Legislative Activities on Charter Schools: The Beginning of Policy Change?

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Abstract: Despite the recent enthusiasm for charter schools as a policy alternative for improving student learning, studies indicate that they are not increasing student achievement over traditional public schools (Bettinger 2005; Crew & Anderson 2003). Nevertheless, legislative activity in the states suggests that charter schools as a policy alternative is gaining support on the public agenda. Agenda setting theory suggests that interest groups, state and citizen ideology, political context, policy entrepreneurs, focusing events and state resources influence the ability of issues to reach the institutional agenda (Baumgartner and Jones 1993; Kingdon 1995). This study uses panel corrected cross-sectional time series analysis to explore which of these factors are motivating increased interest in charter school legislative activities at the state level from 2003-2006. The number of charter school bills proposed in state legislatures is the dependent variable (National Council of State Legislatures).

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Introduction

In 1983, the National Commission on Excellence in Education published a report titled *A Nation at Risk.* This report was critical of the education system in the United States and was concerned about the implications for the future of the country. In the words of the commission, the ability of America to maintain a dominant standing in "commerce, industry, science, and technology" is "at risk." According to the Commission, the problems in education quality are the functional illiteracy of over 20 million Americans, American students' lower performance than students from other First World nation on over fifteen academic tests, the perpetual decline in achievement test scores, and the proliferation of remedial courses at the college level. In addition, for the first time in the history of the United States, the educational skills of the present student generation will be lower than those of their parents.

A consequence of this report was the formation of the excellence movement which pushed for education reform, particularly a more rigorous approach to education. Many states implemented new education policy in response. One of the reforms these states enacted was the establishment of student standards such as state graduation requirements, longer school days, minimum grade point averages, the addition of new courses, and new exit tests (Fuhrman et al. 1988). Additionally, some states began to enact teacher standards such as stricter requirements for entry into the teaching profession with tests, course, and grade point average requirements. Some states also altered the career ladders in the teaching profession. The move toward greater state government involvement in education reform was further motivated by the election of

Ronald Reagan, whose administration adopted a policy of returning power and responsibility back to the states in many issue areas such as education.

Despite these reforms, the perception that the American education system was in trouble did not dissipate. Media attention to the problem and public perception continued to force policymakers to address the issue. Policy initiatives at the national level passed in response have included The School-to-Work Opportunities Act of 1994, and The Goals 2000: Educate America Act among others. The No Child Left Behind Act of 2001, the most recent of these reforms, mandates testing and school choice options to parents of students in failing schools. One of these options is charter schools. The NCLB Act includes $300 million of federal support for public charter schools. This provision provides aid to help states and localities fund charter schools, including money to help with the planning and design of charter schools and evaluate their effectiveness and facility costs.[1]

Although, the NCLB Act has been a catalysts for state adoption of charter school policies, this education reform was first adopted by Minnesota in 1991 with Maryland being the most recent state to adopt charter school policy in 2003. Adoption of charter schools has been spurred in part because of promises that they are viable alternative to public schools which will increase parent and student satisfaction, achieve higher student achievements, allow for greater teacher empowerment and increase resource equity (Stillings 2006).

Despite the enthusiasm for charter schools as a policy alternative for improving student learning, studies indicate that they are not increasing student achievement over traditional public schools (Bettinger 2005; Crew & Anderson 2003). Nevertheless, legislative activity in the states

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[1] McGuinn cites "An ESEA Primer," *Education Week*, January 9, 2002, http://www.edweek.org.

suggests that charter schools as a policy alternative is gaining support on the public agenda. Recently states have seen further charter based reforms such as virtual (cyber) charter schools enter onto the agenda.[2]   What explains the recent gains to the agenda by charter schools? Is it simply a consequence of The NCLB Act or are the other factors at work?

In considering these questions, this paper draws upon different theories of agenda setting to explore factors which may be active in shaping the charter school debate and which may provide an indication of the potential for significant policy change regarding school choice. We examine the influence of interest groups, ideology, political context and state resources to identify the differences that exist between the states in the level of legislative activity on charter schools.

