

12-2002

Charter schools and accountability: An evaluation of Nevada's charter school accountability legislation

Sonya Douglass Horsford
University of Nevada Las Vegas

Follow this and additional works at: <https://digitalscholarship.unlv.edu/thesesdissertations>



Part of the [Education Commons](#), and the [Education Policy Commons](#)

Repository Citation

Horsford, Sonya Douglass, "Charter schools and accountability: An evaluation of Nevada's charter school accountability legislation" (2002). *UNLV Theses, Dissertations, Professional Papers, and Capstones*. 441. <http://dx.doi.org/10.34917/1657041>

This Capstone is protected by copyright and/or related rights. It has been brought to you by Digital Scholarship@UNLV with permission from the rights-holder(s). You are free to use this Capstone in any way that is permitted by the copyright and related rights legislation that applies to your use. For other uses you need to obtain permission from the rights-holder(s) directly, unless additional rights are indicated by a Creative Commons license in the record and/or on the work itself.

This Capstone has been accepted for inclusion in UNLV Theses, Dissertations, Professional Papers, and Capstones by an authorized administrator of Digital Scholarship@UNLV. For more information, please contact digitalscholarship@unlv.edu.

Charter Schools and Accountability:
An Evaluation of Nevada's Charter School Accountability Legislation

Presented by:

Sonya Douglass Horsford

Bachelor of Arts
Colorado State University
1997

A professional paper submitted in partial fulfillment
of the requirements for the degree of

Master of Public Administration

Department of Public Administration
Greenspun College of Urban Affairs

University of Nevada, Las Vegas
December 2002

ACKNOWLEDGMENTS

Giving all praise, honor, and glory to my Lord and Savior Jesus Christ by whom all things are made possible.

I would like to thank my committee chair Dr. Anna Lukemeyer for her patience, guidance, and encouragement throughout the development of this project. The sharing of her time and expertise is greatly appreciated.

Many thanks also to Dr. Lee Bernick, Dr. Karen Layne, and Dr. James Crawford for their willingness to serve on my examination committee and contribute their insight to this project.

Last, but definitely not least, I thank my beloved husband, Steven, for his inspiration and support and my precious sons Benjamin and Bryson for giving me the desire to learn more about education reform—a topic that has become extremely dear to my heart.

ABSTRACT

America's public education system has become one of the most hotly debated issues in the country. Poor student performance and failing schools have forced many to identify ways to reform the current system through measures such as school-based management, performance-based incentive programs and opportunities for parental choice. As a result, charter schools have become an increasingly popular alternative to traditional public schools.

In addition, there have been many questions surrounding the "autonomy for accountability" tradeoff characteristic of the charter school concept. In an effort to contribute to the discussion of charter school accountability and efforts to hold charter schools accountable for student performance, the purpose of this paper is to evaluate Nevada's current charter school legislation and identify ways that it can be improved to assist charter schools in developing an effective balance between autonomy and accountability.

Research for this paper was conducted through an extensive review of the current literature concerning charter schools, charter school laws, and charter school accountability. Based on the research, five criteria for effective charter school accountability legislation are established and used to analyze Nevada's charter schools law. These findings and recommendations are then presented at the end of this paper.

As does every report on charter schools, this paper takes into account the fact that the charter

school movement and research concerning charter school accountability are still relatively young and continuously evolving, particular in Nevada, where the oldest charter school is only in its fourth year of operation. However, it is the goal of this paper to add to the current literature and provide recommendations that will both strengthen Nevada’s charter school law and contribute to the overall effort to improve the quality of the American education system.

TABLE OF CONTENTS

ACKNOWLEDGMENTS.....	ii
abstract.....	iii
Introduction.....	1
Proposed Educational Reforms.....	3
Charter Schools and the Charter Movement.....	4
What is a Charter School?	4
.....	
Autonomy for Accountability.....	6
CHARTER SCHOOL STRUCTURE.....	7
Charter Authorizers.....	7
Charter School Governing Boards.....	7
HOLDING SCHOOLS ACCOUNTABLE FOR PERFORMANCE.....	8
APPROACHES TO CHARTER ACCOUNTABILITY—TWO ILLUSTRATIONS.....	12
Arizona: A Market-Based Approach to Accountability.....	12
Massachusetts: A Conservative Approach to Accountability.....	13
A BRIEF OVERVIEW OF NEVADA’S CHARTER SCHOOL LAW.....	14
Nevada Charter School Goals and Measures of Accountability.....	15
METHODOLOGY.....	19

CRITERIA FOR AN EFFECTIVE CHARTER SCHOOL ACCOUNTABILITY LAW.....	20
Clearly Defined Responsibilities Concerning Self-Governance.....	20
Stronger Measures Concerning the Development of Student Achievement and Performance Assessment Standards.....	22
Clearly Defined Responsibilities for Charter Authorizers.....	24
Clearly Established Consequences for Inadequate Schools.....	24
Clearly Defined Accountability Reporting Requirements.....	25
RECOMMENDATIONS.....	27
CONCLUSION.....	31
REFERENCES.....	34
APPENDIX A: Nevada Revised Statutes (NRS) Pertaining to Charter School Accountability.....	35

INTRODUCTION

The crisis in America’s public education system has become one of the most hotly debated issues in the country. Our children are failing to meet our academic expectations and many believe public schools are to blame. Poor student proficiency test scores and overall lackluster student performance have forced parents, teachers, elected officials, and concerned citizens alike to identify ways to reform the current system—a system many argue is inadequately funded and laden with bureaucracy.

In terms of public school funding, economist Eric Hanushek has been studying the effect of school resources on student performance since the 1960s and argues that the key problem in education is the lack of incentives for increased student performance. In his book *Making Schools Work: Improving Performance and Controlling Costs* (1995), Hanushek argues that current developments in education have decreased the worth of society’s investments since costs have greatly increased while student performance has remained the same if not worsened. In short, increased funding for schools alone is not the answer. There needs to be a focus on incentives

since research and analysis have shown that centralized decision making has failed and focusing on inputs such as student-teacher ratios or instructor graduate degrees is less effective than systems that provide incentives and rewards for performance (Hanushek, 1995).

This belief that student performance will improve if a school shifts its focus from inputs and compliance to outputs and performance is shared by the school of thought that believes the bureaucratization of schools is the cause of poor educational performance. Chubb and Moe (1990), two well-known advocates of school choice, argue that “public schools perform poorly because expansive centralized bureaucracies limit teacher’s discretion to propose and implement innovative solutions to educational problems” (Bohte, 2001, 92). Thus, they claim, bureaucracy negatively impacts student learning and contributes greatly to failing student performance.

Chubb and Moe not only fault the public education system as a whole for discouraging school autonomy, but for also creating an environment conducive to bureaucracy. They believe “high levels of autonomy from external authority tend to be associated with high levels of organizational effectiveness” and that if the major participants of the current bureaucratic educational systems were placed in a market system, “they would tend to grant substantial autonomy to schools and their personnel” (Chubb and Moe, 1990, 152, 47).

In contrast, school choice critics Kevin B. Smith and Kenneth J. Meier (1995) support the notion that public schools benefit from bureaucracy. They argue that bureaucracy emerges as a result of management problems within the schools and is therefore a necessary means of addressing these administrative issues such as: “school lunch programs, remedial education, and other poverty-related programs” that are especially prevalent in urban school environments. They believe that bureaucracy allows these non-educational administrative matters to be handled by administrators and avoids placing additional burdens on teachers, which take away from class time and can lead to decreased student performance.

Although both sides provide compelling arguments, a study by John Bohte of Oakland University in Rochester, Michigan showed that bureaucracy does in fact have a negative impact on student performance. Based on standardized skills test data from 350 school districts in Texas, Bohte

discovered that “across all grades, higher levels of bureaucracy were found to negatively affect student pass rates on standardized reading, arithmetic, and writing tests, as well as student performance on the SAT.” The two measures of bureaucracy used were “central administrators (superintendents, assistant superintendents, business managers and personnel directors) and campus administrators (principals, assistant principals, and instructional officers” (Bohte, 2001, 94).

