES, and English Language Learners (ELL).

Greene et al. (2003), analyzing The Stanford Achievement Test Ninth Edition (SAT-9) and Arizona’s Instrument to Measure Standard’s Test (AIMS), found “weak and

⁵ “Highly performing” or “Excelling” designations are based on “the three year average percentage of students in the ‘exceeds the standard’ category on the AIMS (Arizona Instrument to Measure Standards Test) (reading, writing, and mathematics) in a particular school” (Horne, 2004). “Exceeds the standard” is defined as “...a superior academic performance as evidenced by achievement that is substantially beyond the goal for all students. Students who exceed the standard have demonstrated exceptional and exemplary attainment of knowledge and skills” (Arizona Department of Education, 2005).

mixed results from charter schools and none that was statistically significant” (this compared to “regular public schools”) (para. 2 under “Arizona Charter School Effect”). However, in their analysis, they excluded some charter schools “because they function in a way that does not allow them to be studied appropriately by our method” (e.g. cyber charter schools “because they lack a central campus”) (para. 4 under “Method”). Green et al., “used geography to control for demography” (para. 6 under “Method) by comparing each charter school’s test score to “the closest regular public school for which we had test scores for the same grade” (para. 4 under “Method”) and ignoring “regular public schools known to be targeted to particular populations,” (para. 5 under “Method”), such as schools for juvenile delinquents and magnet schools. Regressions were run on “year-to-year score changes for each subject” (para. 9 under “Method”). This controlled for whether or not a school was a charter school, for race, and for each tested grade level.

In addition to this research, effectiveness of Arizona Charter Schools can be measured by the “adequate yearly progress” (AYP) benchmark of No Child Left Behind (NCLB):

Title I of the Elementary and Secondary Education Act (ESEA), as reauthorized by the No Child Left Behind Act (NCLB) of 2001, requires each State, as a condition of receiving funds under the Title I program, to implement a “single, statewide State accountability system” applicable to all its public schools, including charter schools [*Section 1111(a)(2)(A)*]. A component of that system is a definition of “adequate yearly progress” that measures the extent to which schools succeed in educating all students to proficiency in at least reading (or language arts) and mathematics (U.S. Department of Education, 2004).

AYP figures would support a claim that Arizona Charter Schools are only slightly more effective than public schools in terms only of certain raw percentages. An Arizona State Board for Charter Schools memo dated September 11, 2006, states, “Approximately 70% of the charter schools made AYP with determinations for an additional 4% of

charter schools still pending” (Arizona State Board for Charter Schools, 2006). By comparison, in 2005-2006, 67% of all Arizona schools made AYP by my calculations (1251 of all schools made AYP, and 609 did not) (Arizona Department of Education, 2006). However, once again, there is no indication that such figures make adjustments for race, SES, and English Language Learners (ELL): AYP measures “the extent to which schools succeed in educating all students to proficiency in at least reading (or language arts) and mathematics”.

While speaking to the issue of *effectiveness*, such studies do not consider the costs relative to improvements. To date, there appears to be only one study that has looked at the efficiency of charter schools in Arizona. In this recent analysis, Palardy and Nesbitt (2007) argue that Arizona charter schools might very well be less technically efficient than traditional schools using a stochastic frontier production model.

Equity

At the national level, Wamba and Ascher (2003) find that some state level data on charter schools suggest that charter schools have not overcome racial isolation. Frankenberg and Lee (2003) similarly find that charter schools in numerous states face high levels of segregation.

In Arizona, there is evidence of a similar situation. Cobb and Glass (1999), analyzing October enrollment data for the years 1994-1997 for 55 urban and 57 rural charter schools, found that nearly half of these schools exhibited “substantial evidence of ethnic separation”. In the context of this finding, they further argue that, “Students in segregated schools lose out on the well-documented academic and social benefits of

integration...Ethnic and class-based separation polarizes the political interests which look out for neighborhood schools, which results in further disparities in resources, quality of teachers, number of supportive parents, and the like. Schools without political support struggle, and the students suffer commensurately” (Cobb and Glass, 1999).

However, while Arizona public non-charter schools are not prohibited from receiving donations (Arizona State Board of Education, 2004), neither are their charter counterparts. For example, the University of Arizona is now opening a charter school and is setting up a non-profit organization that will raise private donations for the school (Ryman, 2007). Unfortunately, there is little evidence that private donations are offsetting equity concerns. As has been stated, private funding of Arizona charter schools, as a proportion, is quite small.

Arizona charter schools are not required to provide busing or other transportation, except for special education students (Garn, 2000), though there is evidence from different sources that children of special needs are encountering discrimination and less financial support. Despite the regulations designed to protect special needs children discussed earlier in the paper, according to one prominent critic of Arizona charter schools, there have been several documented complaints of discrimination against charter school special needs students; for example, allegations that “charter schools have dismissed children with learning disabilities for trivial reasons; failed to evaluate children and provide them with services; and denied admission because a school building was not wheelchair-accessible”(Hassel and Terrell, 2004, p.12, based on a report by State Senator Mary Hartley, 2001). In addition, there is evidence that Arizona Charter have schools have spent much less on special education than their public counterparts. For example, in

1995-1996, Arizona charter schools spent only 1.4% of their budget on children with special needs, while public schools spent about 10% of their budget on the same population (Arizona Superintendent for Public Instruction, cited in Garn, 2000).

