

City of Milwaukee and University of Wisconsin-Milwaukee

School Chartering Processes:

Academic Accountability Issues*

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INTRODUCTION

The City of Milwaukee, the University of Wisconsin-Milwaukee, and the Milwaukee Area Technical College have each been given statutory authority to charter schools. The City of Milwaukee has granted five charters to date. The University of Wisconsin-Milwaukee has approved two charter applications but has not yet granted a charter. The Milwaukee Area Technical College has not used its authority to grant charters. Two City of Milwaukee charter schools began operating in the fall of 1998. It is anticipated the UWM charter schools may begin operating in the fall of 1999.

This analysis considers the academic accountability aspects of the chartering processes developed by UWM and the City of Milwaukee. The analysis considers the UWM and City of Milwaukee's chartering processes in relation to six general elements of accountability associated with academic outcomes found in the charter school literature. (see Table 1)

CHARTER SCHOOL REFORM OVERVIEW

Charter schools have rapidly emerged as a significant education reform in the nineties. Minnesota passed the nation's first charter school legislation in 1991. Five years later, charter schools enrolled over 100,000 students.¹ By 1998 thirty-five states had passed

some form of charter school legislation, and as of March 1999, there were approximately 1200 charter schools enrolling 300,000 students nationwide.² The U.S. Department of Education reports wide variations in charter legislation across the states, a situation that makes overall assessment of charter school performance difficult.³ Table 2, Table 3, Table 4, and Table 5 illustrate how diverse charter school legislation is.

Although the definition of a charter school varies from state to state, there are some common elements. A charter school is a public school that is more or less independent of the district within which it is located. It is a school that has been given a contract by a sponsoring entity to provide an education for children "according to the school's own design, with a minimum of bureaucratic oversight. ... It is held accountable to the terms of its charter."⁴ Manno, et al., describe charter schools as "swapping rules and regulations for results."⁵

CHARTER SCHOOL ACCOUNTABILITY

Accountability is central to the argument in favor of charter school reform. Hudson Institute researchers describe charter schools as representing a shift in thinking about accountability, from input to output. In their words, charter school accountability means being "clear, specific, and fairly uniform about ends while allowing wide diversity in the means by which those ends are achieved."⁶ They argue that there must be standards as well as assessments to see if the standards are being met. Furthermore, there must be consequences for everyone involved if the standards are not met.⁷ However, implementing this vision is, they believe, complicated due to the absence of appropriate instruments to make comparisons, on the one hand, and "overly rigid [testing programs] about curriculum content, scope, sequence and suchlike" on the other.⁸ Hudson researchers were as of 1997, therefore, only able to provide a few incomplete, inconclusive, and non-comparable reports on the performance of charter schools and noted that they could not locate much statewide data on charter school achievement. Instead they had to rely on anecdotal reports from individual charter schools.⁹

Kolderie argues that charters are "an institutional ... [not] a pedagogical innovation."¹⁰ He asks two accountability-related questions: Is the law working and is the school working? In his view the law should foster schools that are innovative and which will, in turn, foster other innovative schools. The law should create an opportunity for "high quality designs for learning ... [to] flow into the state increasingly through the charter program."¹¹ While on the one hand Kolderie argues that charters earn their freedom from "process controls" in exchange for accountability for results, on the other hand he asserts, "It is not possible ... to link charter schools and student-learning directly. The evaluation of student learning has to proceed from an examination of the particular learning program/s in use."¹² This places considerable responsibility for insuring academic performance on the chartering agent. While the school is accountable to the parents who selected it, "the sponsor is responsible for the school's performance." Thus, a sponsor's oversight and monitoring are critical aspect to determining if a charter school's academic performance is adequate. According to Kolderie, "The charter depends on sponsors acting

courageously to enforce accountability. If they do, and if schools know they do, then accountability should work at the school level."¹³

Sponsors, however, do not necessarily share Kolderie's views or know how to implement adequate academic accountability measures even if they do hold his view. Although the charter school contract is the key mechanism for establishing a charter school's academic accountability, there has, nonetheless, been difficulty both in determining if charter schools have met their standards and in assessing the effectiveness of charter school curricula. In some instances, charter schools have opted for standardized testing programs that are not appropriate to their stated mission, purpose, or strategies.¹⁴ In 1998, for example, students in a suburban Denver charter school, did not perform well on the district-wide standardized tests. Board members in the district who were responsible for the charter's oversight could not understand the meaning of the portfolio system that the school used to measure student achievement. As the coordinator of the school said, "It was tough. We tried to take the ambiguity out, but our school is hard to measure."¹⁵

