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by

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**The Politics of Charter School Authorizing:
The Case of New York State**

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**The Politics of Charter School Authorizing:
The Case of New York State**

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Treatise

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The Politics of Charter School Authorizing: The Case of New York State

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Drawing on interview data from charter school policy actors in New York State, this study applied Kingdon's (1984, 1995/2002) multiple streams model to explain how the system of multiple statewide charter authorizers was created as part of the New York State Charter Schools Act of 1998. A combination of factors influenced the emergence of the law and resulted in an authorizing system that included an effective set of policy entrepreneurs, a strong executive, and a key political opportunity. Ultimately Governor Pataki promoted charter school policy to high agenda prominence by deciding to use the issue as his desired policy in exchange for a legislative pay raise (agenda setting). The findings of the study suggest that the applicability of Kingdon's national-level model to the state level is valid and features a strong participation of the state executive branch.

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Chapter 1: Treatise Introduction

From 2008–2012, national political forces aligned as advocates for charter schools. Since taking office, President Barack Obama has further established the closure of underperforming charter schools and the expansion and replication of quality charter schools as key components of his education policy agenda via the Race to The Top grants program (U.S. Department of Education, 2010). At the same time, monies from national philanthropic foundations such as the Bill and Melinda Gates Foundation (2010) were being directed to collaborative projects between charter schools and traditional school districts.

As a result, some state politicians, district school boards, superintendents, and most teacher unions, who have long taken oppositional approaches to public school choice, are now reexamining their positions. State legislators are taking fresh looks at their charter laws. Illinois, Indiana, and Tennessee are among the states that have already amended their laws as a result of the federal focus. A key component of any charter law is the process by which charters are created or authorized.

Charter school authorizers are entities charged by law to approve new schools, oversee ongoing performance, and evaluate the performance of public charter schools in order to make renewal decisions. Most often in the form of state or local boards of education, universities or colleges, special-purpose boards, municipal bodies, or nonprofits, authorizers oversee charter schools' observance of the law as well as uphold the performance agreement each school signs.

Charter Schools

Charter school laws were enacted throughout around the country as an effort to reform public schooling. Charter schools are designed to serve a variety of political and educational objectives. From the outset of their creation in the early 1990s, the proposition was that these schools would be granted greater autonomy than traditional public school districts and, in return, be held to high standards of accountability. With greater autonomy, these schools would be able to innovate structural and instructional systems, yielding findings from which all schools could benefit (Manno, 1998; L. Nathan & Myatt, 1998). Other objectives of the creation of charter laws, depending on the state, included providing choice to parents, increased competition to traditional public schools, and greater accountability across the public school sector (Lake, 2008).

State governments first created charter school laws in 1991. A review of the research indicated that it is still too early to report how successful charter schools are at accomplishing each of the above stated objectives. Thus far, charters show mixed levels of success in producing higher levels of student achievement (Center for Education Reform, 2010; Consoletti, 2011; Hoxby & Murarka, 2009; Raymond, 2010). Recent evidence has indicated that charters are leading to the closure of the achievement gap between students from poorer districts and those from more affluent communities (Hoxby & Murarka, 2009; Raymond, 2010). The impact of charters can be seen in a limited, anecdotal basis in the charter-like decisions made by superintendents around the country (Lake, 2008).

The way charters are created, or authorized, in each state is a key feature of the chartering process. Authorizing organizations provide states opportunities to ensure quality control for charters—the gatekeepers. These organizations generally decide (a) which groups and people may run charter schools, (b) how to evaluate the schools throughout the charter term, and (c) if or when to allow the school to continue operation. Given the decentralized, state-based nature of American education policy, the landscape of charter authorizing systems and structures around the country widely varies. Thus, states range greatly in the numbers and types of charter school authorizers they allow. When states have single authorizers, those authorizers are normally local boards of education or state education departments. State education departments, universities, nonprofits, and school districts have this authorizing responsibility to varying degrees in the District of Columbia and the 39 states that have charter laws.

Recognition of authorizers' role in charter school success led to increased attention to charter-granting entities. Researchers and experts have begun to report on authorizer effectiveness and on state policies concerning charter school authorizers. Early research showed potential advantages of multiple authorizers; as such, several states have adopted or amended legislation to allow for multiple charter-school authorizers in recent years (Bierlein Palmer, 2006). Overall, 80% of the nation's charter schools exist in states with multiple charter-school authorizers (Center for Education Reform, 2007, 2008b). Three outcomes of multiple authorizing structures appear to have led to their being featured across the country:

1. They increase the quantity of charter schools (U.S. Department of Education Office of Innovation and Improvement, 2007).
2. They protect the charter school environment from political pressures (National Alliance for Public Charter Schools, 2009; National Association of Charter School Authorizers, 2009b).
3. They allow for greater quality practice sharing throughout the state and sector (U.S. Department of Education Office of Innovation and Improvement, 2007).

The creation of multiple authorizing structures can also induce unintended consequences. In settings where authorizers receive a portion of the schools' per-pupil revenue as opposed to, or in addition to, direct, legislatively directed revenue, there can exist an erosion of standards in the name of attracting charters to the portfolio (Bierlein Palmer, Terrell, Hassell, & Svahn, 2006). Limited research, such as a recent study by the Center for Research on Education Outcomes (Raymond, 2009), found a negative impact of multiple authorizers on statewide charter school student performance.

Differences in authorizing philosophy and practice can also vary significantly within the same state. A growing body of research suggests that the state policy environment is crucial to the success of charter schools and charter school authorizers (Bierlein Palmer, 2006; Bierlein Palmer & Gau, 2003; Hassel, Ziebarth, & Steiner, 2006). Different types of charter school authorizers are exposed to different forms and amounts of political pressures. Some types of authorizers tend to act more

negatively toward charter schools than others (Lake, 2006; Vergari, 2001). Local district authorizers and state boards of education, for instance, consistently have been found to be among those authorizers most likely to be affected by politics (Bierlein Palmer, 2006; Bierlein Palmer & Gau, 2003; Gau, 2006; Hassel & Batdorff, 2004; Hill et al., 2001).

Kingdon's Multiple Streams Framework

Because authorizing is a high-impact piece of any charter school policy, it is important to expand research on charter schools to include more detailed analysis of multiple authorizing structures. There is a dearth of research on how and why states have designed their authorizing structures. John W. Kingdon's (1995/2002) multiple streams framework for policy making is a potentially useful method to examine the design of multiple authorizing structures, given its widely referenced application to public policy making. Kingdon's (1995/2002) work provided a useful framework that described how certain items make it to the top of the governmental agenda, and how policy entrepreneurs are responsible for bringing attention to the issues and coupling solutions to problems. In doing so, Kingdon (1995/2002) provided three "streams": (a) the problem stream, often identified via "focusing events"; (b) the policy stream, which may produce alternatives and proposals; and (c) the political stream, which features shifts in public opinion, priorities, and interest groups in the determining of actor receptiveness. In this treatise, I look at the politics of charter school authorization in New York State by examining the creation and

responsibilities of New York State's multiple charter-authorizing agencies via the New York State Charter Schools Act of 1998.

New York State Charter Schools

New York was the 35th state to create a law to allow for charter schools and was therefore able to take advantage of the ability to review what worked and failed in terms of charter policy across the country. New York's structure features two statewide authorizers and allows districts to charter schools. To best understand New York's multiple authorizing structures, it is important to examine the process that led to New York's multiple authorizing structure.

The New York State Charter Schools Act of 1998 created two statewide authorizers: the Board of Trustees of the State University of New York (SUNY) and the New York State Board of Regents. The SUNY Trustees are appointed by the governor and confirmed by the New York State Senate. The Board of Regents are appointed by the New York State Assembly. The specific language and provisions of the act are described in further detail below, but it is important to note that the law states that all SUNY authorizing decisions be sent to the Board of Regents for consideration and possible approval, whereas regents' decisions do not go to the SUNY Trustees for consideration. Should the Board of Regents return or deny a SUNY decision, the SUNY Trustees have the right to resubmit the decision to the regents, and if the regents deny it once again or simply take no action, the decision goes into effect by operation of law 30 days later. This interaction involves a great deal of behind-the-scenes communication between the Board of Trustees of SUNY staff (The Charter

Schools Institute) and the State Board of Regents' staff (the New York State Education Department [NYSED]). Given the quasigovernmental nature of both organizations, the open records and discourse that take place at the respective decision-making meetings have led to media coverage of differences in authorizing philosophy (Campanile, 2010).

Given the unique arrangement of political influences behind the two respective entities, it is not surprising that they take different approaches to their responsibilities as statewide charter school authorizers. It is noteworthy that each entity had a different frame of reference from which to begin this work. The SUNY Trustees oversee 64 colleges and universities located across New York State. This work is guided by a commitment to delegate as much authority as possible to the campuses while rigorously holding them accountable for results. The SUNY Trustees' involvement with kindergarten through Grade 12 (K-12) education at the time was via individual campus outreach to schools in their communities, based on an overall concern about the level of academic preparedness of students entering the SUNY system. The regents oversee the University of the State of New York, as opposed to the State University of New York, which includes responsibility for prekindergarten through college (P-16) education, teacher certification, libraries, state archives, museums, professional licensing, vocational rehabilitation, and public broadcasting. Adding charter school authorization to this list of responsibilities created the challenge of finding ways to continue to improve traditional K-12

education while simultaneously authorizing and monitoring new schools often designed to be different than public schools currently existing in the state.

Purpose of the Study

The purpose of this treatise was to serve as a case study to educate other state leaders and researchers as to the pros and cons of New York's unique policy-making experience in creating multiple charter-authorizing agencies. In accomplishing this purpose, three research questions were addressed in this study:

1. What were processes that led to current multiple authorizing structures?
2. How did the perspectives of the different actors influence the multiple authorizing structures?
3. How do the multiple authorizing structures created in New York State in 1998 affect the current work of charter school authorization in the state?

Findings and recommendations produced in this study will serve not only authorizers and charter school leaders as they navigate their policy environments but also state policy makers as they attempt to implement systems called for by President Obama and Secretary of Education Arne Duncan to close underperforming charters and expand and replicate those that produce high levels of achievement for students (U.S. Department of Education, 2009).

Previous Focus on This Topic

In researching this topic, I came across Hendrickson's (2005) dissertation, *Greed, Vested Interests, and the Big Stick: Studying Education Policy Making in New York Through Charter Schools*. As the title indicates, Hendrickson used the

development of the New York State Charter Schools Act of 1998 as a case study to illuminate the manner in which policy in the state is developed and passed. He did so by focusing on a variety of policy frameworks, including Kingdon's multiple streams framework, the primary framework used in this study. While I reference Hendrickson's findings, the focus of this paper is distinct. More specifically, I looked more closely at the aspect of the process and outcome of multiple authorizing agencies existing in the state.

Methodology

To establish the history of the New York State policy of multiple authorization entities, I used qualitative methods (Miles & Huberman, 1994; Tashakkori & Teddlie, 1998), utilizing participant observation, semistructured interviews, and an examination of state policy artifacts to produce qualitative data. Data collection focused upon the perspectives of key contributors and opponents of the creation of New York State policy, including politicians, advocates, and administrators. Interviews were conducted in the fall of 2009 and data were coded for themes (Frechtling & Sharp, 1997; Yin, 2003).

Interviews provided insight as to how the law that set up New York's system of charter school authorizing and the experience of authorizing entities over the last decade have contributed to the current state of charter schools in New York. Specific interview targets included staff members of former New York State Governor George Pataki, who signed the New York State Charter Schools Act into law; former Board of Regents Chancellor and SUNY Board of Trustees Chairman Carl Hayden, who has

the perspective of having led both chartering entities and was Board of Regents' chancellor when the act was implemented; legislative staffers; and representatives of outside interest groups. These interview subjects provided sufficient data toward answering the study's three research questions.

Research Question 1 aimed to describe the processes that led to current multiple authorizing structures in New York State. This question was best answered by those who originally crafted, provided input on, passed, and signed what would become the New York State Charter Schools Act of 1998. In particular, I looked for individual roles and the chronology of events that led to the act with a specific focus on the formation of charter school authorizing structures.

Research Question 2 aimed to determine how the perspectives of the different actors influenced the multiple authorizing structures. This question was best answered by those who were directly involved in the process of bringing about the legislation. In particular, I researched how political ideology might have motivated actions of those involved in the construction of the bill. I explored the interview targets' preconceived notions of multiple authorizing structures as well as their expectations of the authorizing behaviors of the designated authorizing agencies.

All interviews took place in May and June of 2010, some in person and some via phone. Transcriptions were coded for themes and analyzed between August 2010 and January 2011.

Analysis of the data collected included a particular focus via Kingdon's (1995/2002) multiple streams framework. This framework was used to examine the

ultimate policy decision to create multiple charter-school authorizers via the New York State Charter Schools Act of 1998. By focusing on the gubernatorial administration of George Pataki and surrounding actors, I attempted to identify, analyze, and apply elements of Kingdon's multiple streams framework. Kingdon (1995/2002) described how certain items make it to the top of the governmental agenda and how policy entrepreneurs, or people who are willing to invest their resources in pushing their pet proposals or problems, are responsible for bringing attention to the issues and coupling solutions to problems. The three streams are (a) the problem stream, often identified via focusing events; (b) the policy stream, which may produce alternatives and proposals; and (c) the political stream, which features shifts in public opinion, priorities, and interest groups in the determining of actor receptiveness. In this treatise I hypothesized that by identifying the particular elements of each of the three streams of Kingdon's framework within the key policy entrepreneurs backing the design of the Charter Schools Act, a better understanding could be reached regarding how and why the policy of multiple authorizers emerged.

Significance of the Study

This study expands the body of knowledge on how political forces may lead to charter school authorizing structures and processes. There is a rapidly expanding body of knowledge and literature regarding the history and success of charter schools to date (Lake, 2008). By examining the case of New York, this study provides an analysis of one state's political realities to execute charter schools law.

Setting

The focus of this study is the state of New York. Under New York law, charter schools are defined as “independent and autonomous public schools” and are authorized by the New York Charter Schools Act of 1998 (Article 56 of the New York Education Law). New York charter schools are legally organized as not-for-profit education corporations (New York State Charter Schools Act, 1998, § 2853[1]) and are subject to a contractual agreement, or charter, between the school and the charter entity that approved its application.

As of December 2011, there were 184 charter schools in operation, educating more than 64,000 students across New York State. Of those 184 charter schools, 102 were authorized by the Board of Trustees of SUNY (National Alliance for Public Charter Schools, 2011; SUNY, 2011).

The New York State Charter Schools Act (1998) originally provided three routes to apply for a charter: the State University Trustees, the Board of Regents, and local boards of education (§ 2851[3]). However, only the Board of Trustees of SUNY and the Board of Regents can approve applications statewide; local boards of education (and in New York City, the Chancellor) are limited to approving applications for charter schools within their districts’ boundaries (New York State Charter Schools Act, 1998, § 2851[3][a]).

Applications submitted to the SUNY Trustees were to be reviewed by the Charter Schools Institute, for which I served as executive director from August 2008

until November 2010, which was created by the Board of Trustees of SUNY to assist it in carrying out its responsibilities as a charter entity.

The New York State Charter Schools Act of 1998 authorized the creation of up to 50 charter schools. Fifty of the original 50 charters were awarded to the SUNY Trustees and 50 more were awarded to the New York State Board of Regents and school districts (including the New York City Schools Chancellor). The Charter Schools Act was subsequently amended, as of July 1, 2007, allowing an additional 100 charters: 50 of the additional charters may be approved by the SUNY Trustees, with the remaining 50 to be approved by the Board of Regents and local school districts. The 2007 amendments to the Charter Schools Act also reserve 50 of the 100 additional charters for schools to be located in New York City. The act was amended again in 2010 to raise the cap from 200 to 460 charters, allowing another even split between the regents and trustees.

Delimitations

First, authorizing is but one factor that influences the impact of charter schools. In that same vein, the political forces that influence authorizers are but one factor in judging the impact of charter school authorizers.

There is a plethora of data from states around the country that could also focus upon the political influence on such areas as public school law as a whole, charter school structures and operating style, and specific authorizing decisions. In this treatise I did not attempt to analyze anything other than the processes that led to

multiple authorizing structures being a feature of the New York State Charter Schools Act of 1998.

Role of Researcher

Of the District of Columbia and the 39 states that have charter laws, no two have exactly the same law or method of authorizing schools. Given the fact that the focus of this study was New York State, the experience and perceptions of those interviewed in this study do not represent all states or systems of authorizing.

In addition, I utilized purposeful selection of interview sources. This process limits the application of results with respect to the perspectives of other potential contributors. Still, interview sources were chosen based upon research-backed understanding of players involved with charter school authorizing policy since its inception in New York State. Selection bias is, by definition, inherent with such a process. Still, the breadth of this study and the numerous attempts to represent the full case of New York State effectively counteract this bias.

The in-depth interview process also features limitations. First, the results are prone to bias because an interview participant might want to “prove” that a program or entity is or is not working and is or is not more effective than another. Interview responses might therefore be biased. This can be affected by the respondent’s stake in the program or for a number of other reasons (Patton, 2002). Interviews can also be time intensive because of the time it takes to conduct interviews, transcribe them, and analyze the results. Another limitation of the in-depth interview is that with a small sample, such as in this study, results are not generalizable. In-depth interviews

however, provide valuable information for programs, particularly when supplementing other methods of data collection (Patton, 2002; Yin, 2003).

Participant Observation

From August 2008 through November 2010, during the time of the data collection for this study, I served as the executive director of the SUNY Charter Schools Institute. As the chief executive of one of the two statewide authorizing entities, I had both unique access to and knowledge of charter school authorizing in New York State. As a result, I also recognize potential biases toward the practices and policies of the SUNY Board of Trustees. I made every effort, however, to write this treatise with maximum objectivity.

Becker and Geer (1957) asserted that the most complete form of the sociological datum is the form in which the participant observer gathers it: an observation of some social event; the events that precede and follow it; and explanations of its meaning by participants and spectators, before, during, and after its occurrence. Such a datum gives more information about the event under study than data gathered by any other sociological method. Participant observation can thus provide a yardstick against which to measure the completeness of data gathered in other ways, a model that can show what orders of information escape the researcher when using other methods.

Assumptions

This study was based on the assumption that key sources interviewed were the most knowledgeable, qualified people to speak to the experience of charter school

authorizing policy in New York State. Furthermore, the sources who responded via interview were assumed to be truthful and candid in their answers.

Summary and Organization of Remaining Chapters

Two key pieces of information were sought in this treatise. The first is the processes that led to current multiple authorizing structures in New York. The second is how politics (forces, actors, and circumstance) influence outcomes (structure, performance). That is, how does division of power among different actors influence behaviors and outcomes? The following chapters provide further clarity regarding both of these questions.

Chapter 2 examines the state of charter schools across the country and specifically the evolution of authorizing and the related research. This includes a particular focus on the various forms of allowing multiple entities (or multiple authorizers) to authorize charters. Chapter 3 describes the methodology used to collect and analyze the data featured in this study. Chapter 4 is an account of the results of this study, focusing on key themes derived from data collection. I describe why the policies were implemented the way they were in New York State, what makes the state's charter school efforts unique, and how politics (forces, actors, and circumstance) influenced outcomes in terms of structure and performance of charter school authorizing. Finally, Chapter 5 presents a discussion of the findings, implications, the advantages and disadvantages of New York State's authorizing system, recommendations and conclusions, and suggestions for future research.

Chapter 2: A Review of Research and Expert Opinion on Multiple Authorizers of Charter Schools

Between 2008 and 2012, featured primarily in the 2008 campaigns for the U.S. Presidency, national political forces have aligned as advocates for charter schools. Since taking office, President Obama has further established the closure of underperforming charter schools and the expansion and replication of quality charter schools as key components of his education policy agenda via the Race to The Top grants program (U.S. Department of Education, 2010). At the same time, monies from national philanthropic foundations such as the Bill and Melinda Gates Foundation (2010) are supporting collaborative projects between charter schools and traditional school districts.

As a result of national pressure and funding, some state politicians, district school board, superintendents, and most teacher unions, who have long taken oppositional approaches to public school choice, are now reexamining their positions. State legislators are taking fresh looks at their charter laws. Illinois, Indiana, Tennessee, and New York are among the states that have amended their laws as a result of the federal focus. A key component of any charter law is the process by which charters are created or authorized, the focus of this treatise. Whereas little research exists on the political forces and rationale that lead to authorizing entities existing in the forms they do from state to state, there is a great deal of literature on charter school legislation and the authorizing entities themselves. Each subject is discussed in depth in this chapter. The next section focuses on charter schools: their

history, performance, oversight policy, and legislation. I then focus specifically on the subject of charter school authorizers: their types, numbers, responsibilities, philosophies, and other key features. Also included is a synopsis of the research on multiple authorizer structures, an assessment of distinguishing characteristics of authorizers, and a review of New York State's charter authorizing structures. Finally, this chapter covers Kingdon's (1995/2002) multiple streams framework and its application and limitations when applied to education policy and reform.

