Charter Schools in Alabama: Superintendents' Perceptions in Relationship to Competitive Education Marketplace and the Impact on Traditional Public-School Funding

by

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Abstract

After 20 years of taking a clear stand against charter schools, Alabama turned the tables in March of 2015 when Senate Bill 45 was passed. This bill opened the door for charter schools to enter the state. The Alabama School Choice and Student Opportunity Act, also known as Senate Bill 45 or the Charter School Bill, was aimed at giving students in Alabama another educational choice that would improve student learning. The bill also brought new educational competition into the state that did not exist before.

This study investigated the perceptions of charter school authorizers, four superintendents, and four commission members, as it pertained to a competitive educational marketplace using Porter's (1980) Five Fundamental Forces of competition in an industry (charter schools). These forces which affected their impact on the market included: (a) competitive rivalry, (b) supplier power, (c) buyer power, (d) threat of substitutes, and (e) threat of new entry. The Alabama Charter School Senate Bill 45 did not arrive until 2015, and the first charter school did not appear in Alabama until the fall of 2017; therefore, superintendents and commission members alike have had limited experience with charter school competition.

As of 2020, the only three fully operational charter schools in Alabama have been authorized by the Alabama Public Charter School Commission, not by public school districts. A possible cause of this problem is that the competition may be perceived differently by Alabama's charter schools' authorizers - local school system superintendents and the members of the Alabama Public Charter School Commission. This qualitative study of the perceptions of both Alabama superintendents of education and members of the Alabama Public Charter School Commission was needed to understand the effect charter school competition on Alabama public schools.

The findings of this research and the themes that emerged aligned with Porter's (1980) Five Forces Framework. A sense of rivalry has always existed amongst traditional public schools and in certain locations, even with some substitutes, such as private schools; however, the entrance of charter schools was not necessarily seen as competition, but moreover, a threat. The threat of new entry, charter schools, was perceived as entering the State of Alabama due to political pressure. While commission members saw this entrance of another school choice as a positive for Alabama students, superintendents did not share that same viewpoint. To them, these charters were for politicians to exhibit power and money by stripping traditional public schools of already inadequate funds.

Parents and students, also seen as the consumers, have a drastic influence on educational institutions – traditional public, private, or charter. They should be advocating for change within a school system, especially if it is failing. If the school system has not met the needs of the students, community-driven choices should be sought out, but not at the cost of crippling the existing public-school system. Both superintendents and commission members recognized this need for community support in the success of a school. One of the Alabama charter schools governed by a for-profit Educational Management Organization was authorized by the commission in 2018. This school not only lacked community support but also had the potential to cripple the small, rural school system. As of 2020, this school has yet to open partly due to the unrest of the community.

Substitutes to traditional public schools have always existed in Alabama. These have included private schools and homeschool umbrellas. Private schools have been the most prevalent in urban areas in Alabama. These substitutes were not perceived as threats, but as other school choice options.

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Chapter I: Introduction

It is the mark of an educated mind to be able to entertain a thought without accepting it.
--- Aristotle

Charter schools were developed as a result of school choice legislation and to foster innovation and market competition among public schools. Because they provide an outlet for school choice, charter schools rank high on parental satisfaction. They also have the flexibility to change based on the demands of the public since they are not governed by the same regulations as the traditional public school (Ellis, 2008). Currently, over three-million students attend charter schools in the United States. An authorizing agency independently manages these publicly funded schools. Each state has the freedom to create its charter school policy, including but not limited to authorization. The Charter School Program (1994), which is an amendment of the Elementary and Secondary Education Act, requires charter schools to have an authorizer or also referred to as a developer (Skinner, 2014, pg. 4). According to the National Association of Charter School Authorizers (2015), there are three core principals of charter authorizing: "maintain high standards for schools; uphold school autonomy; and protect student and public interest" (pg 8). The authorizing agency must be committed to providing an excellent school that meets the needs of the students within that community.

The first state to create and adopt a charter school policy was Minnesota in 1991 (Skinner, 2014). With a policy in place, the first charter school appeared the very next year in St. Paul, Minnesota. California was the next state to adopt a charter school policy (Skinner, 2014). Since the arrival of the first charter school policies, 44 states, including the District of Columbia and most recently, Alabama have adopted state charter school policies as well. According to the Center for Education Reform (2018), only six states are remaining that have not created a charter

school policy: Montana, Nebraska, North Dakota, South Dakota, Vermont, and West Virginia. Without a charter school policy in place, charters cannot be created and implemented in the state.

Background of the Study: Charter Schools in Alabama

After 20 years of taking a clear stand against charter schools, Alabama turned the tables in March of 2015 when Senate Bill 45 was passed (School Choice and Opportunity Act [SB45], 2015). This bill opened the door for charter schools to enter the state. Alabama's School Choice and Student Opportunity Act, also known as the Charter School Bill or SB45, was aimed at giving students in Alabama another educational choice that would improve student learning (SB45, 2015). Charter schools are free public-school institutions that operate under a charter or contract with an authorizing agency (SB45, 2015). This charter contract allows the school to operate with the autonomy to make choices concerning curriculum, personnel, and budgets without adhering to certain state regulations (SB45, 2015).

Senate Bill 45 was first introduced in 1999, and then revisited in 2003 and 2009; however, according to Emily Shultz, the Executive Director of the Alabama Coalition for Public Charter Schools, the bill did not get fully noticed until it was introduced again in 2012 by Senator President Pro Tempore Del Marsh (SB45, 2015). After two years of motions to adopt by Senators Marsh, Smitherman, Coleman, Singleton, Holtzclaw as well as motions to table by Senator Collins, the bill finally passed. Senator Del Marsh was not the only champion behind this bill. The Foundation for Excellence in Education chaired by Jeb Bush partnered with Senator Marsh to support the development, adoption, and implementation of [this] student-centered reform, Senate Bill 45 (ExcelinEd, 2015). The American Legislative Exchange Council also worked alongside Senator Marsh to see this charter bill come to fruition (SB45, 2015). Although the Foundation for Excellence in Education and the American Legislative Exchange Council are

both non-profit organizations, they are financially backed by for-profit educational management organizations (EMOs). EMOs run schools by executive authority, often duplicating school models in multiple areas (Stitzlein, 2013). Charter schools managed by EMOs are continuing to grow at a rapid rate.

Alabama's current charter school policy allows two options for authorization: either a local school district with the approval of the Alabama Department of Education (ALSDE), or the Alabama Public Charter School Commission (Alabama State Department of Education, Office of Public Charter Schools [ALSDE, OPCS], 2015). The Alabama Public Charter School Commission's mission is to authorize high-quality public charter schools (ALSDE, OPCS, 2015). This Commission was formed in 2015 by the Alabama Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate as a component of the Alabama School Choice and Student Opportunity Act (SB45, 2015). According to the National Alliance of Public Charter Schools (2017), this Commission has the authority to authorize and deny charter schools in Alabama. The ALSDE has the power to terminate a local school board's contract to authorize; however, only the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate have the authority to terminate the Commission's ability to authorize (ALSDE, OPCS, 2015). As an accountability measure, the Alabama State Department of Education must submit an annual report on charter school performance to the Governor, the Legislature, and the public (ALSDE, OPCS, 2015).

If approved local school districts choose to authorize a charter school, the charter school will become a mini-school system within their school system, complete with its board of directors, policies, and procedures (ALSDE, OPCS, 2015). To accommodate these requirements, school systems that authorize will most likely have to use additional funds to hire someone to

oversee the charter school (ALSDE, OPCS, 2015). According to the policy, school districts that authorize charters may "charge a portion [3%] of annual per-student state allocations received by each public charter school" to cover these additional expenses (SB45, 2015, pg. 23). This "skimming off the top" takes away funding that could be used for student resources. The local authorizing school system has the responsibility of covering any debts its charter school may accrue. If a local school district has not applied and been approved as an authorizer, then a charter school group has the option of directly applying with the Alabama Public Charter School Commission for permission; in other words, a charter school that has been rejected by an authorizing local school district has the option of appealing to the Commission and receiving permission to start-up (SB45, 2015, pg. 37).

The application process for local school districts to become a charter school authorizer in Alabama opened in the fall of 2015 (ALSDE, OPCS, 2015). According to the Alabama Public Charter School Commission, an authorizer is "an entity authorized under the Act to review applications, approve or reject applications, enter into charter contracts with applicants, oversee public charter schools, and decide whether to renew, not renew, or revoke charter contracts" (ALSDE, OPCS, 2015 pg. 1) The Alabama Department of Education has encouraged all school districts to apply to be a charter school authorizer. This authorization would enable districts to oversee new charter schools as well as conversion schools (ALSDE, OPCS, 2015). By 2016, only four of the 136 public school districts in Alabama had started the application process to become charter school authorizers (ALSDE, OPCS, 2015). Out of the four districts that applied, only two completed all of the necessary paperwork and were granted permission – Birmingham City Schools and Athens City Schools (ALSDE, OPCS, 2015). The following year the other two school districts who applied in 2016 were granted permission to authorize charter schools: Greene

County and Macon County (ALSDE, OPCS, 2015). In 2017, the only additional school district to apply to authorize a charter school was Montgomery County at the request of the Interim Superintendent of Education Ed Richardson (ALSDE, OPCS, 2015). Ironically, Ed Richardson formerly served as the chairman of the Alabama Public Charter School Commission before taking the position of Interim Superintendent of Education (ALSDE, OPCS, 2015). ALSDE agreed in February 2018 to allow Montgomery County to become an authorizer under their guidance for as long as the district remains under school improvement (Yawn, 2018). Thus, to date, out of 136 superintendents of local public-school districts in Alabama, 131 superintendents have made a choice not to apply to authorize a charter school (ALSDE, OPCS, 2015). The five districts that have applied have all been approved by the Alabama Department of Education to be authorizers (ALSDE, OPCS, 2015).

Alabama superintendents of education and the forces of competition as the conceptual framework. Because funding for schools is directly tied to student enrollment, effective school leaders must understand the competitive educational marketplace and the fundamental forces of competition (Bayer, 2010). In a market economy, the decisions regarding investment, production, and the distribution of goods have been based on supply and demand as well as the nature of the product. In his book, *Competitive Strategy,* Porter (1980) proposed the five fundamental forces of competition in an industry which affected their impact on the market: (a) competitive rivalry, (b) supplier power, (c) buyer power, (d) threat of substitutes, and (e) threat of new entry. This model has been used by business and industry as to whether to enter a specific industry or develop competitive strategies.

The benefits of competition have been that goods and services were provided to consumers at competitive prices, industries have become more efficient and productive due to

competition pressure, new products and technologies have been created due to innovation, and ineffective industries have been forced to restructure or to close (Kolasky, 2002). When we apply this model to education, the term *competitive rivalry* would include the current traditional public schools, such as magnet schools, city schools, and county schools; the term *supplier power* would include both faculty members and administration; the term *buyer power* would include both students and parents; the phrase *threat of substitutes* would include private schools, virtual schools, and homeschools; and the phrase *threat of new entry* would be the charter schools entering into Alabama. According to supporters, this competition through charter schools entering the education scene in Alabama would lead to innovation and thus would increase productivity resulting in higher student achievement.

The economic theory of marketplace competition served as the framework for this study. This study focused on how the local school system superintendents perceived and reacted to the existence of or possibility of charter schools and whether this perception had been or will be a stimulus for innovation or reform. Research on the effects of charter school competition on traditional public-school districts is limited, and with charters only recently entering Alabama, the effects of this competition have yet to be seen (Arsen & Ni, 2012). Furthermore, little to no research exists on the effect of charter school competition on the local school system superintendents as it pertains to innovation.

Purpose of the Study

The purpose of this qualitative descriptive case study was to analyze how this charter school competition, or potential new entrants, was perceived by Alabama's charter school authorizers, including local school system superintendents and the members of the Alabama Public Charter School Commission. The primary participants selected for this study were four

Alabama Public School Superintendents and four members of the Alabama Public Charter School Commission. According to the Alabama Public Charter School Commission (ALSDE, OPCS, 2015), an authorizer is an entity empowered under the Act to review applications, approve or reject applications, enter into charter contracts with applicants, oversee public charter schools, and decide whether to renew, not renew, or revoke charter contracts. Alabama's charter school policy allowed local school districts the option to authorize charter schools themselves, but only if they applied and were deemed financially stable through the Alabama Department of Education (ALSDE, OPCS, 2015). The Alabama Department of Education has encouraged all school districts to apply to be a charter school authorizer; however, as to date, only four school districts have applied and been approved (ALSDE, OPCS, 2015). The Alabama Public Charter School Commission was the only other entity in Alabama that has the authority to authorize a charter school (ALSDE, OPCS, 2015).