Charter Schools

Charter schools are commonly defined as "independent public schools of choice, freed from rules but accountable for results." (Finn, Manno, and Vanourek 2000). Charters are formal, legal documents, best interpreted as a contract between those who launch and run a school and the public body that authorizes and monitors these schools. Charter operators can be groups of parents and/or teachers, a private firm, and/or a community organization (Finn, Manno, and Vanourek 2000). Minnesota was the first state to experiment with this form of education reform, adopt charter schools legislation in 1991. Since then, forty states and the District of Columbia have adopted some charter

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[2] A cyber school is one that delivers instruction by way of the Internet to students in other locations (Center for Education Reform, 2006).

school legislation (Zimmer and Buddin 2006). Currently, over 3400 charter schools serve almost one million students across the nation (Vanourek 2005).[3]

Charter schools share similarities and differences with both public and private schools. Like public schools, charter schools are open to all who wish to attend them, paid for with tax dollars and accountable for student outcomes. They are accountable to an authoritative public body such as a state or local school board as well as to students who enroll in them and to instructors that teach in them. However, charter schools are different from traditional public schools because they can be created by anyone and are exempt from most state and local regulations. Additionally, they are for the most part autonomous in their operations. Charter schools are similar to private schools since they are independent and consequently they are able to have control over various aspects of operation such as curriculum. They are also like private schools because they are schools of choice (Finn, Manno, and Vanourek 2000). Advocates for charter schools have argued that the characteristics that make them unique (greater autonomy, innovation and accountability) make then a viable alternative to traditional schools. It has been suggested that these differences will ultimately result in increase parent and student satisfaction, achieve higher student achievements, allow for greater teacher empowerment and increase resource equity (Stillings 2006).

These claims have resonated with state level policymakers struggling to address policy issues such as student achievement and unequal distribution of resources among schools. As a result, charter schools have gained popularity on state legislature agendas over the past several years. Nevertheless, it is not clear if charter schools are living up to their promises. Finn, Manno, and Vanourek (2000) analyzed student data from over 100

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[3] Cited from Zimmer and Buddin 2006.

schools in an attempt to gauge the successes and failures of charter schools. They found that charter schools are better able to improve student test scores and meet the needs of minority groups more so than traditional public schools. They also conclude that charter schools are also better able to engage parents and foster teacher professionalism (2000).

Similarly, Bohte (2004) examines the effect of charter schools on public schools in Texas using data from 1997-2001 from 1,046 school districts and found that the increases competition from charter schools motivated changes that improved achievement scores in traditional public schools. Students that remain in traditional public schools enjoy higher passage rates on the Texas Assessment of Academic Skills (TAAS). However, these performance gains are fairly small. Bohte attributes some of the performance gains on the TAAS in public schools to policy changes made by administrators to retain traditional public school students. Other performance gains can be explained by the movement of at-risk students to charter schools, producing better student cohorts.

While the previous two studies found some positive impact from charter schools, other studies found no significant changes from the adoption of charter schools. Crew and Anderson (2003) analyze the operation of charter schools in Florida during the 1999-2000 academic year. They found no difference between student achievement in charter schools and traditional public schools. Correspondingly, Bettinger (2004) compared the math and reading test scores of 33 charter schools in Michigan that opened in 1996-97 with about 550 public schools within a five mile radius of these charter schools. He finds no significant differences in test scores for charter and traditional public school students.

Other research has found that outcomes varied significantly based on characteristics of the charter schools. Buddin and Zimmer (2005) clustered charter

schools into four typologies using data from California charter schools and student reading and mathematics test scores from the Stanford 9 from 1998 through 2002. Their categories include charter schools that switch from traditional public schools, charter schools that "start from scratch," charter schools that rely mainly on classroom-based instruction, and charter schools where much of the instruction takes place outside the classroom. The authors find important differences in performance amongst the types of charter schools. Elementary conversion charter schools have a small, positive impact on reading scores, and a small, negative impact on mathematic scores. Elementary pupils in start-up schools score 5-7 percentage points lower than pupils in conventional public schools and students in non-classroom-based conversion and startup charter schools scored much lower in mathematics and reading. Finally, elementary classroom-based charter schools scores do not differ significantly from those in traditional public schools.

Their study of secondary charter schools found similarly mixed results. Startup school students score lower in math and reading than their counterparts in traditional public schools. While non-classroom-based charter schools are pulling down average math and reading scores for both secondary conversion and startup schools while non-classroom-based charter schools are performing poorly. Secondary classroom-based conversions have varied results. After adjusting for the mix of pupils who attend these schools, the test scores in classroom-based startups are higher than those in traditional public schools (Buddin and Zimmer 2005).