It is possible that one reason for this is that charter schools are only taking students with minimal learning disabilities, not moderate or severe disabilities, and the costs of minimal disabilities such as speech or slow readers are minimal⁶. If this were the case, then the question is raised whether charter schools in Arizona really are not limiting admission based on disabling condition, as outlined in the charter school statutes (15-184B). “Some school districts believe they see a pattern of students with disabilities returning to traditional public schools after the 100th day” (Ahearn, et al. 2001 p. 66/69). “There have been several complaints lodged against charter schools in relationship to special education over the years...some study participants say these complaints...are on the rise”(p.70/73).

Social Cohesion

Compared to the other dimensions, social cohesion has not been studied as much in education (Levin, 2002), so evidence on it is hardest to gain access to and assess. Since policymakers have placed no limitations on funding sources or gifts received from private organizations and individuals in Arizona, some scholars have argued that the curriculum, student body, and educational practices are excessively influenced by ideology. Lack of funding restrictions could “undermine cohesion by promoting schools that offer programs tailored to very specific interest groups, rather than to the broader community” (Scott and Barber, 2002, p.32). In addition, the point has been made that

⁶ I would like to acknowledge gratefully Professor Henry Levin’s contribution of this point.

relatively vague regulations on curriculum in Arizona might weaken public schooling's ideal of democratic citizenship.

There is little if any direct evidence that civic education is strongly promoted in Arizona charter schools. However, a statewide regime of standardized testing (e.g. the AIMS) and state academic standards that must be followed in American history, social studies, language arts, technology, and "workplace skills" (Arizona Department of Education, 2007a) certainly reflects something similar to what Belfield and Levin (2005, p.36) call, "provision of a common educational experience that will orient all students to grow to adulthood as full participants in the social, political, and economic institutions of our society". At the national level, research has shown that private schools actually tend to promote more civic education than public schools on average (Belfield and Levin, 2005), and charter schools in several regulatory and financial senses toe the private-public sector line.

Nevertheless, the point should be emphasized that Arizona's charter granting entities are relatively "hands-off" (U.S. Charter Schools, n.d.), regulations are minimal, and insinuations have been made that the Arizona State Board for Charter Schools have not been monitoring Charter Schools as systematically as it should (Arizona State Board for Charter Schools, 2003). Arizona State policymakers have argued that one of the "numerous problems with Arizona's Charter 'experiment'" has been that "[religious instruction] has crept into our charter schools." For example, Life College Preparatory, a school in Mesa, once advertised promising students religious mentors to help their entrance into universities affiliated with the Mormon Church in a Mormon Newspaper

but altered the ad for a Catholic Newspaper and, according to two local newspaper editorials, it did not advertise in any secular publication (Hartley, 1999, p.202).

CONCLUSION

Arizona charter schools can receive financial support from both public and private sources. Most of it comes from public sources at the state level. Whether or not charter schools receive adequate funding from the state has been revealed as a contentious issue that calls for greater research. The “hands-off” regulatory nature of the Arizona plan and its few support services, such as transportation and the need for research in this area, have been highlighted as well.

Freedom of choice under the Arizona plan is relatively great, though presumably it would be greater if the moratorium on sponsors were to be lifted. If Arizona’s government regulates its charter schools’ curriculum more assertively in the future, as it has attempted to do recently, it might reduce the range of choices available and perhaps set precedents for further state involvement, which could lead to less freedom to choose. While Arizona parents express high satisfaction with charter schools, the evidence is mixed when it comes to whether charter schools are actually more effective than Arizona non-charter public schools. There is a piece of recent evidence that Arizona charter schools might be less efficient than Arizona non-charter public schools, despite the fact that greater efficiency has been one of the state’s policymakers’ explicit goals in supporting charter schools in the state. More research is needed on this point as well.

Lack of transportation, concerns with racial and ethnic segregation, and evidence of possible discrimination against special education students point to very probably low levels on the dimension of equity. A common regime of standardized testing and some standardization of academic standards in the curriculum such as civics, history, and “workplace skills” is likely offset by “hands-off” regulation and any religious elements that might have entered into charter schools. This points to social cohesion being at approximately the same or lower levels than charter schools’ non-charter public school counterparts.

Utilizing the analytical framework composed of the set of dimensions of freedom of choice, productive efficiency, equity and social cohesion, the evidence would call into question any claim that Arizona charter schools are performing significantly better, in general, than their non-charter public school counterparts; however it does appear that quite a wide range of charter schooling options are available. The Arizona charter school plan should be followed closely and research on all of the policy instruments and privatization dimensions should be continually refined and critiqued. There is much we are learning and still need to understand about charter schools in the Grand Canyon State.

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