A 1998 study of California charter schools found that the schools studied were not being held accountable for improved student achievement because there was neither a system for measuring student achievement nor a system to measure schools performance against the provisions of their charters.¹⁶

The Director of Charter Schools for Chicago Public Schools has suggested that Chicago charter schools are so occupied with operations that they don't have time to think about how they will demonstrate their success to the school board.¹⁷ As Manno, et al., comment, "Our site visits have shown that, in a number of instances, the assessment emperor is still wearing few clothes."¹⁸ Furthermore, with regard to consequences at the school level, "Deciding how consequences will be integrated into the student accountability system is a task yet to be taken seriously by many of the charter schools. (We've seen a lot more accountability in the discipline area than the academic area.)"¹⁹

In 1998, researchers from the University of California – Los Angeles examined six major claims made by charter school reformers: 1) Accountability – the idea that if they don't get results schools will lose their charters; 2) Autonomy and Empowerment – the idea that in exchange for accountability schools receive autonomy from "the existing rule-based educational system;" 3) Efficiency – the idea that charter schools can do more with less; 4) Competition – the idea that competition with public schools will make all schools more responsive; 5) Choice – the idea that, because they are selected, schools are more accountable to students and parents; and 6) Models of Innovation – the idea that schools, free from constraints, will be more innovative and that innovations will be shared and will foster change in all schools.²⁰

The UCLA study included 17 schools in 10 school districts in California and involved site visitations and more than 450 interviews with charter school founders, educators, parents, school district officials and public school principals.²¹ The study produced 15 findings (see Appendix A). Overall, researchers concluded that there were "few instances in which the experiences of charter schools and the people whose lives they touch in

these 10 school districts support the broad claims of the reform proponents."²² With regard to academic accountability, researchers found little evidence of effective monitoring of charter school performance by sponsors or evidence of charter school responsiveness to their constituencies. Not surprisingly, the researchers also found no clear definition of the role of charter school boards in the monitoring process, noting that boards "often lack the necessary information or political clout to hold charter schools accountable for student outcomes."²³ Likewise, with multiple constituencies to which they must be accountable, charter schools "are sometimes torn between being accountable to different people."²⁴

Given the diversity among charter schools and the difficulty of making valid comparisons, charter school reports have, in general, focused on policy issues, offered anecdotal evidence of charter school performance, described the curriculum and organization of selected charter schools, reported survey data on student and parent opinion on a variety of topics, and provided demographic data and other descriptive statistics. The two U.S. Department of Education reports on charter schools released thus far provide scant information about the relative academic performance of charter schools.²⁵ Recently a number of states have released evaluations of their charter school programs.²⁶ However, because of data limitations or design weaknesses (such as not accounting for selection issues, failure to use multivariate methods, or lack of an achievement gain model), the results do not shed much light on the academic impact of charter school reform. Since, as Nathan points out, charter schools operate with many different philosophies, curricula, and organizational plans, it is not surprising that little light has yet been shed on the issue of whether or not systematic gains in student achievement can be attributed to charter reform.²⁷

Although academic accountability is a major justification for the creation of charter schools, the available evidence seems to suggest that it is a problem area. As Manno and Finn write in *The New Democrat* "accountability is becoming an acute problem. ... If ... not taken seriously ... the charter school idea will find itself on the list of ... reforms that didn't amount to much."²⁸ Manno argues that "today it's hard to know how well charter schools are actually doing. ... The nation finds itself in a situation where much of the desired data about charter schools do not exist. ... Truth be told, they [charter school sponsors] are often content to leave charter school accountability agreements nebulous and undefined."²⁹

CHARTER SCHOOL ACCOUNTABILITY UNDER WISCONSIN LAW

Wisconsin's charter school law (ss.118.40) (see Appendix B) was passed in 1993 and amended in 1995, 1997, and 1998. The current law treats Milwaukee differently from the rest of the state. Throughout the state, local school boards have the authority to grant a charter. In Milwaukee, the City of Milwaukee, the University of Wisconsin-Milwaukee, and the Milwaukee Area Technical College are also authorized to grant charters.

Wisconsin's charter school law provides that "the joint legislative audit committee may direct the legislative audit bureau to perform a(n) ... audit of the charter school

program."(ss. 118.40(8)) In December 1998, the Audit Bureau released "An Evaluation: Charter School Program." In its report the Audit Bureau noted that "The legislature did not include specific goals for the charter school program in the statutes."³⁰ The statute does require an entity petitioning for charter school status to include in its petition data regarding 15 (12 for the non-MPS entities) criteria related to accountability.(ss. 118.40(1m)(b)) However, the law does not require that a charter school contract's accountability provisions be met or that a school's charter be revoked if they are not. The law states that "A charter may be revoked ... [if] the pupils ... failed to make sufficient progress toward attaining the educational goals under s. 118.01."(ss. 118.40(5)(b)) However, the goals referred to in 118.01 are educational input goals, not student performance outcome goals.

