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Assignment summary: This is the final policy paper for the course. The assignment asks students to write a 10-12-page policy "white paper" justifying an approach to an issue in American public policy. We had significant liberty in terms of specific topics and structure.

Title: "A Tale of Two States: Takeaways from Massachusetts and Louisiana in the Quest for a New Federal Education Policy"

A Tale of Two States: Takeaways from Massachusetts and Louisiana in the Quest for a New Federal Education Policy

Executive Summary

School choice is one of the most hotly-debated topics in American education policy. This paper uses two case studies as springboards for a potential federal education policy that balances neighborhood public schools with charter schools, aiming to improve equitability and academic performance. After discussing the various policy mechanisms comprising school choice debates, I offer a comprehensive examination of Massachusetts' charter school environment, where I conclude that a carefully-regulated charter cap is helping produce significant academic gains for lower-income, minority students, particularly in cities. I then present an investigation of Louisiana's charter school landscape, where a largely uncapped charter environment seems to be producing mixed academic results. After acknowledging the imperfections in a direct comparison between Massachusetts and Louisiana, I conclude that Massachusetts' charter cap has the potential to serve as a model for a federal charter cap, an idea which I briefly discuss in terms of precedent and politics.

Background

The concept of "school choice" revolves around the question of whether families ought to have the right to choose which public school their child attends, even if that school is a charter school instead of a neighborhood district school. Traditional neighborhood schools are typically zoned and assigned by the neighborhood in which a family lives, and most neighborhood schools are "comprehensive" instead of specialized in any field. In contrast, charter schools are public

schools that have “freedom from many of the local and state regulations that apply to traditional public schools,” allowing them to become “laboratories” for innovation in pedagogy and curricula (U.S. Department of Education 2009).

Before charter schools became more commonplace in education policy, they were deeply community-driven and grassroots; it was not uncommon for charter schools to be started, for instance, by small groups of parents within a school district seeking to implement a non-traditional curriculum. Today, charter management organizations (CMOs), like KIPP, Rocketship, and Success Academy, are responsible for the operation of nearly one-third of all American charter schools (Fabricant and Fine 2012). From a political standpoint, because CMOs often have powerful government relations departments, the role of charter schools has become increasingly polarized and partisan. I approach my federal cap proposal later in this paper through this politically-tinted lens.

Although beyond the scope of this paper, one factor in the equitability of some charter schools has been enrollment lotteries overwhelmingly favoring, de facto, higher-income, white families. This trend can be caused by several factors, including bias toward English-speaking families through publications and insufficient public awareness of lotteries (Fabricant and Fine 2012). One of the reasons I chose Massachusetts and Louisiana to examine, however, is that both states’ charter schools overwhelmingly serve urban, lower-income students, and evidence suggests that both states’ charter school enrollment processes, in many cases, choose *for* vulnerable students, not against them (Louisiana Department of Education 2015) (Massachusetts Department of Education 2016).

In the past ten years, around 25 states have implemented *charter caps*, which limit the number of publicly-funded charter schools in each state (Bell 2011). In terms of legislative reach,

these caps vary wildly both in depth and breadth. In some states, the cap is simply a maximum number of charter schools a state may have. In other states, like Massachusetts, the cap has a variety of components and formulae, including a deliberate target on lower-performing school districts, cities, and lower-income students. In contrast with Massachusetts, Louisiana does not cap charter school growth in any way. This stark difference in approach to charter school policies forms part of the reasoning for my selection of these two states as the case studies that follow.

Case Study 1: Massachusetts

The passage of 1993's Massachusetts Education Reform Act quickly paved the way for the first charter school in the state to open one year later. In the years since charter schools entered Massachusetts' education landscape, Massachusetts' laws have developed by defining two different categories of charter schools. *Horace Mann* charter schools must have their charter approved by their surrounding community's local school board and local teachers' union, while *Commonwealth* charter schools are free from this obligation. This distinction is critical for two reasons. First, it reflects Massachusetts' partial discouragement of large CMOs in favor of grassroots initiatives; because Horace Mann schools are subject to local scrutiny, CMOs face a daunting application process in comparison to the localized expertise of smaller groups. Second, these definitions are incorporated in Massachusetts' cap system as an additional way of maintaining charter quality and enforcing oversight, especially at the community level, through law (Massachusetts Department of Education 2016).

Massachusetts' charter cap comprises several main stipulations. First, the cap restricts the total number of charter schools in the state to 120 schools, made up of 48 Horace Mann and 72 Commonwealth schools. Second, the cap restricts each school district with student performance

on state examinations in the top 10% of the state to only one authorized Commonwealth school per year, a move that shows clear legislative priority given to neighborhood public schools in districts in which those schools are performing well. Third, the cap restricts Commonwealth schools to be authorized only in communities with populations above 30,000, which serves as another protection for smaller communities by only allowing Horace Mann schools to be established, giving communities greater control over charter schools in their area. Fourth, the cap mandates that at least two charters be approved in school districts where overall student performance on state examinations is in the bottom 10%, demonstrating the state's view that charter schools are an especially effective reform tactic when local public schools are underperforming (Massachusetts Department of Education 2016). Because underperforming districts in Massachusetts are overwhelmingly urban, this means that Massachusetts' cap policy places an especially high emphasis on charter schools in urban areas. Indeed, this policy intention is confirmed by reality: Of the 78 charter schools open for the 2016-2017 school year, 60 were in urban areas, with 22 in Boston and 38 in cities other than Boston. I find this to be the basis of Massachusetts' success with its charter cap system, with these urban charter schools making significant academic gains for students, particularly the lower-income, minority students that overwhelmingly populate urban public schools (Massachusetts Department of Education 2016).