Charter Schools

Charter schools are publicly funded schools operated by independent groups under contract with government agencies (Hill et al., 2006; J. Nathan, 1996). They are legally and fiscally autonomous entities (Mintrom & Vergari, 1997). Individual schools can use different teaching methods than the surrounding public schools and make innovative use of time, technology, and money. No teacher can be involuntarily assigned to work in a charter school, and no child can be forced to attend a charter school.

At almost 20 years old, the charter school movement is still a relatively young experiment in education reform, and, to many, has yet to prove its value. The proposition from the outset was that these schools would be granted greater autonomy than traditional public school districts and, in return, could innovate structural and instructional systems, findings from which all schools could benefit (Manno, 1998; L. Nathan & Myatt, 1998). Thus far, charters have had mixed levels of success in

producing higher levels of student achievement (Center for Education Reform, 2010; Consoletti, 2011; Hoxby & Murarka, 2009; Raymond, 2010).

It has been difficult to come to a definitive conclusion about the performance of the charter sector across the country, due in large part to the fact that many charter schools have been evaluated through alternative accountability systems with questionable standards and entry criteria, and different charters intend to serve very different sectors of students (Vanourek, 2005). Overall effectiveness of charter schools relative to student growth, innovation, and efficacy has shown mixed results (Betts & Tang, 2008). Complicating evaluation and outcomes further are the varied missions of charter schools.

In contrast to most traditional public schools that serve all students in a specified geographic area, public charters are organized to serve specific groups of students or communities. Studies have reported the average performance of all charter students as a whole tended to overlook the underlying principle that charters are often organized into many different forms. Many researchers comparing charter schools to traditional public schools have disregarded the differences in their student populations and have not differentiated between types of charter schools, which often have fundamentally different missions, curricula, and enrollments. Because these schools' missions differ widely, it is difficult to accurately evaluate the academic performance of public charter schools.

History. The nation's charter school movement is now almost 20 years old, with over 2 million students attending over 5,000 public charter schools across the

country (National Alliance for Public Charter Schools, 2011). Paralleling this growth in charter school enrollment is the growing body of research on charter schools and their effectiveness in improving academic achievement. Charter schools evolved from the public education reform movement of the 1980s and were legislated for the first time in 1991 in Minnesota (Laws of Minnesota, 1991). As of 2010, there were 40 states and the District of Columbia with charter legislation (National Alliance for Public Charter Schools, 2010).

The charter school concept features several contested meanings and goals (Wells, Lopez, Scott, & Holme, 1999). J. Nathan (1996) described charters as a structural reform effort that went beyond site-based management to create independent schools that confront the notion that one size fits all students. When policy makers became active with the issue, market-based concepts like choice and competition began to dominate the discussion of charters' purpose (Lacireno-Paquet, 2004; Wells, 2002).

Intent of Charter Policy

Legislation. Legislators and communities enact charter school laws throughout the country as an effort to reform public schooling. Charter schools aim to serve a variety of political and educational objectives. The hope from those pushing charter policies was that autonomy and accountability would yield innovation and alternative systems (Manno, 1998; L. Nathan & Myatt, 1998). Other objectives of the creation of charter laws, depending on the state, include providing choice to

parents, increased competition to traditional public schools, and greater accountability across the public school sector (Lake, 2008; Mead & Rotherham, 2007).

Charter school performance. A review of the research yielded that it is still too early to tell how successful charters have been at accomplishing each of the above stated objectives. Some studies have found that charters tend to perform similarly to their traditional public school counterparts in terms of mean academic achievement, but, by and large, charters show mixed levels of success in producing higher levels of student achievement (Betts & Tang, 2008; Carnoy, Jacobsen, Mishel, & Rothstein, 2005; Center for Education Reform, 2010; Consoletti, 2011; Hill & Lake, 2005; Hoxby & Murarka, 2009; Miron & Nelson, 2002; Nelson, Rosenberg, & Van Meter, 2004; Raymond, 2010; U.S. Department of Education, 2004).

When comparing growth in achievement over time, some studies have found charters to outperform their counterparts (Betts & Tang, 2008; Carpenter, 2006; Gronberg & Jansen, 2001). Recent evidence is also emerging that charters are leading to the closure of the achievement gap between students from poorer districts and those from more affluent communities (Hoxby & Murarka, 2009; Raymond, 2010). The impact of charters can also be seen at least in a limited basis anecdotally in the charter-like decisions being made by superintendents around the country (Lake, 2008).

The Raymond (2009) study proposed that charter schools do not perform as well as their traditional public-school peers, yielding that only 17% of charter schools showed growth in math scores that exceeded that of their traditional public-school

equivalents by a significant amount. Charter schools in 5 of the 15 states and District of Columbia have significantly higher learning gains than traditional schools.

Further, Raymond (2009) concluded that students in poverty and English-language learners outperformed their public-school peers in both reading and math. However, learning gains for Black and Hispanic charter-school students were significantly lower than those of their traditional-school comparisons. Ultimately, charters' performance may depend on any number of factors, including whether they receive as much money or support as other public schools in their communities or must do with less, and whether they have had enough time for teachers and administrators to learn to work together effectively.

The Role of the Authorizer

The way charters are created, or authorized, in each state is a key component of each distinct state's charter school law. Authorizing organizations provide the states opportunities to ensure quality control for charters; they are the essentially the charter gatekeepers. Bulkley (1999) described the role of the authorizers as important in the charter movement, serving as intermediaries between charter schools and the state policy makers who created charter school legislation. According to the National Association of Charter School Authorizers (2009a)¹, the purpose of charter school authorizing is to improve student achievement by engaging in the "responsible oversight of charter schools by ensuring that schools have both the autonomy to

¹ Disclosure: I was a board member of the National Association of Charter School Authorizers from 2009–2010.

which they are entitled and the public accountability for which they are responsible” (p. 6).

Authorizers are charged by law to approve new schools; oversee ongoing performance; and evaluate the performance of public charter schools in order to make renewal decisions. Most charter authorizers see their focus areas as (a) application collection and vetting, (b) performance contracting, (c) ongoing oversight and evaluation, (d) renewal decision making, and (e) agency capacity and infrastructure (National Association of Charter School Authorizers, 2010).

Consistent with the decentralized, state-based nature of American education policy, the landscape of charter authorizing structures around the country varies. Different types of entities are designated to serve as charter school authorizers. There were 955 authorizers throughout the United States in 2010 (National Association of Charter School Authorizers, 2011). Depending on state law, authorizers can be school districts, state education agencies, higher education institutions, independent chartering boards, nonprofit organizations, and mayors and municipalities. Overall, 80% of U.S. charter schools exist in states with multiple charter-school authorizers (Center for Education Reform, 2007, 2008b). When states have single authorizers, those authorizers are normally local boards of education or state education departments. State education departments, universities, nonprofits, and school districts have this authorizing responsibility to varying degrees in the District of Columbia and the 39 states that have charter laws.

Differences in authorizing philosophy and practice can also be significant, even within the same state. A growing body of research suggests that the state policy environment is crucial to the success of charter schools and charter school authorizers (Bierlein Palmer, 2006; Bierlein Palmer & Gau, 2003; Hassel et al., 2006). Some state policies, for instance, create authorizers who more naturally tend to act more negatively toward charter schools than do others (Lake, 2006; Vergari, 2001). Local district authorizers and state boards of education, for instance, have been consistently found to be among those authorizers most likely to be affected by politics (Bierlein Palmer, 2006; Bierlein Palmer & Gau, 2003; Gau, 2006; Hassel & Batdorff, 2004; Hill et al., 2001). In both cases, decision makers may be conflicted as they oversee both traditional districts and charter schools.

Research on Multiple Authorizers

Researchers and experts have begun to report on authorizer effectiveness and on state policies concerning charter school authorizers (Lake, 2008; Mead & Rotherham, 2007). Emerging research provides support for multiple authorizers, limits on the numbers of authorizers allowed, and the existence of authorizer oversight systems. Other research covered in the following section offers findings on multiple authorizing structures as providing some relief from political pressures while also yielding unintended consequences.

Recent literature on multiple authorizers. Several states recently have adopted or amended legislation to allow for multiple charter-school authorizers in recent years (Bierlein Palmer, 2006). Three outcomes of multiple authorizing

structures that appear to have led to such structures being featured across the country are the following:

1. They increase the quantity of charter schools (U.S. Department of Education Office of Innovation and Improvement, 2007).
2. They protect the charter school environment from political pressures (National Alliance for Public Charter Schools, 2009; National Association of Charter School Authorizers, 2009b).
3. They allow for greater quality practice sharing throughout the state and sector (U.S. Department of Education Office of Innovation and Improvement, 2007). The next two sections outline the first two of these, respectively.

Quality and quantity with multiple authorizers. Although there is very little research on the issue, procharter advocates assert that allowing multiple charter-granting entities increases the quality and quantity of charter schools. The Center for Education Reform (2007), among the loudest voices in favor of multiple authorizers, contended that charter schools are more successful in environments that provide multiple avenues through which to obtain charters. The Center for Education Reform (2008b) presented the case of Maryland, where charter school authorization is “overregulated” and depends too much on school board micromanagement. Multiple authorizers encourage growth and activity of charter schools.

Shober, Manna, and Witte (2006) revealed that the easier the overall charter application and authorization process was in a state, the more charter schools that

state was likely to have. Their research did not examine, however, the reasons a state would have an easier application process. It could be that states where a partial revision of charter school policy has occurred are more likely to have a stringent charter school application process, and thus have fewer charter schools, whereas states where charter school reform has experienced very little resistance have much less stringent application procedures and more charter schools.

Although Hoxby (2004a, 2004b) did not comment on the impact of multiple authorizers directly, in a national study of charter school student performance she found states that enacted charter school legislation earlier and those in which charter schools were more prevalent had stronger charter school student achievement. Hoxby (2004b) attributed this phenomenon to the fact that charter school legislation enacted toward the beginning of the charter school movement is more likely to be classified as “strong” by the Center for Education Reform. Again, states with multiple authorizers tend to have more charter schools.

Witte, Shober, and Manna (2003) provided an analysis of charter school laws finding that flexibility in authorization and oversight of charter schools are among the most important elements of charter school laws in encouraging charter school growth. In addition, Witte et al. found that increased flexibility in charter school laws was correlated with increased levels of required public accountability for charter schools.

A recent study by CREDO (2009) found a negative impact of multiple authorizers on statewide charter school student performance. Further discussion of

the possible meaning of these results is provided in the section on limiting the number of charter school authorizers.

Checks and balances and protection from political pressure. Some researchers support the use of multiple authorizers as a strategy for encouraging best practices and protecting the charter school arena from political pressure. In any state with only one charter school authorizer, there is a risk of unchecked behavior. The National Association of Charter School Authorizers (2009b) has contended that the presence of multiple authorizers promotes professional practices among authorizers and provides checks and balances in charter approval, oversight, and renewal decisions. Similarly, the National Alliance for Public Charter Schools (2009) has developed a model charter school law, which encourages multiple charter-school authorizers as a method of ensuring that all charter school applicants have the opportunity to seek approval from a conscientious and well-motivated authorizer.

A large body of research suggests that the state policy environment is crucial to the success of charter schools and charter school authorizers (Bierlein Palmer, 2006; Bierlein Palmer & Gau, 2003). Different types of charter school authorizers are exposed to different forms and amounts of political pressures. Some types of authorizers tend to act negatively toward charter schools. Lake (2006) explained that many charter schools have no option but to negotiate with an “unfriendly” authorizer (p. 2), resulting in high oversight fees, burdensome regulations, and disadvantageous terms. Several studies have found local school districts and state boards of education to be most susceptible to political pressures and political considerations. Vergari

(2001) explained that district authorizers tend to be hostile toward the charter school movement. Other researchers have drawn similar conclusions about local district authorizers, consistently finding them to be among the most unfit of all charter school authorizers (Bierlein Palmer, 2006, Bierlein Palmer & Gau, 2003; Gau, 2006; Hassel & Batdorff, 2004; Hill et al., 2001). Bierlein Palmer and Gau (2003) found that local school districts and state boards of education are more likely than any other type of authorizer to be affected by politics. In addition, members of state boards of education tend to be from the state education department, which is bureaucratic and compliance driven. These findings were confirmed by Bierlein Palmer (2006). These pressures might unfairly affect the approval and oversight process for charter schools. In a paper on authorizer accountability, Lake (2006) offered a competing market of charter school authorizers as one possible option states may use for authorizer oversight. The U.S. Department of Education Office of Innovation and Improvement (2007) recommended employing a mixture of charter school authorizers as a strategy for ensuring the persistence of quality authorizing in spite of political change.

Multiple authorizers are sometimes used as a safeguard against the biases of the traditional educational establishment. State education departments, commissioners, and boards of education tend to have a traditional focus on compliance (Hassel et al., 2006). In a policy brief aimed at improving Ohio's charter schools, Bierlein Palmer et al. (2006) explained that centralized authorizer systems create the possibility for a sole authorizer to become a burdensome monopoly. The states of Arizona and Michigan deliberately included multiple charter-school

authorizers in their charter school legislation in order to provide significant alternatives to the traditional public school system. In fact, Arizona created separate charter school boards in order to distance the state's charter school movement from the state department of education (Bulkley, 1999).

Unintended consequences of multiple authorizers. The creation of multiple authorizer structures can also have unintended consequences, such as in settings where authorizers receive a portion of the schools' per-pupil revenue as opposed to, or in addition to, direct legislatively directed revenue; this can lead to the possible erosion of standards in the name of attracting charters to the portfolio (Russo, 2005; Thomas B. Fordham Foundation, National Alliance for Public Charter Schools, & National Association of Charter School Authorizers, 2006). There is also limited research, such as a recent study by CREDO's Raymond (2009), finding a negative impact of multiple authorizers on statewide charter school student performance.

Potential cause for limitations on numbers of authorizers. Raymond's (2009) finding that states featuring multiple charter-school authorizers realize negative student achievement results contrasted with the Center for Education Reform's (2008a) findings that "states with multiple authorizers create the highest quality and quantity of charter schools" (p. 1). However, it may be true that featuring both too many and too few authorizers produces negative results. While advocating multiple authorizers, the National Association of Charter School Authorizers (2009b) suggested limiting the number of authorizers in any one state. Khouri, Kleine, White, and Cummings (1999) cited Michigan's use of many charter school authorizers as a

reason for the problems experienced early in the state's charter school environment. While Khouri et al. agreed that the use of a sole authorizer inhibits the opening of charter schools, they found that Michigan's authorizing environment led to an overly complex authorization process and inadequately prepared schools.

Size may be one factor that limits the optimal number of authorizers for a state. Bierlein Palmer and Gau (2003) reported that states with fewer authorizers, each serving more schools, fare better than states with large numbers of authorizers. Similarly, Gau (2006) found that smaller authorizers are likely to practice limited oversight of charter schools. Anderson and Finnigan (2001) found authorizers that have chartered large numbers of schools (as well as nonlocal authorizers) to be more likely to have well-developed accountability systems. Several studies (Bierlein Palmer, 2006; Hassel & Batdorff, 2004; National Alliance for Public Charter Schools, 2009) found that more successful authorizers are those with increased access to resources. The following section discusses the importance of size and resources in determining the success of a charter school authorizer.

Traits of the Best Authorizers

Researchers agree that successful charter school authorizers exhibit the following three traits: (a) political independence, (b) access to resources, and (c) desire to become an authorizer. Both Bierlein Palmer (2006) and the National Alliance for Public Charter Schools (2009) have explicitly listed these three qualities as necessary for quality authorizers. Other studies support some or all of these criteria. The next three sections explore these traits.

Independence. Independent authorizing and overseeing charter schools effectively requires making difficult decisions. Some authorizers have shut down poorly performing charter schools in spite of opposition from parents and politicians (Steiner, 2009). Likewise, authorizers often grant charters in the face of opposition from local school districts or teachers unions (Steiner, 2009). Experts agree that successful charter school authorizers must have a degree of independence sufficient to isolate them from political pressure (Gau, 2006; Lake, 2006). The Center for Education Reform (2007) asserted that the authorizers most likely to have high numbers of accountable and high-quality charter schools are those that have more independence from conventional education bureaucracies. The U.S. Department of Education Office of Innovation and Improvement (2007) recommended that states take action to protect authorizers from disruptive politics.

To that end, some states have intentionally set up and employed alternative independent authorizers in order to protect the charter school movement from the bureaucratic pressures present in the traditional public school system (National Alliance for Public Charter Schools, 2010). Other states have made changes to their charter school legislation to allow for multiple authorizers. Colorado and Florida have amended their legislation to add independent charter school boards. Authorizing systems in these states had previously included only local school boards and state education departments (Mead & Rotherham, 2007).

Some authorizers are more susceptible to political pressures than others. There is some evidence that charter school authorizers who feature more

independence from traditional K-12 education perform better than others (Bierlein Palmer, 2006; Bierlein Palmer & Gau 2003). Whereas state and local education boards are more susceptible to political pressure, universities and nonprofits are often more insulated and thus expected to base their decisions more on facts (Bierlein Palmer, 2006). A study of national trends among charter authorities found that independent state charter boards and nonprofit organizations generally do a better job than other chartering entities (Gau, 2006). Hill et al. (2001) found that new authorizers, authorizers who did not previously provide K-12 education directly, are highly concerned about learning to oversee charter schools.

Resources. Researchers agree that access to resources is important to an authorizer's success. Several policy papers recommended increasing authorizer resources in order to improve charter schools (Bierlein Palmer et al., 2006; National Alliance for Public Charter Schools, 2009; U.S. Department of Education Office of Innovation and Improvement, 2007). In fact, the strength of Michigan authorizer Central Michigan University is attributed, in part, to a provision in the state's legislation allowing authorizers to collect up to 3% of a school's state aid (Bulkley, 1999). Other researchers have cited resource deficiencies as serious impediments to quality authorizing (Garn, 2001; Mead & Rotherham, 2007; Vergari, 2001).

The National Association of Charter School Authorizers (2009a) has maintained that authorizers should be sufficiently large to maintain dedicated staff and adequate resources. In a study of charter school authorizers in Arizona and Michigan, Bulkley (1999) found that Arizona's state charter school boards resorted to

monitoring financial accountability due to insufficient resources to monitor compliance. In a later study, Bulkley (2001) found that small authorizers are less clear and thorough during the renewal process. In addition, Garn (2001) found that authorizers with limited capacity tend to focus on approving charter schools and leave monitoring responsibilities to parents. Hassel and Batdorff (2004) reported that the traits predicting the most capable authorizers include having large numbers of staff devoted to charter school oversight.

Resources depend on the state policy environment and on the authorizer. As explained above, some states allow authorizers to collect fees from schools they authorize. In addition, the amount of resources available may depend on the type of authorizer. Authorizers resulting from existing institutions, such as universities, may also have a resource advantage (Hassel et. al, 2006). Bierlein Palmer (2006) identified separate state charter boards, universities, and nonprofits as having more ability to create infrastructure than other alternative authorizers.

Desire. Reluctant authorizers are often unsuccessful. Authorizers may be reluctant because they oppose the charter schools they are required to sponsor, or because it is undesirable for that organization to authorize charter schools on top of its other duties (Mead & Rotherham, 2007). Gau (2006) identified sound working relations between a school and its authorizer as a criterion for quality authorizing. Similarly, Mead and Rotherham (2007) explained that authorizers tend to do better when they view authorizing as an important part of their mission. Reluctant authorizers are less likely to develop sound relationships with their schools. In fact,

in some instances hostile chartering authorities have placed undue burdens on their schools (Lake, 2006).

As mentioned above, one study (Hill et al., 2001) found that new authorizers, those whose only way of providing schooling is through chartering, are more likely to make chartering their mission. Indeed, alternative authorizers tend to become very important in their states' charter schools movements. Michigan's universities have taken active roles in oversight of charter schools (Bulkley, 2001). In a report on quality charter school authorizing, the U.S. Department of Education Office of Innovation and Improvement (2007) listed two universities and several other alternative authorizers as examples of high-quality authorizers.

Other notable distinguishing authorizer characteristics. Which charter authorizers exhibit the traits of independence, desire, and resources is often dependent on a few other distinguishing authorizer characteristics. State boards of education and local school districts, for instance, are less likely to have the resources, the desire, and the independence to become successful authorizers (Lake & Hill, 2009; Mead & Rotherham, 2007). The converse is true: Chartering authorities that are new, or new to the K-12 education arena, tend to make better authorizers. Each of the researchers found that each type of authorizer has the potential to successfully authorize and oversee charter schools. In light of this, in the next three sections, I describe the potential benefits and limitations for small and large authorizers, local and nonlocal authorizers, and authorizers with and without previous direct K-12 experience.