UNIVERSITY OF WISCONSIN – MILWAUKEE CHARTER SCHOOL ACCOUNTABILITY

The UWM Center for Charter Schools (CCS) oversees the chartering process at UWM. The UWM approval process includes four phases: 1) Phase I: submission of a prospectus for approval; 2) Phase II: submission of an application that upon recommendation must be approved by the UW-System Board of Regents; 3) Phase III: an "intense period of efforts to operationalize the proposal;" and, 4) Phase IV: agreement to a contract.³¹

A committee of five UWM faculty and four community members review charter school applications. According to the UWM "Application for Charter School Status"(see Appendix C), "This ... process will identify those applicants that can continue ... recommend modifications or deny the application."³² Prior to being sent to the Board of Regents, the recommendation is sent to the Chancellor for "final consideration."³³ According to UWM guidelines, approval at Phase II is no assurance that an applicant will be awarded a charter.

The CCS booklet, "Application for Charter School Status," requires applicants to address 16 items, of which one (#10) is "Accountability Standards."³⁴ These guidelines do not require that student outcome standards be specified. UWM has approved two charter applications, The Milwaukee Urban League Academy for Business and Economics and The Milwaukee Academy of Science. However, UWM has not signed a contract with either school.

The academic accountability aspects of the UWM chartering process are diagrammed in Table 6.

CITY OF MILWAUKEE CHARTER SCHOOL ACCOUNTABILITY

Each City of Milwaukee charter school applicant is required to respond to items detailed in "Charter School Application Guidelines and Procedures." (see Appendix D) The document calls for applicants to provide information in three areas: School Operations,

Educational Program, and Certification.³⁵ In the Educational Program section, applicants are asked to provide information about the academic goals, the curriculum, the method of instruction, the methods that will be used to determine educational progress and attainment of educational goals. Applicants may include information about other measures such as parental satisfaction, parental involvement, and attendance, but these are not required.³⁶ In this section, as well as the others, the criteria for evaluating the application are stated.

After an application is received it is reviewed first by a technical reviewer who certifies that the non-educational aspects of the application are complete and satisfactory according to the guidelines. If the non-educational aspects of the application are satisfactory, the educational aspects of the application are reviewed for approval by the Charter School Review Committee (CSRC). The committee, established by ordinance, is composed of three mayoral appointees and three Common Council appointees. The City Comptroller also serves on the committee. Using the criteria in the guidelines, the CSRC determines if a charter application is approved. However, the criteria do not address student performance outcome standards. Once an application is approved a contract is negotiated between the City Attorney and the applicant and it is sent to the Common Council for approval.³⁷

Each City of Milwaukee charter school applicant must address "Educational Results" in its application. While in some cases an application has included performance outcome standards, applicants are not required to address performance outcomes in their applications. Instead, the city charter contract calls for the successful charter applicant to develop an "accountability plan" in conjunction with the CSRC.³⁸ There is no requirement that such accountability plans include specific student outcome goals.

Currently two schools operate under City granted charters, Downtown Montessori, and the Khamit Institute. A third school, Marva Collins, was granted a charter, but later gave up its charter status and continues to operate as a non-charter private school. For the 1999-00 school year the City has approved two additional charters, Central City Cyberschool of Milwaukee, and the YW Community Education Center Charter School.

The academic accountability aspects of the City of Milwaukee chartering process are diagrammed in Table 7.

DISCUSSION

The literature on charter school reform suggests six elements of accountability associated with academic outcomes. Framed as questions, these elements are used below to assess the chartering processes of UWM and the City of Milwaukee with respect to academic accountability.

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Academic Accountability Question 1

Do the academic accountability aspects of the chartering process focus on ends and not means?

UWM

Partially. UWM requires that applicants establish standards against which student achievement can be measured. Each step of the chartering process calls for some explanation on the part of the applicant of academic accountability measures to be used.³⁹ The "Application for Charter School Status" explicitly details minimum requirements for academic accountability that must be met or documented.⁴⁰ The two charter applications currently in Phase II specify that standards will be set and exceeded and that comparative performance data will be generated.⁴¹ However, the identification of some accountability measures may not take place until after a school is operational.⁴²

The City of Milwaukee

Somewhat. Neither the application nor the contract contains a requirement for performance standards to be specific. Applicants are required to describe how student progress will be measured at each step of the chartering process.⁴³ However, the contract provides that academic accountability measures will be developed in conjunction with CSRC *after* a school is in operation. This language occurs in all the contracts thus far completed.⁴⁴ There is variation in the degree to which approved charter schools have developed academic achievement standards and measures. In the case of the Khamit Institute and the Downtown Montessori Academy, descriptions of academic accountability are general.⁴⁵ The Central City Cyberschool of Milwaukee and YW Community Education Center Charter School applications have academic achievement language that more precisely sets standards and establishes goals for academic performance.⁴⁶

Academic Accountability Question 2

Do the academic accountability aspects of the chartering process define and make clear the role of the sponsor?