Over half of the schools in Alabama have been classified as Title 1 schools. Title 1 schools are those in which over 40% of the students they serve are impoverished. These impoverished, at-risk students may include migrant students, students with disabilities, English-language learners, and homeless students (Patton, 2018). Title 1 provides additional funds to schools so they may purchase additional curriculum and resources needed to educate these students. Unfortunately, many of these students require extra resources that are not provided by school funds. For example, they may lack one-on-one teacher aides to provide individual attention, additional teachers to reduce class sizes, translators to work with English-language learners, and a behavioral specialist to deal with outbursts and discipline issues. The school districts serving high numbers of at-risk students have no other funding resources to rely on, and without funding, innovation cannot be done.

Significance of the Study

Charter schools, though new to Alabama, are not a new phenomenon. Charter school advocates claim the "adoption of charter school laws would lead to the creation of new or reinvention of existing schools; the market forces would make charter schools more innovative and of higher quality than district-run public schools; and the combination of autonomy, innovation, and accountability would lead to improved student achievement" (Bulkley, 2002, pg.1). Opponents claim that charter schools divert money from local traditional public schools because funding follows the pupils. Even when sizable student numbers have left a traditional public school, the operational costs have not been reduced (Baker, 2016). Decreased funding has contributed to the continued decline of the traditional public school (Cohen, 2016; Saloomey, 2017). Thus, the much needed and hoped for innovation promised by charter school advocates has been limited, and in some cases, non-existent in traditional public-school systems.

While evidence of this competition relationship between charter schools and traditional public schools has been established in multiple other states, no such relationship has been investigated in Alabama. Furthermore, since the bill passed in 2015, only five out of 136 Alabama public school superintendents have applied for their districts to be charter school authorizer. As of 2020, the only three charter schools operating in Alabama have been authorized by the Alabama Public Charter School Commission. These schools were not authorized by the public-school districts. One possible reason is a difference in the perceptions of charter schools by local system superintendents and those who serve on the Alabama Public Charter School Commission. To understand the effect of this charter school competition on Alabama public schools, a qualitative study was needed to examine the perceptions of both Alabama superintendents and the members of the Alabama Public Charter School Commission.

Research Questions

Alabama public school superintendents and Alabama Public Charter School Commission members were interviewed to determine their perceptions of the competitive educational marketplace. Each of the three research questions were asked of both groups but were designated as question 1a, 1b, 2a, 2b, 3a, and 3b for Superintendents and Commission members, respectively. The following research questions were used:

1a. How do public school superintendents in Alabama perceive charter schools in the context of a competitive educational marketplace?

1b. How do members of the Alabama Public Charter School Commission perceive charter schools in the context of a competitive educational marketplace?

2a. According to school superintendents, what are the positive and negative characteristics of competitive pressure created by charter schools on public school districts in Alabama?

2b. According to members of the Alabama Public Charter School Commission, what are the positive and negative characteristics of competitive pressure created by charter schools on public school districts in Alabama?

3a. According to school superintendents, what hindrances exist in competing with charter schools?

3b. According to members of the Alabama Public Charter School Commission, what hindrances exist with traditional public schools competing with charter schools?

Method

This study was a descriptive case study that focused on conducting face-to-face interviews, reviewing the yearly charter school applications and approved authorizers, and follow-up questions with superintendents as new charter schools emerge in Alabama. According to Palmerino (2006), one-on-one, face-to-face interviews "put the quality in qualitative research" (pg. 1). This method was chosen over a focus group to prevent undue influence by the answers of other participants. A case study was chosen to ask questions that were likely to yield as much information about the study phenomenon as possible within the real-life context (Gill, 2011; Yi, 1984; Yin, 2002). A small number of subjects of interest participated to ensure that in-depth interviews could take place. In this study, the researcher wanted to describe the perceptions of both public-school superintendents in Alabama and members of the Alabama Public Charter School Commission as it pertains to the competitive educational marketplace. Porter's (1980) Five Fundamental Forces of competition in an industry (charter schools), which affected their impact on the market, served as the conceptual framework for this study (see Figure 1). These forces included: (a) competitive rivalry, (b) supplier power, (c) buyer power, (d) threat of substitutes, and (e) threat of new entry. This model has been used by business and industry as to whether to enter a specific industry or develop competitive strategies. This study focused on how the local school system superintendents perceived and reacted to the existence of or possibility of charter schools and whether this perception had been or will be a stimulus for innovation or reform. *A priori* codes, or pre-existing codes, were developed from the forces of competition conceptual framework. These a priori codes, along with emergent codes, were used in the data analysis. Interviews were recorded and transcribed, and field notes were used throughout the research process. These were all maintained in a research journal as well as a secure database.

Figure 1. Porter's Five Forces Framework (Porter, 1980).

Limitations

The Alabama Charter School Senate Bill 45 did not arrive until 2015, and the first charter school did not appear in Alabama until the fall of 2017; therefore, superintendents have limited experience with charter school competition. Additionally, the subjectivity or bias of the researcher was taken into account because she was employed at the district level by a traditional public-school system that was not a charter school authorizer.

Assumptions

An assumption, according to the Dictionary of Statistics and Methodology (2005), is "a statement presumed to be true, often only temporarily or for a specific purpose, such as building a theory" (pg. 15). The following assumptions were made about the study:

1. The participants honestly answered the interview questions.
2. The sample of superintendents and members assured that the participants have all experienced the same or similar phenomenon of the study.

3. The participants selected had a sincere interest in participating in the research and did not have alternative motives.

Definition of Terms

- Charter Schools - Charter schools are free public-school institutions that operate under a charter or contract with an authorizing agency. This charter contract allows the school to operate with the autonomy to make choices concerning curriculum, personnel, and budgets without adhering to certain state regulations.
- Charter School Authorizer - The Charter School Program (1994), which is an amendment of the Elementary and Secondary Education Act, requires charter schools to have an authorizer. The authorizing agency must be committed to providing an excellent school that meets the needs of the students within that community.
- Competitive Educational Marketplace - Milton Friedman (1955) presented the idea of competition and choice in education when he published the *Role of Government in Education*. This choice would encourage healthy competition among schools.
- Porter's Five Forces of Framework - Porter (1980) in his book entitled *Competitive Strategy* proposed the five fundamental forces of competition in an industry which affected their impact on the market: (a) competitive rivalry, (b) supplier power, (c) buyer power, (d) threat of substitutes, and (e) threat of new entry.
- Alabama Public Charter School Commission - The Alabama Public Charter School Commission, whose mission was to authorize high-quality public charter schools, was formed in 2015 by the Alabama Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate as a component of the Alabama School Choice and Student Opportunity Act (SB45, 2015).

- Educational Management Organizations (EMOs) - EMOs are private companies that are making a profit by authorizing and managing charter schools (Larkin, 2016).
- Local Education Agency (LEA) – According to the U. S. Department of Education website, an LEA "as defined in ESEA, a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools".
- Case Study – According to Gill (2011) and Yin (2002), a case study is an empirical inquiry that investigates the contemporary phenomenon within its real-life context.

Summary

The Alabama School Choice and Student Opportunity Act (SB45, 2015) brought an educational competition marketplace into Alabama through the allowance of public charter schools. This study examined how Alabama local school district superintendents and Alabama Public Charter School Commission members perceived this competition as it related to Porter's (1980) Five Forces Framework. A thorough review of the literature revealed that little research exists about the positive effects of the competitive educational marketplace on traditional public schools. Furthermore, since this competition in the form of charter schools has only recently entered Alabama, research has not existed until now. This study is the first known qualitative research conducted in Alabama on superintendents' perceptions of the competitive education marketplace.

Chapter II: Literature Review

History of Charter Schools in the US

Charter schools were developed as a result of school choice legislation and to foster innovation and market competition among public schools. Because they provide an outlet for school choice, charter schools rank highly for parental satisfaction. They also have the flexibility to change based on the demands of the public since they are not held to the same regulations as the traditional public school (Ellis, 2008). Currently, over three million students attend charter schools in the United States. An authorizing agency independently manages these publicly funded schools. Each state has the freedom to create its charter school policy, including but not limited to authorization.

Ray Budde, a professor at the University of Massachusetts Amherst, was the first person to coin the term "charter" when he wrote *"*Education by charter: Key to a new model of school district" in 1974 (Murray, 2014). In this paper, Budde proposed a school governed by teachers independent of school districts and with an accountability emphasis on student achievement (Murray, 2014). The teachers, in collaboration with parents, would have the freedom to be innovative with their curriculum and instruction (Murray, 2014). However, the idea did not seem to take flight until the 1980s when, in 1983, the National Commission on Excellence in Education reiterated the need for school reform in its publication, *A Nation at Risk* (Ellis, 2008). Following this publication and after a career as both a teacher and administrator, Budde once again called for education to be restructured by revisited his original charter paper and expanded it into a book entitled *Education by Charter: Restructuring School Districts. Key to Long-Term Continuing Improvement in American Education* (Murray, 1994). In 1988, Albert Shanker,

President of the American Federation of Teachers, presented Budde's charter school idea at the National Press Club (Kahlenberg & Potter, 2014; Murray, 2014; Shanker, 1988).

Meanwhile, Joe Loftus presented the same idea of educational reform using charter schools to the Chicago Teacher's Union (Murray, 2014). Although Illinois did not embrace the charter idea at the time, key leaders in Minnesota did (Murray, 2014). In 1990, Ted Kolderie, Executive Director of the Twin Cities Citizens League, published "The states will have to withdraw the exclusive", which spoke to educational reform through choice (Murray, 2014). The Citizen's League of Minnesota, along with Kolderie, is credited with making the charter school policy a reality (Murray, 2014).

It should come as no surprise that the first state to create and adopt a charter school policy was Minnesota in 1991 (Murray, 2014). With a policy in place, the first charter school appeared the very next year in St. Paul, Minnesota (Murray, 2014). The Minnesota City Academy Charter School began by targeting impoverished, defiant, homeless, and drop-out students (Schroeder, 2004). California was the second state to adopt a charter school policy (Murray, 2014). Since the arrival of the first charter school policies, 44 states, including the District of Columbia, and most recently Alabama, have adopted state charter school policies as well (National Center for Education Statistics [NCES], 2019). According to the NCES (2019), only six states are remaining that have not created a charter school policy: Montana, Nebraska, North Dakota, South Dakota, Vermont, and West Virginia. Without a charter school policy in place, charters cannot be created and implemented in the state (NCES, 2019).

Types of Charter Schools. Since their inception in 1992, charter schools have evolved from innovative laboratories to educational competitors (Kahlenberg & Potter, 2014). In 1996, James Goenner, president and CEO of the National Charter Schools Institute, stated that charter

schools "are a vehicle for infusing competition and market forces into public education," which is a noted and proven method for school improvement (Nathan, 1996, pg. 32). Marketplace competition has produced three types of charter schools prevalent in the United States: non-profit (mission-based), for-profit (EMOs), and most recently virtual (cyber).

Non-profit charter schools. A non-profit agency or group governs non-profit or mission-based charter schools. Agencies tailor these schools to the neighborhood or community they serve, much as the first charter school in Minnesota (Murray, 2014). According to the National Alliance for Public Charter Schools (2017), 67% of all charter schools are non-profit schools, "committed to advancing the quality, growth, and sustainability of charter schools". The organizations that operate these schools may include community organizations, local business organizations, social service non-profits, faith-based organizations, or groups of teachers, administrators, and parents. Charter schools founded by teachers or community members have been the most successful (Peterson, 2006). Because these are locally authorized and managed, these charter schools have a disadvantage in terms of funding when compared to schools run by larger Education Management Organizations (EMOs). Charter schools receive less funding than public schools, and most need additional private funding to survive (Lozier & Rotherham, 2011). To combat this financial disadvantage, many of these non-profits are non-profit in name only, meaning they have contracted with an EMO to provide services, such as curriculum, recruitment of teachers, or even management (Wang, 2014).

For-profit charter schools. Charter schools, created to enhance public education through competition, have become a means for privatization in education for profit-seeking entities. Although charter schools are publicly funded, they are privately managed, representing social justice and market effectiveness. However, this private management has served as an entry point

for private companies, or EMOs, to enter public funding (Lubienski, 2013). Charter schools run by EMOs are on the rise (Stitzlein, 2013). These EMOs are private companies that are making a profit by authorizing and managing charter schools. Because these companies are also the governing boards, they are making all of the decisions concerning the operation of the school, such as policies, procedures, curriculum, recruiting, and facilities without taking into consideration the community, parents, or local staff. According to Stitzlein (2013), this lack of involvement and public accountability goes against the very principles of public education.