Small versus large authorizers. Small authorizers are those that authorize only a few schools. Large authorizers oversee many schools. Researchers use differing guidelines to distinguish between small and large charter school operators. For the purpose of this review, only general findings about small and large charter school operators are discussed.

Mead and Rotherham (2007) described a nationwide trend whereby states are moving away from reliance on local district authorizers and toward “more professional authorizing led by organizations that operate across an entire state or region, view chartering as a core part of their mission, and oversee significant numbers of schools” (p. 5). In fact, a general consensus is that smaller chartering entities, such as local districts, are less effective authorizers. An earlier section referenced the cases of Florida and Colorado, where charter school legislation has been amended to shift power from school districts to larger chartering authorities.

Small authorizers are generally found to be less effective. As mentioned above, Bierlein Palmer and Gau (2003) found that states with fewer authorizers, each serving more schools, do better than states with many small authorizers. A national study of charter school authorizers found that smaller authorizers are more likely to practice limited oversight of schools (Gau, 2006). In fact, Gau (2006) reported that “jumbo” authorizers, the largest authorizers, were most likely to have a hands-on approach to authorizing. In addition, small authorizers tend to be less clear and thorough during the renewal process, sometimes using external accreditation information during the review process (Bulkley, 2001).

Yet, there is some evidence of ineffectiveness of larger authorizers. For example, a study of authorizers in Arizona and Michigan found that Arizona's authorizers had comparatively less contact with charter schools as a result of serving larger numbers of charter schools (Bulkley, 1999). However, the Arizona authorizers in the study faced serious resource constraints. Thus, the limitations of large or small authorizers may be somewhat dependent on the authorizer's resources. As discussed above, resources are crucial to the success of a charter school authorizer. Large authorizers may be more able to devote resources solely to the task of charter school oversight.

Another possibility is that experience contributes to better authorizer practices. Larger authorizers naturally have more experience approving, rejecting, renewing, and revoking charters. Anderson and Finnigan (2001) found that high-volume authorizers require applicants to make more changes before granting a charter than do low-volume authorizers. They theorized that this finding resulted from high-volume authorizers having learned from their experiences and communicating their expectations at the beginning of their relationship with charter schools. Similarly, Bulkley (2001) found that authorizers with more experience develop clearer guidelines for applications and the evaluation of applications. A study of high-stakes decisions made by charter school authorizers found that authorizers that had made many high-stakes decisions in the past were more likely to be successful at establishing clear expectations, gathering data, and making merit-based decisions (Hassel & Batdorff, 2004).

Local versus statewide. Local authorizers oversee only those schools that fall within a certain jurisdiction in the state. Often, these authorizers are local school districts and municipalities, but entities such as universities serve as local authorizers in some states (National Association of Charter School Authorizers, 2010). Statewide authorizers are often state departments or boards of education or independent state chartering boards. However, universities and other entities serve as statewide authorizers in some states. Local authorizers tend to authorize relatively few schools.

Some states have decided to shift chartering power away from local school districts. Districts tend to be biased against charter schools and to provide them with less autonomy than other authorizers provide. In a survey-based study of charter school authorizers, Anderson and Finnigan (2001) found that nonlocal authorizers are likely to have well-developed accountability systems. A study of alternative charter school authorizers found municipalities, county and regional boards, and local school districts to be among the weaker charter school authorizers (Bierlein Palmer, 2006). Hassel and Batdorff (2004) recommended that policy makers provide nonlocal authorizer options, as local authorizers tend to be “low-capacity” (p. 34).

Many nonlocal authorizers demonstrate the three traits of successful authorizers. For example Bierlein Palmer (2006) found that higher education institution authorizers normally display moderate desire to become authorizers and fairly strong political insulation and ability to create necessary infrastructure. In the study, nonprofits, universities, and separate state charter boards all received “moderate,” “fairly strong,” or “strong” marks. Municipalities, county and regional

boards, and local boards all received “moderate,” “limited,” and “very limited” scores. The only nonlocal authorizer type to receive “limited” marks was state boards of education.

Not all authorizers have the same rationale for sponsoring charter schools. In fact, reasons for sponsoring schools differ by authorizer type. For example, state authorizers were much more likely than local authorizers and universities to view improving the public school system, creating competition, responding to public or political pressure, and fulfilling the mandates of the state charter law as “very important” in their decision to sponsor schools (U.S. Department of Education, 2008).

K-12 versus non-K-12 entities. K-12 entities are those authorizers that had a role in providing K-12 education prior to the enactment of charter school legislation. In most states K-12 authorizers are local school districts and school boards and state education departments and boards of education. Non-K-12 authorizers include newly created state chartering boards, nonprofits, universities, municipalities, and other entities that previously had no role or a small role in K-12 education.

Nationwide, there is a trend toward allowing new authorizing entities into the charter school arena. Several states have changed their legislation to allow for multiple authorizers. In Minnesota, there are now 26 charter school authorizers, including the state affiliate of the American Federation of Teachers (Weber, 2011). In fact, the Ohio Department of Education and Arizona’s State Board of Education no longer authorize charter schools, whereas states such as Ohio, Colorado, and Florida

have created new authorizers that are more able and willing to be quality sponsors (Mead & Rotherham, 2007).

As discussed above, local districts and school boards and state education authorities are often found to be weaker charter school authorizers. However, all chartering authorities have their strengths and weaknesses. Existing K-12 entities bring the obvious benefit of experience with day-to-day school operations to the charter school arena. In addition, state education authorities have the benefit of having experience with education statewide, as well as having additional resources and credibility (Hassel et al., 2006). However, both of these entities tend to hold unfavorable views of charter schools (Mead & Rotherham, 2007). In addition, districts and statewide education authorities tend to have a traditional focus on education and demand compliance as their main means of oversight. A study by Gau (2006) found that 50% of state education agencies and 42% of local education agencies (school districts) practiced limited oversight of charter schools.

Disadvantages of non-K-12 authorizers include lack of experience with K-12 education and possible bias toward the charter school movement (Mead & Rotherham, 2007). However, many non-K-12 entities have been found to have the independence, desire, and resources to become successful authorizers (see Traits of the Best Authorizers section above). In addition, non-K-12 authorizers tend to become serious about authorizing charter schools. For example, some university authorizers are pressured into becoming authorizers from a governor or legislature. Once involved in the process, these authorizers tend to take their responsibilities

seriously (Bierlein Palmer, 2006). Similarly, Bulkley (2001) found that Central Michigan University began by focusing primarily on authorizing but later shifted its focus to accountability and oversight. Hill et al. (2001) found that newer authorizers tend to be more concerned with learning to oversee schools.

Despite the obvious benefits and disadvantages of each authorizer type, relevant literature consistently remarks that all chartering entities have the potential to be good authorizers. Each authorizer type brings unique advantages to the charter school arena. A study by Ascher et al. (2003) found that, in spite of differences in the application, approval, and oversight processes, each authorizer in New York State had developed an accountability system superior to that used for traditional public schools. Ascher et al. concluded, “Student performance appears to be the critical endpoint for all three authorizers” (p. 32).

To summarize the conclusions of many studies of charter school authorizers, there is no one best authorizer or one best mix. The states range greatly in the numbers and types of charter school authorizers they allow. When states have single authorizers, those authorizers are normally local boards of education or state education departments. States choose mixes of authorizers that uniquely fit their needs. Vergari (2001) explained that charter schools exist along a continuum of autonomy that differs from state to state. For example, Arizona, a largely conservative state, chose to emphasize the values of efficiency and choice in its charter school legislation. Thus, the state allows for a large number and variety of

charter school authorizers (Garn, 2000). Conversely, the State Board of Education is the sole authorizer of charter schools for Massachusetts (Vergari, 2000).

Oversight of Authorizers

One common theme of research on charter school authorizers is that authorizer oversight is necessary. Experts of varying opinions have recommended that states institute systems for authorizer oversight. These recommendations include third-party reviews, state oversight, and authorizer report-card systems (Center for Education Reform, 2007; CREDO, 2009; Hill et al., 2001; Lake, 2006; National Alliance for Public Charter Schools, 2009; U.S. Department of Education Office of Innovation and Improvement, 2007).

Along with suggesting that states use multiple authorizers, Lake (2006) encouraged third-party reviews. Model laws created by the Center for Education Reform (2008b) and the National Alliance for Public Charter Schools (2009) include the creation of charter school authorizer oversight bodies. Oversight mechanisms have notably increased standards of authorizing in several states. For example, Central Michigan University and Arizona's State Board for Charter Schools have both improved in response to state audits finding deficiencies in their practices (Mead & Rotherham, 2007).

Lake (2006) discussed, among other strategies, using an authorizer report card system to hold authorizers accountable. Benefits of such a system would include giving policy makers the information they need to make decisions about whether to develop oversight systems for their authorizers without mandating that states with

unique situations to do so. The system also might apply the public accountability mechanisms of the charter school movement to authorizers; prospective charter schools might not seek out an authorizer with consistently bad ratings.

However, it is important that these oversight processes strike an appropriate balance between providing rules and providing autonomy. Lake (2004) pointed out that New York's charter school authorizers operate in a "burdensome regulatory environment" (p. 15). The U.S. Department of Education Office of Innovation and Improvement (2007) recommended that, in cases of joint oversight of charter schools by authorizers and other entities, states foster a streamlined relationship that maximizes efficiency and minimizes administrative burdens on charter schools.

Rationale for Multiple Authorizer Systems Across States

One study compared the political construction of charter schools in Arizona, Michigan, and Georgia. Bulkley (2005) found differences among the states in terms of the political environments in which charter school legislation achieved passage, how each state's educational problem was defined, and each state's theory of how charter schools would fix or at least aid in fixing that problem. Charter school advocates in Arizona believed that the introduction of charter school legislation allowing for multiple sponsors and authorizers, choice, and deregulation would have effects at both the school and system levels. At the school level, they believed the new reform ultimately would result in charter schools with improved student outcomes, which were more efficient and responsive to parents. At the system level, advocates believed that allowing multiple authorizers would result in a large number

of charter schools, taking students away from traditional public schools, forcing traditional public schools to improve student outcomes and become more responsive to parents.

Like Arizona, Michigan's charter school advocates believed that at the system level, multiple sponsors of charter schools would result in many charter schools taking students away from traditional public schools and forcing traditional public schools to improve and compete with charter schools for students (Bulkley, 2005). At the school level, advocates believed that allowing multiple charter-school authorizers in the state would contribute to greater school autonomy and more of a focus on student outcomes than if local school boards were the only potential authorizers. Also, charter advocates believed that charter schools that were able to overcome all of the obstacles of starting a school from scratch would produce higher levels of achievement.

Multiple Authorizers in New York State

The law that established New York's authorizing entities, the New York State Charter Schools Act of 1998, created two state-wide authorizers: the SUNY Board of Trustees and the New York State Board of Regents. School districts were also designated as charter entities for their specific geographic regions. The SUNY Trustees are appointed by the governor and confirmed by the Senate. The regents are appointed by the New York State Assembly. The specific language and provisions of the act are described in further detail below, but it is important to note that the law states that all SUNY authorizing decisions be sent to the regents for consideration and

possible approval, whereas regents' decisions do not go to the SUNY Trustees for consideration. Should the regents return or deny a SUNY decision, the SUNY Trustees have the right to resubmit the decision to the regents, and if the regents deny it once again or simply take no action, the decision goes into effect by operation of law 30 days later. This interaction involves a great deal of behind-the-scenes communication between the SUNY Trustees' staff (The Charter Schools Institute²) and the regents' staff (NYSED). Given the quasigovernmental nature of both organizations, the open records and discourse that take place at the respective decision-making meetings tend to lead to media coverage of differences in authorizing philosophy.

Given the traditionally unique political influence behind the two entities, it is not surprising that they take different approaches to their responsibilities as statewide charter school authorizers. It is perhaps noteworthy, however, that each entity had a different frame of reference from which to begin this work. The SUNY Trustees oversee 64 colleges and universities located across New York. This work is guided by a commitment to delegate as much authority as possible to the campuses while rigorously holding them accountable for results. The SUNY Trustees' involvement with K-12 education at the time was via individual campus outreach to schools in their communities based on an overall concern about the level of academic preparedness of students entering the SUNY system. The Board of Regents oversees

² Disclosure: I was the executive director of the SUNY Charter Schools Institute between 2008 and 2010 when much of this research was conducted.

the University of the State of New York, which includes responsibility for P-16 education, teacher certification, libraries, state archives, museums, professional licensing, vocational rehabilitation, and public broadcasting.

The use of multiple authorizing entities is but one feature of the New York State Charter Schools Act of 1998. The overall push was “to change from rule-based to performance-based accountability systems” (Ascher et al., 2003, p. 3). That is, in exchange for decreasing the regulations under which schools operate, these schools are to meet their student achievement promises, as indicated by scores on standardized tests mandated by the New York State Board of Regents for *all* public schools (Ascher et al., 2003). “[To] ensure that the charter school is in compliance with all applicable laws, regulations and charter provisions,” each authorizer is empowered by law to “visit, examine into and inspect any charter school, including the records of such school, under its oversight” (New York State Charter Schools Act, 1998, § 2853). Although charter schools operate outside school districts, the districts in which charter schools are geographically located also have the right to visit, examine into, and inspect the schools to ensure that they are in compliance with all applicable laws, regulations, and charter provisions. In other words, in the context of a performance-based accountability system, charter schools in New York still operate under some of the regulatory accountability experienced by traditional public schools.

Kingdon’s Multiple Streams Framework

Because authorizing is a high-impact piece of any charter school policy, it is important to expand research on charter schools to include more detailed analysis of

multiple authorizing structures. As noted above, there is a dearth of research on why states have designed their authorizing structures the way they have or the political forces and processes behind such decisions. Given its widely referenced application to public policy making, Kingdon's (1995/2002) multiple streams framework for policy making is a particularly useful method to examine the emergence of the New York State Charter Schools Act and its unique multiple authorizing design. In the section to follow, I describe Kingdon's multiple streams framework, its defining features, and ways it has been applied to education reform in previous studies.

Focusing on why and how policy agendas are created is critically important. Kingdon (1984, 1995/2002) defined the agenda as either a government agenda, a list of subjects that officials are paying serious attention to at any given time, or decision agendas, which are short lists of those subjects from the government agenda that have survived competition and are moving into position for some definitive decision. The term *agenda* was described by Kingdon (1984) as the "list of subjects or problems to which governmental officials, and people outside of government closely associated with those officials, are paying some serious attention at any given time" (p. 3).

Using Kingdon to identify how agendas are set is particularly useful, according to Lieberman (2002):

Applying this framework to policy making is significant for two reasons. First, policy makers, educators, interest groups, students of education policy, and so forth can gain pertinent information on the impact of agenda setting and policy formulation on the education system. Second, this analysis can help public policy analysts and students, in all specialty areas, gain a better understanding of agenda setting and policy formulation at the state and local

level. In addition, it will allow students to gain a firmer grasp on the integration of theory into practice.

As Lieberman indicated, Kingdon's work provides a useful framework that describes how certain items make it to the top of the governmental agenda. Kingdon's original multiple streams framework came from a study in which he focused on health care policies as enacted at the federal level; the framework is most often applied as such (Hinze 2010; Kingdon, 1995/2002; Smart, 2008).

In this framework, Kingdon (1995/2002) laid out a four-step model of the policy-making process: "(1) the setting of the agenda, (2) the specification of alternatives from which a choice is to be made, (3) an authoritative choice among those specified alternatives, and (4) the implementation of the decision" (p. 3). Kingdon (1995/2002) focused his study on understanding the first two steps in the process by answering these questions: (a) How do subjects come to officials' attention; (b) what makes people in and around government attend, at any given time, to some subjects and not to others; (c) how are the alternatives from which they choose generated; and, perhaps most important, (d) "why does an idea's time come when it does?" (p. xi). According to Kingdon (1995/2002), "Windows open in policy systems. These policy windows, the opportunities for action on given initiatives, present themselves and stay open for only short periods" (p. 166). His conclusion was that policy making is a process with three distinct streams: (a) the problem stream, often identified via focusing events; (b) the policy stream, which may produce alternatives and proposals; and (c) the political stream, which features shifts in public

opinion, priorities, and interest groups in the determining of actor receptiveness (Kingdon, 1995/2002; Lieberman, 2002). Whereas this framework is applied across the spectrum of public policy making, in the next sections I describe the framework through examples of how it has been applied to education policy reform (Kingdon 1995/2002; Malen, 2003). Each of these streams is discussed in greater depth.

Problem stream. Problems comprise the first of Kingdon's (1995/2002) streams. This stream identifies why some issues are recognized as significant problems instead of others. With his framework, Kingdon (1995/2002) argued that the answer is derived from the process by which individuals learn about conditions and the way these conditions are defined as problems. Sometimes attention to a problem is influenced by a more or less systematic indicator of a problem, whereas at other times it is impacted by a dramatic event that seizes individuals' attention or feedback from the operation of an existing program (Kingdon, 1995/2002). In short, agenda setting takes place based upon the identification of problems through the identification of indicators like dramatic events, symbols, and feedback from existing programs (Mulholland & Shakespeare, 2005).

Problems often get attention when a focusing event, such as a crisis or disaster event, occurs (Kingdon, 1995/2002). Kingdon (1995/2002) also described these events as coming along "to call attention to the problem, a powerful symbol that catches on" (pp. 94-95). In "The Case for Choice," Fusarelli (2001) applied this concept to the key point of the evolution of the charter law in Michigan being an audit conducted at the state's largest authorizer.

Another variation on the focusing event is the emergence and circulation of a powerful symbol. A symbol could be the passage of a significant piece of legislation. For example, the passage of California's Proposition 209, the legislation that outlawed affirmative action for women and minorities, although enacted in one state, was felt around the entire higher education community (Mulholland & Shakespeare, 2005). Another example is the National Commission on Excellence in Education's (1983) publication, *A Nation At Risk*, which identified a crisis in the American public education system.

Although a number of problems may be identified, only a very small percentage of them become agenda items. Those that become agenda items do so either because they are brought to the attention of officials or because they become perceived as a problem when they had not been so before (Lieberman, 2002). Policy entrepreneurs, described in the context of the policy stream, are responsible for bringing attention to the issues and coupling solutions to problems, taking advantage of the focusing event.

Policy stream. The second stream contains policies and includes a wide variety of ideas floating around in what Kingdon (1984) called a "policy primeval soup" (p. 123). The ideas that are floated around are generated by specialists, who include individuals in a given policy area in and outside of government. These ideas are subject to competitive selection where some ideas survive, others are combined into new proposals, and others are discarded.

Specialists may be part of different groups or constituencies, but they have in common a concern for one area of policy problems. The ideas that are proposed are tried out in various ways, with some remaining the same, others combined into new proposals, and others disappearing. Although a large number of ideas float around, only a few ever receive serious consideration. Selection criteria for ideas include technical feasibility and value acceptability. Proposals that are or appear to be difficult to implement or do not conform to the values of policy makers are less likely to be considered or adoption (Zahariadis, 1999).

Kingdon (1984) maintained that the policy stream is dependent on a group of hidden participants, or a community, consisting of specialists in government, academics, and special interest groups. They generally take responsibility for proposing solutions to various societal conditions under debate once an item has been elevated to an agenda item.

Much as molecules floated around in what biologists call the “primeval soup” before life came into being, so ideas float around in these [policy] communities. ... While many ideas float around in this policy primeval soup, the ones that last, as in a natural selection system, meet some criteria. Some ideas survive and prosper; some proposals are taken more seriously than others. (Kingdon, 1984, p. 123)

For an issue to rise to the top of an agenda, the policy and problem streams must join together at critical moments in time. Kingdon (1995/2002) labeled these moments as “policy windows” (p. 203) and argued that they present unique opportunities for advocates to gain attention to their problems. These moments can

occur predictably or unpredictably and are called windows because they are only of a short duration.

When the policy window is open, policy entrepreneurs must seize the opportunity and initiate action. In this way, policy entrepreneurs are key individuals because they couple streams (Mulholland & Shakespeare, 2005). Kingdon (1995/2002) asserted that the policy-making arena is characterized by these reform advocates who develop detailed proposals or “solutions” and then search for problems on which to attach their proposals. He and other theorists refer to these people as *policy entrepreneurs*.

Policy entrepreneurs “advocate for proposals” and their defining characteristic, “much in the case of a business entrepreneur, is their willingness to invest their resources—time, energy, reputation, and sometimes money—in the hope of a future return” (Zahariadis, 1999, p. 129). These entrepreneurs advocate to promote their personal interests, solve a problem, and shape public policy according to their values. Policy entrepreneurs must not only be persistent but also skilled at coupling—able to attach problems to solutions and find individuals receptive to their ideas (Mulholland & Shakespeare, 2005; Zahariadis, 1999).

In the case of education, there are many policy entrepreneurs pitching any number of proposed solutions. However, Mintrom and Vergari (1996) argued that the problems in public education have yet to be carefully identified and acknowledged due to it being so much easier to provide solutions than examine problems.