His findings also showed that “results by individual grades revealed a negative relationship between bureaucracy and student performance” (Bohte, 2001, 97). In support of the argument supported by these findings, school choice proponents believe a competitive market-based approach to education would allow “parents and students to flee low-quality public schools and move to higher-quality private schools” and “forces public schools to improve in order to remain competitive with private schools” (Bohte, 2001, 92).

PROPOSED EDUCATIONAL REFORMS

Despite the persuasive points of view on each side of the school bureaucracy and student performance issue, education reform and charter schools in particular are playing a significant role in public education. Since bureaucracy has received much of the blame for taking away from student learning while discouraging innovation and an emphasis on performance, approaches to education reform have primarily focused on ways to alleviate these systems of government. School-based management, performance-based incentive programs, and parental choice are just some of the strategies that look to shift the system’s traditional focus on inputs and compliance to outputs and performance (Ladd, 1996).

In effect, the rationale behind most of these approaches to education reform is that holding schools accountable for student performance will ultimately improve student performance. But in addition to holding them accountable, it is also necessary to free them from many of the bureaucratic rules and compliance-based regulations that suppress the innovation and creativity that are critical to school success. This philosophy is the lifeblood of what has become “one of the

fastest growing innovations in education policy”—the charter school (US Charter Schools website).

In an effort to contribute to the discussion of charter school accountability, the purpose of this paper is to evaluate Nevada’s current charter school legislation and identify ways that it can be improved to assist charter schools in developing an effective balance between autonomy and accountability. As most of the more recent charter literature states, the “autonomy for accountability” tradeoff is more theory than reality. According to the American Heritage Dictionary, “to be accountable to is to be answerable for.” Thus, “a school is accountable when it is answerable to some other party for accomplishing some definite goals,” and in turn, not truly independent (Hill et al. 2001).

In light of this contradiction of autonomy for accountability and based on my findings, I will show why it is important not to consider it an exchange between the two, but rather a working balance between accountability and independence. I will then identify criteria for strong charter school accountability legislation, evaluate Nevada’s charter law against the criteria, and offer recommendations for improvement.

Charter Schools and The Charter Movement

What is a Charter School?

The U.S. Department of Education defines a charter school as a “nonsectarian public school of choice that operates with freedom from many of the regulations that apply to traditional public schools” (US Charter Schools website). Despite some of the freedoms and independence enjoyed by charter schools, they are still by definition, public schools. In fact, they are “public schools under contract” – the contract being the charter. Among the many definitions and explanations in the literature, Bruce V. Manno (1990) provides a comprehensive, yet succinct description that captures the essence of the charter school. He defines it as:

An independent public school of choice, given a charter or contract for a specified period of time (typically five years) to educate children according to the school’s own design, with a

minimum of bureaucratic oversight. It may be a new school, started from scratch, or an existing one that secedes from its school district. It is held accountable to the terms of its charter and continues to exist only if it fulfills those terms. As a public school of choice, it is attended by students whose families select it and staffed by educators who choose to teach in it. (p. 1).

It is a hybrid of the private school and traditional public school and exemplifies characteristics of both. Charter schools can be started by just about anyone and are usually established by parents, teachers, local community members and organizations, private foundations, and businesspeople. While they are indeed self-governing institutions and schools of choice, charter schools are open to the public, funded by taxpayer dollars, and accountable to external agencies for results. Their student populations are very similar to those found in the conventional public school system. However, most are fairly small, serving a median enrollment of 150 students compared to a median of 500 at public schools in charter states (Weil, 2000).

According to Finn, Manno and Vanourek (2000), the concept of the charter can be traced back to the late Albert Shanker, a long-time president of the American Federation of Teachers (a teachers union that has ironically been critical of the charter movement). In 1988, after visiting a school in Cologne, Germany, Shanker encouraged America to establish a system that would “enable any school or any group of teachers . . . within a school to develop a proposal for how they could better educate youngsters and then give them a ‘charter’ to implement that proposal” (p. 18).

The US Charter Schools website (2002) suggests the term was first coined in the 1970s by New England educator Ray Budde who recommended “small groups of teachers be given contracts or “charters” by their local school boards to explore new approaches.” At any rate, the idea was eventually picked up and embraced by a Minnesota legislator named Ember Reichgott Junge, and in 1991, Minnesota enacted America’s first charter school law (Finn et al., 2000).

The charter movement has become one of the most sweeping events in the history of public education. Since Minnesota passed the first charter school law in 1991 in the United States, 36 states, the District of Columbia, and Puerto Rico have enacted charter school legislation. During the 1999-00 school year, 1800 charter schools were in operation and those schools serviced

approximately 350,000 students (US Charter Schools website). The Nevada State Legislature joined the movement in 1997 and Nevada now has 10 charter schools, three of which are in their first year of operation. (US Charter School website).

Autonomy for Accountability

According to the Department of Education, “the charter establishing each such school is a performance contract detailing the school’s mission, program goals, students served, methods of assessment, and ways to measure success” (US Charter Schools website). These requirements demonstrate that unlike private schools, charter schools are publicly accountable. In addition to meeting the requirements in their charters, in most cases, charter schools must also meet their state or district’s educational accountability standards (Weil, 200). Thus, accountability plays an inherently important role for charter schools and becomes increasingly significant when it comes to the discussion of whether or not charter schools are living up to their promises.

Naturally, charters experience the accountability challenges that face state programs and more. Not only must they meet state requirements, they also have to individually determine what represents satisfactory progress for their school, which is difficult considering the fact that a large number of charter schools, as a result of provisions expressed in their state’s charter law, are designed to serve at-risk youth who have struggled academically and behaviorally.

These issues and more further obscure an already complex system, because charter school accountability is much more than student test scores. Unlike traditional public schools, charter accountability starts with the application for a charter and has the possibility of ending with the revocation of a charter. For these reasons and more, it is important that all agencies involved in the granting, monitoring, and administration of charter schools have a clear understanding of to whom and for what the schools are accountable. As Hill et al. (2001) explain, although state charter school laws address these accountability issues to some degree, “ultimately they will be answered only in practice, by state and local education agencies, by charter school operators, and by teachers, parents, and students” (2).

CHARTER SCHOOL STRUCTURE

Charter Authorizers

Charter authorizers are the parties responsible for granting and monitoring charters—the contracts by which charter schools operate. Also referred to as chartering agencies, charter-granting agencies, and charter sponsors, they are generally local educational agencies, county offices of education, state boards of education, chief state school officers, state educational agencies, institutions of higher education, municipal governments, and independent or charter school boards. They mainly monitor student achievement, student performance (such as attendance rates), financial record keeping, enrollment numbers, and compliance with federal or state regulations (Anderson & Finnigan, 2001).

Charter School Governing Boards

Most state charter laws designate the charter school governing board as the recipient of the charter, giving the board an extremely powerful role in the school's operation and success. "An effective board provides strategic direction for the school, chooses and nurtures strong school leaders, and ensures the school's financial and legal health" (US Charter Schools website). Charter schools need a board of directors not only to fulfill a legal responsibility, but also to promote the charter school's mission, hire and supervise the charter school administrator, set important policies, and help raise funds (US Charter Schools website). Most state statutes have specific requirements as to who can serve on the charter school governing board. In many cases they consist of licensed teachers, educators, business professionals, elected officials, and community leaders who are charged with "promoting the school's mission and goals within the community and in the wider education reform arena" (US Charter Schools website). For these reasons, it is important that board members are trained, prepared to make effective decisions, and continuously foster strong working relationships with the charter school's

administrator and staff. These charter school governing boards must use their autonomy and governance authority responsibly while balancing the needs of their constituencies—a balancing act that the government performs for conventional public schools (Hill et al., 2001). For the well-being of the charter school, it is necessary that each member of the governing board maintains a strong sense of commitment, responsibility, and accountability. Although great emphasis is placed on the roles of teachers and administrators, as it well should be, charter schools must also recognize the authority of their governing bodies as it relates to charter school accountability.