For-profit charter schools tend to be located in certain demographic areas targeting a specific population of students. The question is whether these for-profit organizations purposefully target these demographics based on the profits that they want to receive. Charter schools targeted at certain student populations have led to an increase in segregation. For-profit charter schools run by EMOs are known for having a "packaged" school plan. These plans are appealing to school districts and educational foundations who are trying to start up a charter school quickly. However, research showed there was an uneven distribution of these EMO run charter schools throughout the United States (Larkin, 2016; Baker, 2016; Buckley, 2012). There was a distinct connection between the location of these charter schools and the socioeconomic status of the neighborhoods in which they existed. The target of these charter schools seemed to be selling a certain population on the school rather than helping struggling learners. As a result, these charter schools may "be skimming the cream off the top" students who may be "high maintenance," such as top-performers who may be seeking advanced courses or special needs students requiring more educational assistance (Laciereno-Paquet, Holyoke, Moser, & Henig, 2002; Robertson, 2015). These for-profit charter schools are driven by profit, not by a mission.

Virtual charter schools. Virtual, or cyber, charter schools are charter schools that deliver curriculum and instruction either partially or entirely online (Marsh, 2009; Ellis 2008). Although they receive the same per-pupil amount as other charter schools, they have fewer overhead expenses. A virtual school does not need to secure and maintain school buildings, lunchrooms, or transportation; however, it does need technical equipment capable of transmitting either live or videotaped lessons to students. Most virtual charter schools found throughout the United States are operated by an EMO to lessen the cost of teachers, curriculum, and instructional technology (Marsh, 2009; Huerta, Gonzalez, & d'Entremont, 2006). The first cyber school, SusQ-Cyber Charter School, appeared in 1998 in Pennsylvania. Pennsylvania continues to have the largest online charter presence with 11 cyber schools statewide as of 2009 (Marsh, 2009; Huerta et al., 2006). These cyber schools have attracted many homeschool students. Most cyber charter schools require the parent(s) to monitor their child's instruction. These charter schools also require the student to have internet access, which is a luxury that not all families can afford. This requirement inadvertently limits participants to a certain socioeconomic status (Ellis, 2008). During the 2014-2015 school year, there were over 250,000 students enrolled in a virtual or cyber charter school across 25 states (Mann & Baker, 2016). According to the 2019 National Education Policy Report, there are currently 501 virtual schools, with approximately 300,000 students enrolled (Strauss, 2019).

Theory of Market-Based Competition

In a market economy, the decisions regarding investment, production, and the distribution of goods have been based on supply and demand as well as the nature of the product. In his book, *Industrial Organization*, Bain (1968) stated that the dynamic behavior of buyers and sellers had an effect on the markets. He referred to this as the Structured-Conduct-Performance paradigm. Porter (1980) proposed the Five Fundamental Forces of competition in an industry

which affected their impact on the market: (a) competitive rivalry, (b) supplier power, (c) buyer power, (d) threat of substitutes, and (e) threat of new entry. The benefits of competition have been that goods and services were provided to consumers at competitive prices, industries have become more efficient and productive due to competition pressure, new products and technologies have been created due to innovation, and ineffective industries have been forced to restructure or to close (Kolasky, 2002). Regarding education, competition through charter schools would lead to innovation and thus would increase productivity and student achievement.

Democratic authority and administration control traditional public schools. These schools may vary from state to state or district to district, but they all have uniform regulations placed upon them by the state and federal governments (Chubb & Moe, 1988). The traditional public-school system is funded by taxpayers and accountable to politicians. Merrifield (2001) suggested renaming it to "government school" for this very reason. Charters, grounded in the site-based management theory, have the freedom to make human resources, curriculum, and instructional decisions (Chubb & Moe, 1988; Lewis, 2013). According to Holyoke (2008), the original argument for charter schools was that once schools were free of regulations, they could operate more like a for-profit business. As a for-profit business, these schools would compete for consumers [students], and this competition would improve traditional public-school education (Sibieta, 2006). However, traditional public schools are still regulated by state and federal government, not necessarily making the playing field equal.

This concept of competing for students was not a new idea. Milton Friedman (1955) presented the idea of competition and choice in education when he published the *Role of Government in Education*. Friedman suggested that the government's role should be mandating that all children be educated and then giving parents vouchers for them to choose the best

educational fit for their children, including both public and private schools. This choice would encourage healthy competition among schools and not limit students based on zip code (Mintrom, 2000). In the United States, students attend schools based on geographic criteria, and these schools receive a large portion of funding from property taxes. Therefore, students must live in the neighborhood [district] where they want to attend school; however, the best school districts tend to be geographically located in housing areas with the highest property values (Merrifield, 2000; Sibieta, 2006). This factor has placed many, if not all, low socio-economic families at a disadvantage. These dissatisfied parents have little to no choice in the education of their children.

Chubb and Moe (1990) revisited this same idea of competition and choice in their book *Politics, Markets, and American Schools*. Their book looked at the characteristics of both public and private schools. They found that private schools "were accountable to the demands of consumers in the educational marketplace," while public schools were accountable to the government (pg.12). According to their study, this misguided accountability of public schools has led to its inability to respond accordingly to the very stakeholders it was established to serve. They claimed that school reforms had not worked in the past due to state and federal control. Gintis, Cox, Green, and Hickcox (1991) also stated, "the state control of the educational process is the problem, not the solution" (pg. 382). Schools should have the autonomy to function in the best interests of the students and parents they served. Not only should schools have the autonomy to innovate, but parents should have the choice of where to send their children, namely advocating for the exit option (Hirschman, 1970). If students and parents were dissatisfied with their current school option, they would be able to exit and find a school that better met their needs. This choice would create an open educational market based on consumer [student]

satisfaction. Schools would compete for students, thus fueling school incentives and reforms and making education better for all students (Chubb & Moe, 1990).

However, researchers would argue that school choice does not represent an authentic market in education. John Merrifield (2001) indicated that the current charter school choice or experiment did not meet the requirements of genuine competition. He claimed that charter schools were more of a market detour than a solution. The main elements of market competition should include numerous independent competitors, opportunities to compete, and incentives to compete for consumers (Merrifield, 2000). The lack of school choices has hindered, instead of helped, public school education. Andrew Coulson (1999) found that there are five features in true educational markets. Coulson refers to these features as the Five Feature Theory. These features included: parental choice, parental financial responsibility, school freedom, school competition, and school profit motives (Coulson, 1999). Coulson felt parents needed some financial responsibility for providing education for their children – the school should not be free. Many researchers believe that parental involvement in education would increase if they shared in the costs of education (Coulson, 1999; Merrifield, 2001). In the past, arguments on parental choice have focused on efficiency, equity, and freedom; however, Merrifield (2001) states that this debate has broadened to include not only choice or competition (numerous choices), but also to include access to education services (affordability and availability), socialization to a common culture (mix of genders, races, and socio-economic), the stability of reforms (political or economic support), and formalization of education practices (curriculum and teaching methods).

Competition in Public Schools: The Role of Choice

School choice in the United States could be defined as the offering of alternatives to traditional public schools that were assigned to students based on their residence. Beginning in the 1980s, the parental right to choose has been heard, and various alternatives have been

provided in multiple states, including educational tax credits, private school vouchers, homeschool policies, magnet schools, and charter schools (Lewis, 2013; Merrifield, 2001; Schneider, 2016). *Choice* is engrained in the American tradition falling closely behind freedom and equity, thus making a choice a moral question, not an economic issue (Viteritti, 2012). Original school choice supporters such as Friedman (1955) felt that the public-school system was an ineffective monopoly; therefore, the freedom of school choice in the form of vouchers was needed to provide competition, which would then provide incentives for improvement. According to Wolfe (2003), schools experienced certain economic advantages when they became more responsive to the freedoms associated with the competitive educational market. More recent school choice supporters have focused on providing equity through school choices as a matter of social justice (Viteritti, 2001; Wolfe, 2003). Low-economic or inner-city students trapped in underperforming schools do not have equal opportunities for education compared to students in affluent high-performing neighborhood schools. Therefore, school choice is not only about American freedom but also about equity and social justice.

Accountability. Charter schools are authorized and overseen by a local school board, public university, or state board of education, which includes contracts with for-profit agencies. Some arguments in favor of charter schools include that they can provide underserved children an opportunity to receive a quality education, enable school personnel to be creative in instruction and funding, and allow the education process to be placed under public scrutiny (Bulkley, 2012). Since charter schools answer to stakeholders (students, parents, community), the accountability associated with these schools is at a greater scale than traditional public schools. According to the Center for Education Reform (2018), 86 charter schools had been forced to shut down for financial, management, academic, or facility problems. This number did

not include the 26 charter schools that consolidated with the district or private schools as well as the 50 schools that never opened their doors (Peterson, 2006). According to the National Alliance for Public Charter Schools (2017), that number tripled to 272 school closures in 2015. Charter school advocates have claimed that these closures demonstrated firm accountability procedures; however, opponents have observed the students who must return to their initial public schools as a result (Larkin, 2016). Many times, there has been no warning given with these closures leaving students and parents caught off-guard an unprepared to return to a traditional public school (Larkin, 2016).

Charter schools maintain their operational status by proving that they are credible. This credibility includes student performance (test scores) and financial stability. Therefore, educational decisions are based on these factors, meaning some charters may resort to "teaching to the test" or selectively choosing high-performing students over special needs or minority students. Also, charter schools may look for outside investors, including foreign investors, who may need a tax credit or, worse yet, an immigration visa. The federal program EB-5 allows wealthy foreign investors to buy United States immigration visas for themselves and family members by investing at least $500,000 in certain projects, including charters (Simon, 2012). In 2010, Greg Wing, an investment advisor, founded the Education Fund of America to attract these wealthy foreign investors for charter schools. As of 2020, the Education Fund of America has been able to create 28 new charter schools with $81,000,000 in EB-5 capital. Foreign investors will expect to be a voice on the governing board (Levine & Levine, 2014). Charter schools operate as private businesses, which means they answer only to their governing or authorizing boards. This loose accountability can lead to charter schools becoming victims of control by business investors, including for-profit companies. Charter schools are only as good as their

authorizers, which are also the overseers. Accountability standards are needed to ensure the integrity of the charter schools and to prevent districts from taking students for granted.

The justification of charter schools includes school choice and student achievement. The authorizers of charter schools need to adhere to accountability measures that place the needs of the students first. However, charter schools with profit-seeking governing boards have shown little to no benefits in student achievement (Berends, 2010; Bifulco, 2007; Buckley, 2012). These charter schools are expected to be not only a better option for underprivileged students but also competition to pressure public schools into reforming their education. However, this has not been the case. Additionally, research has shown that charter schools have been used as a means of segregating certain ethnic groups and excluding specific populations, such as special needs or low-achieving students (Bulkley, 2012; Goenner, 2012).

More regulations need to be initiated to ensure charter schools are accountable for the public monies they receive. Because charter schools are seen as a competitive market to traditional public schools, fewer regulations are in place for expenditures. However, recent studies have shown mismanagement of funding, sub-par academic performance, intentional segregation both racially and intellectually (special needs students), and unsafe school buildings. With public monies at stake, regulations need to be established to ensure charter schools are living up to their expectations – raising academic achievement for all students regardless of race, gender, or special needs (Mathis, 2016). State legislatures and charter authorizers need guidance in creating charter schools that will provide equity and accountability (Dingerson, 2014).

Students Targeted. As of 2016, an average of $11,000 was spent on each student in the United States (DiPerna & Catt, 2016). In a competitive education marketplace with high accountability at stake, students have represented money. For a business to prosper, its product

must be quality, and certain consumers must be targeted. Charter schools, unlike traditional public schools, have been able to do just that. Traditional public schools are at a disadvantage because they are bound by the demographics of the neighborhood that they serve. However, the parental choice in charter schools tends to lead to greater segregation of race, socioeconomic class, and educational ability (Laciereno-Paquet et al., 2002).

Charter school advocates have claimed that charter schools bridge racial segregation by offering minorities trapped in failing schools a choice. These charter schools would be not only better school environments, but also more racially diverse learning centers. However, research has shown that charter schools may contribute to racial isolation (Bifulco & Ladd, 2007; Cobb, Glass, & Crocket, 2000; Fuller, Gawlik, Gonzales, & Park, 2003; Harmon, Bingham, & Hood, 2002; Lewis, 2013). Since *Brown vs. Board of Education,* traditional public schools have strived to be more racially diverse; however, Frankenberg and Lee (2003) found that charter schools were more segregated than traditional public schools. Their study showed that 70% of minority charter school students attended intensely segregated schools. Unfortunately, these segregated charter schools were discovered to have a high number of unqualified (uncertified) teachers, the lowest achievement scores, and a lack of special education services (Lewis, 2013; Zimmer & Buddin, 2006). Racially segregated charter schools contribute to the negative achievement effects for black charter school students. African Americans have increasingly enrolled in charter schools out of their desire for a safer environment, higher expectations, and more individualized attention. However, African American students have continued to be the worst academic performers in charter schools (Almond, 2013). Charter schools have become nothing more than a choice, and unfortunately, for many African American students, the wrong choice.