Finally, because charter schools often attract a higher proportion of minority students, research has explored the impact charter schools have on this cohort. To explore this topic, Zimmer and Buddin (2006) analyze the effect that charter schools in the Los

Angeles Unified District and San Diego Unified School District. Both school districts serve many poor, minority, and immigrant students. Their findings indicate that charter schools are not doing much to improve the test scores of these students. Elementary charter school students in Los Angeles were found to have scores similar to traditional public school students in mathematics and reading. However, charter school students in San Diego lagging behind. At the high school level, charter pupils scored a little higher in reading than traditional students, but scored slightly lower in mathematics. However, the opposite pattern was found with San Diego charter pupils. They conclude that charter schools are not consistently improving test scores for minority students and in fact, may have a detrimental effect on these students achievement.

Charter schools do not exist in a vacuum; they are developed in a political environment that can greatly influence laws that can impact their effectiveness. It is important to note that when students leave traditional public schools and enroll in charter schools, public schools experience losses in funding. Gewertz (2002, 2) notes that in Kansas City, Missouri, $41 million in state money is estimated to have been diverted to the district's charter schools. Dayton public schools lost approximately $19 million from its budget to charter schools (1).[4] Officials in public schools do not sit idly by and let this happen instead they use a vast array of tactics to retain students and funds. One is personnel change. Superintendents of districts and principals of schools that face charter school competition are frequently replaced (Hess, Maranto, and Milliman, 2001, 1121). Another typical strategy is to change the curriculum or create new academic programs such as Montessori and back-to-basics programs, all-day kindergarten programs, foreign

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[4] Cited from Bohte, 2004.

language programs, after school programs, and gifted student programs (Bohte 2004).[5] Other techniques include lobbying state legislatures to restrict the breadth of charter school programs, refusing to provide student records to charter schools, and eliminating popular programs and pointing the finger at charter schools for the cuts in hopes of invoking public backlash against charter schools (Bohte 2004).[6]

Traditional school officials are not the only political actors who influence charter school adoption. States compete with each other for business and other resources and do not wish to find themselves at a competitive disadvantage with neighboring states. States may adopt similar policies as their neighbors in order to stay competitive (Walker 1969). Renzulli and Roscigno (2005) find that states adjacent to states that have previously adopted charter school laws are likely to also do so. They also discover that states are likely to pass weak charter school legislation rather than strong or no legislation if they neighbored states with strong legislation. Renzulli and Roscigno add that states that neighbor states with weak charter school policies are not likely to adopt charter school legislation. Furthermore, states with high National Education Association (NEA) and American Federation of Teachers (AFT) membership are not likely to adopt strong charter school legislation. However, once the charter school legislation is adopted, the impact of NEA membership on the development of charter schools reverses, and the AFT has no impact. The authors believe that this change mirrors the efforts of teacher unions to exercise influence on how charter schools are operated after the creation of these schools appears to be unavoidable.

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[5] The author cites Sack 2002 and Hess et al. 2001.
[6] The author cites Hassel, 1999, 136-137 and Maranto et al. 2001, 134.

Shober et al. (2006) investigated other political factors affecting the degree of flexibility and accountability in state charter school laws and the formation of charter schools in the United States. They find that Republican government ideology, lack of public sector unionization, charter law revision, and greater state population have significant impacts on a state's flexibility in state charter school laws. A state's level of accountability is linked to how many years have passed since the initial state charter legislation was passed and revised. They also find that more conservative governments yield laws that are more flexibility while a larger union presence is linked to less flexibility. Finally, they found that the presence of more at-risk students leads to greater flexibility in state charter laws.

The review of the literature found a mixed result in the policy evaluation of charter schools. Some studies found that they were living up to their promise as a school reform while others suggest that they may do more harm then good. The literature also suggests that political actors play an important part in the effectiveness of charter schools. Some political actors work either to strengthen or weaken charter school initiatives during policy adoption. These same actors play an important role during agenda setting. In the next section, we will examine their role along with other factors in determining which issues make it to the agenda.