HOLDING SCHOOLS ACCOUNTABLE FOR PERFORMANCE

The need to hold individual schools accountable for student performance was established way before the charter movement, and as the charter movement grows, so does the effort to reform accountability in conventional public education. In fact, educators and policymakers recognized for decades that compliance-based accountability systems weakened schools and diverted time and energy away from instruction (Hill, 2001, 86). Two states that were at the forefront of this state accountability reform are Mississippi and Kentucky. Since the 1980s, Mississippi slowly evolved into its current performance-based system, and in 1990, as a result of court action, Kentucky implemented a very ambitious form of this new type of educational accountability, which applies the philosophy that accountability systems are more effective when they focus on outputs rather than inputs (Elmore et al., 1996).

In fact, Elmore, Abelman, and Fuhrman's analysis of "the new accountability" in state education reform in Kentucky and Mississippi showed that "respondents in at least 43 states claimed that they were revising or expecting to change their accountability system to focus more on performance" and "over 80 percent of the states claim they are engaged in developing, piloting, or implementing such new approaches to accountability" (Elmore et al., 1996, 67). Nevertheless, because of the difficulty in establishing them, few of these performance-based systems were actually up and running at the time of their study.

These challenges in establishing performance-based accountability systems are just as pressing,

if not more, for charter schools. Although accountability is significant to the existence and success of a charter school, research shows there has been difficulty in establishing and maintaining successful accountability systems. Despite the National Education Association's advocacy of the traditional public school system and overt critique of particular elements of charter schools, there is merit to its concern that charter accountability systems have been "inconsistent" and ill-defined" and that "some enthusiastic educational innovators feel frustrated by traditional assessment methods" (2001, 2).

Despite chartering agencies' significance, Anderson and Finnigan (2001) are essentially the first to explore the fundamental role these agencies play in the charter movement as it relates to charter accountability. They explain that "charter school authorizers have a fair amount of latitude in designing their accountability systems because the laws tend not to provide details about how they should hold schools accountable" (5).

Unfortunately, this puts the reality of accountability relationships between charter schools and their authorizers at odds with the accountability theory of charter schools. "States appear to be giving conflicting messages to authorizers and schools. The 'old' accountability is still embedded in the rules and regulations that govern charter schools" (Anderson & Finnigan, 2001, 13). Hill et al. (2001) go so far as to say that "government agencies that do not clarify performance expectations send an implicit message that charter schools will ultimately be assessed on the basis of political popularity and compliance" (ix). This ambiguity leads to the types of accountability measures that charter states should work to avoid. As a result, "greater clarity about what charter schools plan to accomplish and how progress toward those goals will be measured would help define the terms of accountability. Such terms should consider what constitutes a measurable objective, how it will be analyzed over time, and what happens if some targets are met and not others" (Anderson & Finnigan, 10).

In addition to vague and varied accountability standards, it can be just as difficult to identify who charter schools are accountable to and with what consequences. Hill et al. (2001) state that "charter school laws put schools in a situation of mixed accountability to private parties as well as

to government, in pursuit of a public purpose” (79). Unlike conventional public schools, charter schools must foster relationships directly with community members, teachers, families, unions, donors, and numerous government agencies. Hill et al. continue “building these external accountability relationships and reconciling the needs of different parties is a major challenge that virtually all charter schools struggle to meet” (ix).

Accountability in charter schools is quite different from that of traditional public schools. Although both types of schools are accountable to families, teachers, unions, neighbors, donors, and various government agencies, charter schools are “directly accountable to many different parties, and must balance the needs of all their constituencies without losing the support of any,” but in traditional public education,” government does the balancing” (Hill et al.,2001). The following figures illustrate these differences.

Figure 1—Model school accountability in conventional public education (Hill et al., 2001).

Figure 2—The theory of charter school accountability (Hill et al., 2001)

APPROACHES TO CHARTER ACCOUNTABILITY—TWO ILLUSTRATIONS

In response to these criticisms, several chartering states have adopted distinct approaches to charter accountability. The states of Arizona and Massachusetts have been widely recognized in the charter law literature as having strong legislation and accountability systems. Although both states are similar in their high marks, they differ greatly on their approaches toward charter school accountability, as do most charter states throughout the country.

Arizona: A Market-Based Approach to Accountability

Arizona adopted its charter law in 1994 and has since been characterized as the “Wild West” of the charter school frontier (Finn et al., 2000). Not because of its geographic location, but rather because of the state’s go for broke, hands-off approach toward charter schools. Arizona is currently home to 437 charter schools, far more charter schools than any other state in the nation, and this can be attributed to its charter law, which has no cap to the number of schools that can

open in the state. California has the second largest number with 350 charter schools in operation, followed by Texas' 219 charter schools (CER Charter School Laws: Scorecard (2001)).

In addition to encouraging the development of charter schools, Arizona grants charters for 15 years and provides waivers from most state and district regulations. Charter schools are, however, required by law to "design a method to measure pupil progress, toward the pupil outcomes adopted by the state board of education, including participation in the Arizona instrument to measure standards test and the nationally standardized norm-referenced achievement test as designated by the state board and the completion and distribution of an annual report card (Arizona Revised Statutes Section 15-183 E, 4). Keegan admits that Arizona has struggled with creating and employing high academic standards in the state and prefers to "let the schools teach us what is possible rather than requiring of them what we believe would be best" (Finn et al., 2000, 130).

Arizona has embraced a free-market approach to education, and its legislation reflects its desire to foster an environment that encourages a new type of public education. This approach has contributed greatly to its being recognized by the Center for Education Reform as the state having the strongest charter law in the country. According to Arizona's State Superintendent of Public Instruction Lisa Graham Keegan, "although many people talk about wanting to introduce market forces into public education, few are comfortable with the degree of change they will bring" (Finn et al., 2000).

Massachusetts: A Conservative Approach to Accountability

On the opposite side of the accountability spectrum is Massachusetts, which applies a very conservative, meticulous method to the granting and monitoring of charter schools. Described as the "Harvard-style" approach, Massachusetts believes that strict application requirements and processes result in charter schools being associated with "high quality" and "a more compelling and durable reform" (Finn et al., 2000, 129). As of fall 2001, there were 42 charter schools total in the state.

Charters are granted for five years. There is no automatic waiver from state regulations, but there is from district regulations for new starts, and the possibility for converted public schools to negotiate waivers with the district. In terms of reporting, charters are required to submit an annual report including an audited financial statement and description of progress toward academic goals, as well as state reports required of all other public schools. Charter schools must also provide an accountability contract that specifies performance goals and assessment procedures in greater detail than the charter contract does. Charter students are also required to meet the same performance standards, testing, and portfolio requirements set by the board of education for students in other public schools (General Laws of Massachusetts Chapter 71: Section 89). In effect, three simple questions make up the framework for Massachusetts' system of monitoring its charter schools: (1) Is the school's academic program a success? (2) Is it a viable organization? and (3) Is it faithful to the terms of its charter? (Massachusetts Charter School Handbook). Scott W. Hamilton, Massachusetts' former Associate Commissioner for Charter Schools explains that in order to be granted renewal, "a charter school must submit a renewal application that offers credible responses to our three evaluation questions" (Finn et al., 2000, 131).

After the application is received, the school undergoes a 4-5 day inspection by an independent evaluation team, which focuses on academic achievement, financial audits, and a recommendation to the Board of Education. Hamilton argues that this conservative approach is better than the establishment of numerous charter schools at a speedy rate if the product is shoddy since past experiences show "it is easier to prevent a bad school from being chartered than to close one down once it opens" (Finn et al, 2000, 131).