Government Action and Incentives

The federal government has been an intricate part of education since before the United States Constitution was written. The United States Constitution, written in 1776 Article 1, Section 8, granted Congress the power to enact taxes to provide for the "general welfare" of its citizens, which has long been interpreted as including education. The Land Ordinance of 1785, along with the Northwest Ordinance of 1787, included verbiage indicating that education was important and encouraged as a means for children to become good citizens (Jefferson-Jenkins & Hill, 2011; VanZant, 2010). These ordinances were the beginning of the public educational system. Up until this point, colonial schools had been left with the responsibility of educating the children individually and with little uniformity. Northern Colonies focused on education for citizenship, Middle Colonies focused on parochial education, and Southern Colonies focused on vocational education and apprenticeships (VanZant, 2010). These ordinances established the need for a uniform public education system for all citizens. In the beginning stages of the public-school system, the focus was to mold the ideal American – the "worthy" citizen (De Saxe, 2015). According to De Saxe (2015), these model citizens would be obedient and compliant. Individualism was frowned upon in efforts to Americanize these students (Tyack, 2004).

In 1791, with the passing of the 10th Amendment to the US Constitution, the responsibility of education shifted from the federal government to local and state governments. However, the federal government remained involved in providing land grants to public schools as well as providing revenues for local and state governments to assist in funding education. In 1867, the Office of Education was created to assist with these land grants, to promote vocational education (career technical education), and to research and assist states in creating an effective school system (Jefferson-Jenkins & Hill, 2011). The 14th Amendment passed in 1868 provided

equality to all United States citizens, including the privilege of having life, liberty, and property. The main presence of the federal government was found in the promotion and funding of vocational education through the 1917 Smith-Hughes Act and the 1946 George-Barden Act. The government also provided funds for communities impacted by the effects of war through the Lanham Act of 1941 and the Impact Aid Law of 1950 in which payments to school districts were made to assist with educational funding. It was not until 1954 with the Supreme Court decision of *Brown vs. Board of Education* that the federal government shifted from just providing funding to ensuring school accountability. This ruling mandated that local and state public schools could not be segregated based on race. This landmark case opened the door for the federal government to intervene in public school education, although the United States Constitution did not specify its role. In the ruling, Chief Justice Warren wrote these powerful words, "We must consider public education in light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws" (Kenny, 2014, pg 1). This ruling by Chief Justice Warren would become the first of many expanding federal jurisdictions throughout the states, including, but not limited to, their educational systems.

In 1965, Congress passed the Elementary and Secondary Education Act (ESEA) which provided federal funds for disadvantaged students, professional development and instructional materials for teachers, and resources for schools to promote parental involvement. With the receipt of federal monies comes accountability. Since 1965, this act has had many name changes and additional mandates. In 2001, this act was reauthorized under the Bush administration as No Child Left Behind (NCLB), which put an emphasis back on the basics, namely math and reading, and allowed for military recruiters to access student records. This landmark legislation also

opened the doors to standardized testing accountability (Schul, 2011). Although the intentions were to hold public schools accountable to all students, including but not limited to minorities and underprivileged, NCLB caused an overemphasis on standardized testing. As a result, many schools did away with fine arts courses that were known to promote critical thinking, creating, and collaboration because these were not tested. Teachers were instructed to teach to the test, thus removing their instructional creativity as well. Also, schools were required to have all students, special education included, proficient in both math and reading on these high-stake tests to satisfy the Annual Yearly Progress (AYP) measurement. Struggling schools that repeatedly missed AYP could be required by the federal government to fire their staffs and face other federal penalties. Unfortunately, this federal accountability did not produce positive gains in public education (i.e., student achievement) as predicted. In 2016, this act was again reauthorized, this time under the Obama administration and named the Every Student Succeeds Act (ESSA). This act still required federal accountability, but states had more flexibility on the measurement because test scores were not the only measure used to evaluate schools. Reading and math were still a focus as with NCLB, but English-language learners' proficiency scores, graduation rates, a state-chosen academic measure, and a school-quality factor were added. However, more emphasis was still placed on the academic measurements than on the school-quality factor. Schools were directed to create achievement goals, and no penalties were given for failure to reach these goals; instead, additional funding has been earmarked for these schools. Not only has the federal government made its presence known with accountability, but it has also been a voice and an enforcer to ensure all children are educated, regardless of disability, race, or language.

Education Equality. Although the ESEA in 1965 provided funding for educating students with disabilities, it wasn't until the passing of the Education of All Handicapped Children Act in 1975 (also known as Public Law 94-142), that public schools were required to teach these children. Many school systems discouraged disabled students from attending with their policies and procedures (Sprayberry, 2015). In 1976, the Individualized Educational Plan (IEP) was added to the Act. As a federal mandate, this act was yet another federal government intrusion into local and state-managed public education. According to the U. S. Department of Education, there were four main purposes of the Education for All Handicapped Children Act, 1975 Public Law 94-142:

(a) to assure that all children with disabilities have available to them ... a free appropriate public education which emphasizes special education and related services designed to meet their unique needs.

(b) to assure that the rights of children with disabilities and their parents ... are protected.

(c) to assist States and localities to provide for the education of all children with disabilities.

(d) to assess and assure the effectiveness of efforts to educate all children with disabilities (United States Department of Education, Office of Special Education and Rehabilitation Services, 2010).

As with any and every mandate, there must be accountability. In 1990, EHA was amended and reauthorized as the Individuals with Disabilities Education Act (IDEA). IDEA added the protection and rights of all disabled students (mental or physical) to receive a "free appropriate public education" (United States Department of Education, Office of Special Education and Rehabilitation Services, 2010). In 2004, IDEA was amended to increased state

and local accountability for educating students with disabilities. These mandates were strongly aligned with NCLB holding schools and districts responsible for the performance of all students, including students with disabilities. In 2010, the U.S. Department of Education and the Office of Special Education and Rehabilitative Services produced a report stating that in order to achieve national goals for educating all students with disabilities, "a number of special issues and special populations have required federal attention" (pg. 12) In December of 2015, IDEA was amended once again through ESSA, to include general provisions of IDEA, assistance for all children with disabilities, infants, and toddlers with disabilities, as well as national activities to improve the education of children with disabilities. Because federal funds are earmarked for students with disabilities and distributed to public schools, these funds are protected, and mandates associated with them enforced by the Office of Civil Rights (OCR).

According to the U.S. Department of Education, "The mission of the Office for Civil Rights is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights.". Because charter schools have received federal funding, they were supposed to follow the same guidelines as traditional public schools. However, this has not always been the case. Charter schools have marketed themselves as innovative schools with more flexibility or fewer "rules" than traditional public schools. Federal funds have been made readily available through the United States Department of Education Office of Innovation and Improvement to fund "promising new public charter schools, replicate high-quality public charter schools, and disseminate information about effective practices within charter schools" (U. S. Department of Education, Charter School Programs). Many of these grants included monies for buildings, administration, authorizers, and public relations. Public relations have included sharing the charter school model with other schools. These charter

schools have enjoyed the freedom of more flexibility in operating and personnel policies than traditional public schools (Smith, 2015). Until a memorandum was issued by the Obama Administration in 2014, many charter schools had also enjoyed the freedom of not following federal mandates. Many of these federal mandates that were ignored by charter schools included, but were not limited to, discrimination in admission policies, in the administration of discipline, and accommodations for disabilities and English-language learners (Strauss, 2014).

The 2014 memorandum was prompted by a civil rights complaint filed by the Journey for Justice Alliance in which charter schools were shown to be promoting segregation. The Alliance's brief, "Death by a Thousand Cuts" (2014), clearly outlined their platform that public schools were being killed by "billionaires...who realized there is considerable profit to be made by outsourcing education to private management" (pg. 2).

Furthermore, their report showed the increase in school closures and charter school "takeovers" mainly has impacted the African American and Latino communities (Death by a Thousand Cuts, 2014). Charter schools have been promoted by key figures, such as Bill Gates, Michael Bloomberg, and United States Secretary of Education Arne Duncan, as the solution to aid low-income communities of color across America. However, replacing community schools with "cookie-cutter" schools has not fixed the root issues of educating low socio-economic students. However, with Democrats and Republicans alike, promotion and federal funding incentives for charter schools have remained, segregation still exists, and the Office Civil Rights has yet to be seen enforcing these federal mandates.

The Competitive Effect of Charter Schools

Since the onset of charter schools over twenty-five years ago, competition has been driving the educational free market. The sole purpose of charters was to improve education in the United States through innovation and competition with traditional public schools (Ellis, 2008).

Competition in the business world has thrived in markets where there has been an even playing field. Since the beginning of the charter school existence, the education "playing field" has been misconstrued. Traditional public schools bound by local, state, and federal mandates have not been able to compete equally with schools (charters) that do not have to follow these mandates. Nor have traditional public schools been given the same funding or federal incentives to innovate. According to Spring, Frankson, McCallum and Banks (2017), there has existed a complex web of economic and political relationships influencing how schools have received and disseminated funds. Educational policies have been, and continue to be, influenced by large educational non-profit foundations, such as the Broad Foundation, Fordham Institute, Heritage Foundation, and the Bill & Melinda Gates Foundation (Gates Foundation, 2014). These foundations who have promoted charter schools, along with technology and textbook companies, have not only influenced but have also competed for educational dollars to be spent on their products or ideas. Federal mandates (i.e. The No Child Left Behind Act) have supported and influenced the intrusion of these organizations as well through verbiage such as "assistance in analyzing data... may be provided by a private, not-for-profit organization or for-profit organization" (Spring et al., 2017, pg. 7).

Furthermore, because each state has the freedom to structure charters differently, the charter schools themselves have not even been on the same playing field. Some charters have been authorized by local school districts, some by universities, some by non-profit mission-based educational agencies, and some by for-profit educational management organizations. In addition to authorization, the location has also been uneven. Some charters have been strategically placed in high-poverty urban areas, some in high-poverty rural areas, and some in high-dollar suburbs. All of these factors have had varying effects on the nature of the competition with traditional

public schools. Another prevalent factor has been the students themselves as well as the role of school choice. Students have chosen to attend charter schools for various reasons, including but not limited to academic achievement, specialization, teacher to student ratio, or diversity (Ricciardelli, Cummins, & Steedman, 2014; Zimmer & Buddin, 2009). Student losses from traditional public schools have had a greater impact than others. The loss of high-performing students or students from prominent families in the community has spurred greater competition within the traditional public school (Hess, Maranto, & Milliman, 2001). Students who had exhibited behavior or attendance issues may not have had their loss spur competition at all, because the charters were instead seen as a welcome relief (Zimmer & Buddin, 2009).

Innovation. According to the 2018 *Network for Public Education Toolkit: School Privatization Explained,* Charter schools, were conceptualized to be "centers of educational experimentation and innovation" (Network for Public Education, 2018, pg. 16). Charter school supporters claimed that the innovations found in charter schools could eventually be seen in traditional public schools; in essence, they would be a positive influence. Ellison and Locke (2014) reported that next-generation learning models, prevalent throughout charter schools, should be implemented in traditional schools as well. Components of these next-generation learning models include time (relaxed or no bell schedule tailored around the individual student), talent (hiring experts in the field), and technology (incorporating self-paced learning) (Ellison & Locke, 2014). The goal should be personalized learning for each student (National Alliance for Public Charter Schools, 2014). However, research has continued to reveal that charter schools are "businesses first, and schools second" (Network for Public Education, 2018, pg. 16).

Researchers have categorized the innovations found in charter schools into two types: administrative practices and instructional practices (see Lake, 2008; Lubienski, 2003; Preston,

Goldring, Berends, & Cannata, 2012). Christopher Lubienski (2003) conducted a case study and found evidence that charter schools have implemented administrative innovations, such as pay raises based on teachers' performance in the classroom; unique teacher licensure and hiring practices; marketing; advertising and targeting particular populations of students; extended classes or school day; mixed-age student groupings; smaller class size; parental contracts for school involvement; and student uniforms. According to Lubienksi, these innovative administrative practices were credited to the more autonomous governance structure found in charter schools. A study conducted by researchers at both Vanderbilt University and Notre Dame University found similar administrative innovations within charter schools (i.e., academic support services, such as distance learning programs; staffing policies, such as merit pay, organizational structures, such as teacher "looping;" and governance, such as a teacher or parent involvement in staffing (Preston et al., 2012). However, only between 3.3% and 17.3% of the sample of charters studied had implemented an innovative practice that was not also being used at other traditional public schools within their district. The study's findings were unclear as to whether these administrative innovations originated in the charter schools or the traditional public schools (Preston et al., 2012).