Agenda Setting

There are a number of agenda-setting models that can be used as lenses for the policymaking surrounding charter schools. One is the punctuated equilibrium model proposed by Baumgartner and Jones (1993, 2002) to explain agenda setting in the U.S. In

this model, a policy monopoly renders stable policy outcomes that last over long periods of time. This monopoly is characterized and supported by ideas and institutions. The ideas shape how issues are understood and discussed by lawmakers, and institutional structures limit who takes part in policy debates. "Outsiders" are believed to be not qualified to participate in decision making in the policy domain since they are viewed as being unapprised, careless, and even dangerous (Baumgartner & Jones, 2002, 12-13). If a group convinces others that their ideas serve widely accepted goals, they may create a policy monopoly. Policy monopolies are supported by the "acceptance of a positive image and the rejection of possible competing images" (Baumgartner & Jones, 1993, 26). Policy equilibrium is punctuated by points of policy change. These points occur when new understandings of problems take place and new interests are mobilized. When this occurs, the current policy monopoly could lose support for its ideas and dissolve.

To break through the inertia (tendency toward policy monopoly) inherent in the fragmented American democratic system, an idea must first be recognized as a public problem. More specifically, an issue must be seen by the public as negatively impacting a segment of society and the government must be perceived as the appropriate actor to address the situation. Building on Baumgartner and Jones' idea of a policy image, Rochefort and Cobb (1994) set forth causality, severity, incidence, proximity and crisis as key elements that influence whether private problems come to be identified as public problems. This identification is a matter of perception. Problems are more likely to be perceived as public problems when the public reaches consensus that institutional failures are the cause, that the consequences of a lack of government action are severe, that the problem occurs with frequency, and/or that it closely affects a large number of people (1994:16). Times of crisis can focus attention by combining dimensions of proximity and

severity in the public mind. Facts and symbolism are embedded in "causal stories" and are used by political actors to advance particular definitions of a problem and personal political agendas (Stone 1989). Those actors who are able to craft a "better" story are more likely to find their issue on the public agenda (or list of items given serious consideration by public officials).

Kingdon (1995) reinforces the importance of politics in agenda setting. In his model of three concurrent and largely independent streams of policy problems, solutions, and politics, problems and solutions must be joined to "favorable political forces" in order for an issue to reach an action agenda (1995: 20). The concept of "favorable political forces" is also a matter of perception, as is illustrated by work of Schneider and Ingram (1997). The politics of agenda setting involves a sorting of problem definitions and solutions to identify those that distribute benefits and burdens in ways that offer political advantage.   This political sorting is predicated on the social construction of target populations that will receive either benefits or burdens (1997: 102). Clear-cut political advantage is found in establishing policies – and establishing problem definitions – that target and reward advantaged groups or that target and penalize deviant groups. Advantaged groups are perceived as both politically strong and deserving; business, the middle class and the military are examples. Deviant groups are perceived as both politically weak and undeserving; criminals and gangs are the classic examples (1997: 109). Schneider and Ingram argue that problems are defined as public problems through these social constructions and with a calculation of political benefits and risks in mind. Ideology and beliefs thus becomes a central factor in understanding the nature of a public problem and the nature of a policy solution.

An issue's scope and cost are also important considerations in determining whether the issue reaches agenda status as a public problem worthy of government attention (Theodoulou and Kofinis 2004). Individual, private issues do not reach the agenda for government action;

public problems reach the agenda because they are important to the greater public community.

As the costs of a problem increase, it becomes more likely to attract the attention of political

actors (1994: 112-113). Thus, state resource constraints become an important consideration in

setting the policy agenda. States with more money and other resources may promote innovation

and policy change. In contrast, states that experience severe financial constraints may be more

interested in maintaining the status quo even in the face of obvious problems (Kingdon 1995,

109). Finally, state administrators are often successful advocates for or against policy change

within state bureaucracy (Kingdon 1995, Gormley 1996, Elling 1999).

No single theory of agenda setting is comprehensive (Kamieniecki 2000). However, key

principles can form the basis of an inquiry into the emerging policy debated surrounding charter

schools. In the next section, the influence of interest groups, ideology, political context,

resources and administration on the agenda setting process will be assessed through examining

the level of legislation regarding charter schools in the states from 2003 through 2006 using

pooled cross-sectional time series data which controls for variation both between states and over

time.

Empirical Model: Data and Measurement

The dependent variable is the number of bills in state legislatures concerning charter schools

in each year (2003-2006) as reported by the National Conference of State Legislatures (2006a).