Policy entrepreneurs frequently define policy problems in ways that both attract the attention of decision makers and indicate appropriate policy responses (Kingdon, 1995/2002; Majone, 1988; Polsby, 1984). In seeking support for their policy ideas, policy entrepreneurs face choices about which issues to push and how to push them. Thus, arguments in support of the policy idea sometimes have to be crafted in different ways for different audiences. How well this is done will prove critical for how the policy debate unfolds (Mintrom & Vergari, 1996). Kingdon (1984) described policy entrepreneurs as tending to

lie in wait in and around government with their solutions (already) in hand, waiting for problems to float by to which they can attach their solutions, waiting for a development in the political stream they can use to their advantage. (pp. 165-166)

Finally, policy entrepreneurs frequently seek to assemble and maintain coalitions to support specific policy ideas (Eyestone, 1978). Again, these can prove to be valuable political resources during discussions of policy change (Lieberman, 2002; Mintrom & Vergari, 1996).

Political stream. The political stream is arguably the most critical avenue toward placing an item on the agenda. According to Kingdon (1995/2002), politicians set the agenda. Specialists may sort out which policy alternatives a proposal might contain, yet an issue's placement on the agenda is ultimately determined by elected officials. Changes in interest group pressure, swings in the national mood, and elections that bring new administrations to power are some of the

factors that define the political stream (Kingdon, 1995/2002; Lieberman, 2002).

Descriptions of these three factors follow.

National mood. The national mood refers to the idea that fairly large numbers of individuals in a given country are thinking along certain common lines. This national mood can change in discernible ways, which can have important impacts on policy agendas and policy outcomes (Kingdon, 1984). The national mood can create the “fertile ground” (Kingdon, 1984, p. 153) for a policy’s promotion or can slow down a policy. Politicians and decision makers can gain a sense of the national mood through a variety of ways, from communication with community members to discussions with other decision makers. Either way, national moods must be given attention because they often dictate what happens to policies. In this study, I am adapting the concept of national model to the state level. Examples of studies applying Kingdon’s multiple streams framework to state-level education policy include Young, Shepley, and Song (2010) and Kelly (2005).

Pressure group campaigns. When an issue is supported or leaders lean in favor of an issue, it pushes the issue and can cause it to become more prominent on the agenda, and vice versa. If all interest groups are voicing their support for a proposed issue, the item is more likely to reach the agenda faster than an issue with conflicting views. Often, the determining factor in a policy’s survival or downfall is who is on which side and who is the most adamant about a position on the issue. Although the determination of the balance and support of issues is somewhat imprecise, it is possible to determine who is on which side and which side has greater

strength (Kingdon, 1995/2002). One example is governmental programs that have groups of supporters who will defend them. Politicians must consider the consequences they would face if they wish to go against a powerful interest group.

Legislative turnover and elections. In addition to changes in national mood and the balance of organized political forces, the composition of individuals within government is the third major component of the political stream. Although Kingdon (1984) wrote of government officials, the concepts can be applied to understanding the turnover of key personnel in the education environment. The turnover of key decision makers produces new agenda items and makes it difficult to consider items that might have previously been on the agenda. One of the most powerful turnover effects is a change of administration. “At the time of a change of administration, people all over town hold their breath in anticipation, waiting to see what the new administration’s priorities will be, what its policy agendas will look like” (Kingdon, 1984, p. 161).

Kingdon’s Multiple Streams Framework’s Application to Education Reform Policy

An examination of the research on policy reform yields a number of examples of Kingdon’s multiple streams framework being specifically applied to education policy reform. *A Nation at Risk* (National Commission on Excellence in Education, 1983) defined the problem of the crisis in American public education, suggested solutions, and captured the nation’s political attention.

Mintrom and Vergari (1996) also focused on the problem of widespread concern over public education in the United States. Their article developed a conceptual framework for analyzing education reform and accountability issues in an intergovernmental context. The writers identified and discussed common themes in five prominent education reform efforts in the United States: (a) the emergence of specific goals and requirements for public schools, (b) the introduction of open-enrollment plans, (c) the establishment of charter schools, (d) the encouragement of private contracting for the delivery of school services, and (e) the development of public and private voucher programs. While diverse, each of these efforts involves a deliberate attempt to change the accountability mechanisms in the delivery of education, and all have been affected by intergovernmental politics.

Mintrom and Vergari (2007) later used Kingdon to interpret the background to and dynamics of recent education policy reform in Michigan. Rice and Malen (2003) applied Kingdon to what at the time was a prevalent but under-examined policy option of school reconstitution.

In a slight variation on Kingdon's framework, studying the evolution of state education policies in Minnesota, Mazzoni (1993) described the influence of relationships among key actors, which in turn demands decisions via individuals and coalitions. Mazzoni wrote more of the characteristics of the policy system determining the play of power around the issues that receive agenda status. He argued that the identification of system characteristics offers only a partial

explanation of policy-making processes, the other elements being the particular policy at stake, the structure of the system, and its environmental context.

Fusarelli (2001) applied the Kingdon concept of focusing events like crises or disasters that come along to call attention to the problem. Fusarelli specifically applied the concept to the key point of the evolution of the charter law in Michigan being an audit conducted at the state's largest authorizer. Hinz (2010) used Kingdon to describe why the reforms in Australia succeeded in the early 1990s (when the school policy sphere was characterized by a coordinate model of federalism and loose Commonwealth conditions and oversight) and might not succeed today, given the extension of intergovernmental and national agreements on schooling and increase in scope and complexity Commonwealth school policy and tied grants.

In "The Politics of Charter Schools," Vergari (2007) used Kingdon's policy streams model to demonstrate how the new ideas in the form of charter school politics took hold around the country and how major policy changes materialized. Vergari (2007) focused specifically on Kingdon's notion of the relationships between coalitions and past policy precedent. Vergari (2007) applied a piece of Kingdon's framework in showing how when an old coalition that was blocking a reform is defeated, "life is never quite the same" (Kingdon, 1995/2002, p. 191) because the coalition can no longer be viewed as invincible or as the dominant actor in the policy area.

Mintrom (1997) referenced Kingdon in examining advances in school choice legislation. Mintrom took Kingdon's concept of policy entrepreneurs further, defining them as people who seek dynamic policy change:

They constitute a class of political actors who, like their business counterparts, are identifiable by the types of actions they engage in, rather than their specific location. When successful, policy entrepreneurs can have a destabilizing effect. That is, their actions often force other people to make adjustments from their comfortable positions. To overcome resistance to change, policy entrepreneurs must be skilled political actors. They must often reframe issues and construct arguments in order to maximize the chances that they can sell their ideas to others. (p. 44)

Kingdon (1995/2002) and Mintrom both described key activities of policy entrepreneurs as engaging in significant amounts of networking in and around government and providing high-quality information to decision makers. They need to convince politicians to overcome their risk-averse nature.

More recently, Young et al. (2010) applied Kingdon's multiple streams model to explain how the issue of reading became prominent on the agenda of state governments during the latter half of the 1990s. Their findings suggested that the applicability of Kingdon's national-level model to the state level may depend on both the issue being examined and the participation of the state executive branch.

Limitations of Applying Kingdon to Education Reform Policy

While I believe, for the reasons stated above and what follows in Chapters 3 and 5, that there is direct application of the Kingdon multiple streams framework to the examination of the multiple authorizing structures created via the New York State Charter Schools Act of 1998, there are a number of limitations and criticisms to

consider, as well. The first of these is the fact that Kingdon's original multiple streams framework was developed in 1984, and a number of theorists have utilized and built upon this original work. Few have done so at the state level regarding education policy. Young et al. (2010) described how researchers have used Kingdon's multiple streams framework to explain state-level educational policy process for a wide range of issues as well as several policy contexts. These include state decentralization of higher education (McLendon, 2003), teacher tenure in Colorado (Elrod, 1994), diversity in Minnesota (Stout & Stevens, 2000), gifted education in New Mexico (Holderness, 1992), and school reforms in Chicago (Lieberman, 2002) and Ohio (Edlefson, 1993).

Next, there is an argument that the three streams of problems, policies, and politics may be more interdependent than independent. Kingdon (1984) described the streams as each having a life of its own, with its own rules and dynamics; the streams interact only during open windows when policy entrepreneurs intervene. However, critics disagree with this conception of independent streams. Mucciaroni (1992) contended that a more proper description of the streams is interdependent, which allows for an understanding of how one stream can trigger or reinforce changes in another. Although there is no definite answer of whether the streams should be viewed as independent or interdependent, Mucciaroni's critique pointed to a need to consider how new views or issues enter the policy process even without policy windows.

The last concern is that the multiple streams framework, while certainly helpful in explaining in how policies are made, does not do well to predict future policies. Because of this, critics have argued that the multiple streams framework is random rather than predictable (Mucciaroni, 1992).

Chapter 3: Methodology

The first two chapters of this treatise provided the historical and theoretical context for charter school authorizing policy. The preceding chapters described the state of charter schools and charter school authorizing, as well as a description of the application of Kingdon's (1984, 1995/2002) multiple streams framework to education reform efforts. What is left unclear is how political forces lead to multiple authorizing structures and outcomes. The purpose of this chapter is to define the research design, methodology, procedures, and analysis used to provide insight to this end by accomplishing the following purpose and answering key research questions. First, I explain my rationale for using an exploratory, qualitative, case study design. Then, I describe the participants and the criteria I employed for selecting them. Next, I discuss my procedures for data collection and analysis. Finally, I discuss validity threats to my study and how I attended to them.

Restatement of Purpose

This treatise covers one state's efforts to grapple with the political realities of authorizing charter schools and serves as a case study to educate policy makers of other states as to pros and cons of New York's unique experience. Consequently, the goal was to examine the creation of New York State's multiple charter-authorizing agencies. In accomplishing this purpose, the following research questions were addressed in this study:

1. What were processes that led to current multiple authorizing structures?

2. How did the perspectives of the different actors influence the multiple authorizing structures?
3. How do the multiple authorizing structures created in New York State in 1998 affect the current work of charter school authorization in the state?

Findings and recommendations produced in this study serve not only authorizers and charter schools as they navigate their policy environments but also state policy makers as they attempt to implement systems called for by President Obama and Secretary of Education Duncan to close underperforming charters and expand and replicate those that produce high levels of achievement for students.

Overview of Methodology

To establish the history of the New York State policy of multiple authorization entities, I used qualitative methods (Miles & Huberman, 1994; Tashakkori & Teddlie, 1998), utilizing participant observation, semistructured interviews, and an examination of state policy artifacts to produce qualitative data. Data collection focused upon the perspectives of key contributors and opponents of the creation of New York State policy, including politicians, advocates, and administrators. Interviews were conducted in Spring 2010 and coded for themes (Frechtling & Sharp, 1997; Yin, 2003).

Rationale for Qualitative Methodology

In my study, I employed a qualitative methodology because I was interested in understanding the meaning that interview participants made of their experiences with the creation of the multiple authorizing structures within the New York State Charter

Schools Act (Maxwell, 2005; Merriam, 1998; Yin, 2003). A qualitative research design was preferable in this case because I explored what was going on (Maxwell, 2005) within the *context* in which policymakers made decisions about this issue (Stake, 1995). Furthermore, I sought to understand the *process* that led to the law (Maxwell, 2005; Merriam, 1998; Stake, 1995; Yin, 2003). Creswell's (1998) definition of qualitative research underscores its relevance for my particular treatise research:

Qualitative research is an inquiry process of understanding based on distinct methodological traditions of inquiry that explore a social or human problem. The researcher builds a complex, holistic picture, analyzes words, reports detailed views of informants, and conducts the study in a natural setting. (p. 15)

Specifically, I used a case study approach for this qualitative study as I sought to examine multiple perspectives of the creation of the law. Each participant experienced the same phenomenon—the creation of multiple authorizing structures via the New York State Charter Schools Act of 1998. In the next section, I review why the case study was an appropriate approach.

The case study approach. Yin (2003) advocated the case study as a research strategy when “how” or “why” questions are posed (p. 1). In this study I sought to understand how the interview participants described and understood the process of the creation of multiple authorizing structures via the Charter Schools Act.

Additionally, case studies should be used when seeking to understand complex social phenomena (Stake, 1995), such as charter school policy. Finally, the case study method is used when contextual conditions are an essential component of the

phenomenon under study (Yin, 2003). In my study, I sought to understand my participants' perspectives in various contextual conditions. This study differs from interview studies because each of the interviewees' experiences with the eventual implementation of the New York State Charter Schools Act of 1998 represents distinct viewpoints of one phenomenon.

In the next section, I explain my approach to triangulating data and then lay out my criteria for methodological decisions about participant selection. As described above, by employing a qualitative methodological approach, I purposefully selected the participants (Maxwell, 2005; Miles & Huberman, 1994).

Triangulation. The use of interviews of multiple key actors and decision makers, artifacts, and previous publications on the topic resulted in discrete but interrelated sets of data. This served to increase the study's authenticity and to provide added depth to the investigation. This form of triangulation, referred to by Denzin (1978) as *data triangulation*, was a means by which weaknesses of one data set could be compensated by the strengths of another (Bogdan & Biklen, 1992; Denzin, 1978; Patton, 2002).

Interviews

Whereas my research questions represented what I sought to understand, my interview questions were what I actually asked the participants in order to gain that understanding (Maxwell, 2005). However, interview questions helped to address the research questions. The interviews allowed me to explore how the participants described and understood the process of the creating a multiple authorizer system via

the New York State Charter Schools Act. According to Seidman (2006), if the goal “is to understand the meaning people involved in education make of their experience, then interviewing provides a necessary, if not always completely sufficient, avenue of inquiry” (p. 11).

According to Marshall and Rossman (1995), typically, qualitative in-depth interviews are much more like conversations than formal events with predetermined response categories. The researcher explores a few general topics to help uncover the participant’s perspective but otherwise respects how the participant frames and structures responses—the participant’s perspective on the phenomenon of interest should unfold as the participant views it, not as the researcher views it. “In that vein, the process of interviewing is one of the most important data-gathering sources in case study research” (Linares, 1997, p. 57).

The nature of a qualitative methodology allows the researcher to select a purposeful sample in which particular “persons...are selected deliberately in order to provide information that cannot be gotten as well from others” (Maxwell, 2005, p. 70). In this study, interviews provided insight as to how the law that set up New York’s system of charter school authorizing and the experience of authorizing entities over the last decade led to the current state of charter schools in New York. Specific interview targets included (a) former Governor George Pataki, who signed the act into law; (b) former Board of Regents Chancellor and current SUNY Board of Trustees Chairman Carl Hayden, who has the perspective of having led both chartering entities and was Board of Regents’ Chancellor when the act was

implemented; (c) Robert Bellafiore and Peter Murphy, staffers with Governor Pataki who worked on the act; (d) Tom Carroll of the Brighter Choice Foundation and Brian Backstrom, both of whom worked on an issue-related think tank; (e) Director of Government Relations for the New York State United Teachers Union Alan Lubin, who advocated against the act; (f) former Assemblyman John Faso, who authored an unsuccessful bill that is thought to be an important precursor to the Charter Schools Act; and (g) Jeff Lovell, chief negotiator for the New York State Assembly. Former Governor George Pataki, who signed the bill into law; Rudy Crew, the chancellor of the New York City Department of Education at the time of the law’s passage; Jeff Lovell; and Richard Platkin, the lead counsel on the bill, all declined to be interviewed. Table 1 shows the participating interview subjects.

Table 1

Interview Participants

Name	Position in 1998, the time of the New York State Charter Schools Act
Carl Hayden	Chancellor of the New York State Regents
John Faso	Assemblyman (R)
Alan Lubin	New York State United Teachers Union
Tom Carroll	Change New York
Peter Murphy	Executive staff
Brian Backstrom	Change New York
Robert Bellafiore	Staff, Governor George Pataki

The interview subjects were chosen with the understanding that they would provide sufficient data toward answering the study’s three research questions as noted

in Table 2. There did not appear to be other more knowledgeable participants in the creation of the act or others who might add significantly different perspective of the events.

Table 2

Interview Protocol and Relation to Research Questions

Research question	Interview protocol questions
Research Question 1: What were forces that led to current multiple authorizing structures?	<ol style="list-style-type: none"> 1. What was your job/role at the time of the creation and enactment of the Charter Schools Act? 2. Please take me through the process that led to the New York State Charter Schools Act. 3. Why were charter schools on the agenda to begin with? 4. Who wanted charters in New York State and why? 5. What kind of research and policy vetting was done, if any? 6. What were the most critical junctures of the process of enacting the Charter Schools Act? 7. To whom were charters desirable? What problems were you trying to solve? 8. What were the key objectives sought from the Charter Schools Act? 9. Why did the Charter Schools Act ultimately pass and become law?
Research Question 2: How did the perspectives of the different actors influence the multiple authorizing structures?	<ol style="list-style-type: none"> 10. Why was the act ultimately passed and signed? 11. Did political philosophy impact the process and/or outcome of the Charter Schools Act? If so, how? 12. Why did the policymakers/you ultimately decide to split the authorizing duties between State University of New York Trustees and the Regents? 13. Were your expectations of the two authorizers different? Why? 14. What were your expectations of what good authorizing looked like? 15. What was the ultimate impact of the law?

Interview structure. Per Mertens (2005), a semistructured protocol was utilized. Each interview was roughly an hour in length and conducted either in person, when possible, or via phone.

Interview objectives. In answering Research Question 1, I aimed to describe the forces that led to current multiple authorizing structures in New York State. This question was best answered by those who originally crafted, provided input on, passed, and signed what would become the New York State Charter Schools Act of 1998. Interview targets included Murphy and Bellafiore, who worked for Governor George Pataki; Assemblyman Faso, who filed an initial unsuccessful charter schools bill; Carroll and Backstrom, who worked on education policy for a local think tank, and Lubin, from the New York State United Teachers' Union. In particular, I looked for specific individual roles and the chronology of events that led to the New York State Charter Schools Act. The data collected from this set of interviews allowed me to analyze the degree to which Kingdon's (1995/2002) multiple streams of policy making applied to this particular case.

With each interview, I attempted to discover specific factors and events that might have constituted the three streams of Kingdon's (1995/2002) multiple streams theory. First, I looked for the features of the problem stream, the reason policy makers pay attention to one problem over another. Kingdon (1995/2002) focused specifically on the way policy makers learn about conditions and the way conditions become thought of as problems as they let their values and beliefs guide their

decisions. In this case, how did the issue of charter schools rise to the level of problem?

Next, I looked for the second stream, policies. Kingdon (1995/2002) described ideas being generated by a variety of specialists in policy networks that include legislative staffers, academics, and think tanks that all focus on a particular policy area. They explore and test ideas via policy briefs, hearings, and conversations, with some ideas evolving and some surviving over others. Via the data collection process of this study, I listened specifically for evidence of a charter school policy stream, where ideas for the best policy structure were explored. In particular, what was the source or vetting of the multiple authorizer structure eventually featured in the Charter Schools Act?

The third Kingdon stream is that of politics. Kingdon (1995/2002) argued that key personnel in positions of high prominence have a significant impact on whether or not a policy gets critical attention. Again through this study's data collection process, I looked for how the political roles of the governor, Assembly leadership, and others allowed the Charter Schools Act to receive the attention and priority it did.

With Research Question 2, I aimed to determine how the perspectives of the different actors influence the multiple authorizing structures. This question was again best answered by those who were directly involved in the process of bringing about the Charter Schools Act. Interviews likely to yield data on this question again included Bellafiore and Murphy, but also included Carroll and Hayden, then chancellor of the New York State Board of Regents. An analysis of these data via

Kingdon's policy stream as described above was particularly useful in answering this question.

Kingdon's theory, as described briefly above, hinges on the convergence of the three streams at critical moments in time called policy windows. When these windows open, it is the policy entrepreneur who seizes the opportunity to initiate action. With this in mind, I analyzed interview data for evidence of the emergence of the policy window and whether specific policy entrepreneurs advanced the agenda.

With Research Question 3, I attempted to ascertain how the multiple authorizing structures created in New York in 1998 have affected the current work of charter school authorization in the state since the law's inception. Each interview subject was asked his perspective on the ultimate impact of the law.

In addition to interviews, a thorough examination and analysis of the New York State Charter Schools Act and accompanying briefs and advocate opinions was made and coded for themes. Such artifacts included initial bills set forth by various legislators leading up to the eventual Charter Schools Act. In addition, I obtained bill jackets, policy briefs, and speeches put forth by key players. Each document offered perspective on the intent and of the various actors on the bill. Each was coded for citations of the justification for establishing multiple charter-school authorizing entities.

Data Collection

In this section, I describe the methods of data collection, the means through which the primary research question were answered (Maxwell, 2005). Specifically, I

discuss data collection including documents and eight in-depth interviews (Seidman, 2006). Triangulation of methods occurred as a result of implementing multiple modes of data collection, which ultimately would provide a more comprehensive and accurate study (Maxwell, 2005).