A Brief Overview of Nevada's Charter School Law

In 1997, Nevada joined the charter movement when the state legislature approved Senate Bill 220, which allowed these independent public schools to operate in the state. The interest in charter schools emerged during Nevada's discussion concerning school vouchers, in which the

charter school concept prevailed as a compromise. Teachers unions, school districts, and others desiring to preserve the public school system accepted the watered down charter school legislation over the possibility of a voucher program. These opponents to education reform preferred the adoption of restrictive charter school legislation over vouchers as the lesser of two evils.

The law, which was last amended in 2001 by Senate Bill 399, limits the number of charter schools to 21, although the establishment of charter schools created to serve at-risk populations is unlimited. The initial term of the charter is six years, and after that the charter is up for renewal every three years. The designated charter authorizers are local school boards, and their sponsorships are subsequently reviewed by the state committee on charter schools. Under the law, private and public schools can not convert to charter schools. Only new start-up schools are allowed, although distance-learning schools that serve at-risk students are also permitted.

(Nevada Revised Statutes 386.500-610).

Despite the state's efforts to allow charter schools, it has not received the highest accolades for the content of its charter law. Based on criteria that focuses on promoting and encouraging the development of charter schools, the Center for Education Reform rated Nevada's charter law the eleventh weakest out of the 38 states with charter legislation in the country, which is not surprising considering the legislation was a result of compromise. Now, in 2002, Nevada has 10 charter schools in operation, serving more than 1200 students.

Nevada Charter School Goals and Measures of Accountability

As previously noted, the majority of states with charter school legislation do not have clearly defined standards concerning accountability, and Nevada is no exception. As most charter states, it requires charter schools be held to the same standards and accountability requirements as its conventional public schools. There is no waiver or exceptions from state and district education laws, regulations, and policies (unless exemptions are approved and specified in the charter.) It is

quite specific as to what is expected as it relates to academic achievement concerning these independent, yet public, educational institutions. Nevada's six legislatively mandated (NRS 385.520(2)(b)) Charter Schools Goals include the following:

1. Improving the opportunities for pupils to learn;
2. Encouraging the use of effective methods of teaching;
3. Providing an accurate measurement of the educational achievement of pupils;
4. Establishing accountability of public schools;
5. Providing a method for public schools to measure achievement based upon the performance of the schools;
6. Creating new professional opportunities for teachers.

Each of Nevada's required charter school goals encourage the development of educational innovation and/or accountability for performance. Although the aforementioned goals demonstrate the essence of the charter school concept, there is no specific means of evaluation connected with these goals. Nevada's charter school laws and policies also require standardized reporting by all public schools—which includes charter schools—of the following Measures of Accountability as stated in NRS 386.605(1) and NRS 385.347.

1. Technology Use at the School
 - a. Access to Internet
 - b. Percentage of students at the school that have a least one half hour per week of direct use of computers that is tied to instruction/curriculum (for elementary schools)
 - c. Student to computer ratio
2. School Statistics
 - a. Average daily student attendance rate
 - b. Truancy rate
 - c. Retention by grade
 - d. Dropout rate
3. Student Achievement (Terra Nova)
 - a. Percentage of eligible students tested
 - b. Average percentile rank in each grade tested for each section of the Terra Nova
 - c. Percentage of students scoring in the top and bottom quarter nationally in each grade for each section of the Terra Nova
4. Student Achievement (Statewide Writing Exam)
 - a. Percentage of students proficient for each writing trait
5. Student Achievement (Nevada High School Proficiency Examination)
 - a. Percentage of students passing each section of the examination
 - b. Proficiency failures
6. Student Achievement (College Entrance Examination Results)
 - a. Percentage of previous year's fall enrollment of seniors that took the ACT and each

section of the SAT

b. Average scores on the ACT composite and SAT math and verbal sections for the previous year's graduating class

These measures of accountability provide a more concrete formula by which charter schools can be held accountable. Not only do they require charter schools to quantify the levels of student achievement demonstrated by their students, it also provides data that can be used to compare average student achievement scores of charter students with those of their traditional public school counterparts. This comparison also allows students, parents, teachers, donors, and community members to get a sense of whether or not a charter school is fulfilling its promises, and this information is critical to the success of increased competition in the American education system.

The following chart compares data compiled by the Center for Education Reform as of October 2001. It compares some of the major similarities and differences in charter law among Nevada, Arizona, and Massachusetts, particularly in areas concerning accountability. As we can see, there are a wide variety of ways to approach charter school accountability, and they vary greatly in their attempt to balance independence and accountability for performance.

Figure 3: Comparison of NV, AZ, and MA Charter School Law

	Nevada	Arizona	Massachusetts
Year legislation adopted	1997 (last amended in 2001)	1994 (last amended in 2001)	1993 (last amended in 2000)
Number of charter schools in operation (as of fall 2001)	9	437	43
Number of charter schools permitted	21; unlimited on charters serving at-risk students	Unlimited	72 state-approved charters (Commonwealth charters); 48 school district conversion charters (Horace Mann charters)

Eligible charter authorizers	Local school boards, following an initial review by the state committee on charter schools	Local school boards, state board of education, state board for charter schools	State board of education for Commonwealth start-up charters; jointly by local school committee; local teacher union and state board of education for Horace Mann conversions
Eligible applicants	Committee consisting of at least 3 certified teachers and up to 10 additional community members	Public body, private person, private organization	Applicants may include (but are not limited to) non-profit organizations, 2 or more certified teachers, 10 or more parents
Types of charters	New starts and distance learning schools that serve at-risk students	Converted public, converted private, new starts (but not home-based schools)	Converted public, new starts (but not home-based schools)
	Nevada	Arizona	Massachusetts
Term of initial charter	6 years	15 years	5 years
Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No; exemptions from particular law, regulations, and policies must be specified in charter	Yes	No from state, yes from district for start-ups; negotiated with district for conversions
Legal Autonomy	No	Yes	Limited
Funding Amount	100% of per-pupil funding. Estimated portion is about \$4,600	For charter schools authorized by local school boards, funding may be negotiated and is specified in the charter; for other charter schools, funding is determined by the same base support level formula used for all district schools. Estimated portion is about \$4,600	100% of state and district operations funding follows students, based on average cost per pupil of student's home district; if student lives in an above-foundation district (i.e. wealthier district), charter school receives amount equal to the lesser of (a) average cost per pupil in the home district and (b) average cost per pupil in the district where charter school is located; if student lives in a below-foundation district (i.e. poorer district), charter school receives amount equal to average cost per pupil in the sending district. Estimated portion is about \$7,700

Fiscal Autonomy	Yes, but district still maintains some control over funding as specified in charter	Yes	Yes, for both Commonwealth and Horace Mann charters
Governance	Contracts and services are negotiated with the district	Governing board	Board of trustees
Eligible Students	All students eligible	All students in state	All students in state
Preference for Enrollment	Racial balance of charter school may not differ from district by more than 10%	District residents if sponsored by local school boards; siblings	City/town residents and siblings for commonwealth charter; students enrolled prior and siblings first, then city/town residents for Horace Mann charters
At-Risk Provisions	Must be primary consideration for establishing charters; an unlimited number of charters may be started to serve at-risk students	None	Charter granting preference may be given to schools located in poor-performing districts
Selection Method (in case of over-enrollment)	Lottery/random process	Equitable selection process such as a lottery	Lottery/random process
Reporting Requirements	Annual reports as required of district public schools	Charter schools, like all schools in state, must prepare an annual report card for parents and the department of education; charter schools must also undergo an annual audit	Annual report including audited financial statement and description of progress toward academic goals, as well as state reports required of all other public schools; each charter school must prepare an accountability contract that specifies performance goals and assessment procedures in greater detail than the charter does; state will commission an independent evaluation under direction of state Education Reform Review Commission

Accountability	All statutes regarding student proficiency and achievement apply	Students must participate in the Arizona instrument to measure standards test and the nationally standardized norm-referenced achievement test as designated by the state board. Also, the schools must complete and distribute an annual report card	Students in charter schools shall be required to meet the same performance standards, testing and portfolio requirements set by the board of education for students in other public schools
----------------	--	---	---

METHODOLOGY

In this paper, I examine Nevada's charter school legislation as it pertains to accountability. After reviewing the current literature on charter schools and accountability, I identify five criteria for effective charter school accountability legislation. After presenting a brief overview of Nevada charter school law, I use the criteria to analyze Nevada law and recommend changes.