Although evidence has revealed that charters schools are innovative in their administrative practices, studies have found little evidence that charter schools have been innovative in instructional practices (Berends, Goldring, Stein, & Cravens, 2010; Lubienski, 2003). Lubienski (2003) found one clear example of innovative instructional practice in his case study – online technology in the classroom and virtual learning. Lubienski's additional findings revealed that the other instructional practices seen in the charter schools mirrored those found in the traditional public schools as well. Lake's (2008) analysis of previous studies revealed

additional innovative instructional practices such as schools with thematic focuses on the arts, entrepreneurship, or environmental education. Even with these additional innovative instructional practices, charter schools have not completely fulfilled the call of being educational incubators (Lake, 2008).

Research has not revealed whether charter school innovations have influenced traditional public schools; furthermore, research has also been unclear as to whether charter schools and traditional schools are collaborating more often. However, to foster collaboration, the Bill & Melinda Gates Foundation has been awarding District-Charter Collaboration Compact grants since 2010 (Gates Foundation, 2014). Charter schools and traditional public schools within these districts have compacted to collaborate and share successful practices. The charter schools share their innovative practices while the traditional public schools provide buildings for charter schools to move into or expand (Gates Foundation, 2014. In addition, Greg Richmond, the President and CEO of the National Association of Charter School Authorizers revealed that these compacts also allowed charter and traditional public schools to collaborate on shared concerns such as funding, professional development, and special needs students (Richmond, 2014). Unfortunately, since 2010, less than 1% of districts have received this compact grant, indicating that charter school and traditional public school collaboration has not progressed as charter school supporters had originally projected (Gates Foundation, 2014; NCES, 2018). Research has not revealed the influence this collaboration has had on both administrative and instructional innovation in traditional public schools.

According to Nina Rees (2015), charter schools have yet to realize their potential for innovation. Rees goes on to state that these schools were “freed from many of the constraints that tie down district-run public schools” pg. 1. Nevertheless, many charter schools have been

structured very similarly to traditional public-school models (The Mind Trust & Public Impact 2015; Rees, 2015). According to the Mind Trust and Public Impact's Report (2015), several factors are preventing this innovation: risk-averse nature of stakeholders, lack of funding and time for research and evaluation, and limited use of technology. This study revealed that parents tended to be inclined towards traditional school models (The Mind Trust and Public Impact, 2015; Rees, 2015).

Furthermore, the educators did not want to appear as though they were experimenting with students using new innovative instructional practices that may not necessarily be tried and tested theories. The United States has not spent as much time or effort on education research and evaluation as it has in other sectors. Thus, the "front-end research and back-end evaluation" that has been needed for educators to determine which innovative practices should be modified or completely discarded have not existed (Rees, 2015, pg. 2).

Furthermore, there have yet to be incentives for both charter schools and traditional public schools to "devise, test, and perfect fundamentally innovative designs" (The Mind Trust and Public Impact, 2015, pg. 17). Technology has been incorporated in many charter schools in ways very similar to traditional public schools. It has been used mainly for students to conduct research, to write papers, and to play learning games instead of being used innovatively to provide self-directed student learning.

Worthen, Truong, and Patrick, in the 2018 iNACOL issue brief "State Funding Strategies to Support Education Innovation," identified four key areas that funding for innovation was needed: professional development, technical assistance, professional learning communities, and statewide information dissemination. Many states, including Alabama, have implemented policies that provide the flexibility for local school systems to innovate. However, traditional

public schools bound by regulations and demographics cannot provide innovation without funding. There has existed a high level of inequity in school funding formulas throughout the United States. State formulas based on property taxes favor students who live in more affluent communities; whereas, the students living in high-poverty areas have been disadvantaged. In recent years, many states have moved to a more equalized funding formula to account for these high-poverty areas. The state funding formula has either limited or enabled flexibility for innovation (Powell, 2015).

Student Achievement. Since 1980, the mission of the U. S. Department of Education has been "to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access". In 1990, with the release of the *Nation at Risk* report, even more emphasis was placed on school improvement, especially regarding student achievement. This report prompted the Executive Office of the President (U.S Department of Education, 1990), to establish six educational goals to improve education: readiness for school; high school completion; student achievement and citizenship; science and mathematics; adult literacy and lifelong learning; and safe, disciplined, and drug-free schools. To further aid in this school improvement effort, the federal government promoted several initiatives, including charter schools. Charter school innovation and competition were predicted to positively impact student achievement by spurring traditional public schools to spend more resources on instruction (Arsen & Ni, 2012). Charter school advocates further their claim by insinuating that public schools have mismanaged their funds, and that has been the main reason student achievement has not increased. The innovation found in charter school management should be able to be replicated in traditional public schools (Arsen & Ni, 2009). It would be a win-win for the educational system as a whole. Student achievement was to be measured, and

unfortunately, still is, by high-stakes tests (Resnick, 2006). Research, however, has continued to show little improvement in student achievement as a result of the charter school movement. The Center for Research on Education Outcomes (2009) in a study of the charter school effect found that student academic growth was shown to be slightly higher in charter schools than in traditional public schools in the states of California, Colorado, Washington D.C., Louisiana, and Massachusetts. However, the study found the academic growth to be significantly less than in traditional public schools in the states of Florida, Minnesota, New Mexico, and Texas. Other studies have confirmed these same results. Clark, Gleeson, and Tuttle's (2011) study found an insignificant or negative impact on student achievement in students enrolled in charter schools. In this study, the only charter schools that showed any gains in student achievement were ones that hosted lotteries for enrollment. The Center for Research on Education Outcomes (2015) conducted a nationwide study in 2013 that found significant gains in reading achievement, but a negative impact on math achievement. This study was the first study in the 25-year existence of charter schools that displayed any positive gains in student achievement. Charter school proponents claimed that not enough significant time has passed for true student achievement to be seen (Center for Research on Education Outcomes, 2015).

Furthermore, charter schools with profit-seeking governing boards have shown little to no benefits in student achievement, and in some states, charter school students have lower academic achievement than traditional public-school students (Betts & Tang, 2011). For the most part, this measurement of student academic achievement has been solely from standardized test scores. However, the scores from standardized tests are not an adequate measure of student achievement in both traditional and charter schools due to traits of the students (i.e., socio-economic status, gender, race, special needs), traits of the teachers (i.e., education background, experience), and

the amount of funding that the school receives. The inequity of funding among schools, not innovation or competition, has and will continue to be the root cause of the difference in student academic achievement (Larkin, 2016).

Charter schools, run with a business profit-making mentality, have been expected to be both a better option for under-privileged students and a change agent for public schools. Competition should have pushed public schools into noticeably reforming educational practices and positively impacting student achievement. Once again, research has not shown this to be the case (Lubienski, 2013). Competition has indeed placed pressure on schools, and most school leaders have responded, but not in the way politicians have expected or predicted. Jabber (2015) found that very few schools took measures to improve academic performance based on competition from charter schools; instead, they spent funds to increase marketing and recruitment (Jennings, 2010; Ladd & Fiske, 2003). Several states, including Minnesota and California, have had charter schools in their states since the very beginning. Therefore, if theories on the positive effects of competition have been correct, these states should have the best educational systems in the nation. According to U.S. News (Boyer, 2017), neither of these states ranked in the top ten.

Influence on traditional schools. From the beginning, charter schools were to have a positive influence on traditional schools. However, little empirical research exists as to whether a positive influence has truly been seen, and the research that has been done has revealed mixed findings (Silvernail & Johnson, 2014). According to Silvernail and Johnson (2014), proponents and critics of charter schools have made five claims concerning charter schools and their influence on traditional schools:

1. Public charter schools produce better student academic performance.
2. Public charter schools increase competition, resulting in improvements in public schools.
3. Student performance improves over time in public charter schools.
4. Public charter schools enroll the best students from traditional public schools.
5. Public charter schools have detrimental financial impacts on traditional public schools. (pg. 2)

Charter schools have had mixed results in student achievement. Student achievement has been positive in some districts and states, but overall, the affirmative impact hoped for has yet to be seen (Booker, Gilpatrice, Gromberg, & Jansen, 2004; Furgeson et al., 2011; Grongberg & Jansen, 2005). Furthermore, in some cases a negative impact on student achievement has been seen (i.e., Mills' 2013 report on Arkansas charter schools). Similarly, Sass' (2006) study of Florida charter schools found that charter school students experienced fewer achievement gains than traditional public-school students. Multi-state studies have consistently shown gains for disadvantaged students and losses for advantaged students enrolled in charter schools (Silvernail & Johnson, 2014). However, the impact on traditional public schools has yet to be adequately measured.

The effect of charter school competition on traditional public schools has also produced mixed findings. Studies of charter schools in Florida and Michigan have revealed some increases in student achievement in traditional public schools because of the charter schools' presence (Hoxby, 2003; Sass, 2006). However, another Michigan study showed no significant improvements in traditional public schools (Bettinger, 2005). Unfortunately, charter school competition has yet to induce large changes in district-wide operations (Arsen & Ni, 2012).

Competition has caused traditional public schools to make some changes; however, these changes have mainly been seen in marketing strategies, not in innovation as hoped. School districts have launched new websites and written more positive news articles to keep and attract new students, which has not been a positive effect from competition hoped for (Holly et al., 2013). With mixed outcomes from both student achievement and competition, the one effect traditional schools have seen as a result of charter schools is a loss of finances (Bifulco & Reback, 2014; Clark et al., 2011; Saloomey, 2017; Silvernail & Johnson, 2014; Strauss, 2017).

There are two types of charter schools within school districts: fiscally dependent and fiscally independent. Fiscally dependent charter schools receive funds directly from the school districts themselves. The district and charter schools work together to share expenses, such as transportation and special education services. In this arrangement, the traditional public school and the charter school in the same district become partners in education rather than competitors (Baker, 2016). The school districts operating with charters in this capacity have not seen the significant negative financial impact as other districts have.

On the other hand, fiscally independent charter schools receive funding directly from the state based on pupil numbers making these schools instant competitors for traditional public schools. Charter school proponents, including politicians, have supported these fiscally independent charters claiming that the per-pupil amount should follow the student since the traditional public school is saving money by not providing educational services (Jabber, 2015; Strauss, 2017). However, the money saved from students choosing charters has not equaled the money lost. Even when sizable student numbers have left a traditional public school, the operational costs have not been reduced (Baker, 2016). The school building must still be heated and cooled, the bus routes must still run, the cafeteria must still serve food, and teachers must

still be retained (Strauss, 2017). This reduction in funds has contributed to the continued decline of the traditional public school (Cohen, 2016; Saloomey, 2017). The much-needed innovation has been limited and, in some cases, non-existent in traditional public schools due to the lack of funds. The expansion of fiscally independent charter schools has continued to cause budgetary stress on the educational system as a whole (Arsen & Ni, 2012; Baker, 2016; Bifulco & Reback, 2014).

Not only have traditional public schools seen a loss of finances with the students leaving to attend charters, but they are also faced with expenses when the charters close and those students return (Resmovits, 2016). Hundreds of charter schools have closed their doors with little to no warning. According to Dr. Noonan (2016) at Harvard University, these closures have inflicted wounds on students, families, and, most of all, communities. Moving students around from school to school has shown negative impacts on student achievement (Cohen, 2016). Traditional public schools have been obligated to take in these displaced students adding additional unforeseen expenses. These displaced students have cost several hundreds of thousand dollars to districts already struggling to survive (BondGraham, 2017). However, the endless cycle has continued – charter schools open and charter schools close, and the traditional public school has remained to clean up the mess (Noonan, 2016). Arsen, Deluca, Ni, & Bates (2015) have coined this loss of finances as local fiscal stress. Their 2015 study found that school choice policies had a greater impact on the fiscal stress of districts than enrollment shifts due to residential population changes (Arsen et al., 2015).

Charter Schools in Alabama

Innovation Waivers. Charter schools in Alabama did not happen overnight; the preparation began in 2010 when the Innovation School Systems Resolution was passed by the

Alabama State Department of Education (Crain, 2013). This resolution opened the doors to school district flexibility and eventually to charter schools (Crain, 2013). Only two school districts – Florence City and Lawrence County – took advantage of this innovation option (Crain, 2013). This resolution allowed school systems to request to waive one or more Alabama State Department of Education rules and regulations, but not state laws, including budgetary restrictions (Crain, 2013). The resulting Alabama Accountability Act (AAA), better known as the Flex Bill, expanded flexibility by bringing the innovation waivers to Alabama (Alabama Accountability Act, 2013). These waivers allowed school districts the flexibility from state laws, regulations, and policies, including budgetary restrictions. The purpose was to grant local school systems the autonomy in innovation and creativity by allowing flexibility. School districts were required to apply with the State Department of Education using the Innovation Zone/Flexibility Waiver Proposal. Although several school systems took advantage of these innovation waivers, the majority did not. These innovations could be either programs or budgets. Systems were required to submit an Innovation Plan to meet annual accountability benchmarks as well as five-year targets. The innovation waiver application contained a list of plan assurances, including state requirements that could not be waived. Among those requirements was the formation of a charter school (Alabama Accountability Act, 2013). The public was reassured that "flexibility in no way" would "open the door for a charter school to operate in Alabama," and yet these innovation resolutions and flexibility bills did just that (Crain, 2013, pg. 3).