UWM

Partially. The role of the sponsor is defined in a limited way and with limited scope in the area of insuring student achievement outcomes.⁴⁷

City of Milwaukee

No. The question is not addressed in either the application or the contract.

Academic Accountability Question 3

Do the academic accountability aspects of the chartering process result in accountability agreements between the charter school and the sponsor that are specific and precise?

UWM

Most likely. Specific and precise documentation is called for in the application. In addition the application calls for the applicant to work with UWM to develop an accountability agreement.⁴⁸ Although the UWM contract form is not finalized, the draft version suggests a commitment to including specific and precise accountability language.⁴⁹

City of Milwaukee

Partially. Criteria for evaluation of an application call for unspecified "appropriate measures" of academic progress.⁵⁰ The accountability measures in the Downtown Montessori Academy contract are neither precise nor specific.⁵¹ The accountability measures for the Khamit Institute are precise and specific in the contract.⁵² The charter school applications for the Central City Cyberschool and the YW Community Education Center Charter School contain precise and specific academic accountability measures. These may also appear in the contract.⁵³

Academic Accountability Question 4

Do the academic accountability aspects of the chartering process identify the sponsor's responsibility for insuring the academic performance of the school and for sanctioning the school if it fails to meet agreed upon academic standards?

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UWM

Partially. Sponsor responsibility for insuring academic performance is not addressed. Discussion of sanctions for failure to meet academic standards is confined to a reference to the law and to a review process used to determine renewal. The nature of the academic standards to be part of the review process are not specified.⁵⁴

City of Milwaukee

Minimally. Sponsor responsibility for academic performance is not addressed in the contract. Sanctions for school failure to meet academic standards rely on the language of the statute.⁵⁵

Academic Accountability Question 5

Do the academic accountability aspects of the chartering process insure that data about school performance be publicly available from the sponsor and disseminated according to a plan?

UWM

Minimally. Neither the application nor the draft contract form addresses the availability or dissemination of school performance data to the public. The draft contract form does specify that records are subject to Wisconsin's open records law (ss. 19.31).⁵⁶

City of Milwaukee

Minimally. The contract requires an "annual academic" report be given to the "CITY."⁵⁷ No mention is made as to whether the report will be disseminated.

Academic Accountability Question 6

Do the academic accountability aspects of the chartering process provide means by which a charter school can be used as a model for broader school reform?

UWM

Partially. No means are defined by which information about charter school organization or curriculum and instruction programs will be used to inform school reform more broadly. In the application guidelines UWM expresses an interest in programs that will "add to the mosaic" and improve the quality of education for children.⁵⁸ The draft contract form provides that a school be available to researchers.⁵⁹

City of Milwaukee

No. Neither the application process nor the contracts signed thus far address how information about charter schools will be used to promote broader school reform.

CONCLUSION

A review of the accountability aspects of the chartering processes of UWM and the City of Milwaukee suggests that there are deficiencies in both. These deficiencies may be logical outcomes of the Wisconsin charter school law. For example, the law requires that charter schools administer state tests, but does not require that student performance standards be specified in charter school contracts. The statute also does not specify the

responsibility of charter school sponsors to insure academic outcomes. The recommendations below are intended to strengthen the academic accountability aspects of Wisconsin's charter school legislation.

RECOMMENDATIONS

To improve the academic accountability of charter schools, legislators may wish to consider modifying Wisconsin's charter school legislation by requiring:

1. That applicants detail academic ends to be achieved before a contract is signed.
2. That the duties of the sponsor in relation to the academic accountability of chartered schools be defined and made clear as part of the contract.
3. That academic accountability agreements in the contract be specific and precise.
4. That the charter contract identify mechanisms by which the sponsor will insure academic accountability.
5. That the sponsor make academic accountability data readily available and develop and implement a plan for disseminating the data.
6. That charter applicants and sponsors detail methods and means by which charter school models will be used to promote broader school reform.
7. That a third party conduct a state-funded evaluation of the performance of charter schools, and that sponsors and charter school operators participate in the evaluation.

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