Legislation is included regardless of its purpose; it is beyond the scope of this preliminary study

to examine factors that influence the direction in which policy may be heading. Instead, the

focus of this paper is the on legislative activity in the context of activity which sets a policy

agenda.

Actors at the state and local level (interest groups, local officials and agencies) play an important part in agenda setting (Baumgartner and Jones 1993; Kingdon 1995). Depending on how policy impacts local groups, they may either act to place policy on the agenda or keep it off. At the state level, one of the groups most likely to be impacted by education policies is the public school teacher lobby. To control for possible lobbying activities of teacher groups, we use two measure of public teacher's group strength. For both the American Federation of Teachers and the National Education Association we include the amount of money (in $1000) they contributed to state party and caucus committees registered in a state during the various election cycles (The Center for Public Integrity, 2006).

It is also expected that civil rights interest groups will play an important rule in placing charter school legislation on the agenda. As with other forms of school choice, charter schools have been promoted as a means of improving integration in terms of both race and income (Gill et. al, 2001; Peterson and Green, 1998; Viteritti, 1999). As a result of public choice alternatives being championed as a positive tool for promoting equality, civil rights group have been active in the promotion of education reforms such as charter schools. Our measure of interest group strength follows Gray and Lowery (1997), which measure the influence of civil rights groups by the count of the number of such groups in each state for the various years (Project Vote Smart 2006).

The political environment includes both the attitudes of the citizens as well as public officials and plays an import part in the agenda setting process (Kingdon 1995). There are a number of aspects of the state environment that may influence opinions about public policy. The first is exposure to direct democracy. Previous research suggests that state electorates with frequent exposure to direct democracy (ballot initiatives) have a greater knowledge of public

policy (Tolbert, McNeal and Smith 2003). This suggests that there is an educational value associated with direct democracy. Interest groups in their attempts to gain passage or defeat of initiatives wage an issue advocacy war. Through these battles, the public can become informed about policy. Despite the informational benefits, a danger occurs if one side does not have sufficient funds to be heard (Lupia 1994; Magleby 1988). At the state level, the most dominant interest group is the public school teacher lobby (Thomas and Hrebenar 1999). Given the resources of the public school teachers lobby, it may have sufficient resources to overshadow most opponents in the battle over education policy. As a result, the information about education policy obtained by the public through issue advocacy has a potential for being one-sided. To control for the impact of the initiative process on public opinion, a dummy variable coded 1 if the state has the initiative process and 0 otherwise is included in the analyses.

Another factor influencing public opinion is the prevalent citizen ideology of a political jurisdiction. Conservatives hope that charter schools will give parents greater influence over what is taught in school; particularly values (Bulkley 2005). We measure citizen ideology using Berry et al.'s (2002) measure of state citizen ideology for 2002. This measure is on a liberal-conservative scale, with higher scores associated with a more liberal citizenry.

State administrators also represent organized interests that can mobilize either in support of or in opposition to policy change. Government administrators are successful advocates within state political systems (Gormley 1996, Elling 1999). We measure the ability of state administrators to mobilize with a measure of administrative infrastructure based on an index of the extent to which states have implemented various government reinvention reform initiatives (Brudney, Hebert and Wright 1999). The index is an average score constructed from

administrators' reports of implementation of eleven reinvention reforms in their own agencies (1999: 24). A higher score on the index indicates more extensive implementation of government reforms under the National Performance Review (1993) initiative.

There are a number of factors that can influence the opinion of policymakers. The first is partisanship. We measure party control of the government by the percentage of Democrats in the state legislature for each year (National Council of State Legislatures 2006b). Research (Bulkley 2005: 527) suggests that Democratic legislatures are more likely to favor charter schools because they promote choice, competition and accountability while avoiding privatization associated with school vouchers. While party control is one factor that can influence support of the state legislature for the act, another is overall ideology of state officials. We operationally define this factor using Berry et al.'s (2002) measure of state government ideology for 2002. This measure is on a liberal-conservative scale, with higher scores associated with more liberal legislatures. Because women legislators may be expected to focus on issue area such as education, we have included a measure of the strength of women legislators using the percent women in a state legislature for 2003 (National Council of State Legislatures 2005).