Charter School Bill. In March of 2015, the Alabama legislature passed Senate Bill 45. The Alabama School Choice and Student Opportunity Act, SB45, also known as the Charter School Bill, was aimed at giving students in Alabama another educational choice that would improve student learning (SB45, 2015). This legislation allowed the new charter schools to

operate with the autonomy to make choices concerning curriculum, personnel, and budgets without adhering to certain state regulations. For low socioeconomic students trapped in failing traditional public schools, these charters have appeared to be their only hope.

SB45 (2015) was designed to give students and parents an educational choice. These charter schools have been charged with providing "all children with access to high quality" education (SB45, 2015, pg. 4). Part of this high-quality education has been the freedom "to customize programs to fit the needs of individual students" (SB45, 2015, pg. 4). However, the most significant aspect of charter schools was the choice. These schools have given parents another free public-school choice for their children, especially those who were in low-performing, high-poverty schools. Low socioeconomic families could not afford other options, such as private schooling or homeschooling. The other aspects or goals of this policy included "innovative educational ideas that improve student learning," the empowerment of educators "to be nimble and strategic in decisions," and the usage of "tools and strategies to close achievement gaps" (SB45, 2015, pg. 4). This policy placed high expectations on these new public charter schools.

Charter schools were required to have an authorizer. According to the National Association of Charter School Authorizers (2018), there were three core principals of charter authorizing: "maintain high standards for schools; uphold school autonomy; and protect student and public interest" (pg. 8). The authorizing agency must be committed to providing an excellent school that meets the needs of the students within that community (ALSDE, OPCS, 2015). Alabama's charter school policy allowed local school districts the option to authorize charter schools themselves, but only if they applied and were deemed financially stable through the Alabama Department of Education (ALSDE, OPCS, 2015). However, if districts chose this

option, the charter school would become a mini-school system within the larger school system - complete with its board of directors, policies, and procedures (ALSDE, OPCS, 2015). To accommodate these requirements, school systems that authorized would most likely have to use additional funds to hire someone to oversee the charter school. According to the policy, school districts that authorized charters could "charge a portion [3%] of annual per-student state allocations received by each public charter school" to cover these additional expenses (SB45, 2015, pg 24). However, this "skimming off the top" would take away funding that could have been used for student resources. The local authorizing school system would also be responsible for any debts this charter school might accrue. If the local school district has not been listed as a charter school authorizer by the Alabama State Department of Education, then a charter school group could apply directly with the Alabama Public Charter School Commission for permission (ALSDE, OPCS, 2015); in other words, a charter school that has been rejected by an authorizing local school district, could also appeal to the Commission and be permitted start-up (ALSDE, OPCS, 2015).

Alabama Public Charter School Commission. The Alabama Public Charter School Commission, whose mission was to authorize high- quality public charter schools, was formed in 2015 by the Alabama Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate as a component of the Alabama School Choice and Student Opportunity Act (SB45, 2015). According to the National Alliance of Public Charter Schools (2017), this commission has the power to authorize and deny charter schools in Alabama. The Alabama law also required all charter school authorizers, including the Alabama Public Charter School Commission, to submit an annual report to the Alabama State Department of Education who has the ultimate responsibility for overseeing the performance and effectiveness of all authorizers.

The state department has the authority to terminate a local school board's contract to authorize; however, only the Governor, Speaker of the House of Representatives, and the President Pro Tempore of the Senate have the authority to terminate the commission's ability to authorize. As an accountability measure, the Alabama State Department of Education must submit an annual report on charter school performance to the Governor, the Legislature, and the public.

Charter School Authorizers and Schools in Alabama. The application process to become a charter school authorizer in Alabama opened in the fall of 2015. According to the Code of Alabama (1975) an authorizer is an entity authorized under the Act to review applications, approve or reject applications, enter into charter contracts with applicants, oversee public charter schools, and decide whether to renew, not renew, or revoke charter contracts. The Alabama Department of Education has encouraged all school districts to apply to be a charter school authorizer. The application included an agreement for the board to commit to participation in authorizer training required by the state; an explanation of the board's capacity and commitment to execute the duties of quality charter authorizing; an explanation of the board's strategic vision for chartering; an explanation of the board's plan to solicit public charter school applicants; a description or outline of the board's performance framework in establishing the charter contract; and a draft of the board's renewal, revocation, and nonrenewal processes (See Appendix A). This authorization approval would enable school districts to oversee new charter schools as well as conversion schools (See Appendix B). A conversion charter school is a charter school that previously existed as a traditional public school.

By 2016, only four of the 136 public school districts in Alabama had started the application process to become charter school authorizers. Out of the four districts that applied, only two – Birmingham City Schools and Athens City Schools – completed all the necessary

paperwork and were granted permission. After receiving approval to authorize, Birmingham City Schools denied the STAR Academy charter school application. However, the STAR Academy board of directors appealed to the Alabama Public Charter School Commission and was permitted to establish a school in Birmingham. According to the Alabama Public Charter School Appeals Process, the Commission has the power to act as the authorizer for Charter Schools in two instances. The first is when considering an application for a Charter School to be located in a school district where there is no local school board as an authorizer. The second instance is when a local school board has elected to act as an authorizer, and a denied Charter School application is considered on appeal by the Commission. "The Commission's action marked the first time a local charter authorizer's denial was overturned" (Crain, 2017, Pg. 1). Athens City Schools did not have plans to start a charter when it applied to be an authorizer, but the school board wanted "the power to approve or deny a charter school looking to open in the city" (Harris, 2015, pg. 2). In 2017, Athens City School was approached by a non-profit organization wanting to start a state-wide charter school for incarcerated youth (Teen Path to Success). The charter school planned to pay Pinnacle Schools, a Huntsville-based private education firm, to handle its administration and curriculum. Athens City Schools denied the application. The group then appealed to the Alabama Public Charter School Commission but was denied as well. The Commission questioned the 64% of the school's budget that would be paid to Pinnacle for administrative services (Vollers, 2017). "Pinnacle, as the education service provider, would make $2.91 million in the first year and nearly $4 million by Year 5" (Vollers, 2017, pg. 1). The Alabama Commission did approve two charter schools in 2016, both to non-profit groups. The Mobile Area Education Foundation was approved to authorize the first official charter school, the Mobile's Accel Day and Evening Academy. According to Mobile County Superintendent

Martha Peek, the school board carefully researched the responsibilities of being a charter school authorizer and chose not to take the risk. The SLAM Foundation, a non-profit education foundation, was also approved to open the Huntsville SLAM Academy; however, due to the current school segregation laws in Huntsville, it has yet to open (Connor, 2016). The SLAM Academy would have the potential of creating a more segregated education environment. Although once it opened, it will be the first charter school in Alabama governed by an EMO.

In 2017, even with the addition of one more public-school district in Alabama, no other district applied to be an authorizer, nor were the two charter schools approved for 2017 authorized by a school district. The University of West Alabama was authorized to charter the University Charter School in Sumter County for grades K-5 for the fall of 2018 with plans to expand to all grades in 2019, making it not only the first K-12 public charter school in Alabama but also the first university laboratory school. The second charter authorized in 2017 by the Alabama Charter School Commission was the LEAD Academy in Montgomery County. With the Montgomery Public School System being controlled by the Alabama State Department of Education, this charter designed to serve underprivileged students was not met with any opposition. Out of the five charter schools authorized to operate in Alabama from 2015 to 2018, none are governed by a local school district; furthermore, no school district in Alabama has chosen to do a conversion charter school. In a press release, immediately after the charter bill was signed in 2015, Dr. Tommy Bice, Superintendent of Education at the time, ensured the public that decisions to create charters would originate at the local level and that there would be "no negative financial impact on existing schools" (Cason, 2015, pg. 2). On the contrary, no charter school has originated at the local level, and the true influence on public school funding has yet to be seen.

Charter School Accountability in Alabama. Proponents of charter schools have advertised charters as an innovative means of improving education. Part of this innovation has been found in the exemption from many state regulations, such as teacher certification, school operations, curriculum, and pedagogy. Charter schools have the flexibility to hire untraditional teachers with or without teacher certification who may best fit their program of study. Charter schools may also use recruitment measures and merit pay to attract and keep teachers. All public schools in Alabama have been required to instruct students using the College and Career Readiness Course of Study, and as public institutions, charter schools have not been exempted from this requirement. However, charters have been given the freedom to design creative curriculum and instructional practices that align with these standards and with the focus of the school. This latitude may be varying from the traditional textbooks recommended by the Alabama State Department of Education. In addition to these freedoms, charter schools have been given additional accountability measures. According to the Guidelines for Alabama Public Charter Schools (ALSDE, OPCS, 2015), charter schools have been charged with reporting student academic proficiency, academic growth, attendance, recurrent enrollment, postsecondary readiness, financial performance and stability, and board performance and stewardship. Because charter school students have been required to take the same state assessments as traditional public-school students, their academic proficiency and growth have been based on state standardized tests. Accountability for charter schools closely mirrors the measures of public-school districts in Alabama.

Alabama Public School Funding Formula

Public schools in Alabama have been funded from the state's Foundation Program using the same formula since 1995 (Crain, 2016). However, according to a 2016 report from the

Center on Budget and Policy Priorities, Alabama has spent 14% less on education from 2008 to 2016. Experts would agree that funding for Alabama public schools has not been based on student needs (Crain, 2016). Alabama, one of only seven states, has continued to use a formula that provides school funding solely based on the number of students enrolled in the school the previous school year. This formula has not taken into consideration special needs students, English-language learners, or impoverished students (Crain, 2016). State funding policies based on these formulas "are setting districts up to fail" (EdBuild, 2018, pg. 14).

Based on 2013 data, Alabama spent approximately $7,223 per student. School districts have the choice of providing additional funding to supplement what the state allotted, and the wealthier school districts have done just that. Mountain Brook, one of the wealthier districts in Alabama, has used an increase in property taxes to gain additional educational funds (Beahm, 2019). The first property increase occurred in 1991, and the second in 2019 (Beahm, 2019). Augenblick, Palach, and Associates conducted a study of Alabama school funding in 2015. They concluded that the Alabama school funding model did not meet the needs of the school districts, and especially those in high-poverty areas with special needs students. According to their research, funding resources should provide a per-pupil amount in the range of $9,388-$10,590 to achieve expected outcomes (APA Consulting, 2015).

The current funding formula in Alabama is based on the following criteria:

1. The number of students enrolled in each system, using average daily membership (ADM) for 20 school days after Labor Day of the prior year.
2. The number of teachers and other personnel the state believes each system needs (based on student-to-staff ratios that differ between grade levels – 14.25 students per teacher in grades K-3, 21.85 students per teacher in grades 4-6, 20.45 students per

teacher in grades 7-8, and 18.45 students per teacher in grades 9-12), although systems can employ more teachers or staff outside of state specifications, provided each specific personnel requirement is met.

3. The salary and benefits the state believes personnel should be paid, based on statewide salary schedules that recognize differences in education levels and years of experience of personnel, and based on the requirement that school system salary schedules must mimic state salary schedules (salary levels can be higher based on district preferences).
4. Other expenditures that the state believes districts should make for things like the maintenance and operation of school facilities, student materials, textbooks, various categories from year to year (pg. 5).

Alabama Public Charter School Funding. In Alabama, the per-pupil funding has been earmarked to follow the student (ALSDE, OPCS, 2015). Public charter schools received the same amount of state Foundation Program funds that would have been allocated for each public charter school student to the local school system where the student resides (ALSDE, OPCS, 2015). Therefore, according to the per-pupil spending formula, for every student choosing to attend a charter school, their zoned school loses $7,223. However, the loss of one to even fifteen students has not reduced the zoned school's expenses – the bus route must still run, and the same number of teaching units are still needed, and yet the zoned school which was already underfunded, has now lost from $7,223 to $108,345 in allocations (ALSDE, OPCS, 2015). The charter school has essentially robbed the funds this traditional public school desperately needed (Ellis, 2008; Laciereno-Paquet et al., 2002; Larkin, 2016). For this very reason, several other states with charter laws have earmarked up to three percent of the per-pupil money to remain

with the zoned school; but not Alabama, unless the school system has chosen to be an authorizer, and that has the potential to bring its own unique set of additional expenses.