As does every report on charter schools, this analysis takes into account the fact that the charter school movement is still young and that any research on charter school accountability is even less developed. This reality holds especially true in Nevada where every charter school is in its early stage of development (the oldest school is in its fourth year of operation) and will be faced with the renewal process after its sixth year of operation. After reviewing the literature, I developed criteria by which I evaluated and offered recommendations for Nevada's charter accountability legislation.

Criteria for An effective Charter school Accountability Law

The notion of independence and freedom from bureaucracy is central to the success of a strong charter accountability law. In addition to moving away from compliance-based standards toward performance-based results, charter schools should also have the freedom to regulate themselves. However, rather than looking at autonomy for accountability as a tradeoff, it is more fitting to consider the goal to be achieving a balance between the two—a balance that not only results in increased student performance and school success, but also informs policymakers, taxpayers, parents, and other interested parties of the degree of any realized progress. Based upon recent charter school accountability literature and Massachusetts charter law, the following criteria

provide a framework by which to evaluate the effectiveness of Nevada's charter school law as it relates to accountability.

Please note that the following criteria do not attempt to include all of the necessary components for strong charter school accountability law. It simply lists some of the key elements that would benefit Nevada's charter school legislation in its efforts to measure accountability for performance.

Clearly Defined Responsibilities Concerning Self-Governance

Charter schools should put into practice the theories behind school-based management reform. Theoretically, it would be more effective and efficient if a school's administrators, educators, and support staff are intimately involved in the school's management and decision-making processes. As Chubb and Moe (1990) explain, this type of reform has been implemented in some conventional public schools since the 1970s, but has not been as effective as its supporters have claimed because "the schools remain subordinates [to authorities at the district and state level] in a democratic hierarchy" and "as long as higher-level authority exists, it will eventually get used" (200-201).

Therefore, when there is any public scrutiny or criticism over poor student achievement or politically controversial decisions made by the school's management team, the school's higher-level authorities are criticized and held accountable, rather than the school's management. In these instances, "there is a built-in tendency for decentralized systems to gravitate toward greater centralization" (201). Finn et al. (2000) agree as they note "site-based management alone rarely worked out in practice because effective control over such crucial domains as budget and personnel usually remained with the central office bureaucracy and the master union contract" (64).

However, this issue of control and accountability is somewhat unique when it comes to charter schools. Although they are defined as public schools, they have direct accountability relationships to parents, teachers, and community members, who are primarily holding the charter schools accountable for performance, not the school's sponsor, local school board, or state department of

education. (Hill et al) Furthermore, it is appropriate if not necessary for charter schools to demonstrate a school-based management system since most of them establish their mission and curriculum around a particular academic theme or educational focus.

Self-governance relates directly to accountability and this is largely the responsibility of the charter school's governing board. This board should be responsible for the following basic functions as outlined in the Massachusetts Charter School Handbook (1999):

1. Defining the organization's mission, strategy and policies
2. Planning and budgeting to meet the organization's goals
3. Evaluating the organization's effectiveness
4. Hiring and evaluating top management
5. Developing financial resources for the organization, and
6. Representing the organization to the broader community.

It is also important that schools have board recruitment and nominations processes in place "to ensure the involvement of the best qualified individuals, and create a solid orientation process for new board members". Selected board members should be given an orientation that details their roles, responsibilities, and expectations, a written board member manual, and on-going training and workshops and access to publications and conferences" (US Charter Schools website). The charter school governing board should also be required to meet on a regular basis, particularly since it is required by most state charter laws.

Stronger Measures Concerning the Development of Student Achievement and Performance Assessment Standards

The immense popularity surrounding charter schools has much to do with the desire for educators, parents, legislators, and concerned citizens to achieve the goal of improved student performance. Unfortunately, measuring student performance poses several difficult challenges, and it is difficult to define good measures. But accountability for student performance is essential to the theory behind charter schools. There are questions as to what constitutes satisfactory student performance, whether or not test scores are an effective measure of performance, and the rate at

which student achievement is expected to improve.

As Manno et al. (1997) explain, although state-wide and district testing systems used to monitor charter school student achievement allow performance measures to be compared with those of traditional public school students, "the problem, of course, is that most states are simultaneously struggling to develop those standards and tests for their 'regular' public schools and students.

Where that process is incomplete, there is not likely to be a very satisfactory 'achievement audit' instrument by which charter schools can demonstrate their own efficacy". Furthermore, they note that state testing systems that are "complex or overly rigid about curriculum content, scope, sequence, and suchlike" create yet another problem for charter schools, which may have a specialized curriculum or serve a predominately at-risk student population.

As Wohlstetter and Griffin (1997) explain, a charter school's impact on student achievement may vary, but the mechanism is difficult to identify because of insufficient or inadequate evaluations (1). Furthermore, "should the performance of charter schools be judged by the relative improvement of their students based on the school's unique mission and goals or by state performance standards like other public schools?" (5) Similar questions were raised by Elmore et al. (1996) who questioned "why students should be expected to achieve at the levels prescribed by the system and what value would follow from their achievement?" (74) This becomes an even more pertinent concern when comparing charter schools to traditional public schools, because "what a charter school has been founded to teach may not be exactly what the state (or district) measures" (Manno).

It would be ideal if charter schools could evaluate their student performance from their own prescribed measures, but because the charter school concept is still fairly new and there are currently so many inconsistencies in public school accountability, it is probably more valuable for charter schools to be measured according to state performance standards until school accountability systems in general become more sophisticated. As Manno (1999) explains, "charter operators would do well to wait until the charter school is over its start-up bumps before plunging into the process of developing such measures."

According to the National Education Association (2000), “researchers are finding that by commonly used measurements, charters have had mixed success in increasing student achievement, with some schools showing strong gains, and others struggling or even failing” (2). However, it is important we have an understanding of how “success in increasing student achievement” is defined. The majority of states with charter laws require their charter schools to use the same test as other public schools in the state. Alaska, Colorado, and Georgia are exceptions to these state testing requirements, while Hawaii, Minnesota, New Mexico, and Wyoming do not even specify their expectations for testing in their laws (Weil, 2000, Appendix). The diversity of standards among states further complicates the issue.

Clearly Defined Responsibilities for Charter Authorizers

There is also a need for clear cut definitions and explanation concerning the expectations and responsibilities of charter school authorizers. According to a study by Anderson and Finnigan that sampled 48 charter authorizers in the fall of 1999 in 22 states and the District of Columbia, 90% were local school boards or districts; county boards or offices; or intermediate school districts, 6% were universities; colleges; or community colleges, 4% were state boards of education; state education agencies; or chief state school officers; and less than 1% were other, which included independent or special charter school boards (3). In the study they found that “authorizers that are not local entities (particularly those that are states) and those that have chartered large numbers of schools are more likely than local authorizers to have well-developed accountability systems” (Anderson & Finnagan, 2001, 5).

Most importantly, charter authorizers must be austere in their roles and duties concerning charter schools. It is their public responsibility to protect students from ineffective schools, and the only way they can achieve that is through accessing and evaluating information on a charter school’s academic and operational progress.