While partisanship and ideology of a legislature can prevent policy from making it to the political agenda, legislative professionalism may serve to enhance placement of policy on the agenda. It is expected that agenda setting will be greatest in states with more professional legislatures because decision makers in these states should have greater familiarity with and expertise in issue areas such as education. We measured this factor by an index created by Squire (1992) that uses the U.S. Congress as a baseline against which to measure the salary, staff, and time-in-session of the 50 state legislatures.

Legislative professionalism is one example of state resources that influences the ability of policy makers to innovate and take on new agenda items. We control for state resources using measures of educational attainment, urbanization and gross state product. Educational attainment is measured over time by the percent of the state population over the age of 25 with a bachelor's degree or higher education (stateline.org 2004) and urbanization measured by the percent of the population living in urban areas (2000), with data from the U. S. Census. Gross state product is also measured annually with data from the U. S. Census.

Finally, Markell (1993) suggests a further measure of resources expands to include a strong record of policy implementation of an issue area. States that have a history of innovation in an issue area may be more likely to continue placing new ideas on the table. We use three indicators of a record of implementation: one for standards and accountability, another for efforts to improve teacher quality and a final measure for equity in distribution of education resources.

These three measures are based on scales ranging from 0 to 100 presented in annual reports by *Education Week* and compiled by the EPE Research Center. The index for standard and accountability is based on the adoption of state standards, whether the standards are clear specific and grounded in academic content, instruments used to assess student achievement and the presence of five school accountability measures. The measure for the effort to improve teacher quality is based on 4 components that include teacher education and qualification, teacher assessment, professional support and training, and accountability for teacher quality. Finally, resource equality measures state and local revenue per pupil adjusted to reflect geographical cost differences related to state and student needs.

Findings and Discussion

In Table 1, the dependent variable is coded so that higher scores are associated with increased charter school agenda setting activities. Because the dependent variable is measured over time pooling the fifty states and the dependent variable is continuous, we use a common statistical method; cross-sectional time series analysis. Specifically, we use ordinary least squares (OLS) regression with panel corrected standard errors (PCSE). Beck and Katz (1995) make a strong case for using PCSE over random effects models for pooled data when the number of time periods is relatively small compared to the number of panels (T<N). They argue the coverage probabilities based on the OLS point estimates with panel-corrected standard errors are closer to nominal levels than the coverage probabilities of the GLS estimators with associated model-based GLS standard errors. Our models have 4 time periods (T) and 49 panels (N), with each state as a panel. The use PCSE corrects for serial correlation in calculating the standard errors of the regression coefficients.

The findings in Table 1 suggest that some of the factors that are associated with the agenda setting literature are related to legislative activities surrounding charter schools at the state level. Specifically, findings support the literature regarding the impact of interest group strength, ideology and a record of policy implementation in the issue area.

[Table 1 about here]

The results regarding interest group strength support the argument that interest group activity will influence the rise or fall of issues on the public agenda. As expected, increase in civil rights interest group strength is significant and positively related to increased legislative activity. However, the relationship between education interest groups and legislative activities is

mixed. Although increases in campaign monies from the National Education Association are positively associated with increased legislative activities, there was no relationship found between monies donated by the American Federation of Teachers and legislative activities. These findings are not entirely unexpected. They are supported by Renzulli and Roscigno (2005) who found that both of these unions tend to work against the adoption of charter schools. However, once the charter school legislation is adopted, the NEA has been found to work for the adoption of charter schools and the AFT has no impact. The authors attributed this to the desire of the NEA to gain influence on how charter schools are operated once they have been adopted.

Government ideology and citizen ideology are both significant and in the expected directions. States with more liberal legislatures and conservative citizens were found more likely to engage in legislative activities regarding charter schools. While this seems contradictory, it serves to illustrate the unusual coalition which has formed to work toward the adoption of charter school legislation. Bulkley (2005) found that moderate Democrats support charter schools with hope that they will increase competition and accountability and provide parents with more choice. She also found that conservatives are likely support charter schools because they believe that they will give parents greater control over morals taught in school.