I begin this section with a discussion of document data, because I collected particular documents up front to inform my interviews with all four primary participants. By obtaining various data sources (triangulation), I sought to build my understanding of context and also to reduce possible misinterpretation of my participants' statements and strengthen the internal validity of my study (Maxwell, 2005; Merriam, 1998; Stake, 1995; Yin, 2003). For example, by reviewing the bill jacket that accompanied the Charter Schools Act, I was better able to understand some of the technical policy language being described and interpreted by all the interview participants. Before I conducted the interviews, I collected documents like the Charter Schools Act itself, its accompanying bill jacket, articles written on the development of the Charter Schools Act, other studies of the development of the Charter Schools Act, and issue briefs published by a variety of sources on the Charter Schools Act.

According to Merriam (1998), unlike interview protocols, documents are not produced for directed research purposes. Thus, compared with the interview material, the data that I gleaned from the documents were not particularly compelling in their own right. The document data and key informant interviews helped me acquire a

greater context for my interviews with the interview participants and the analysis of these interviews.

Data Analysis

In this section, I lay out my methods of data analysis, which were ongoing and occurred simultaneously with data collection (Merriam, 1998; Rubin & Rubin, 1995). According to Strauss and Corbin (1998), data analysis is “the interplay between researchers and data” (p. 13). The research questions and the data that I collected framed the methods I chose for data analysis (Maxwell, 2005). The primary goal of my analysis was to determine how multiple authorizing structures came about in the New York State Charter Schools Act. I relied upon categorization and contextualization methods to make sense of the data (Maxwell, 2005).

Step 1: Analytic notes—Writing reflectively after the interviews. The first step of data analysis included writing preliminary notes (or reflective memos) after the interview as a way of preserving my initial impressions of those interviews. Next, I listened to the recorded interviews and wrote reflectively about ideas that emerged after hearing the participants’ words again. I reviewed these reflective memos continuously as each reading allowed for deeper understanding and the development of more ideas (Maxwell, 2005). The memos were a powerful means of recording my views and impressions of the information I gleaned from the interviews, such as notable quotes or personal biases (Rubin & Rubin, 1995). As such, these memos served as the foundation for the analysis of my study.

Step 2: Transcribing participant interviews and reviewing transcriptions.

The second step of analysis included verbatim transcription of the interviews with each participant. I hired Sylvia Mallonee of the Transcription Place to perform the transcription, and I followed up by reviewing the transcripts against the digital recordings to ensure accuracy.

First, I digitally recorded the interviews using in some circumstances an Olympus WS-500M Digital Voice Recorder and in others an iPhone with an external microphone as my recording devices (Maxwell, 2005; Seidman, 2006). This method of recording was effective for two reasons. First, the unimposing size of these minirecorders was less likely than a computer or other large recording device to feel threatening to participants. Second, I had the flexibility of transferring the files to any other technological medium (e.g., MP3). I hired a reputable transcription company for the digital transcription of the interviews. Transcription immediately followed each interview, with analysis beginning as soon as transcripts were available (Maxwell, 2005). Each participant was offered the opportunity to decline having his response recorded; none chose this option.

Next, to check for accuracy, I examined and compared the digital recording to the written transcription (Rubin & Rubin, 1995). The intention behind this step was to maintain descriptive validity (described in a section below). I found that this step was extremely important because the professional transcriber, for example, was not familiar with specific terms and at times misunderstood what the participants said. Without going back and checking for descriptive validity, I easily could have

misinterpreted my participants' words due to the transcriber's mistakes. Also, as I listened to the recordings, I paid attention to tone of voice, which often demonstrated nuances, such as sarcasm, that otherwise would not have been detected through a mere reading of the transcripts.

This step of analysis also included reading the transcripts for the four components of my research questions. It was important to approach the task of reviewing transcripts inductively. For example, I read the transcripts with an open mind, allowing the data to illuminate ideas that I did not anticipate previously (Seidman, 2006). Thus, the review of transcripts facilitated the creation of a preliminary code list outlined in the next step of data analysis.

Step 3: Developing preliminary codes. I began this step of analysis by circling and underlining what stood out most to me in the transcripts. I used a Microsoft Excel spreadsheet to develop my code list (Frechtling & Sharp, 1997; Yin, 2003).

Whereas the interviews were at the heart of this analysis, documents were analyzed primarily for contextual purposes. This step also included analyzing document data (e.g., bill jackets, newspaper articles, draft legislation, and actual legislation). Both my memos and the document data provided a context for my interviews with the participants.

Step 4: Categorizing by coding. In this fourth step of analysis, I looked for more robust codes and created categories. I developed preliminary substantive codes or descriptive subcategories of the organizational categories guided by a theoretical

approach, such as codes derived from my analysis of the literature (Maxwell, 2005; Strauss & Corbin, 1998). I framed theoretical codes in terms of each guiding research question and interview guide (Maxwell, 2005).

In this fourth step of analysis, I coded the interview transcripts and documents that I collected during the interviews in order to group concepts and themes by similarities. In this step, I “fractured” the data according to particular categories (Maxwell, 2005, p. 96). This step of data analysis took place for each interview. I analyzed data from one participant first—for example, the interview transcript of my interview of Tom Carroll. Next, I placed interview data into matrices, visual displays, headed by the previous codes. Then, I moved on to the next interview in order to make within-case comparisons first, followed by cross-case comparisons later.

The aim of this step was to look for emerging themes and relationships in the transcripts and documents by conceptualizing and grouping the data into organizational categories for further analysis (Maxwell, 2005; Strauss & Corbin, 1998). According to Maxwell (2005), organizational categories are broad topics established before data collection that function as “bins” (p. 97) for sorting the data during analysis. However, as I delved more deeply into analysis, I also reviewed robust codes as a way of developing substantive categories, which are characteristically inductive and descriptive (Frechtling & Sharp, 1997; Maxwell, 2005; Yin, 2003).

Validity

Given my relationship to this research topic and to the participants, I attended to validity threats throughout the study (Maxwell, 2005). The two types of validity threats with respect to study design were researcher bias and reactivity (Maxwell, 2005). In terms of interpreting data, I attended to the following validity threats: descriptive validity, interpretive validity, and theoretical validity (Maxwell, 2005).

Researcher bias. Researcher bias is “the selection of data that fit the researcher’s existing theory or preconceptions and the selection of data that ‘stand out’ to the researcher” (Maxwell, 2005, p. 108). I recognize that as executive director of the SUNY Charter Schools Institute, I came to this research with a set of assumptions and biases about New York’s multiple authorizing structures. I addressed researcher bias by writing and revisiting analytic memos as a means of reflection in order to understand clearly what my assumptions looked like (Wolcott, 1995). I also shared my analyses with a treatise writing partner and my treatise committee chairman, both trained in qualitative data analysis. In this way, I determined whether my biases might influence how I analyzed the data.

In addition, I personally coded all of the interviews and did not create a separate peer review step to the coding process. While I made every attempt to code without bias, it is important to acknowledge there were no structures to ensure interrater reliability.

Reactivity. According to Maxwell (2005), reactivity is “the influence of the researcher on the setting or individuals studied” (p. 108). For example, my role as

researcher and as executive director of the SUNY Charter Schools Institute might have influenced how my participants viewed me. I might have been perceived as knowing more about the content because I had been implementing the Charter Schools Act for over 2 years when the interviews took place. My knowledge of the Charter Schools Act due to my research in this area might have intimidated others; therefore, this might have influenced how participants responded to my interview questions.

I attended to these potential validity threats in two ways. First, I articulated to the participants that they were the experts and that I was in a position to learn from them. Second, I tried to avoid asking leading questions by designing and sticking to the interview protocol shown above. I solicited and received feedback on the interview protocol from my treatise committee chair.

Descriptive validity. Strategies that attend to descriptive validity threats must ensure that data are accurate and factual. It was important that I implemented strategies, like verbatim transcription of recorded interviews as opposed to selective transcription, in order to avoid misinterpretation (Maxwell, 2005). I also shared my interpretation of the interviews with the participants, a method that is known as *respondent validation* (or member checking), to ensure that their words were accurately recorded and not taken out of context (Merriam, 1998).

Interpretive validity. To avoid pigeonholing the data in a way that satisfied my assumptions, I implemented strategies such as respondent validation, as described in the previous section (Merriam, 1998; Seidman, 2006). Another strategy for

attending to interpretive validity threats was sharing my data with my treatise writing partner to cross-check codes (Miles & Huberman, 1994).

Theoretical validity. My position at the time of data collection and analysis was executive director of the SUNY Charter Schools Institute. This allowed me access to these interviews with participants and observations that could “help rule out spurious associations and premature theories” (Maxwell, 2005, p. 110). I searched for discrepant data by rigorously reexamining and sharing the data with colleagues to ensure the accuracy of my conclusions (Maxwell, 2005).

Chapter Summary

In this case study, I sought to examine the interview participants’ perceptions of the charter policy-making process. Through the qualitative methodological plan laid out in this chapter, I explored the participants’ perspectives as to the process of charter-authorizing policy making. In this chapter, I discussed the rationale for my study site and participant selection. I also explained my data collection methods and iterative process of data analysis. Finally, I described how I attended to validity threats. In Chapter 4, I present the results of this process and follow it with my discussion and recommendations in Chapter 5.

Chapter 4: Results

In the previous chapter I explained the methodology used to collect and analyze the data regarding the three research questions examined in this study. The following chapter presents the findings of this research, namely the processes that led to multiple authorizers being a feature of the Charter Schools Act, how the perspectives of the different actors involved influenced the multiple authorizing structures, and the how the multiple authorizing structures created in New York State in 1998 ultimately affected the current work of charter school authorization in the state. Features of the process that to the New York State Charter Schools Act of 1998 were discovered via the coding of interviews described in Chapter 3. The data presented here are themes that emerged from a review of the interview transcripts collected for this study.

Research Question 1: What Were the Processes That Led to Current Multiple Authorizing Structures?

To answer Research Question 1, I examined the processes that led to multiple authorizers being a feature of the Charter Schools Act of 1998. The data showed that the multiple authorizers provision was essentially a by-product of the processes that led to the bill itself, as there was little evidence of specific processes that led to the emergence of the multiple authorizers provision in particular.

Findings from an examination of the processes that led to the passage of the Charter Schools Act generally support the tenets of Kingdon's multiple streams framework. In this section, I describe this process in terms of Kingdon's framework,

discussing these results in terms of the policy stream, the political stream, and the problem stream.

Policy stream. The processes that led to the passage of the Charter Schools Act fit neatly into Kingdon's (1995/2002) assertion that policies result from rare opportunity where problem, politics, and policy collide. With the will of Governor Pataki in place, the problem having been kept alive by policy entrepreneurs, and the policy of the pay raise for legislators opening a policy window, a policy collision did indeed take place. Three central themes arose in examining the passage of the Charter Schools Act in relation to Kingdon's policy stream: (a) diverse specialists, (b) technical feasibility, and (c) the opening of a policy window. Below, I present a subsection on each.

Diverse specialists with common concern. Kingdon's theory holds that in order to pass legislation, diverse specialists with common concern for one area of policy problems are needed. Internal specialists and external specialists who led to the bill itself were present in this processes leading up to the passage of the Charter Schools Act.

There was a real mix of advocates and experts regarding this particular issue. Tom Carroll described the coalition working toward the bill as including appointed experts on the Republican governor's team, but also Democratic New York City clergymen. Carroll described this as a "kind of strange bedfellow coalition that developed around the issue." Carroll went on to describe Governor Pataki's transition from being a "conservative Republican" and not having much to talk to

people in inner-city neighborhoods about as a key part of his interest in pursuing this agenda item.

Bellafiore noted the coalition of specialists:

Here you had a conservative, White Republican standing up with Black ministers calling for something that where 100% of the beneficiaries of the policies are going to be in areas not normally associated with conservative Republican ideology.

Peter Murphy added that most people saw the charter issue as a White, Republican, conservative think-tank issue, but added, “What that overlooks is that you had... prominent members of the African American community and Latino community that did favor this.”

Value acceptability and technical feasibility. Kingdon (1995/2002) also argued that any successful policy issue must have technical feasibility and value acceptability. Technical feasibility refers to the prospect of the provisions of the policy being procedurally possible, whereas value acceptability refers to the palatability of the approach to the key decision makers. A process was taken by the policy entrepreneurs to ensure throughout the process that the eventual charter schools bill would be both technically feasible and have broad enough value acceptability—it was this work that ultimately kept the charter issue alive.

In terms of promoting value acceptability, the policy entrepreneurs felt like they needed to keep the charter bill alive because very few initiatives are successful on their first try. Bellafiore noted, “Very few complicated issues are passed on their initial go around, especially when there opposed by one of the two or three groups

that take turns running Albany.” Policy entrepreneurs kept the push for a charter bill alive by appealing to interests of politicians throughout the process. According to Carroll,

The first challenge is actually to keep your advocate for the issue or the governor interested in the issue and for him to become more and more passionate about your interest over time rather than have it flame out and it goes on to the next new thing. And I think he became convinced what made it work for us is Pataki got—the more and more he knew about charters and the more and more he went to events in which all these unlikely people were standing next to him, the more and more jazzed he got about the issue. And as it played out, he also thought that he had, I think he increasingly thought he had the high moral ground on the issue. That he was for getting quality options to needy kids and the other guys, you know you basically had a bunch of special interests trying to kill it off. It had no reason other than it broke up their monopoly.

Carroll went on to say that, for the bill to be successful, it was imperative that the Governor not just introduce it but also fully back it in order to get the attention of the Legislature. The policy entrepreneurs worked hard to achieve this, according to Bellafiore:

And we continued to work the issue throughout the summer and the fall so that—well, for two reasons. One, to make sure that everybody stayed active so that the issue stayed alive, and two, importantly, so that the governor knew that this was something he needs to put on his wish list.

Once the governor was convinced that this was a winning policy, Governor Pataki started to own and value the issue even more. According to Faso, “I think from a political perspective they pushed on this to Pataki’s agenda, and I think Pataki soon became sold on the idea, on the notion, and that’s really how it all evolved.” Carroll also offered,

So I think in his sense, in terms of positioning, that was a pretty good place to be, so he got more and more attached to the idea, and in an executive dominated state it was all about, you know, there was a grass roots aspect to it, but it ultimately came down to a trade between legislative leaders and the governor. So his motivation became more important than anything else. So his evolution of being passively interested in it and then becoming really, really interested in it.

Not only did policy entrepreneurs spend their time building the investment of the governor to keep the issue alive, but they also did so by making it more acceptable to outside forces. Backstrom and Bellafiore described creating the Charter School Resource Center at the Empire Foundation in order to drum up public support. Bellafiore said, “For a year and a half we did the hard work of organizing, talking to people, and elevating the issue in a public and political consciousness.” Backstrom added,

We thought one of the best way to grow the movement and the public pressure was to actually get people seriously thinking about it in such a way that they would actually pen the papers saying, “Here is the type of school I envision.” I think that was significant not so much for the politicians as it was for the public, and we sort of were able to create a buzz that there is an alternative out here, obviously with 30 or 35 other states already doing it, the ability to point at something that had happened was there, but it wasn’t home grown.

Consistent with Kingdon’s multiple streams framework and the concept of policy stream, policy entrepreneurs needed to sift through the specific proposed measures to determine their assessment of technical feasibility of each in addition to making sure of its value acceptability. To that end, particular items were kept in and taken out of the bill to ensure the votes would be there to ultimately pass the bill. Carroll noted the omission of a clause that would have provided charters funding for

facilities. It was left out due to the perception that it might cost too much, particularly in New York City:

We attempted to get in the Assembly but they wouldn't agree to just literally just add on an extra \$1,000, \$1,500 per pupil to every kid in New York City, just because the expense structure there is different than anywhere on the planet, then ultimately were not able to get that in.

Other examples of improving technical feasibility were offered by Murphy, who noted that the group lowered the number of charters proposed, created a trigger for automatic unionization of charter school teachers if a threshold of 250 students was exceeded in first 2 years of charter operation, and requirements around the certification of charter teachers all in the name of making the bill more feasible to opponents. In particular, policy entrepreneurs considered the feasibility and acceptability of the bill relative to the views of the state teacher unions. Either unions had to be on board enough or legislators needed to be persuaded to ignore the wishes of the unions to make bill passage possible. Backstrom said,

I think another critical point clearly was Pataki's veto of the additional education spending. The other one was to give UFT [United Federation of Teachers] what they wanted, which had the unique kickback effect of allowing Pataki to be able to sever them completely, because it never would have happened in others, you know, the obvious pairing with the legislature pay hike.

A last example of technical feasibility was the proposal of the existence of charter schools versus that of private school vouchers. As a contrast to a charter bill that could be tweaked into tolerability, it was a far more acceptable outcome to opponents than another education reform effort, that of private school vouchers.

Bellafiore offered, “Vouchers would never happen, so [charters] was the next best thing to do.”

A policy window opened. Kingdon’s multiple streams framework describes successful policy creation as a result of a policy window opening, allowing for the streams to converge. Such was the case with the rise of the Charter Schools Act. Below I describe how policy entrepreneurs first kept the issue alive long enough for the problem that needed to be solved to “float by,” thereby being in position to take advantage of the open policy window. Policy entrepreneurs then faced choices about which issues to push and how to do so within the limited policy window.

Policy entrepreneurs kept the issue alive. With hopes that a policy window would open, the policy entrepreneurs kept the issue of charter schools in play. Bellafiore added, “We did a lot of hard work of reaching out and making sure that people were aware that the governor wanted to do this thing and then bringing them in.”

In addition to gaining public support over time, policy entrepreneurs used politics and persuasion to keep the bill alive. According to Faso,

It was just the means of persuasion you always use. You hold out—you try to make good arguments as to why this is good from a philosophy—and then with people who philosophy doesn’t work with, you use the favors, and with people who the favors don’t work, you use threats. I mean it’s democracy.

With all the work the policy entrepreneurs did to keep the charter school issue alive until a policy window opened, they believed all along that the bill would finally

get its chance. Bellafiore said, “We kept the ball on the table. Eventually somebody is going to put his head down and swing.” He went on to say,

And that was the same model up with charter schools, the same thing that we ran just 2 years later, which was keep the thing alive, work the thing when nobody is paying attention. Let the public spotlight be shining over there; we’re going to do go do our thing over here, because at some point the governor is going to want to pull it off the shelf and come in at the end. Sort of come in for bell—and he was active, he had to meet with people that we wanted him to meet with all through the process, but it was never a high priority because nobody thought they could win it. So the policy entrepreneurs agreed term for it, but it’s something that people who are in public strategy live with all the time.

According to Faso, Carroll, Backstrom, and Bellafiore, it was their set of key specialists that kept the issue alive—namely staffers for the governor and the external think tanks of Education Reform and Change New York. Carl Hayden noted the conservative think tank Manhattan Institute along with Tom Carroll as particularly important players in the process in “providing the intellectual grist for what was a distinctly political act.” Backstrom stated a slightly different explanation in saying that there would not have been any clamor for this issue if local policy entrepreneurs were not pitching it as if, despite interest from more established groups like the Manhattan Institute and some of the national groups, “there wasn’t really a home grown effort other than the ones that we instigated.”

In describing the work of the think tanks and advocates like Carroll, Faso noted, “Those folks were really quite dedicated to getting something done.” Carroll agreed, saying, “Our assignment was to make it part of the agenda.” He went on to

say, “Yeah, our role was we were the principle group agitating for the bill to be advocating for the bill to be adopted in the first place.”

Carroll saw himself and his colleagues as the specialists responsible for keeping the process alive, particularly given the strength of what he saw as the policy opposition. He said,

It’s one thing having another idea; it’s another thing to be able to get it in. And then the third thing is another thing to actually be able to have it executed. And there’s a lot of examples where all three haven’t happened simultaneously. So, for example, the Manhattan Institute spent a lot of time kind of working on the idea, side of charter schools, but they had no capacity to get anybody to do anything with the kind of the broad theory of charter schools. A bunch of great papers, great conferences, but it didn’t translate into politics. And then you could translate some of the politics, but there still has to be an implementation and continuous improvement that follows after that. And then, because the charter schools, there is a whole political aspect to this in terms of—because the teachers unions are on the other side. There had to be—in some states there has not been a counterweight to the power of teachers unions on charters.

Policy entrepreneurs pushed the issue through the window. With the policy entrepreneurs deciding to keep the bill alive, they waited for a problem to “float by.” Carroll actually described the convergence of the two issues of the legislative pay hike and the charter schools bill as a “locomotive that couldn’t be stopped.”