Public School Funding and Poverty. Because Alabama funding has been based on property taxes, the school districts with the highest rates of poverty have the lowest property values, and thus receive less funding per student compared to those with the lowest rates of poverty in more affluent communities. Nevertheless, these impoverished students and school districts need additional funding to address their students' increased needs (Camera, 2018). The funding gap among school districts has varied significantly. According to a 2018 report by the Education Trust, Alabama has ranked among the worst. School districts in Alabama who have served large proportions of poor students have been shortchanged the funding needed to employ high-quality teachers, to offer advanced courses, to provide early education programs and school counselors (Camera, 2018). In 2015, the federal poverty threshold was $24,036 for a family of four with two children. Children living in families with incomes below the federal poverty threshold were referred to as poor. In the same year, the National Center for Children in Poverty (2018) reported that 26% (285,284) of Alabama children live in poverty, which is higher than the national average of 19%.

Out of those 285,284 poor children, only 28% of their parents were employed full-time, 37% were employed part-time, and 35% were unemployed. As early as 1966, a Johns Hopkins University sociologist by the name of James Coleman, found that family background (i.e., parental education, single-parent homes, home ownership, ethnicity, and poverty) has a significant impact on student achievement. (Egalite, 2016). Several studies have found that parental education was the single strongest correlate of children's success in school. Educated parents were more likely to read to their children, to attend parent-teacher conferences, and to

consider the quality of the local school when selecting a neighborhood to live in (Coleman, 1966; Egalite, 2016). In Alabama, 66% of parents of poor children did not finish high school, 41% finished only high school, and 16% had some college or more (National Center for Children of Poverty, 2018). The lack of parental education itself has placed these children at a disadvantage.

The state government provides approximately 43% of school funding. The current Alabama funding formula based on property taxes has meant that the most impoverished school districts containing lower property values have received less funding. These districts also have fewer owner-occupied housing and more government housing. In 2015, only 28% of poor Alabama children lived in owner-occupied housing compared to 72% of non-poor children (National Center for Children of Poverty, 2018). Out of the 136 school districts in Alabama, 61 had to rely heavily on federal funding and less on local funding (Crain, 2016). Federal funding made up more than 20% of overall dollars per student in 15 school districts found within Alabama's Black Belt Region. The Black Belt Region originally named for its dark, fertile soil is comprised of 17 counties: Barbour, Bullock, Butler, Choctaw, Crenshaw, Dallas, Greene, Hale, Lowndes, Macon, Marengo, Montgomery, Perry, Pike, Russell, Sumter, and Wilcox (Winemiller, 2016) . In Alabama's early days, these counties were known for their large plantations, acres of cotton fields, and slaves. However, over time, with the end of slavery and the boll weevil devastation, the Black Belt Region has evolved from prosperous plantations to pitiable poverty. This region, where a large proportion of the residents are African American, suffers from high rates of unemployment (Winemiller, 2016). As of 2018, nine of the ten poorest counties in Alabama continued to be in the Black Belt Region. In 2004, Governor Bob Riley committed to "improving the quality of life" in these counties by forming the Alabama Rural

Action Committee, and yet largely due to the inequity in the public school funding formula, they have continued to have low-achieving schools (Riley appoints, 2004, pg. 1).

Many of the children residing in these counties have been raised in a single-parent home. In 2015, 73% of all poor children in Alabama were being raised by a single parent compared to 27% of non-poor children (National Center for Children in Poverty, 2018). The 2008 U.S. Census Bureau panel found that children ages 12 to 17 who lived with only one parent were at a high risk of school suspension. Similarly, children ages 6-11 who lived with just one parent were more likely to repeat a grade than children of the same age in two-parent families. Unfortunately, single parents have less time for enriching activities such as reading to their children, having family dinners, and taking educational vacations (Putnam, 2015). Studies have continued to show that males, especially African American males, raised in low socio-economic households and born to low-educated unmarried mothers have higher incidences of truancy and behavioral problems (Autor, Figlio, Karbownik, Roth, & Wasserman, 2019). Also, these males have demonstrated an increase in cognitive disabilities and were less likely to graduate high school (Autor et al., 2019; Coleman, 1966; Egalite, 2016). In Alabama, 36% of Caucasian children, 70% of African American, 74% of Hispanic, 31% of Asian, and 48% of American Indian were low-income – meaning 531,200, or 49% of children in Alabama, are living in poverty (National Center for Children of Poverty, 2018).

According to Coleman (1966), “a school’s socioeconomic background is a strong determinant of its students’ achievement” (pg 22). This statement has continued to be validated in educational studies (Patton, 2018; Sauter & Comen, 2018a). In the 2018 report, “The Best School District in Every State”, Mountain Brook City School District was named as one of the best districts in the state of Alabama (Sauter& Comen, 2018b). Mountain Brook has spent an

average of $12,324 per pupil, which is an additional $6,536 per pupil above what they received from the state. These local monies afforded students greater opportunities for achievement (Crain, 2016). The average household income was $126,534 (state median was $43,623), the poverty rate was 3%, and 85% of the adults in the district had a bachelor's degree (Patton, 2018). These rates were in stark contrast with the 2018 report, "The Worst School District in Every State", where Chickasaw City Schools District was named as one of Alabama's worst schools (Sauter & Comen, 2018a). Chickasaw has spent $8,347 per pupil, which is over $1500 above what the state allocated. However, the funding was not enough to combat the challenges that poverty posed. The average household income was $28,893, the poverty rate was 38.9% and only 12.4% adults in the district have a bachelor's degree (Patton, 2018). The 2018 report concluded that "family income may have the largest impact on a student's academic outcomes" (Sauter & Comen, 2018b, pg. 1). This statement was validated in the Alabama A-F report card (Crain, 2018). This grading system was based on student achievement as measured by standardized tests, chronic absenteeism, graduation rates, and college and career readiness indicators. Of the 1,247 schools that received grades, there were 137 As, 352 Bs, 271 Cs, 217 Ds, and 104 Fs. These grades had a strong correlation to the wealth of the district (Crain, 2018). The schools in affluent communities, such as Vestavia Hills City and Mountain Brook City, received As; whereas, schools in impoverished areas, such as Sumter County, Wilcox County, and Macon County, received Fs (Crain, 2018). Research has concluded that additional resources have been needed to teach children of poverty, and yet, according to Rebecca Sibilia, founder of EdBuild, Alabama's "funding formula isn't even keeping with what we see in research" (Davis, 2020).

Public School Funding and Rural Alabama. More than 31% of public schools in the United States have been classified as rural (NCES, 2009). According to the National Center for

Education Statistics (2009), Alabama ranked high among the states with the largest percent [53%] of rural public-school systems totaling 69 (Lindahl, 2011). According to 2008-2009 data, these 69 rural school districts served over 319,332 students, namely poor students (Lindahl, 2011). In these rural school districts, 19.7% of rural families were living in poverty, which was the highest percentage in the nation. As of 2009, 34 of these 69 rural counties had double-digit unemployment rates (Carter, Lee, & Sweatt, 2009). In 2007-2008, rural school expenditures per pupil were $8,211, which was among the lowest in the nation (Lindahl, 2011). The high school graduation rate in these rural schools was only 62.4%, ranking Alabama, the sixth-lowest in the nation (Johnson & Strange, 2009). The *Why Rural Matters 2013-2014* reported that 60 percent of the students living in rural districts were eligible for free and reduced lunch (Johnson, 2014).

Furthermore, in some rural Black Belt areas, such as Lowndes County, that percentage has been closer to 98% (Kachmar, 2014). In 2014, The Rural School and Community Trust, a national non-profit organization, found that Alabama ranked second in the nation for the highest need for attention to rural education, with Mississippi ranked first (Kachmar, 2014). Sally Howell, a spokeswoman for the Alabama Association of School Boards, stated that the Foundation Program, which determines Alabama public school funding, has not recognized geographical sparseness when it comes to funding schools (Kachmar, 2014).

Rural school districts have faced challenges that their suburban and urban counterparts do not encounter with the main extra issue being transportation. Alabama has a mandated transportation policy for students living farther than two miles from the school or within a hazardous walking area (McDonald & Howlett, 2014). Many families in rural Alabama live up to 30 miles away from the school. For working parents, the distance from work and school has been even greater. As a result, these families have relied heavily on public school transportation,

which has made after-school activities, such as tutoring and enrichment, almost an impossibility. With the majority of local school funding earmarked toward transportation [school buses], little monies have remained to compensate teachers for after school programs, and there has existed the challenge of parents being able to transport their children home afterward (Kachmar, 2014). Studies had found that students who spend hours traveling before and after school experienced negative effects on their academic performance, including but not limited to sleep deprivation (Reeves, 2003; Wolfson & Carskadon, 2003). Parental involvement has also been found to be negatively impacted by travel distance (Reeves, 2003).

According to a report conducted by the Center for Public Education (Lavalley, 2018) entitled "Out of the Loop," another major challenge that has existed in rural Alabama has been lower literacy. Lower literacy levels have been contributed to several factors: uneducated parents, high poverty, fewer resources, and limited access to healthcare (Lavalley, 2018). Carter et al. (2009) found that poverty levels in rural schools were steadily rising while achievement gaps were steadily widening. Unfortunately, many students raised by uneducated parents have not realized, nor do they understand, the importance of education (Kachmar, 2014). Poverty in rural areas, unlike suburban areas, has been heightened by the lack of proper nutrition and access to medical care (Kachmar, 2014). Many rural schools have provided breakfast and dinner in addition to lunch to assist these students (Kachmar, 2014). In Bullock County, the school has provided meals for athletes traveling to away games to ensure proper nutrition. According to Keith Stewart, Superintendent of Bullock County, "Oftentimes, working in a rural, poverty-stricken area, you're dealing with so many barriers to education. Whether it is health barriers or psychological barriers, most of the time, children don't have a support system" (Kachmar, 2014, pg. 3).

In these rural areas, students have been isolated from many resources, such as museums, libraries, colleges, and universities, in addition to the limited educational resources in their homes (Lindahl, 2011). Furthermore, with the lack of commerce and trade in these rural areas, there have existed few opportunities to obtain a local job directly related to educational achievement. Rural schools also have limited access to advanced courses, such as Advanced Placement and STEM related courses. Only 73% of rural schools have offered AP courses in comparison to 95% of suburban schools; also, only 62% have offered STEM courses in comparison to 93% of suburban schools (Mann, Sponsler, Welch, & Wyatt, 2017). These courses have required funding for extensive teacher training and resources. Funding these rural schools simply have not had.

On average, rural school districts have remained small, which, according to Alexander and Salmon (1995), has made them more expensive to operate than larger districts and thus less likely to offer adequate educational programs. Many of their inadequate education programs have been directly related to finding and hiring qualified, innovative teachers. Many times, these rural schools have been forced to employ sub-par teachers just to fill a position, namely math and science. “Unless you’re born in those [rural] communities or want to choose that, most young people coming out of college would not choose that lifestyle,” according to Sally Howell, Alabama School Boards Association (Kachmar, 2014, pg 6). The young talent pool for rural school districts in Alabama has remained scarce.

Chapter III: Methods

In March of 2015, the Alabama legislature passed the Alabama School Choice and Student Opportunity Act, also known as Senate Bill 45 or the Charter School Bill. This bill opened the door for charter schools to become a part of the Alabama public K-12 educational system. SB4 aimed to give students in Alabama another educational choice that would improve student learning. Charter schools are free public-school institutions that operate under a charter or contract with an authorizing agency. This charter contract allows the school to function with the autonomy to make choices concerning curriculum, personnel, and budgets without adhering to certain state regulations. For low socioeconomic students trapped in failing traditional public schools, these charters were presented as their only hope.

Instead of reforming the existing public schools, this bill authorized new public schools to be created, and hence, they are referred to as charter schools. These charter schools were charged with providing "all children with access to high quality" education and "to customize programs to fit the needs of individual students" (SB45, 2015, pg. 3). However, the most important aspect of charter schools was the choice. These schools give parents another public-school choice for their children, especially those who are in low-performing, high-poverty schools. These low socioeconomic families cannot afford other options, such as private schooling or homeschooling. The other aspects or goals of this policy included "innovative educational ideas that improve student learning," the empowerment of educators "to be nimble and strategic in decisions," and the usage of "tools and strategies to close achievement gaps" (SB45, 2015, pg. 3). This policy placed high expectations on these new public charter schools.

Charter schools have brought educational competition into Alabama. Charter school supporters have believed this competition would lead to innovation and thus would increase

productivity, thus resulting in student achievement. The conceptual framework used in this study was based on Porter's (1980) Five Fundamental Forces of competition in an industry which affected their impact on the market. The researcher sought to compare the perceptions of Alabama's traditional public-school superintendents and the perceptions of Alabama Charter School Commission members as it pertained to this market-based competition.

This chapter contains the purpose, significance, research design, research questions, data collection methods, and data analysis. The methodology approach used was a qualitative descriptive case study. This methodology allowed the researcher to study the perceptions of both Alabama superintendents and Alabama Charter School Commission members as it pertained to this new market-based competition – charter schools.