Surprisingly, political context was not found related to legislative activities regarding charter schools. Partisanship, percent women in the legislature and the initiative process were not found related to the number of bills in state legislatures on this topic. The only political context factor found related to legislative activities was legislative professionalism and it was not in the expected direction. While it was expected that legislative professionalism would be positively related to agenda setting activities, it was negatively related. One possible explanation

for this finding is that more professional legislatures better able to produce its own policies and are less likely to simply accept the governor's agenda (Squire 1992). Less professional legislatures may make it easier for reform-minded governors to place new education policy on the table.

Few state government resources were found to be significant predictors of legislative activity on charter schools. High educational attainment and gross state product were not significant in the model while percent urban was found to be significant and positively related to agenda setting activities. State administrative practices were significant, however but in the negative direction. The extent to which state governments had implemented reinvention was significant and negatively related to the level of legislative activity across the states. This finding was unexpected. One explanation is that this measure can be viewed in two ways. The first as a state resource and the second as an indicator of an organized interest (public administrators) that can mobilize either in support of or in opposition to policy change. This finding suggests that state policy administrators are acting in opposition to the adoption of charter schools. Perhaps such a policy change may overtax the current operations of state level bureaucrats or require extensive changes to current activities. Either outcome may promote mobilization against change.

Although tradition forms of government resources appear to be mostly unrelated to legislative activity, a strong record of innovation was found to be significant and positively related to legislative activities. All three measures of innovation (resource equity, improvement in teacher quality and standards and accountability) were found to be significant predictors of with resource equality being the stronger predictor of the three. Additionally, each of the measures has it ties with underlying goals of promoters of the charter school movements.

Advocates have argued that charter schools will provide for greater autonomy, greater innovation and accountability of schools. These would in turn increase parent and student satisfaction, achieve higher student achievements, allow for greater teacher empowerment and increase resource equity (Stillings 2006).

Taken as a whole, the findings confirm expectations, based on the agenda setting literature, that interest groups would be involved in mobilizing attention regarding charter schools. Civil rights groups, education interest groups and policy administrators appear to be in a battle to either place charter school on the agenda or keep them off. Further research can further define the respective positions and interests of these constituencies and test their relative influence on mobilizing interests that either encourage or discourage the expansion of this school choice mechanism. Similarly, it is not surprising to find that political ideology and a history of innovating in education reform matters. It is possible; however, that increased legislative activity does not translate into increased support for increasing the reliance on charter schools, particularly in light of the variety of bills proposed both for and against such a policy. Further research is needed to determine whether policy makers are actually in favor of increasing the number of charter schools, or whether proposed legislation actually reflects alternative definitions of this problem.

Table 1: Legislative Activity on Charter Schools, 2003-2006

Predictor Variables	Number of bills in state legislatures	
	B (s.e.)	*P>| z |*
Interest group strength		
American Federation of Teachers [i,t]	.000 (.000)	.702
National Education Association [i,t]	**.002 (.001)**	**.033**
Civil rights interest groups [i,t]	**.281 (.121)**	**.020**
State ideology		
Ideology of elected officials (liberal) [i,t]	**.009 (.004)**	**.020**
Ideology of citizens (liberal) [i,t]	**-.007 (.003)**	**.018**
State political context		
Percent Women in the Legislature [i,t]	.020 (.015)	.189
Percent Democrats in the Legislature [i,t]	.287 (.937)	.760
Initiative Process [i,t]	.636 (.424)	.133
Legislative Professionalism [i,t]	**-4.216(2.183)**	**.054**
State government resources		
Reinvention implementation [i,t]	**-.941 (.308)**	**.002**
Gross State Product [i,t]	-.000 (.000)	.108
Percent population with BA degree [i,t]	-.024 (.036)	.509
Percent population in urban areas [i,t]	**.034 (.011)**	**.002**
Record of Policy Implementation		
Resource Equity [i,t]	**.045 (.016)**	**.005**
Teacher Quality [i,t]	**.034 (.019)**	**.067**
Standards & Accountability [i,t]	**.007 (.004)**	**.063**
Constant	**-7.696 (2.631)**	**.003**
Number of panels	49	
Wald Chi^2	38.64	.000
N	196	

Note: Panel corrected cross-sectional time series data for the 50 states. Unstandardized regression coefficients with standard errors in parenthesis. Subscript *i* contains the unit to which the observations belong, in this case the state, and controls for variation in state legislative activity between the states. Subscript *t* represents the time or year the variable was measured. Reported probabilities are based on two-tailed test. Statistically significant coefficients at .10 or less in bold.

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