The timing of this process was critical, according to Bellafiore:

Good timing—the law would never have been passed if the legislature didn’t want its first pay raise in 10 years. Which is how it eventually got passed in 1998, in fact on the last day of session in 1998 I was talking to one of the guys, one of the community organizers we had been working with, and he said, “Well, what are we going to do now?” I said, “We’re going to wait for the pay raise bill,” and Governor Pataki, to his great credit of all the things he could have asked for in exchange for something that the legislature would have sold its mother for, he said charter schools.

Policy entrepreneurs believed that they needed to work quickly given their sense that the window would only be open a short while. According to Carroll, they therefore took action quickly:

At the time people had argued with us that, you know, we'll never be able to do another deal. This is the best offer, which how negotiations go and it's just like. I didn't believe it then, and we were vindicated at the end of the year. So then after you know we figured holding up the money clearly didn't work, we went through the summer. It included under Mario Cuomo, they had a provision the state aid that was equivalent to, they were subsidizing a \$1,000 incentive for every single teacher in New York City, which was a gift in a sense with tax money, which he adopted before one of the times he was running for reelection. So the thought was the union leaders were opposing it, by digging their heels were costing each member \$1,000, so we thought that that would play on them, and they did not bat an eye. So there was no indication of any weakness or hesitation or anything whatsoever.

Moving quickly given the limited window of time, the policy entrepreneurs faced choices of which issues to push and how. As an example, they decided that it made more sense to prioritize charters and abandon the more politically risky issue of private school vouchers. Backstrom said,

There were people even within our sphere that didn't like the notion of charter schools, because it thought it bartered down the attempt to get vouchers and public stayed as bad as it was longer. That people might be more readily able to swallow something as dramatic as school choice vouchers.

As choices were made, policy entrepreneurs developed detailed proposals so as to take advantage of the policy window. Murphy described the process as follows:

We designed what the charter law would look like. Like this is what it will do. It will allow a lot of unlimited charters, it will allow multiple authorizers, you know all the things that make for a good charter law, to be kind of gobbled up from other states. ...So we knew what made for a strong charter school law, so that was how we designed ours...primarily with the research that had been done during the year dealing with I guess it was the Empire Foundation of Policy Research, which was Tom Carroll and Brian Backstrom,

and Center for Education Reform, which had done a lot of the state-by-state rating system and all of that. So we knew what made for a strong charter school law, so that was how we designed ours.

Carroll offered up a few of the other detailed considerations made by the policy entrepreneurs, including an approach to appease the teacher unions by limited the size of an opening school by making it mandatory that the school unionize if it started with over 250 students.

Our view was it's a good idea for the schools to start small anyway, so as a practical matter the [automatic unionization] provision would never get triggered, with the exception of, the only schools that would normally go higher than that would be the for profits. So then another provision was put in that some of the for profits for financial reasons would have to start higher than that [number of charters], so there had to be the ability of making a separate category, if you will. So then what Bob and other people called the Super Waiver provision got put in, in which Pataki said, "Okay, I'll accept 250 but only in Year 1, but in Year 1 I want the ability to issue these Super Waivers."

According to Lubin,

For [the teacher unions] it was the issue of maintaining the rights to be unionized. The key issue for us was the 250 threshold. Many of the for-profits got around that by starting the first 249 students, and it was really a clear message to us that they were coming and—but that was the threshold.

Backstrom added that the policy entrepreneurs had to settle for what they felt were less than ideal funding provisions in order to see the bill pass:

You know we got no capital money at all. We were like, so what if facilities are the hardest issue? We still want the policy; we want the door open. And so it was more of a practical approach, but we surely didn't want to start from the weakest law or the 25th weakest law in the nation. We needed a strong base on which to build.

Detailed proposals were offered by actors on both sides of the charter issue, but it was clear that policy entrepreneurs in favor of charters could not get everything

they wanted. According to Bellafiore, there were other non-charter-related issues that needed to be considered along with the charter bill:

He had two other issues, and both were related to budget reform. One was stipulating that the legislature would not be paid while the budget was late. They get all their money, but you can't reduce their pay because it's set in statute so they get, so it's withheld until the budget is done. And the third one was some other sort of technical budget reform that had to do with the language of the way the budget—so it was three things that the governor asked for, and there might have been a fourth, but charter schools was the big one, and everyone always says, “Well, you know the only reason Charter Schools got passed was because the legislators wanted a pay raise.”

Political stream. Tenets of Kingdon's political stream were also consistent with the process that led to the passage of the Charter Schools Act. The following section describes the role Governor Pataki played in driving the bill forward, the minor role of political party influence, the consideration paid to key interest groups, the influence of the national mood on the issue, and the lack of pressure from upcoming elections.

Politicians set the agenda—Governor Pataki led the way. The key politician in the rise of the Charter Schools Act was clearly Governor George Pataki. Hayden stated, “It certainly appeared that Governor Pataki was the primary sponsor.” All of the interviews supported the notion that without Governor Pataki's public and backroom support, the Charter Schools Act would not have gained any traction. The following sections describe how Governor Pataki's interest in the area grew, why he was compelled to drive the effort, and why ultimately it was his leadership that made the difference.

Although Governor Pataki ultimately made charters a priority, it took some time for him to decide to do so. When the issue was raised in earlier session via early bills, Governor Pataki showed little interest. According to Murphy,

Governor Pataki, looking for a new area in which to make his mark, willingly introduced a—what we would call a pure Charter School Bill in 1997. He introduced it as part of his package of gubernatorial legislation, and we were pretty happy about it, but I think there was no push at all from the Executive, and it died sort of an easy death. ...I never got the impression the governor was that interested yet. He put it out there, but this was not a priority in his mind, that's my understanding. And it's not a knock on him, it just, again, there were still a lot of other issues into play.

As described in previous sections, the policy entrepreneurs helped convince Governor Pataki of both the issue's importance and feasibility. Carroll described that it was Governor Pataki's motivation that solidified the deal that led to the legislation:

So I think in his sense, in terms of positioning, that was a pretty good place to be, so he got more and more attached to the idea, and in an executive dominated state it was all about—you know, there was a grass roots aspect to it, but it ultimately came down to a trade between legislative leaders and the governor. So his motivation became more important than anything else. So his evolution of being passively interested in it and then becoming really, really interested in it.

Once Governor Pataki did prioritize it, the issue of charter schools moved forward. Faso indicated that Governor Pataki's support made all the difference relative to earlier attempts to move charter schools onto the agenda: "Once the governor's office decided this was something they wanted to do, they really worked hard at putting together a strong bill."

Faso concurred with Hayden's statement above, noting that it was the governor's office that ultimately moved the bill forward.

Because it was so much driven on an inside basis, the governor and his staff with the Charter School Advocates drove the legislation, they drove the drafting and everything like that. And when push came to shove they forced the legislature—both houses, the Republicans and the Democrats, and this is Republican and Democrats in the assembly—they forced them to do it and only by holding—whoever came up with that device, whoever made that decision and the governor, either it was the governor or the governor’s staff, whoever made that decision that this was the fruit that they should offer them in order to take the poison. They really deserve a tremendous amount of credit.

Murphy also offered the analysis that the bill came down to the Chief

Executive being willing to push the bill over the top. He went on to say,

Ultimately it came down to a willing governor and supportive governor, you know with enough kind of pressure momentum that was built up. ...So you had a 2-year vetting of this legislation and so why ultimately—it was a willing governor and you had some key allies and we were the 34th state, so I think it was just a desire to try something and a willingness of enough key people to make it happen.

Whereas getting the bill done at all came down to the governor, so did the inclusion of particular provisions of the bill. One key provision the governor wanted included dealt with the issue of charter school authorization power. Interview participants overwhelmingly agreed that the reason the bill ultimately split authorization powers was because the governor wanted it happen, or to at least weaken the power of the New York State Board of Regents. Carroll described Governor Pataki’s push for this specific measure that would allow for the executive-controlled SUNY Board of Trustees to essentially have autonomy over the schools they authorized:

So the other quickie provision is what I call the ping-pong provision of the law in which the governor said it’s got to be an entity I control: SUNY. The Speaker is saying, no, it’s got to be the Board of Regents, which I control.

And then they say, okay, well, it will be half and half then. And then the Speaker said, well, I still don't want—you know the regents is supposed to be control of everything in the state, and so the regents have to have the final say.

As Carroll's quote indicates, while the Governor was clearly driving the agenda, the Assembly Speaker Sheldon Silver was another politician impacting the agenda. Hayden described the ultimate deal as having come from "a private conversation" between the two. Bellafiore and Lubin made specific note of the same. Hayden explained that Silver's Assembly colleagues had a pay raise to gain from these negotiations, and Silver was their leader.

Fundamentally a conversation between George Pataki and Shelley Silver—and remember that it's Shelley's members who live in the city where everything costs more. Usually the ones who are most aggressive on the subject of seeking pay increases. You're seeing that played out again this week. They've unhooked the judges' salaries and now there is, you know, a lot of agitation about a pay increase because there hasn't been one in I think 10 years or something. And it's because this is, for many of them the only job they have, and they have trouble getting by on their legislative income. So the pressure in the Assembly on the Speaker is much greater than the pressure in the Senate on the majority vote.

Political party affiliation. The role of political parties is not prominent in Kingdon's multiple streams framework. However, political party affiliation was mentioned frequently in the data, so a code was created for it. Results showed that, although it came up frequently, political party affiliation had little to nothing to do with the process or outcome. Rather, it was an ideology regarding school choice that seemed to play a bigger role. Murphy said,

I don't see [party mattering]. I just don't think that entered in, I mean it may have comported with people's political philosophy but ultimately that doesn't—I don't see it playing a big role, there are other factors. There has to

be supporters behind it, there has to be some momentum, I don't think—I mean very little is done for political philosophical reasons that I can detect.

Carroll agreed that political ideology had little to do with the outcome:

And then a lot of what went into it is just brass knuckles politics, it had nothing to do with philosophy. It was just there are facts on the ground in New York politically, were barriers that had to be addressed in order to take an idea that a lot of people agreed with but to practically get it adopted in functional way in New York, there were just practical, on-the-ground obstacles that had to be worked through.

Backstrom said Governor Pataki was more driven by the traditionally conservative political philosophy of school choice rather than general conservative political party or even ideology as a whole. Not all interview participants agreed on this issue. Carl Hayden believed the move was very much driven by political ideology, saying that Governor Pataki was acting upon an “impulse abroad in the Republican Party, which was an ideological commitment to the power of the market to affect better results in every realm.” He went on to say,

The theory is that charter schools would create a competitive dynamic in public education that would have the result of strengthening the entire enterprise. That was certainly the way in which the philosophical underpinnings of the proposed Charter Schools Act were portrayed to the public.

While there was some disagreement as to the role of political ideology and party on the part of the proponents of the bill, interview participants indicated that opponents of the bill were driven by political ideology. Backstrom mentioned the Democrats in the legislature positioned themselves with the interests of teacher unions and their views on school choice rather than the liberal political ideology as a whole. Bellafiore said this of the Democratic controlled Assembly:

I think in the State Assembly they believed very, very strongly in the existing public educational system. And they believed that schools that have, they believe the rules are in place for a reason. The regulations are in place for a reason and that the structures that currently exist in the district K-12 system won't matter and that the only thing that they really need is more money. I think that is a deeply held personal philosophy, and to their dying day they will all say that that is the right way to do it.

Bellafiore believed that Governor Pataki's desire to be a centrist led him to keep his party affiliation in check. He explained that in New York, a predominantly Democratic state, Republicans running for state-wide office need to appeal to some Democrats. Bellafiore also pointed that national Republican attention to school choice likely influenced the process.

The same sort of way you look at your neighbor's lawn and say, "Well, I wonder how they get their lawn so nice, what could I do to do that?" So that was one. Two, it was an initiative that was being pushed primarily by conservative Republican thinkers and funders because it was market driven and two it had a real market point of view about school reform, which is until you start to take away—until you affect people's cash flow, they won't pay attention. So it was largely pushed by Republicans.

While Republicans were the more likely party to be pushing charter schools nationally, this issue broke traditional political party lines. Multiple interview participants discussed the coalition of conservative, White Republicans and Democratic inner-city Black ministers described above. Bellafiore described this phenomenon as follows:

One hundred percent of the beneficiaries of the policies are going to be in areas not normally associated with conservative Republican ideology. So it finally broke through that barrier, that political barrier that Democrats had always used to talk to urban constituency groups about, "They don't care about you." Well, here was one they clearly cared about you. Part of that was it was a major initiative of the Clinton Administration, so it sort of helped

build that thing that this is not a partisan issue. So it had to be the core elements of something that gets the political processes attention.

Political party control also came into play when it came to who would authorize charters and essentially control them. Backstrom described splitting powers between the Republican (Executive) controlled SUNY board and the Democratic (Assembly) controlled Board of Regents as “an unequivocal decision to give control to Republicans and to Democrats.”

Politicians considered the views of interest groups. While the politicians drove the agenda without a strong role played by political party affiliation, the special interest groups (New York State United Teachers, United Federation of Teachers, New York City Department of Education, New York State School Board Association, legislators themselves) were all considered during this process by Governor Pataki. Carroll noted this consideration as intentional, saying that after the idea was “popularized,” the policy entrepreneurs determined how best to manage the interest group politics. He said, “So the question was how Governor Pataki could leverage something else to get them to adopt it.” Lubin described the state teacher union’s nonopposition of the Charter Schools Act despite their clear opposition to charter schools in general.

There were tremendous political ramifications in the state at that time. We were able to get some pieces [unintelligible on recording] some immunization and some basic rights of the people working in charter schools. Not nearly what we thought was necessary, but to the point where we did not have to oppose the bill.

To prevent them from opposing the bill, the unions ultimately did get some concessions including the 250-student provision described earlier.

The Pataki Administration considered not only the anticharter school lobbies but also, obviously, the procharter special interest groups. Change New York and Education Reform New York, both described above, were key resources for the governor's office. Education Reform New York's Backstrom described the nature of his group's role:

So whether he was doing that because he thought we knew a lot about charters or whether he was doing it to make sure that political positioning was correct, you know only he would know the answer to that question. But the upshot is we were called on these provisions and we were—sometimes the call was from Bob [Bellafiore], sometimes from his budget director, sometimes directly from the governor to check on different provisions. And similarly as we heard things going what we thought were the wrong way, the calls were at times in the reverse.

These conservative special interests were interested not just in advancing the creation of charter schools but also in limiting the role of teacher unions in New York State public education. Carroll described his group's advocacy for a funding system for charters that might achieve both objectives, saying that the money to fund charters should come through districts and not be directly state appropriated, given what he saw as a potential annual state budget fight with the legislatively influential unions.

When the bill was finally agreed upon, it was clear that the most important special interest involved was the Assembly itself, who opted to allow charters in return for a pay raise. Bellafiore stated,

Well, it was ultimately passed and signed because of the pay raise, but I would say that the pay raise provided cover for a lot of legislators to vote for this

thing, when they otherwise would not have been able to because of pressure from the unions.

Tom Carroll described it as follows:

Like what would get the legislature to do something contrary to the wishes of their one of their two most significant donors, the other being SEIU [Service Employees International Union]. And the conclusion was there was only one thing that would and that was, you know, a direct legislative pay hike. In which the calculation was that their self-interest was then misaligned with their political interest and they would choose self-interest over political interest. And Pataki for the rest of the year disclaimed any interest in doing a pay hike whatsoever. And then after the election they kept—the background on a pay hike in New York, constitutionally you have to adopt it prior to the 2-year session, which you want to get the pay hike. So they knew that if they didn't agree with him on the pay hike, by December 31st of that year, they wouldn't be able to get a pay hike for another 2 years.

National mood impacted the rise of the agenda. The politics around the issue of school choice were on the rise around the country, and that played a role in the issue having political acceptability. Lubin described a “national pressure” put on Governor Pataki and New York to do charter schools right. Hayden offered the view that Governor Pataki wanted to “make a splash nationally.” Bellafiore indicated that the issue of charter schools was particularly popular with conservatives around the country and in New York in that they would constitute a rare policy shift that would not come with additional fiscal impact. Bellafiore also described the effect of charter school legislation developing around the country as noted above.

Carroll described the national work on charters as comforting to Governor Pataki:

The fact that three dozen states had already done it, in his mind I suspect gave him a lot of political comfort and that there was on a national level it was viewed as a bipartisan issue. It was not viewed as particularly in a lot of

states, and so he didn't think, whereas if it was like vouchers or something he would that was maybe a little too edgy for him. I thought he was pushing something that wasn't too radical in his mind. He was totally entranced with the kind of strange bedfellow coalition that developed around the issue.

Pressure of elections and political turnover. While many of the tenets of Kingdon's multiple streams framework, particularly the political stream, are consistent with the rise of the Charter Schools Act, there was relatively little threat of political turnover driving the agenda at all. Rather, Governor Pataki was in a comfortable position relative to the election cycle. The issue of charter schools was not something where political turnover was a threat and was therefore less of an issue than Kingdon seemed to argue. That said, people close to Governor Pataki believed he had national aspirations and wanted to expand his outreach to inner-city constituents, so the issue of elections was not completely absent from consideration during this process.

Governor Pataki's support of the bill was to be seen as centrist, thereby making him more electable in a majority-Democratic state. Carroll posited,

As a Republican, really started out as conservative Republican, he didn't frankly have a lot to talk to people in certain neighborhoods about, he didn't have a lot of things to talk people like Floyd Flake or Calvin Butts and these other people. So, and there were a lot of community groups including at the time the Hispanic Federation that were very interested in the issue, and so I think for him—and he's always viewed himself as kind of the more moderate part of the Republican Party. It would allow him to create a conversation with a bunch of people he really didn't have much to talk about with otherwise, and I think he was very attracted to that. And in terms of do-ability, any issue where you can get strange alliances and you can cut into the other guys' base makes it more politically possible, because in a Democratic state as a Republican governor selling a purely Republican issue is not, you know, successful strategy. So in this one case, since the beneficiaries were largely going to be low-income, minority children in Democratic households, he

ultimately thought that there would be no way for the Democrats to block it. That at some point they would have to do it. Whereas if it was some other issue, you know, they might not have been as flexible.

Problem stream. The tenets of Kingdon's problem stream were met, but not as clearly as the others. Although it became clear that a significant problem needed to be solved and that the problem was brought to the attention of the policy makers by the policy entrepreneurs, it is not evident that a dramatic or focusing event seized the attention of policy makers, as Kingdon (1995/2002) indicated is common within the problem stream.

A significant problem needed to be solved. Interview participants each indicated that the schools were not serving the public well enough for the cost. Carroll stated, "Too many kids were in bad schools." Faso offered the following perspective:

So I think more and more people became alarmed at the failure of results, and the traditional impetus of the political establishment was simply throw more money at it. That, indeed, is still a common refrain of folks, just more money equates to better results. I think we are now spending something in the neighborhood of \$18,000 per child K-12. And I think most people, most members of the public are not cognizant of that at all. I think if you ask them they would give you a number more like \$5,000 or \$6,000. ...The key problem, the top three ones were the educational performance of and outcomes of children, the educational performance and outcomes of children, and the educational performance and outcomes of children.

Carroll added the problem of teachers lacking autonomy to the mix but also indicated the problem of "districts being left to their own devices would not clean up their low-performing schools" as critical. Bellafiore cited the primary problem as poor academic performance in district schools coupled with few parental choices,

particularly for students from poor families and racial minorities. He described the lack of choice problem as follows:

Because they [inner-city Democrats] had been getting hosed by the system. These are people whose areas contained—gotten the least attention by the public school structure. Nobody had any creative ideas to solve them, and they had been, you know, they had been neglected. They're neglected in terms of difficulties in terms of school funding, difficulties in terms of attention; people didn't care about them. You know, these are people in the South Bronx and Bedside and lousy parts of Buffalo where nobody was paying any attention, and people had fled. People had no choice.

In addition to the problems of cost and insufficient academic progress for at-risk students, education was seen as having an impact on economic policy and development in New York State. Backstrom described it as follows:

There was a fairly dramatic cut in personal income taxes, about 25%. It dropped New York from the most heavily taxed state in the nation to the most heavily taxed state in the nation, even with the 25% cut. But that sort of took, from a public policy and public interest perspective, sort of took taxes and economic development off of the top three on the electorate's radar screen and dropped it down. And after that move, every year education policy became more and more of a growing concern, not just for social policy but also for economic policy and the development of the state. ...I think that there was truly growing frustration with property taxes are probably the most significant element, but it wasn't just the bill people were paying, it was the fact that they saw nothing for it.

Problem was brought to the attention officials by policy entrepreneurs.

Although there was no dramatic or focusing event to cause policy makers to pay attention to the problems listed above, it was policy entrepreneurs who brought the issue to the attention of policy-making officials. The sections above note the role the policy entrepreneurs played in bringing the issue before Governor Pataki.

Research Question 2: How Did the Perspectives of the Different Actors Influence the Multiple Authorizing Structures Featured in the Charter Schools Act?