Clearly Established Consequences for Inadequate Schools

“The states required assessment information, but they rarely required clear performance standards or established consequences” (Anderson & Finnagan, 4). There should be specific criteria in place to determine what a charter school must do to achieve renewal, and also what happens to the school if it fails to meet those requirements. Is there a probationary period? Are there circumstances that may warrant immediate closure? Is it based on poor student achievement, failure to comply with regulatory standards, or any combination thereof?

Interestingly enough, “few charter school authorizers have revoked or not renewed charter because of student performance problems” (Anderson & Finnagan, 2001, 11).

Closures usually result from operational problems, and “some charter authorizers reported using probationary status as a means of helping charter schools resolve operational problems before revocation became necessary” (Anderson & Finnagan, 2001, 11). Although there will always be situations that may not fall into a distinct category in terms of disciplinary action, it is important that both the charter authorizer and the charter school are made aware of the consequences established for inadequate school performance. Further studies are likely to be conducted in this area as more charter schools come up for renewal.

Clearly Defined Accountability Reporting Requirements

In these instances, this requirement is important for charter schools to follow because it allows them to acquire baseline data through standardized test results that are critical to determining the academic rates of student improvement over time. Although some charter advocates argue that these types of testing requirements compromise the autonomy of charter schools, as Manno et al. (1997) conclude, “without good hard data on school performance, accountability for student results will not work, either for policymakers or for the education marketplace” (5).

There should also be a schedule for administering assessment instruments and gathering other data along with a plan for arraying and analyzing data so that results can be presented in technically sound, understandable, and useful forms (Manno, 2001). This is an important way for charter schools to measure their performance and prove they are living up to the terms of their

charters.

In order to effectively address the reality of multidirectional accountability, it is in the best interest of a charter school to create some type of in-house public information plan that allows information and reports to be disseminated to the public in a timely fashion. This requirement doesn't need to be explicitly listed in the law, but would be wise to implement since most charter schools are subject to open meeting laws. It is therefore important they have in place a method for ensuring public documents and information are readily available to the public. Not just for compliance, but to also demonstrate accountability to their students, parents, teachers, donors, community members, and anyone else who desires this public information (Hill et al, 80).

RECOMMENDATIONS

After reviewing the literature, establishing criteria for effective charter school legislation, and evaluating Nevada's charter accountability law against these criteria, I offer the following recommendations for Nevada's charter school law as it relates to accountability.

1. Clearly Defined Responsibilities Concerning Self-Governance

Summary of Nevada Law (NRS 386.549):

- A charter school governing body must consist of at least three licensed teachers with at least two years of employed experience, and parents and representatives of nonprofit organizations and businesses.
- A majority of the board members must live in the state.

- “A person may serve on the governing body only if he submits an affidavit to the department indicating that the person has not been convicted of a felony or any offense involving moral turpitude.”
- The governing body of a charter school is a public body.
- The governing body must hold at least one regularly scheduled public meeting in the county in which the charter school is located each year.

Recommendation:

In addition to stating the required make-up of the governing body, Nevada’s law should clearly list the roles and responsibilities of the charter school’s governing body. As the entity that received the charter, the governing body should be responsible for the basic functions of defining the organization’s mission, strategy and policies; planning and budgeting to meet the organization’s goals; evaluating the organization’s effectiveness; hiring and evaluating top management; developing financial resources for the organization; and representing the organization to the broader community (US Charter School website). These should be clearly listed in the legislation as the functions of the charter school governing body. Strengthening the role and understanding of the responsibilities of the governing body, which serves as a very important liaison between the school, community, and charter authorizer, will strengthen the charter accountability system in its entirety.

2. Stronger Measures Concerning the Development of Student Achievement and Performance Assessment Standards

Summary of Nevada Law (NRS 386.550(1)(g) and (h)):

- The charter school must “cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations” as outlined in the Nevada Revised Statutes.
- The charter school must also “comply with applicable statutes and regulations governing the achievement and proficiency of pupils in the state.”

Recommendation:

Fortunately, in Nevada, there is a standardized state assessment system that does allow academic achievement in charter schools to be effectively compared to that of the conventional

public schools. Nevertheless, Nevada's charter schools, much like charter schools across the country, must still face the pressures of satisfying various accountability relationships in addition to justifying their existence through student performance.

In Nevada, charter schools are required to administer state-mandated achievement tests, and therefore operators should recognize the importance of instituting a curriculum that prepares students for these mandatory exams. Although these tests may not necessarily fall in line with the charter school's main intent or purpose, they are necessary to establish data that can be compared to traditional public schools. They also provide proof of a charter school's effectiveness, particularly in relation to the conventional public schools they are, in a sense, competing against. As Hill et al. explain, "Schools in states that required standards-based testing can critique the tests, but they must not resist administering them" (83).

In terms of student achievement and performance assessment, the state law is effective in its explicit expectation that all charter schools maintain the mandated Nevada Measures of Accountability and statewide examinations. This makes it easy for charter schools to know beforehand what baseline data should be collected from their students, and what performance measures need to be included as part of their accountability plan. So if a charter school is ambitious, and really wants to know how their students are performing on an internal level, they can administer their own tests in addition to the statewide examinations. Although this requirement works in Nevada, it may not be appropriate in states where statewide exams are under constant review and modification.

3. Clearly Established Responsibilities for Charter Authorizers

Summary of Nevada Law (NRS 386.515):

- The local school board of trustees may apply to the department to sponsor charter schools within the school district. "An application must be approved by the department before the board of trustees may sponsor a charter school."
- "Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit

applications for charter schools.”

- “The state board shall sponsor charter schools whose applications have been approved by the state board. . . .”

Recommendation:

Like many other states, Nevada’s law doesn’t spend much time explaining the functions and responsibilities of charter authorizers (or sponsors), which are its local school boards or state board. However, these should be listed plainly in the law. In addition to knowing when to close the door on charter schools that are not satisfying the terms of their charter, charter authorizers also have the responsibility to report outstanding progress of charter schools and highlight innovative educational strategies that may benefit the public school system as a whole. It would be beneficial for the Nevada Department of Education to host workshops for charter authorizers that would clearly outline the goals and expectations of these charter school sponsors and encourage activity that enhances educational improvement throughout the state.

4. Clearly Established Consequences for Inadequate Schools

Summary of Nevada Law (NRS 386.535):

- The sponsor of a charter school may revoke the school’s charter if:
 - the charter school has failed to comply with (1) the terms and conditions of the written charter, (2) generally accepted standards of accounting and fiscal management, or (3) the provisions of any statute or regulation applicable to charter schools
 - the school is bankrupt, insolvent, or otherwise financially impaired and cannot continue to operate
 - “there is reasonable cause to believe that revocation is necessary to protect the health and safety of the pupils . . . persons who are employed . . . or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.”
- The sponsor shall provide written notice at least 90 days prior to revocation to the charter school’s governing body. The written notice must “include a statement of the deficiencies or reasons upon which the action of the sponsor is based” and “prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies.”
- “If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed . . . the sponsor shall not revoke . . . the written charter of the charter school.”

Recommendation:

As Nevada's law stands now, a charter school can be denied its renewal for any failure to meet all of the requirements listed in its charter. Unfortunately, this can be very subjective if the terms of the charter and school's expectations are not outlined in great detail. Another issue of concern stems from the very first sentence in the law which begins, "The sponsor of a charter school *may* revoke the written charter of the charter school. . ." The use of the word 'may' as opposed to 'will' or 'shall' introduces yet another opportunity for subjectivity in determining whether or not a school loses its charter.

Although these requirements for renewal and consequences for failure to meet the terms of the charter appear to be clearly established in the law and may help provide school administrators with a clear understanding of what constitutes state or district intervention, probation, and charter revocation, they may be applied inconsistently and selectively based on the wording in the law or interpretation by those who administer it.