In terms of academic performance, some of the most extensive analyses of Massachusetts' charter schools have been conducted by Joshua Angrist, an MIT economist. Although assessing academic performance in charter schools is a task deserving of its own research report in and of itself, put briefly, Angrist finds that Massachusetts charter schools are producing significant, positive results in urban areas, while rural charter schools are finding less

success. Specifically, Angrist calculates that urban charter high schools saw, on average, a standardized test improvement per year of 0.39 standard deviations in math and 0.27 standard deviations in English. In contrast, rural charter schools saw a decrease of -0.30 standard deviations in math and -0.05 standard deviations in English. Angrist also found that charter demand is significantly higher in urban areas than rural areas, with Boston charter waiting lists containing more than 10,000 prospective students and smaller towns like Amherst having waitlists of as few as 20 prospective students (Angrist 2011).

From these findings, I take a cautiously optimistic approach to the potential of charter caps. Clearly, many of the intentions of Massachusetts' charter cap language – particularly the target on low-performing districts – have translated into good results in urban areas. However, I take the lackluster results in rural areas as a suggestion that charter caps ought potentially to be bent *even more* towards cities and low-performing districts. Regardless, initial results from Massachusetts are mostly encouraging, although any federal cap, as I discuss later, would need to be comprehensively balanced in terms of addressing the rural/urban performance disparity existing in Massachusetts.

Case Study 2: Louisiana

Despite its significantly more laissez-faire approach to charter regulation and management, Louisiana has one significant similarity with Massachusetts: Its charter schools are also largely concentrated in urban areas. New Orleans, in particular, is widely considered to be a "charter city" at this point. After Hurricane Katrina destroyed most of the district public school system in the city in 2005 – and the city population was uprooted and thrown into a state of constant flux – Louisiana used funding incentives to attract tens of charter schools to serve most

New Orleans students. The incentives worked, and in 2011, 80% of New Orleans public school students were attending charter schools, making up 69% of Louisiana's charter school students (Center for Research on Education Outcomes 2011).

In exchange for the extraordinary autonomy Louisiana gives its 114 charter schools, the state mandates that schools adhere to Louisiana's "Charter School Performance Compact," the state's overarching charter accountability plan. Per the plan, every charter school in the state is given a letter grade each year. This grade is calculated by two formulae: For K-8 schools, a score is calculated based on 95% state assessment scores and 5% high school credits earned freshman year (a metric that measures preparation for high school), and for 9-12 schools, a score is calculated based on 25% ACT Composite scores (measuring college readiness), 25% state assessment scores, 25% graduation rate, and 25% "quality of diploma," measuring the percentage of students who earn an "advanced" Louisiana diploma with additional qualifying academic requirements. Low charter school grades based on this plan mean that a charter school's reauthorization could be at risk, although Louisiana has only cancelled a total of nine charter schools' reauthorization bids (Louisiana Department of Education 2015).

I find the performance of Louisiana charter schools to be decidedly mixed. By the state's own letter grade plan, under its Performance Compact, charter schools are reporting mediocre results. In 2015, only four schools received an "A," and 85% of all Louisiana charter schools scored a "C" or below (Louisiana Department of Education 2015). Interestingly, the state's own annual report does not offer any additional explanation for these grades, nor does it identify the minimum grade a school must earn to remain open. The report also does not offer comparisons with neighborhood district schools, which are notoriously low-performing (Sentell 2016).

In somewhat of a contrast to Louisiana's state rubric, other research suggests a slightly more positive picture. A Stanford report, although written in 2011, a few years before the state report, shows that Louisiana charter schools are adding "days of learning per school year" in both math and English for charter school students in comparison to their neighborhood public school counterparts, particularly in New Orleans and particularly among black students. Stanford researchers conclude that state charter school students overall gain about 50 days in English and 65 days in math; within New Orleans, serving predominantly black students, the numbers increase to 86 days and 101 days, respectively. Although these calculations are a few years old, evidence exists that Louisiana charter schools have steadily been on an upward trajectory in terms of academic performance; a section of Stanford's research shows that overall days of learning gained increased by 0.1 standard deviations between 2009 and 2011, when tens of new charter schools were established (Center for Research on Education Outcomes 2011).

One of many challenges with examining Louisiana is the lack of substantial, current academic performance analyses. From the state research and Stanford research, however, I am confident in concluding that New Orleans charter schools tend overall to be serving their student populations well, at least in comparison to their district public school counterparts. At the same time, the inconsistency in analyses of academic achievement and the lack of strong regulation and accountability measures is alarming, especially in comparison with the extensive charter laws found in Massachusetts.