To answer Question 2, I collected and coded the transcribed interviews described in Chapter 3. With the results of the previous section having indicated that it was primarily Governor Pataki and Speaker Silver, on behalf of the Assembly, acting as the chief decision-makers regarding the outcome of the bill, this section focuses on the perspectives of each. I also note the perspectives on multiple authorizing of the policy entrepreneurs who so heavily influenced the process. The section covers how the governor's desire to see school choice take hold in New York State, his political career, and his desire to strengthen executive powers that brought about multiple authorizing structures in the Charter Schools Act. It also shows how the Speaker's conflict of his political interests and his self-interests ultimately influenced the bill's multiple authorizer feature.

Governor Pataki's ideology a key driver of multiple authorizer provision.

Data from all interviews indicated that the governor's ideology regarding school choice was the primary reason he wanted to have a multiple authorizer provision in the Charter Schools Act. As noted above, by some accounts, the governor's ideology was aligned with a traditionally conservative political philosophy of being a pro-school choice, so as to create a competitive dynamic in public education, whereas others believed it was a primarily political set of motives that pushed Governor Pataki to support the charter schools effort.

In either case, the governor was clearly a proponent of the creation of quality charter schools. To reach this end, he apparently believed that the state would need different avenues of charter creation to improve this possibility.

Governor Pataki sought an active charter-school authorizing process.

According to John Faso, the governor was primarily “concerned with having a fair charter-authorizing process.” The interviews with all of the other participants indicated that “fairness” was a proxy for the allowance of effective charters to exist at all, something he did not believe possible if charters were only authorized by the New York State Board of Regents. The governor’s views of the appropriate role of the Board of Regents was also a factor in his push for multiple authorizers. Governor Pataki’s desire to see a path toward the emergence of effective charter schools was a reason he eventually wound up choosing the SUNY Board of Trustees as the additional authorizer to join the New York State Board of Regents. Given the governor’s intent to create an authorizing process that would yield a significant number of charter schools, he wanted at least one authorizer that would be able to certify them.

Belief that the regents would not actively authorize charter schools. His expectations of the regents were that they would not do so, and as such, his goal was to keep the decision making over charters from solely sitting with the state education department and the Board of Regents. Faso put it this way:

We knew that we couldn’t depend upon the state education department to fairly and aggressively pursue the law. We knew we had to have a separate authorizer...the education department being controlled by the Board of

Regents and the Board of Regents being effectively controlled in their appointment by the Speaker of the Assembly, they were really under a lot of their political persuasion. So having this separate authorizer is key. ... So we knew that we couldn't depend upon the state education department to fairly and aggressively pursue the law. We knew we had to have a separate authorizer.

The expectation of the governor appeared to be that the Board of Regents would not have been inclined to advance the number of charter schools, given the nature of how the regents are appointed. Murphy stated that the views from the governor's office were that the regents were "not deemed friendly to the issue" of charter schools as a whole, despite there being some individuals who supported their existence. He said,

What was felt was that [the regents] just showed so little enthusiasm that the idea of entrusting them to this was a nonstarter; there had to be another avenue. And that is something that just was held out for, and it was a matter of, you know, the Speaker not wanting that, of course, because the regents are ultimately the Assembly majority appointees, so that again was a classic clash of the branches of government.

Bellafiore's statements on the issue were aligned with Murphy's:

Everybody knew that if you left it to the regents to do charters, you would have no charters, and it didn't matter if your cap was 6 or 100 or 1, you wouldn't even have that, because they were not interested. And for the first couple of years they had a hard time seeing why this stuff mattered, learning standards, 27 versus 6. ... And that was if we had had the single authorizer, you wouldn't have any schools. No question in my mind that you wouldn't have any schools; we would have very few, or you'd have only ones that were no different from the ones that already existed, and I think Hayden will tell you.

Bellafiore offered a different reason for doubting that the regents would ultimately authorize schools: basically that they had too many other responsibilities to take this one seriously.

Everybody had every expectation that SUNY would be out there great guns and that the state education Board of Regents would be kicking and screaming. Because again it was not a priority for them. I mean, they have all these other things that they are responsible for plus this little, for them it's a lot of work with 2% of the kids when they've got to worry about 100%.

Governor also wanted to weaken the regents. The consensus of the interview participants was that the governor saw the Board of Regents as hostile to his agenda and wanted to keep them from control of charters if not weaken their power altogether. That is, he saw them as likely barriers to seeing his ideological vision around school choice coming to fruition. Tom Carroll noted that, like Governor Mario Cuomo before him, Governor Pataki considered ways to abolish the Board of Regents and thought that all of the education decision-making functions at the state level should be an executive function.

Carl Hayden, the chairman of the regents at the time, indicated that because of their assumed differences in philosophy, the governor did indeed seek to weaken the power of the regents:

The assumption would have been that we would have opposed any alteration to the existing scheme of things and particularly any change that would compromise our exclusive dominion over the education portfolio. ...I can't speak for Governor Pataki, but from his perspective he would not see the Board of Regents as a reliable steward. He would, I think, have really questioned whether charters would get a fair shake under the regents.

Hayden went on to indicate that Governor Pataki was passionate about holding control of at least one of the charter authorizing entities, and, as a result, he would not concede that issue. Hayden also provided his personal, more nuanced view on charters, which seemingly justified the skepticism of the regents' support of

charters and ultimately their appropriate role in authorizing them. Hayden put it this way:

I think my concern was that charters were really stalking horses for vouchers, and vouchers are something that I opposed then and oppose now, because I believe in public education in all of its richness and all of its manifestations. I do not believe in subsidized private education, public-subsidized private education. So, I was concerned that the SUNY Board might simply use the charters or to be more direct about it, that the governor would simply see charters as a way station, sort of voucher school. We had had two votes in the Board of Regents on whether or not to authorize vouchers, and the first time we voted was the only occasion, during my 12 years as a regent, that Governor Cuomo came across the street to talk to us. And it was because he was so concerned that we might approve a publicly funded voucher system. ...I was supportive of charters to the extent that they kept it out—the ability to innovate in a de-regulated environment. I thought that that would be very useful. What I didn't know was whether or not that was the whole agenda.

Governor Pataki chose SUNY as second authorizer for executive control.

The governor's first design of charter authorization responsibilities was the proposed creation of an independent commission that would authorize charters for the state.

The proposal, according to Bellafiore, was to create an independent committee that would authorize charters, consistent with the governor's pro-school-choice ideology.

The idea, to have an appointee from the governor's office, Speaker's office, the Senate majority leader's office, and the two respective minority leaders' offices

essentially would have given a functional majority to the Republicans. Bellafiore stated:

So my guess is that that came off the table and when the legislature said there is no way we're doing that. ...I think that happened at the negotiating table, and I think it was part of probably the Assembly saying we only want the regents, we don't want anybody else involved, and we don't want your commission because you dominate it.

Once this idea was rejected by the Speaker's office, Governor Pataki looked to the SUNY Board of Trustees. In describing the push to give the SUNY board charter authorizing responsibilities, Bellafiore noted that the rationale to use SUNY was likely an easier sell than that of the independent commission proposal:

Then the governor went to SUNY and said, "Well here's a body that the Senate confirms and that you have some oversight of through budget and other means." And they also were involved in education, and they were already involved in teacher education, so it's not that hard to back it up, to move their role backwards in what is now commonly known as the pipeline.

Tom Carroll noted that the governor wanted SUNY involved, not because it had any special expertise in charter schools, but because it was an entity that the executive branch could control. Carroll stated,

[SUNY was] an entity that he thought would, he could make sure stayed, reliably procharter. And because they had a bunch of teacher colleges, you could plausibly say that they had some involvement in K-12, so it wasn't like, you know, you gave it to the office of some other, like the Department of Labor was handling it or something. It was an educational entity and he controlled it. ...At that time the SUNY board was much more a political instrument than it is today. It was very ideological and it saw its primary, at least as I viewed it, it saw its primary allegiance as being owed the governor rather than the students.

Put more bluntly, Carl Hayden said this of the relationship between SUNY's board and the governor:

Republican penchant for good discipline got played out rather dramatically during the Pataki years. I mean the—Tom Eagan [chairman of the SUNY Board of Trustees] would essentially do whatever it was that the governor suggested that he do, and he would command that the board fall in line.

Perspectives of policy entrepreneurs led them to push for multiple authorizers to ensure a lasting policy. The policy entrepreneurs who had been pushing for legislation that would allow for charter schooling in New York also

wanted to see such legislation feature multiple authorizers, albeit for slightly different reasons than the governor and Speaker. Tom Carroll explained that Governor Pataki's election to the governor's office as a Republican was an "historical anomaly," and, therefore, his group of policy entrepreneurs did not want to put sole authorizing power with the governor's office.

Similarly, we were not comfortable having the Board of Regents be the only entity. In part because Carl Hayden at the time was lobbying against the adoption of the charter school laws, as the chancellor of the Board of Regents. ...Putting the fox in charge of the hen house was kind of how he looked at the regents having total control.

Backstrom indicated that for a number of the policy entrepreneurs, the ideal was in fact to have SUNY be the only authorizer:

We had every indication that the regents had no interest in doing this, simply because they took their marching orders from a different general at the time. And so we saw it as a fairly clear case that we would see 50 charters and they would all be issued by SUNY.

Speaker Silver had personal and political interests to consider. According to interviews, the Speaker faced competing personal and political interests when it came to the decision of whether or not to allow a multiple authorizer provision in the Charter Schools Act. His caucus's political ties to labor unions and his desire to preserve the power of the Assembly-nominated Board of Regents were one set of forces, whereas the desire to achieve a pay-raise for the Speaker and his colleagues in return for the act featuring multiple authorizers was the other.

Preservation of regents put Speaker against multiple authorizers. In the same way that Governor Pataki sought to weaken the role of the Board of Regents via

the multiple authorizer clause of the Charter Schools Act, the Speaker sought to limit the power of the executive and preserve the power of the regents. According to Tom Carroll,

The Speaker wanted the regents because the Speaker—the joint session of the legislature appoints, and he dominates that because he represents the most people in the assembly, so he wanted the regents because he controlled the regents, he appointed all of them. ...The Speaker understood the significance of it, too, which is why the Speaker was determined, as was Carl Hayden, to get them all authorized [by the regents].

Bellafiore described the regents as “constitutionally anointed creators of policy and the Assembly appoints them,” going on to describe the Speaker’s position as “political and constitutional.” Therefore, according to Bellafiore, “The Assembly originally wanted only the regents to have authorizing power and did not want multiple authorizers.”

Although the Assembly did appoint the Board of Regents, Carl Hayden asserted that they did not vote in lockstep or depend on cues from the legislature.

Hayden said,

The Board of Regents I think have always seen themselves differently than the SUNY board sees itself. Members of the Board of Regents in my experience view themselves as sort of analogous to Supreme Court appointees. It is obvious that they get to be appointed by virtue of a political process, but once there, they assert and value their independence. And so although it doesn’t get tested a lot, the Board of Regents is willing to act in ways that don’t please the Speaker, at least they were under my chancellorship. The same could not be said for the SUNY board and in its relationship to the governor.

The Assembly listened to the views of the teacher unions. Unions wanted fewer charters as they were seen as a weakening force because teachers in charters were not automatically enrolled in unions. The view of the governor, according to

interviews, was of concern that the Assembly-appointed regents would create charter policy that would cater to the views of unions by ultimately limiting the number that would be authorized. Hayden argued that that this would not have necessarily been the case:

My expectations were that the Board of Regents would do their job honorably and well. And that, contrary to the governor's fears, we would not only give charters a fair shake but would give the philosophy underlying charters an honest appraisal. Part of this is whether or not we can learn lessons from de-regulated schools that can be brought to scale more broadly and to create a better learning environment and a broader range of opportunities for kids, particularly kids at risk. So, you know, there was never a question in my mind whether we were going to give charters a fair chance. And of course from our vantage point, having appreciated the role of the unions and school boards and all of the things that kind of drive the system towards stasis, there were many of us who were excited to see whether the philosophical potential of charters could be realized.

Bellafiore offered a take that the regents and therefore the Assembly believed in protecting the existing public educational system.

They believed that schools that have—they believe the rules are in place for a reason. The regulations are in place for a reason and that the structures that currently exist in the district K-12 system won't matter, and that the only thing that they really need is more money. I think that is a deeply held personal philosophy, and to their dying day they will all say that that is the right way to do it.

The Speaker and Assembly wanted a raise. Although no data from the interviews showed a causal effect of multiple authorizers' being the critical trade-off for the Assembly to be granted a pay raise, each interview participant did indicate that the pay raise was only granted due to the agreement to allow for the Charter Schools Act altogether. The governor therefore had the leverage to insist upon the key features of the bill, including the existence of multiple charter authorizers. Therefore,

pressure to gain a pay raise also played an active role in terms of the Speaker's perspective regarding the features of the Charter Schools Act. Tom Carroll pointed out that the legislature's "self-interest was misaligned with their political interest, and they would choose self-interest over political interest." Carl Hayden said,

It was a classic example of the Albany political dynamic. It involved a very simple transactional matter which was the members of the legislature got a 38% pay increase and the governor got a Charter Schools Act, which among other things took away a small piece of jurisdiction from the Board of Regents and gave it to the State University of New York.

Ultimately, a compromise was struck. With the interests of the governor and Speaker being met, the result was a bill that allowed for multiple authorizing powers. The compromise allowed for both the SUNY Board of Trustees and the Board of Regents to independently authorize charters but also preserved the right of the regents to object to the decisions of the trustees. Although these objections would be noted, they would ultimately have no consequence if the SUNY Board of Trustees decided not to reverse their original decision. Carroll called it the "ping pong provision":

The governor said, "It's got to be an entity I control—SUNY." The Speaker is saying, "No, it's got to be the Board of Regents, which I control." And then they go, okay well, it will be half and half then. And then the Speaker said, "Well, I still don't want—." You know, the regents is supposed to be control of everything in the state and so the regents have to have the final say. ... One of the two of them came up with the idea of saying well, okay, they can have the final saying that they actually issue the charter, but SUNY has to have the responsibility, and then the Speaker said—this went back and forth over several hours. Then the Speaker said, "Well, they have to have the ability to review the applications and veto them if they want to," and then the governor said, "Well, they can review them, but they can't feed on them, because then you're not going to approve any," so you got this like really awkward hybrid situation, and it literally was just two political figures haggling over a

compromise when they had two competing views of where it should come out.

Research Question 3: How Do the Multiple Authorizing Structures Created in New York State in 1998 Affect the Current Work of Charter School Authorization in the State?

To answer Research Question 3, I examined the interview transcripts collected via the process outlined in Chapter 3, aiming to determine how the multiple authorizing structures affected the work of charter school authorization in the state. The multiple authorizer provision of the Charter Schools Act allowed for both statewide authorizers to authorize schools. Interview transcripts yielded two themes. First, although little was mentioned in the interviews regarding SUNY's practices, interview participants talked a great deal about the surprising outcome of the Board of Regents authorizing a large number of schools. Second, there were generally more advantages to having multiple authorizers in place than disadvantages, particularly the benefits of competition and the diffusing of political pressures.

More authorizing than expected from regents. The majority of interview participants did not expect authorizing the activity from regents that ultimately took place. This belief, according to Tom Carroll, stemmed from a commonly held belief that the regents did not think any entity should have the authorizing responsibility. Once authorizing was assigned to both SUNY and the Board of Regents, the state education department, acting as the staff for the regents, did not place a great deal of internal resources in that activity. Carroll described the lack of resources initially put into the state education department's authorizing work, saying, "The equivalent of a

bureaucratic neon sign was put up that this was a low priority within the department.” Carroll noted that the staff capacity and relative priorities at the state education department put into charter authorizing caused observers to doubt the ultimate authorizing behavior of the NYSED and Board of Regents. Carroll noted, “You have all these loaned people, and the loaned people generally are grumpy that they have been tasked to what is viewed as a low-prestige task within the department of education.”

Bellafore seemed to concur by noting his belief that charter authorizing simply was not a priority for the regents, more due to the multitude of other functions required of the state education department. “I mean, they have all these other things that they are responsible for plus this little, for them it’s a lot of work with 2% of the kids when they’ve got to worry about 100%.”

Carl Hayden, on the other hand, expected that the “Board of Regents would do their job honorably and well.” He went on to say that, contrary to the governor’s fears, the regents would “not only give charters a fair shake, but would give the philosophy underlying charters an honest appraisal.” He went on to say,

In my mind whether we were going to give charters a fair chance and, of course, from our vantage point, having appreciated the role of the unions and school boards and all of the things that kind of drive the system towards stasis, there were many of us who were excited to see whether the philosophical potential of charters could be realized.

Regents ultimately issued charters. Whether it was due to an institutional competition or institutional pride, the regents ultimately issued an equal numbers of

charters relative to SUNY. This was surprising to a few of the interview participants.

John Faso noted,

I anticipated that the education department would be much more hostile, and I think on balance the education department has done a reasonably good job. I mean I don't—I think maybe some of the fears I had—I think frankly because SUNY has done a good job, I think the education department has looked at this and said, "We have to do a good job, too."

According to Peter Murphy, it was in part competition that led to what he also labeled as a surprise seeing the regents authorize a number of schools.

I think they wanted to show you, well, you guys have New Covenant [an underperforming charter], and we're going to have these, and I think Hayden was the chancellor at the time, so he was in favor of that, and so they actually were a better, they turned out better than I would have predicted.

Tom Carroll noted that it was essentially the competition that drove the regents' authorizing of charters:

What's left unknown forever is whether if SUNY did not exist whether they would have issued any of them. ...Whether it was competition or something else entirely, the most participants indicated a belief that earning a charter from either entity was duly difficult and resulted in success.

Backstrom also argued that it was the competition that drove the regents toward authorizing activity in order to stay relevant:

We were rather surprised that the regents started issuing charters. I think it was sparked primarily by the political ship in New York City and Bloomberg-Klein started driving a lot of it, but what we saw is the regents, almost desperately what they could do, make sure that they were players in every educational policy decision being made in New York State. And when they started seeing charter schools, you know, in the K-12 arena being developed by somebody else, they seemed motivated to jump on the train as well. The evolution then, once they started activity, the evolution or where the two entities went became somewhat different in terms of SUNY, we felt took the approach more of a cooperative adventure for stronger schools than the regents took the approach of "let's be as bureaucratic as we've ever been." ...A large but high-quality number of charter schools exist due to the multiple

authorizer provision. I think what we have is probably the most we could make out of it.

Regents took strict reading of law. Not only did the regents end up authorizing more schools than many anticipated, but they also did so in a far different manner than did the SUNY Board of Trustees. Hayden described the regents' approach toward authorizing as follows:

First I, if I look at this from the perspective of the regents, they believe now as they believed then that they were fairly applying the charter school law to the process of authorization. From where I sit now, I can see that, although I don't assert that they are applying the law unfairly, but I certainly do believe that there are strictly construing the law, and they do not have an expansive view of the statute, of its scope or of its possibilities.

For Lubin, the regents weren't strict enough: "I think we expected the regents to be more thorough, expected the department to be more thorough than the SUNY institute, and at the beginning we really didn't see that."

More advantages than disadvantages in having multiple authorizers.

Whereas there are advantages and disadvantages to having multiple authorizers in place, as discussed in Chapter 2, interview participants in this study only pointed to advantages of the multiple authorizing system created in New York State. Such advantages included competition leading to higher quality authorizing and a balancing and ultimate diffusion of political pressures and influences.

Competition between the two authorizers has led to positive outcomes.

Interview participant responses included a number of points regarding the quality of authorizing in New York State being generally high. The first advantage of the competition was the fact that charters were authorized at all. Bellafiore stated, "No

question in my mind that you wouldn't have any schools, we would have very few, or you'd have only ones that were no different from the ones that already."

John Faso believed the regents would not authorize schools if not for the competitive system set up via multiple authorizers, because it would not be in their best interest to do so:

You can bring more kinds of pickings to the table and not have the people who are responsible for the current system be also responsible for the alternative to the current system. Organizationally it does not work. You know, it would be like living in a one-party government and telling the one party, "Okay, you need to now develop a robust alternative to yourself." It's just not going to happen. And also the posture of the establishment—the K-12 establishment was very hostile.

Not only did the competition lead to greater numbers of charters, but multiple interview respondents noted that having multiple authorizers led to a competition that spurred quality as well. Tom Carroll stated, "You actually have a race, I think, going on now where there is pressure on both entities to raise the quality they're authorizing, not to go in the other direction."

Faso noted the multiple authorizers started pushing each other due to competition:

If SUNY were doing a crappy job and not pursuing this effectively, I think that you'd probably see some diminished results and performance from [the] state ed[ucation department]. But I think really having this creative tension between the two authorizers is very healthy. It keeps them both on their toes.