5. Clearly Defined Accountability Reporting Requirements

Summary of Nevada Law (NRS 386.605):

Charter school governing body of each charter school must submit:

- required information concerning Measures of Accountability) to the local school board of trustees.
- report to the commission on educational technology.
- a separate written report summarizing the effectiveness of the charter school's program of accountability including: review and analysis of data, identified problems, and efforts made to ensure teachers and other educational personnel employed by the governing body receive training and other professional development.

Recommendation:

Most charter laws at a minimum require their state's charter schools to complete an annual report, as required by all state public schools, and Nevada is no exception (Center for Education Reform). Nevada's charter school law is fairly comprehensive when it comes to accountability and

reporting requirements. Because the schools are subject to open meeting laws and are required to submit annual reports, as is every other public school, it would benefit the charter school to develop an internal public information and progress reporting plan. The plan should also include a schedule of community meetings and forums, parent nights, school tours, and the availability of public documents as they relate to test scores, performance measures and outcomes, financial reports, etc.

It should also include sound plans for getting the views of students, parents, teachers, and the community on how well they believe the school is performing and how the school can be improved. There should also be strategies for reporting annually to students, parents, teachers, the community, providing them with timely, credible, understandable, and useful information; and plans that offer an opportunity for constituencies to raise and get answers to questions that may arise from the information that is reported (Manno, 2001).

CONCLUSION

Charter school accountability has for the most part been uncharted territory. Much of the literature has identified the fact that the “autonomy for accountability” philosophy has been more theory than reality, but there hasn’t been enough studies or time spent to determine whether or not this is true. We do know, however, that there are some basic criteria that should be established for any charter school accountability system that will at least provide an effective framework for future observation and research. Self-governance, student achievement and performance assessment, clearly established responsibilities for charter authorizers, clearly established consequences for inadequate schools, and accountability reporting requirements are important and necessary parts for effective charter school accountability legislation. Moreover, autonomy and accountability are most important in the areas of self-governance by charter school governing bodies and charter authorizers, because with these particular functions, increased autonomy results in the need for increased accountability.

Unfortunately, these are the two areas where Nevada’s charter law needs the most

improvement. The law needs to better define the roles and responsibilities of both charter school governing bodies and charter authorizers. Providing clearer expectations will allow these groups to demonstrate autonomy in the manner in which they govern their schools while placing increased accountability on the charter schools and their responsible parties. However, Nevada's charter law is sufficient when it comes to its requirements for student achievement, performance assessment, and accountability reporting, because in these areas, increased autonomy could possibly result in decreased levels of accountability.

That is why it is important that Nevada implement the aforementioned recommendations in its state charter school law. These recommendations will not only strengthen the law in relation to the other charter laws across the country, they will also help charter schools operate more effectively, work to accurately compare student performance with that of traditional public schools, reinforce the role of the charter authorizer, and inform the public of whether charter schools are keeping their promises.

Unfortunately, politics, unwillingness to move from tradition, and other external factors may serve as impediments to both the development and implementation of strong charter accountability law. If this be the case, it may be wise for charter schools to take the initiative of developing their own internal accountability plans that reflect their commitment and diligence toward fulfilling their promises, while ensuring their students receive a quality education and learning experience. Although legally, they are accountable to their charter authorizers and other state and local governments, above all else, charter schools are accountable to their students, their parents, the charter movement, and the overall effort to improve the quality of the American education system.

REFERENCES

Anderson, L. & Finnigan, K. (2001, April). Charter school authorizers and charter school accountability. Paper presented at the annual meeting of the American Educational Research Association, Seattle, WA. (ERIC Document Reproduction Service No. ED 455 585)

Chubb, J. & Moe, T. (1990). Politics, markets, and America's schools. Washington, DC: The

Brookings Institution.

Elmore, R., Abelman, C., & Fuhrman, S. (1996). The new accountability in state education reform: From process to performance. In Ladd, H. (Ed.), Holding schools accountable: Performance-based reform in education. Washington, DC: The Brookings Institution.

Finn, C., Manno, B., & Vanourek, G. (2000). Charter schools in action: Renewing public education. Princeton, NJ: Princeton University Press.

Hanushek, Eric A. (1995). Making schools work: Improving performance and controlling costs. Washington, DC: The Brookings Institution Press.

Hill, P., Lake, R., and Celio, M. B., with Campbell, C., Herdman, P., Bulkley, K. (2001). A study of charter school accountability: National charter school accountability study. Seattle, WA: Center on Reinventing Public Education, University of Washington.

Ladd, H. F. (Ed.). (1996). Holding schools accountable. Washington, DC: The Brookings Institution.

Manno, B. (1999). Accountability: The key to charter renewal, a guide to help charter schools create their accountability plans. Washington, DC: The Center for Education Reform.
<http://www.edreform.com/pubs/charterschoolaccountability/htm>

Manno, B., Finn, C., Bierlein, L., Vanourek, G. (1997). Charter school accountability: Problems and prospects. Washington D.C.: The Hudson Institute.

Nevada Revised Statutes (NRS). (2001). Nevada Legislature Web Site. Nevada Law Library.
<http://www.leg.state.nv.us/nrs/nrs%2D386.html>

US Charter Schools: Overview of Charter Schools. Retrieved February 12, 2001, from
http://uscharterschools.org/pub/uscs_docs/gi/overview.htm

U.S. Department of Education (2000). Evaluation of the public charter schools program: Year one evaluation report. Washington, DC: Office of the Under Secretary, Planning and Evaluation Service, Elementary and Secondary Program Division (December). The report is available on-line: <http://www.ed.gov/office/OUS/PES/chartschools/index.html>.

Weil, D. (2000). Charter schools: A reference handbook. Santa Barbara: ABC-CLIO, Inc.

Wohlstetter, P., & Griffin, N. C. (1997). First lessons: Charter schools as learning communities. CPRE Policy Briefs, RB-22.

APPENDIX A:

NEVADA REVISED STATUTES (NRS)

PERTAINING

TO CHARTER SCHOOL ACCOUNTABILITY

NRS 386.549 Membership and powers of governing body; duty to hold public meeting on quarterly basis.

1. The governing body of a charter school must consist of at least three teachers, as defined in subsection 4, and may consist of, without limitation, parents and representatives of nonprofit organizations and businesses. A majority of the members of the governing body must reside in this state. If the membership of the governing body changes, the governing body shall provide written notice to the sponsor of the charter school within 10 working days after such change. A person may serve on the governing body only if he submits an affidavit to the department indicating that the person has not been convicted of a felony or any offense involving moral turpitude.

2. The governing body of a charter school is a public body. It is hereby given such reasonable and necessary powers, not conflicting with the constitution and the laws of the State of Nevada, as may be requisite to attain the ends for which the charter school is established and to promote the welfare of pupils who are enrolled in the charter school.

3. The governing body of a charter school shall, during each calendar quarter, hold at least one regularly scheduled public meeting in the county in which the charter school is located.

4. As used in subsection 1, “teacher” means a person who:

(a) Holds a current license to teach issued pursuant to [chapter 391 of NRS](#); and

(b) Has at least 2 years of experience as an employed teacher.

The term does not include a person who is employed as a substitute teacher.

(Added to NRS by 1999, [3290](#); A 2001, [3131](#))

NRS 386.550 General conditions of operation; limitation on program of distance education.

1. A charter school shall:

(g) Cooperate with the board of trustees of the school district in the administration of the achievement and proficiency examinations administered pursuant to [NRS 389.015](#) and the examinations required pursuant to [NRS 389.550](#) to the pupils who are enrolled in the charter school.

(h) Comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this state.

NRS 386.515 Sponsorship of charter schools by board of trustees and state board. [Effective July 1, 2002.]

1. The board of trustees of a school district may apply to the department for authorization to sponsor charter schools within the school district. An application must be approved by the department before the board of trustees may sponsor a charter school. Not more than 180 days after receiving approval to sponsor charter schools, the board of trustees shall provide public notice of its ability to sponsor charter schools and solicit applications for charter schools.