Words of Caution: The Imperfection of a Massachusetts–Louisiana Comparison

Any discussion of public education policy in Louisiana is incomplete without a discussion of the effects of Hurricane Katrina. Only a couple months after the storm all but destroyed New

Orleans, all 7,000 district teachers were fired and the state Department of Education took over all New Orleans' schools, transforming most of them into charter schools. Aside from the side effect of increased racial tension – most of the fired teachers were black, while most of the new, charter school teachers were white – this was an emergency move in public policy rather than the deliberate, slow, planned process found in Massachusetts. Because the aftermath of Hurricane Katrina is still abundantly clear in the state, it seems fair to view Louisiana's education policy as, still, a work-in-progress (Brown 2015). Nonetheless, I consider it a fine example of an uncapped charter environment in a country where state education policies are nearly impossible to compare equivalently.

Another significant issue in directly comparing Massachusetts charter schools with those in Louisiana is the differing role of private schools. Although the effects of private schools on public education are beyond the scope of this paper, it is worth noting that Louisiana ranks as one of the top three states in private school enrollment, and higher-income and white students tend overwhelmingly to comprise that private school population (a trend unsurprising for a state in the South) (Kolko 2014). More specifically, New Orleans ranks as the highest private-school-enrolled city in the nation (25.1% of students) and Baton Rouge ranks as fourth in the nation. In contrast, Boston or other cities in Massachusetts are not found in the top ten. This distinction implies that public school populations in Louisiana, especially in cities, are potentially more vulnerable (lower-income, minority) than those in Massachusetts, because whiter, richer students have already removed themselves from the public system at large (Kolko 2014).

A Federal Charter Cap: Taking Cues from Massachusetts on a National Stage

Although there is some evidence that Louisiana charter schools are serving urban students well, I still have significant concerns with the state's lack of a rigorous, consequential accountability system and its heavy reliance on charter schools in New Orleans. In terms of a broader, more sustainable policy, Massachusetts' charter cap – which still targets many of the kinds of students found in New Orleans charter schools – has far more potential to shape federal policy.

Most charter regulations, and all charter cap laws, have been written at the state level. In contrast, comprehensive federal education policies – first No Child Left Behind, then Race to the Top, then the Every Student Succeeds Act – have mainly targeted student assessment, teacher quality, and curricula (U.S. Department of Education 2017). In this context, I find it unrealistic to propose a federal charter cap program that would be *enforced by law*; such a prospect seems dubious both constitutionally and politically. Instead, I find it more reasonable to craft a federal charter cap policy "enforced" by federal funding incentives. Just as No Child Left Behind offered federal funding in exchange for "adequate yearly process" and Race to the Top offered federal funding in exchange for state Common Core implementation (U.S. Department of Education 2017), a federal charter cap could attract state buy-in through funding.

Features from Massachusetts' cap worth incorporating into a federal policy are several. First, Massachusetts seems to place great importance on the autonomy of individual communities in terms of charter approval by its only permitting Horace Mann charter schools in communities with populations under 30,000. In some form, this policy should be replicated at the federal level. Not only does the policy make sense in terms of precedent – the core of American education policy has always been local, at school boards in each town – but it also makes sense in terms of politics. One of the hallmarks of Horace Mann policies is that any charter must be

approved by a local teachers' union. Because one of the loudest critics of any federal policy incorporating charter schools will, naturally, be national teachers' unions (Nelson, Rosenberg and Van Meter 2003), the assurance that at least some charter schools will be required to earn approval from public school teachers is a powerful political bargaining item.

Second, Massachusetts is an exemplar of a state with a charter system that directly targets vulnerable, urban students. The pattern of charter schools doing particularly well for this population is replicated, as we saw, in Louisiana. Massachusetts turns this target into policy through both its limit of Commonwealth charter schools to communities with populations over 30,000 and its requirement for boosted charter school presence in low-performing school districts. Turning these granularities into a general, federal policy would require extensive analyses of America's cities and their schools' academic performance, but the principles of deferring to a healthy charter presence in cities while more strictly limiting charter presence in rural and suburban areas – especially in the context of the few, underperforming non-urban charter schools in Massachusetts – should remain intact.

Regardless of the policy specifics, the political capital and stakeholder buy-in needed for the tremendous effort of a new federal education policy that touches the volatile charter school space should not be underestimated. My research provides a substantial first step towards a skeleton federal policy, but for a federal charter cap to become policy would require years of state-by-state analysis, compromise, and research.

Conclusion

This report is the first to use Massachusetts' charter cap system as a basis upon which to call for a federal charter cap. I argue that the principles driving Massachusetts' charter law –

community buy-in, targeting urban students, and general preference for high-performing neighborhood district schools – are worth replicating at the federal level. My findings from Massachusetts match the best of Louisiana's charter system, which also shows that charter schools are a viable option for urban students. Although the political and legislative challenges that my proposal would introduce are sizable and deserving of their own analyses, the values driving my research – balance and equitability in every community and for every student – ought to motivate our next federal education policy.

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