This quote from Carl Hayden indicated that the regents have gone out of their way to step up their game so as to make an argument that they should be the only authorizer in the state. According to Hayden, this sense of competition was a result

of the regents' feeling like authorizing responsibility should have exclusively been theirs:

You know, it still is very grating to the regents who have been responsible for all of public education since Teddy Roosevelt, who have had this important piece of their jurisdictional responsibility frankly ripped out of their body. And that's a wound that does not heal, and that explains why they have been so active politically to try to reacquire exclusive jurisdiction. Now, at the moment I think that would be a bad idea, because as the Charter Schools Act has played out in real life, you see that the SUNY board and the Charter School Institute approach, the task of authorizing, quite differently than the regents do. And I think New York has likely benefited from the fact that there are two approaches. Because you know this, too, is a noble experiment. I'll be very interested to see which approach yields the stronger schools at the moment. At the moment I would argue that SUNY's approach does, but it's still very early.

Different entities mean different sets of political pressures. Multiple respondents noted that political pressures and biases were assuaged by having multiple authorizers in place. That is, with different agencies, one appointed by the Democrat-controlled Assembly and the other by the Republican executive branch, no one political body could control the charter authorizing activity. Murphy said, "There were different political pressures, which again confirmed the wisdom of having the dual authorizers. It's not just they have different kind of quality issues; they have different political pressures to deal with."

Tom Carroll expounded on the notion that the nationwide trend of having single authorizers was at risk due to potential political turnover:

That you needed to have multiple authorizers, because in some states that had a single authorizer—not all, Florida would be an exception—and the states who had what might be called constipated charter school statutes, they often were because they had a single authorizer. There were some high charter states that had single authorizer, but that generally was because the single

authorizer was an education department under the direct control of a procharter governor. In the New York context, where we knew Pataki would not be governor for long because it was almost an historical anomaly to have a Republican the governor of this state, we were not comfortable with having just Pataki, you know, have a single authorizing entity. Similarly we were not comfortable having the Board of Regents be the only entity. In part because Carl Hayden at the time was lobbying against the adoption of the charter school laws, was the chancellor of the Board of Regents. Putting the fox in charge of the hen house was kind of how he looked at the regents' having total control. And what has happened particularly in the multiple authorizers is we always wondered whether if you had SUNY as an authorizer and the regents, whether the regents would ever issue any.

Carroll went on to describe why adding the multiple authorizer position

ultimately kept political biases out of controlling the authorizing work in the state:

And the political biases of, in a state with multiple authorizers, the authorizers will often have institutional or political biases depending on who creates them or where they sit. Because a lot of times what your views are or what you think is a function of where you sit, because it frames your perspective. And so having multiple authorizers that had a different view in the world and different political arrangements, we thought would help insure as the politics changed over time that at any one time, somebody would be willing to issue charters. What has not happened, which would be the fear of multiple authorizers, is the fear of having multiple accredited agencies, why you have like a cartel arrangement for higher ed[ucation], is that it would actually promote a race to the bottom, in which everybody would want to have like the most, want all the schools to come to them so they'd make it easier.

Chapter Summary

In this chapter, I outlined the results of the interviews conducted to determine interview participants' perceptions of the charter policy-making process in New York State. Coded interview transcripts yielded great alignment between Kingdon's multiple streams framework and the processes that led to the passage of the New York State Charter Schools Act. Discussion of these results and recommendations for future policy and research follow in Chapter 5.

Chapter 5: Discussion

An examination of the findings in Chapter 4, combined with a consideration of the literature review presented in Chapter 2, yields noteworthy discoveries, policy recommendations, and further questions. In attempting to determine the processes that led to current multiple authorizing structures in New York State, the perspectives of the different actors who influenced the creation of multiple authorizing structures, and the manner by which the authorization systems affect the current work of charter school authorization in the state, I utilized the lens of Kingdon's multiple streams framework. In this chapter I build the argument that New York's experience in creating the New York State Charter Schools Act of 1998 as a whole supports the tenets of Kingdon's multiple streams framework. Following this, I argue that the resulting multiple authorizer structure was advantageous to New York State's charter sector. I close the chapter with a policy recommendation and suggestions for further research.

Application of Kingdon's Multiple Streams Framework

The processes and perspectives that led to the passage of the New York State Charter Schools Act of 1998 generally support the application of Kingdon's multiple streams framework at the state policy-making level. Kingdon (1995/2002) asserted that a rare opportunity where problem, politics, and policy collide allows for agenda items to rise. With the will of Governor Pataki in place, the problem having been kept alive by policy entrepreneurs, and the policy of the pay raise for legislators opening a policy window, a policy collision did indeed take place in 1998. There

appeared less consistency, however, with the problem stream. Additionally, I will explain that there is cause to further consider the degree to which Kingdon's streams are more interdependent at the state level when compared to his federal model.

Below, I present subsections on the policy, political, and problem streams.

Policy stream. Two central themes arose in examining the passage of the New York State Charter Schools Act in relation to Kingdon's policy stream. First, policy entrepreneurs, a group of diverse specialists, kept the issue of charter schools alive. Second, technical feasibility and value acceptability were present and necessary for the proposed policy to survive—ultimately determining that the resulting structure was the only one possible for the proposed bill to have become law.

Policy entrepreneurs are critical. As explained in Chapter 4, Tom Carroll, Brian Backstrom, Bob Bellafiore, Peter Murphy, and other policy entrepreneurs kept the possibility of a law calling for New York charter schools alive long enough for the problem that needed to be solved to “float by.” They did so by building coalitions, repeatedly bringing the issue to the governor's attention, and ultimately situating the issue in a position to take advantage of the open policy window.

Just as Mintrom (1997) described the approach of policy entrepreneurs in the area of school choice policy, New York State's charter school policy entrepreneurs engaged in significant amounts of networking in and around government and providing high-quality information to decision makers. Also consistent with Mintrom

and Kingdon, Tom Carroll and his colleagues convinced key politicians to overcome their risk-averse nature.

The policy entrepreneurs in this case used persistence and coupling, effectively attaching problems to solutions via individuals receptive to their ideas, consistent with examples given by Zahariadis (1999) and Mulholland and Shakespeare (2005). In this study, the problem was in part underperforming public schools. Evidence also pointed to the problem being that the Republican governor needed an issue he found worthy enough to trade for a legislative pay raise. It was this problem that the policy entrepreneurs helped Governor Pataki solve.

Technical feasibility and value acceptability present. Policy entrepreneurs, consistent with Kingdon's theory and studies that followed, defined the policy problems in ways that both attracted the attention of decision makers and indicated appropriate policy responses (Kingdon, 1995/2002; Majone, 1988; Polsby, 1984). They also built coalitions and gained support by making decisions about which issues to push and how to push them. This work of ensuring technical feasibility and value acceptability was a key step in building Governor Pataki's investment in the issue.

While not explicitly stated, the interview data led me to conclude that creating multiple authorizer structures was a key factor in establishing the technical feasibility needed to allow the bill to move forward. Data supports that Governor Pataki would not have allowed the bill forward with the Board of Regents becoming the only entity allowed to authorize charters. In addition, the Speaker of the Assembly would not

have allowed for Governor Pataki's controlled SUNY Board of Trustees to be the sole entity to authorize charters unchecked.

Kingdon's framework appears to assume that there will be an assessment of acceptability and feasibility by governmental review groups, as is the case at the federal level via agencies like the Congressional Budget Office. At the state level, however, particularly in cases like the last minute passage of the Charter Schools Act, such determinations are not conducted by neutral groups for consideration. Rather, it is up to each of the key actors to determine impact for themselves.

Political stream. Consistent with Young et al. (2010), Kingdon's national-level model applies to this example of state-level policy making from the perspective that the Governor or state executive branch was the key determinant force in bringing about the policy. Less in congruence with Kingdon's theory was the influence of political party, upcoming elections, and special interest groups.

A strong executive drives the political stream and ultimate policy.

Consistent with Kingdon's argument that politicians set the agenda, Governor Pataki's desire to see school choice take hold in New York State, his political career, and his desire to strengthen executive powers influenced the creation of multiple authorizing structures in the New York State Charter Schools Act. Kingdon (1995/2002) found that specialists sort out which policy alternatives a proposal might contain, but an issue's placement on the agenda is ultimately determined by elected officials.

As with Young et al. (2010), Kingdon's finding that at the federal level the President can significantly advance an issue onto the decision agenda, this study demonstrates that a governor can have parallel influence at the state level. Also consistent with Young et al., the findings of this study yield a connection between Kingdon's (1995/2002) federal-focused model and a specific issue within a state policy-making context, both influenced by the executive branch. Young et al. recommended that those wishing to influence policy should consider the election of new governors or appointees as an opportune time to push educational issues onto the decision agenda.

Special interest groups considered but influence negligible. With a strong likelihood of an assured Governor Pataki re-election ahead, unlike Kingdon's (1995/2002) finding at the federal level, upcoming elections in New York and political party views were not factors in the placement of charter schools on the agenda. Still, there was evidence of consideration to the perspectives of special interest groups. Both pro- and anticharter lobbies were part of the process, but little evidence shows that either had significant influence in comparison to the role of the executive.

Kingdon (1995/2002) said politicians must consider the consequences they face if they wish to go against a powerful interest group. There is some evidence that policy makers did pay attention to key interest groups like influential, conservative think tanks who were necessary for reelection, but little evidence as to the degree to which this occurred. Holderness (1992) found that aside from a few, specific, gifted-

education advocacy groups, no special interest lobbies benefited from the changes in gifted education, and thus the policy community was relatively small and uninfluential. Young et al. (2010) found that more people were affected by reading policy and thus more attention was created than in Holderness's study of gifted education. In the case of the New York State Charter Schools Act, negotiations took place with the teachers' unions, but there is little evidence that the unions could have ultimately prevented Speaker Silver and Governor Pataki from reaching the agreement they did. This is illustrated in Lubin's description of state teacher unions' nonopposition of the New York State Charter Schools Act being in clear conflict to their views on charter schools in general.

Problem stream. The processes that led to the passage of the New York State Charter Schools Act featured general components of Kingdon's problem stream but were not as clearly aligned as the political or policy streams. The primary consistent piece was that a problem did arise that needed to be solved, and a potential solution to that problem was brought to the attention of policy makers by policy entrepreneurs. Kingdon's (1995/2002) model features the existence of a "focusing event," but there did not appear to be evidence of such in this study.

A significant problem needed to be solved. In this case, a problem was underperforming public schools. Yet, there was also the issue of the Republican governor needing an issue he found attractive enough to trade in return for a pay raise for the Democrat-controlled legislature.

Interview participants each indicated that the schools were not serving the public well enough for the cost. As Carroll stated that “too many kids were in bad schools,” Bellafiore cited the primary problem as poor academic performance in district schools coupled with few parental choices, particularly for students from poor families and racial minorities. In addition to the problem of insufficient academic progress, educational outcomes were seen as having an impact on economic policy and development in New York State. The idea of injecting the system with choice and potential competition toward efficiency via charters was seen by charter proponents as a potentially worthwhile solution.

Governor Pataki also had an opportunity to put charter school policy, and an otherwise more difficult issue to pass, on the table in exchange for a legislative pay raise. The question of which issue to push forward was one for which he turned to his staff and advisors, some of whom, as described above, pushed the issue of charter schools. This issue was generally not a popular one with the Democratic power base in the legislature, but, according to the interviews, was tolerable in light of the resulting pay raise.

No particular focusing event. As per Kingdon, it became clear that a significant problem needed to be solved. The problem was brought to the attention of the policy makers by the policy entrepreneurs, but unlike Fusarelli (2001) and Kingdon, it is not evident that a dramatic or “focusing event” seized the attention of policymakers. Instead, I would label this juncture as a *clear focusing opportunity*. That is, unlike the example of *A Nation at Risk* (National Commission on Excellence

in Education, 1983) driving a number of reforms in the 1980s, there was not one event or vehicle that drove charters to rise to the attention of key policy makers. Rather, policy entrepreneurs recognized the legislative pay raise as a significant politically expedient opportunity to move otherwise difficult legislation—in this case, charter school policy.

Streams less independent at the state level. Kingdon (1995/2002) points out that the policy, political, and problem streams tend to operate independently from one another. In this state level case study, however, evidence suggests that the streams are interrelated and interdependent as a number of the policy entrepreneurs and processes were interacting and shifting each other's course of action. That is, there was a close working relationship between members of Governor Pataki's staff like Peter Murphy and Bob Bellafiore and outside policy entrepreneurs like Tom Carroll and Brian Backstrom. John Faso, a politician who moved charter legislation forward before the Charter Schools Act, also played the role of policy entrepreneur. A possibility exists that this interdependence has to do with the state policy landscape being smaller, with far fewer actors than those found at the federal level.

Advantages of the multiple authorizer structure. The research has noted both costs and benefits associated with multiple authorizers structures, but particularly from the perspective of charter proponents, the New York State system yielded distinct advantages. The number of resulting charters, the competition between the two authorizers, and diffused political pressures were the primary advantages realized as a result of the multiple authorizer system.

Competition between authorizers strengthened charter school growth.

The majority of interview participants did not expect the authorizing activity from the Board of Regents that ultimately took place. As noted in Chapter 4, this expectation, according to Tom Carroll, stemmed from a commonly held belief that the Regents felt no other entity should have authorizing responsibility. Once authorizing was assigned to both SUNY and the Board of Regents, NYSED in acting as the staff for the Regents did not place a great deal of internal resources in that activity.

This outcome could be indicative of what the research has said, that state boards of education consistently have been found to be among those authorizers most likely to be affected by politics (Bierlein Palmer, 2006; Bierlein Palmer & Gau, 2003; Gau, 2006; Hassel & Batdorff, 2004; Hill et al., 2001). Carroll noted the lack of resources initially put into the NYSED's authorizing work, saying, "The equivalent of a bureaucratic neon sign was put up that this was a low priority within the department." Carroll also noted that the staff capacity and relative priorities at the NYSED into charter authorizing caused observers to doubt the ultimate authorizing behavior of the NYSED and the Board of Regents. Despite indicators otherwise, the Regents ultimately approved nearly as many charters as the SUNY Trustees.

Even though they chartered more schools than expected, the Board of Regents did so in a different manner than did the SUNY Board of Trustees. The research has suggested that state education departments, commissioners, and boards of education tend to have a traditional focus on compliance (Hassel et al., 2006). Lake (2006) explained that many charter schools have no option but to negotiate with an

unfriendly authorizer, resulting in high oversight fees, burdensome regulations, and disadvantageous terms. According to interview responses, this compliance emphasis was consistent throughout the regents' authorizing work via the NYSED.

Given the general expectation that the Board of Regents would not authorize schools, the interviews yielded a general presumption that the multiple authorizer structure made an impact on the number of charters ultimately authorized. Lake (2008) and Mead and Rotherham (2007) suggested that state departments of education are not typically predisposed to authorize large numbers of charters. It was clear from the interview responses that the NYSED was likely to follow suit if the state department of education was the only charter authorizer. With the predicted focus on compliance referenced earlier via interviews and Hassel et al. (2006), one could predict that the NYSED would be more stringent in awarding charters at all, or that fewer charter applicants would choose to apply to the NYSED for fear of a high focus on compliance. Bierlein Palmer et al. (2006) explained that centralized authorizer systems create the possibility for a sole authorizer to become a burdensome monopoly.

With two statewide authorizers in place, however, the maximum number of schools by law was authorized. This finding is consistent with research from the U.S. Department of Education Office of Innovation and Improvement (2007) that featuring multiple authorizers in a state increases the quantity of charter schools. Multiple interview respondents noted that having multiple authorizers led to a competition that spurred quality as well.

Diffused political pressures. Consistent with some prior research, multiple respondents noted that the roles of political pressures and biases were assuaged by having multiple authorizers in place (National Alliance for Public Charter Schools, 2009; National Association of Charter School Authorizers, 2009b). That is, with different agencies, one appointed by the Democrat-controlled Assembly and the other by the Republican executive branch, no singular political body could effectively control the charter authorizing activity in the state. Adding the multiple authorizer provisions ultimately kept political biases out of controlling the authorizing work in the state. This makes it more difficult for any one politician to influence a decision to be made by an authorizing entity, such as whether or not to create or renew a charter contract. New York is the only state I found to exhibit this particular arrangement relative to controlling governmental bodies split between executive and legislative branches. Of the other states that feature multiple authorizing agencies and structures, there is most commonly only one governmental body responsible for oversight. It will be important to study the impact of any other state moving to a structure similar to that of New York State, a structure I recommend below.

Policy Recommendations

The processes and perspectives that led to the passage of the New York State Charter Schools Act of 1998, when considered in the context of the research, lead me to policy recommendations focused on the number and independence of state charter authorizers. By limiting the number of statewide authorizers in New York State to the Board of Regents and the SUNY Board of Trustees, policy makers created a

system that was not ultimately politically controlled by any one party or governmental branch and therefore had lasting power. As it turned out, while the act was passed during the administration of a Republican executive in Governor Pataki, the SUNY entity has continued to do its work under the jurisdiction of three consecutive Democratic governors. There have been efforts by the Assembly, who continue to appoint the regents, to eliminate the authorizing power of the SUNY Trustees. As the appointment of the SUNY Trustees is a power of the executive, any weakening of the power of the Trustees would be a weakening of the powers of the executive.

Indeed, the research backs this argument that creating at least one independent or non-board of education entity and dividing powers between political parties are advantageous. Mead and Rotherham (2007) described a nationwide trend whereby states are moving away from reliance on local district authorizers and toward “more professional authorizing led by organizations that operate across an entire state or region, view chartering as a core part of their mission, and oversee significant numbers of schools” (p. 5). In fact, there is a general consensus that smaller chartering entities, such as local districts, are more likely to be affected by politics (Bierlein Palmer, 2006; Bierlein Palmer & Gau, 2003; Gau, 2006; Hassel & Batdorff, 2004; Hill et al., 2001).

Policy makers in New York were ultimately supported by the research when it came to including SUNY Trustees as an authorizer. By utilizing the SUNY Charter Schools Institute, the Trustees exemplified the findings of Bierlein Palmer (2006) that

higher education institution authorizers display moderate interest in authorizing, relatively strong political insulation, and an ability to create necessary infrastructure. In the study, nonprofits, universities, and separate state charter boards all received “moderate,” “fairly strong,” or “strong” marks. Municipalities, county and regional boards, and local boards all received “moderate,” “limited,” and “very limited” scores. The only nonlocal authorizer type to receive “limited” marks was state boards of education (Bierlein Palmer, 2006).

Researchers have agreed that successful charter school authorizers exhibit political independence (Bierlein Palmer, 2006; National Alliance for Public Charter Schools, 2009). Different types of charter school authorizers are exposed to different forms and amounts of political pressures (Bierlein Palmer, 2006; Bierlein Palmer & Gau, 2003). The experience in New York State created via the processes that led to the New York State Charter Schools Act of 1998 provides further evidence that a split between legislative oversight responsibilities at the very least diffuses the political pressures on charter authorizers.

Outstanding Questions

Both the limitations and findings of this treatise call for a number of follow-up studies in order to more fully illustrate the impact of the multiple charter schools authorizer system in New York State. These include looking at the effect of authorizers by type and state authorizer policy, student achievement numbers by relative authorizer structures nationwide, and the impact of a variety of political environments on charter school policy.

New York State charter authorizer performance. Critical information to the discussion of the impact of the policies created under the New York State Charter Schools Act is found in focusing on the student achievement data and school closure data broken down by authorizer. Hoxby and Murarka (2009) conducted an analysis that included a disaggregation of data by authorizer in New York City, but no such study has been conducted statewide. This work is possible given the detailed in-house data kept by both the NYSED and the SUNY Charter Schools Institute.

Policy makers would be further informed with research focused on the approval rate of new schools, the number of schools identified as underperforming, and the closure rate of schools by each authorizing entity. Whether authorizers are willing to exercise their power to close chronically underperforming schools can be potentially as illustrative of their commitment to student achievement as the performance of the schools they allow to open in the first place. It would be important for policy makers to know whether the rate of closure of these underperforming schools increases in a state or region featuring multiple authorizers.

Nationwide authorizer effectiveness. Researchers and experts have begun to report on authorizer effectiveness and on state policies concerning charter school authorizers (Lake, 2008; Mead & Rotherham, 2007). Next steps could include comparing authorizer structures and student achievement outcomes. Raymond (2009) found that states empowering multiple charter schools authorizers realize negative student achievement results.

An examination of the ease of authorization process would be helpful to the research of charter effectiveness. Schober et al. (2006) revealed that the easier the overall charter application and authorization process was in a state, the more charter schools that state was likely to have. Because this study examined a single policy-making example in a single state, these findings are not generalizable to all issues or state policy environments.

Political environments. Further research should also examine the emergence of authorizer systems across several states to better determine the true interplay between authorizing policy and political environments. Data from this study show that the political conditions that existed in New York State in 1998 had direct impact on the structure of the state's charter policy. The outcomes of similarly structured studies across states could yield a number of implications for those seeking to strengthen charter policy nationwide.

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