2. The state board shall sponsor charter schools whose applications have been approved by the state board pursuant to [NRS 386.525](#).

(Added to NRS by 1997, 1844; A 2001, [3125](#), effective July 1, 2002)

NRS 386.535 Revocation of charter; written notice; opportunity to correct deficiencies.

1. The sponsor of a charter school may revoke the written charter of the charter school before the expiration of the charter if the sponsor determines that:

(a) The charter school, its officers or its employees have failed to comply with:

(1) The terms and conditions of the written charter;

(2) Generally accepted standards of accounting and fiscal management; or

(3) The provisions of [NRS 386.500](#) to [386.610](#), inclusive, or any other statute or regulation

applicable to charter schools;

(b) The charter school has filed for a voluntary petition of bankruptcy, is adjudicated bankrupt or insolvent, or is otherwise financially impaired such that the charter school cannot continue to operate; or

(c) There is reasonable cause to believe that revocation is necessary to protect the health and safety of the pupils who are enrolled in the charter school or persons who are employed by the charter school from jeopardy, or to prevent damage to or loss of the property of the school district or the community in which the charter school is located.

2. At least 90 days before the sponsor intends to revoke a written charter, the sponsor shall provide written notice to the governing body of the charter school of its intention. The written notice must:

(a) Include a statement of the deficiencies or reasons upon which the action of the sponsor is based; and

(b) Prescribe a period, not less than 30 days, during which the charter school may correct the deficiencies.

If the charter school corrects the deficiencies to the satisfaction of the sponsor within the time prescribed in paragraph (b), the sponsor shall not revoke the written charter of the charter school.

(Added to NRS by 1997, 1848; A 1999, [3296](#))

NRS 386.605 Submission of reports of accountability; preparation of procedure to improve achievement; inclusion of reports and procedure in final budget; maintenance of information by department; review of information authorized. [Effective through June 30, 2002.]

1. On or before January 1 of each year, the governing body of each charter school shall submit the information concerning the charter school that is required pursuant to subsection 2 of [NRS 385.347](#) to the board of trustees of the school district in which the charter school is located, for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. On or before April 15 of each year, the governing body of each charter school shall submit the information applicable to the charter school that is contained in the report pursuant to paragraph (t) of subsection 2 of [NRS 385.347](#) to the commission on educational technology created pursuant to [NRS 388.790](#).

3. On or before June 15 of each year, the governing body of each charter school shall prepare a:

(a) Separate written report summarizing the effectiveness of the charter school's program of accountability. The report must include:

(1) A review and analysis of the data upon which the report required pursuant to subsection 2 of [NRS 385.347](#) is based and a review and analysis of any data that is more recent than the data upon which the report is based;

(2) The identification of any problems or factors at the charter school that are revealed by the review and analysis; and

(3) A summary of the efforts that the governing body has made or intends to make to ensure that the teachers and other educational personnel employed by the governing body receive training and other professional development in:

(I) The standards of content and performance established by the council to establish academic standards for public schools pursuant to [NRS 389.520](#);

(II) The assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils; and

(III) Specific content areas to enable the teachers and other educational personnel to provide a higher level of instruction in their respective fields of teaching.

(b) Written procedure to improve the achievement of pupils who are enrolled in the charter school, including, but not limited to, a description of the efforts the governing body has made to correct any deficiencies identified in the written report required pursuant to paragraph (a). The written procedure must describe sources of data that will be used by the governing body to evaluate the effectiveness of the written procedure.

4. On or before June 15 of each year, the governing body of each charter school shall submit copies of the written report and written procedure required pursuant to subsection 3 to the:

(a) Governor;

(b) State board;

(c) Department;

(d) Legislative committee on education created pursuant to [NRS 218.5352](#);

(e) Legislative bureau of educational accountability and program evaluation created pursuant to [NRS 218.5356](#); and

(f) Board of trustees of the school district in which the charter school is located.

5. The department shall maintain a record of the information that it receives from each charter school pursuant to this section in such a manner as will allow the department to create for each charter school a yearly profile of information.

6. The governing body of each charter school shall ensure that a copy of the written report and written procedure required pursuant to subsection 3 is included with the final budget of the charter school adopted by the governing body of the charter school pursuant to the regulations of the department.

7. The legislative bureau of educational accountability and program evaluation created pursuant to [NRS 218.5356](#) may authorize a person or entity with whom it contracts pursuant to [NRS 385.359](#) to review and analyze information submitted by charter schools pursuant to this section, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to [NRS 385.359](#).

(Added to NRS by 1997, 1847; A 1999, [2664](#), [3305](#); 2001, [1482](#))

NRS 386.605 Submission of reports of accountability; preparation of procedure to improve achievement; inclusion of reports and procedure in final budget; maintenance of information by department; review of information authorized. [Effective July 1, 2002.]

1. On or before January 1 of each year, the governing body of each charter school shall submit the information concerning the charter school that is required pursuant to subsection 2 of [NRS 385.347](#) to the board of trustees of the school district in which the charter school is located, regardless of the sponsor of the charter school, for inclusion in the report of the school district pursuant to that section. The information must be submitted by the charter school in a format prescribed by the board of trustees.

2. On or before April 15 of each year, the governing body of each charter school shall submit the

information applicable to the charter school that is contained in the report pursuant to paragraph (t) of subsection 2 of [NRS 385.347](#) to the commission on educational technology created pursuant to [NRS 388.790](#).

3. On or before June 15 of each year, the governing body of each charter school shall prepare a:

(a) Separate written report summarizing the effectiveness of the charter school's program of accountability. The report must include:

(1) A review and analysis of the data upon which the report required pursuant to subsection 2 of [NRS 385.347](#) is based and a review and analysis of any data that is more recent than the data upon which the report is based;

(2) The identification of any problems or factors at the charter school that are revealed by the review and analysis; and

(3) A summary of the efforts that the governing body has made or intends to make to ensure that the teachers and other educational personnel employed by the governing body receive training and other professional development in:

(I) The standards of content and performance established by the council to establish academic standards for public schools pursuant to [NRS 389.520](#);

(II) The assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils; and

(III) Specific content areas to enable the teachers and other educational personnel to provide a higher level of instruction in their respective fields of teaching.

(b) Written procedure to improve the achievement of pupils who are enrolled in the charter school, including, but not limited to, a description of the efforts the governing body has made to correct any deficiencies identified in the written report required pursuant to paragraph (a). The written procedure must describe sources of data that will be used by the governing body to evaluate the effectiveness of the written procedure.

4. On or before June 15 of each year, the governing body of each charter school shall submit copies of the written report and written procedure required pursuant to subsection 3 to the:

(a) Governor;

(b) State board;

(c) Department;

(d) Legislative committee on education created pursuant to [NRS 218.5352](#);

(e) Legislative bureau of educational accountability and program evaluation created pursuant to [NRS 218.5356](#); and

(f) Board of trustees of the school district in which the charter school is located.

5. The department shall maintain a record of the information that it receives from each charter school pursuant to this section in such a manner as will allow the department to create for each charter school a yearly profile of information.

6. The governing body of each charter school shall ensure that a copy of the written report and written procedure required pursuant to subsection 3 is included with the final budget of the charter school adopted by the governing body of the charter school pursuant to the regulations of the department.

7. The legislative bureau of educational accountability and program evaluation created pursuant to [NRS 218.5356](#) may authorize a person or entity with whom it contracts pursuant to [NRS 385.359](#) to review and analyze information submitted by charter schools pursuant to this section, consult with the governing bodies

of charter schools and submit written reports concerning charter schools pursuant to [NRS 385.359](#).

(Added to NRS by 1997, 1847; A 1999, [2664](#), [3305](#); 2001, [1482](#), [3140](#), effective July 1, 2002)