Purpose of the Study

The purpose of this qualitative descriptive case study was to analyze how this charter school competition, or potential new entrants, was perceived by Alabama's charter school authorizers, including local school system superintendents and the members of the Alabama Public Charter School Commission by applying Porter's (1980) Five Fundamental Forces of competition. Porter proposed these following forces of competition in an industry which affected their impact on the market: (a) competitive rivalry, (b) supplier power, (c) buyer power, (d) threat of substitutes, and (e) threat of new entry. This model has been used by business and industry to determine whether or not to enter a specific industry or develop competitive strategies.

Regarding education, the competitive rivalry would include the current traditional public schools, such as magnet schools, city schools, and county schools. The supplier power would include educational entities: state departments of education, public colleges and universities, and

educational management organizations (for-profit and non-profit). The buyer power would include both students and parents. The threat of substitutes would include private schools, virtual schools, and homeschools. The threat of new entry would be the charter schools entering into Alabama. This study provides perspectives from traditional Alabama public school superintendents as well as members of the Alabama Public Charter School Commission.

Significance of the Study

Since charter schools are new to Alabama, a study as to the effects of competition on traditional public schools does not exist. Charter school advocates claim the "adoption of charter school laws would lead to the creation of new or reinvention of existing schools; the market forces would make charter schools more innovative and of higher quality than district-run public schools; and the combination of autonomy, innovation, and accountability would lead to improved student achievement" (Bulkley, 2002, pg. 1). Opponents claim that charter schools redirect money from local traditional public schools as the dollars follow the pupils. Even when sizable student numbers have left a traditional public school, the operational costs have not been reduced (Baker, 2016). This decrease in funds has contributed to the continued decline of the traditional public school (Cohen, 2016; Saloomey, 2017). Thus, the much-needed innovation hoped for and promised with charter schools has been limited, and in some cases, non-existent in traditional public schools due to the lack of funds.

While evidence of this competitive relationship between charter schools and traditional public schools has been studied in other states, no such relationship has been investigated in Alabama. Furthermore, since the bill passed in 2015, only seven out of 136 Alabama public school superintendents have applied for their districts to be charter school authorizers. As of 2018, the only two charter schools operating in Alabama have both been authorized by the

Alabama Public Charter School Commission, not by public school districts. A possible cause of this problem is that the competition may be perceived differently by Alabama's charter schools' authorizers - local school system superintendents and the members of the Alabama Public Charter School Commission. To understand the effect of this charter school competition on Alabama public schools, a qualitative study was needed about the perceptions of both Alabama superintendents of education and the members of the Alabama Public Charter School Commission. This data will be valuable as charter schools continue to rise in Alabama.

Research Design

The goal of this research was to develop a better understanding as to the effects of charter school competition as perceived by both Alabama superintendents and Alabama Public Charter School Commission members. This study used a qualitative descriptive case study approach in examining the competitive educational marketplace theory. Qualitative research was used to study the process or context of the phenomena by looking at the issue through a variety of lenses (Baxter & Jack, 2008; Morgan, 1980). Both Stake (1995) and Yin (1994) have based their approaches to a case study on a constructivist paradigm (Baxter & Jack, 2008). This paradigm, which recognizes the importance of human subjectivity, has enabled the close collaboration between researcher and participant, thus enabling the researcher to collect stories from participants (Lather, 1992). It is this collection of stories that researchers have used to characterize the phenomena of human experiences (Connelly & Clandinin, 1990).

Robert Yin (1994) asserts that three conditions must exist to determine which qualitative research strategy to use. Yin's conditions include the type of research question posed, the extent of control an investigator has over actual behavioral events, and the degree of focus on

contemporary as opposed to historical events. Yin's outline of these three conditions and their relation to the five major qualitative research strategies is displayed in Figure 2.

Strategy	Form of Research Question	Requires Control over Behavioral Events?	Focuses on Contemporary Events?
Experiment	How, Why	Yes	Yes
Survey	Who, What, Where, How Many, How Much	No	Yes
Archival Analysis	Who, What, Where, How Many, How Much	No	Yes/No
History	How, Why	No	No
Case Study	How, Why	N o	Yes

Figure 2. Relevant situations for different research strategies (Yin, 1994). Source: COSMOS Corporation

In understanding the current effects (why, how) of charter school competition on traditional public schools, the case study strategy was the best approach. This strategy allowed the researcher to conduct a more holistic, in-depth investigation (Feagin, Orum & Sjoberg, 1991). According to Noor (2008), case studies were not intended to study the entire organization, just to study a particular issue. As with any research method, case studies have both strengths and weaknesses. However, the use of multiple case studies can lead to some form of replication creating a more convincing theory (Eisenhardt & Graebner, 2007; Noor, 2008). Therefore, a multiple case study approach was used in order to understand and analyze the data both within and across situations; thus, giving the researcher valuable insight as to the effect of charter school competition (Baxter & Jack, 2008; Stake, 1995; Yin, 2002).

The eight individual cases that made up this descriptive case study included four Alabama public school superintendents from districts with either a current or prospective charter school and four members of the Alabama Public Charter School Commission. The descriptive case study enabled the researcher to study each case as it pertained to the five fundamental forces

of competition. The researcher was then able to compare the cases along with the research to determine if any contrasts or similarities existed (Vannoni, 2014; 2015). The multiple descriptive case study approach allowed the investigation of how the competitive educational marketplace theory was perceived by both Alabama superintendents and Alabama Public Charter School Commission members.

Research Questions

This qualitative study addressed three questions ("a" = superintendents and "b" = members) that were grounded in inquiry:

1a. How do public school superintendents in Alabama perceive charter schools in the context of a competitive educational marketplace?

1b. How do members of the Alabama Public Charter School Commission perceive charter schools in the context of a competitive educational marketplace?

2a. According to school superintendents, what are the positive and negative characteristics of competitive pressure created by charter schools on public school districts in Alabama?

2b. According to members of the Alabama Public Charter School Commission, what are the positive and negative characteristics of competitive pressure created by charter schools on public school districts in Alabama?

3a. According to school superintendents, what hindrances exist in competing with charter schools?

3b. According to members of the Alabama Public Charter School Commission, what hindrances exist with traditional public schools competing with charter schools?

Data Collection

Yin (1994) has listed six sources of evidence for data collection when using a case study: documentation, archival records, interviews, direct observation, participant observation, and physical artifacts. Not all of these were needed in every case study; however, multiple sources of data were essential to the reliability of the study (Stake, 1995; Yin, 1994). The data collection for this study included interviews, district websites, board minutes, and the Alabama State Department of Education Charter School Commission reports. The interview data collected was from eight semi-structured interviews with both Alabama superintendents and Alabama Public Charter School Commission members. These participants (cases) were chosen carefully to predict similar or contrasting results based on the competitive educational marketplace theory (Yin, 2003). The semi-structured approach allowed for sufficient flexibility with each participant while still covering the interview questions for data analysis (Noor, 2008). With each interview, the data was recorded and transcribed for specific codes and themes. Each interview lasted approximately one hour.

Yin (1994), Stake (1995), and Creswell (2013) all have expressed the importance of effectively organizing and analyzing data. A database was used by the researcher to ensure that raw data was stored and analyzed in an organized process (Creswell, 2013; Baxter & Jack, 2008). Once analyzed, a list of codes and categories that emerged from the collection was recorded (Baxter & Jack, 2008). Developing this list was a crucial step in the data analysis process (Bogdan & Biklen, 2007).

The data analysis process for a case study can be both challenging and rewarding for a novice researcher. According to Creswell (2013), there are several steps involved: organizing the data, reading through the data multiple times, coding and organizing themes, and representing

the data. Once the themes were coded and organized, triangulation of data sources was used as the primary strategy to ensure the phenomena were studied from multiple perspectives (Baxter & Jack, 2008; Stake, 1995). As a novice, the researcher had intense exposure to the phenomenon to ensure that multiple perspectives could be collected and understood thus reducing the possibility of pre-conceived ideas influencing the findings (Stake, 1995, 2004, 2006; Merriam, 1998; Creswell, 2013). These multiple perspectives included both the participant interviews and supporting documents such as district websites, board minutes, and the Alabama State Department of Education Charter School Commission reports.

Coding Process

According to Saldana (2008), "coding is the transitional process between data collection and more extensive data analysis" (pg. 5). Coding is generally known as the practice of organizing and storing data through the use of labels. These labels allowed the researcher to summarize and synthesize what was happening in the data. A start list of pre-set codes, also known as *a priori* codes, were used to create a codebook. This codebook was developed from the conceptual framework and the list of research questions. Creswell (2013) has recommended 25 to 30 codes in a codebook, while Bernard & Ryan (2010) recommended 50 to 80; however, regardless of the number of codes, this codebook needed to be an evolving document modified as the researcher connected the data to the theoretical framework of the study (DeCuir-Gunby, Marshall & McCullough, 2011).

Along with the a priori codes, there were also emergent codes in the codebook. These emergent codes appeared from the reading and analysis of the data, and they were based on patterns of commonality. According to Hatch (2002), these patterns could be characterized by similarity, difference, frequency, sequence, correspondence, or causation. The researcher, as a

participant-observer, also recorded thoughts and impressions while engaged in the data analysis (Alder & Alder, 1987). The data was analyzed and broken into manageable pieces, which resulted in codes being combined as themes emerged.

Assumptions

Consistent with research, the following major assumptions were made concerning the study:

- All of the information provided by the participants was a truthful and accurate depiction of their perceptions relative to partnership development.
- Participants were not pressured nor coerced in any way to provide any sensitive information relative to partnership development and their university.
- All participants interviewed are or were a part of the public (traditional or charter) schools in Alabama.

Background and Setting

For a charter school to operate in Alabama, it must have an authorizer. According to the Alabama Public Charter School Commission, an authorizer is an entity authorized under the Act to review applications, approve or reject applications, enter into charter contracts with applicants, oversee public charter schools, and decide whether to renew, not renew, or revoke charter contracts. This authorizer may be an approved public-school district, or it may be approved by the Alabama Public Charter School Commission. At the time of this study, there were five charter schools in five different school districts either already open in Alabama or projected to open soon. All of these charters had been authorized by the Alabama Public Charter School Commission, not by local school districts. There were also only four school districts approved to authorize a charter school, and two of those districts had rejected charter school applications that the commission approved later in the appeal process.

Each participant in this study was either a member of the Alabama Public Charter School Commission or an Alabama Public School Superintendent from a district where a charter school was located or planned. The researcher interviewed the participants in a private setting at an agreed-upon meeting place. Although gender, age, and ethnicity varied among the participants, these were not criteria for selection.

Credibility

The credibility of this research was established in a stated agreement between the researcher and the participants. The qualitative researcher was responsible for reporting the truth in this study. This study used the following approaches to achieve credibility: multiple case studies, multiple sources of data, and an audit trail.

Ethical Conditions

The researcher entered a contract that explains the purpose of the research and received approval from Auburn University and its Institutional Review Board (IRB) on February 11, 2019 (see Appendix C). An informed consent document was signed by all participants informing them of the right to withdraw from participation without consequence (see Appendix D). The researcher agreed to preserve anonymity by using pseudonyms and by keeping documents secure.

The Role of the Researcher

The researcher was a doctoral student pursuing a Doctor of Philosophy in Elementary and Secondary Administration. At the time of this study, the investigator was serving as the Assistant Superintendent in a city school system that was not associated with charter schools. Thus, no interviews were conducted in the district the researcher was employed. The primary role of the researcher was to conduct interviews with Alabama superintendents and Alabama Public Charter

School Commission members that would provide insight as to the effects of charter school competition.

Limitations

Since the Alabama charter school bill was passed in 2015, several key superintendents have either retired or moved to other districts, and new superintendents have taken their place. The members of the Alabama Charter School Commission have changed as well from the original board that was appointed in 2015. Also, the Alabama State Superintendent of Education has changed three times since 2015. The latest superintendent has only been in office shortly over a year. Additionally, the subjectivity or the bias of the researcher was considered, since she is employed in a traditional public-school district that currently does not have a charter school.

Summary

This study aimed to understand the effect of charter school competition on traditional public schools in Alabama. Based on the Alabama School Choice and Student Opportunity Act, Senate Bill 45, public charter schools receive 100 percent of the per-pupil funding for each student that enrolls. Since the bill passed in 2015, only seven out of 136 Alabama public school superintendents have applied for their districts to be charter school authorizers. Furthermore, out of the five, only four have been approved as charter school authorizers. As of 2019, the charter schools approved to operate in Alabama have all been authorized by the Alabama Public Charter School Commission, not by public school districts. This factor indicated that competition might be perceived differently by Alabama's charter schools' authorizers - local public-school system superintendents and the members of the Alabama Public Charter School Commission. Therefore, this qualitative study was needed to understand the effects of charter school competition on Alabama traditional public schools.

Chapter IV: Findings

Charter schools were developed because of school choice legislation and to foster innovation and market competition among public schools. The economic theory of marketplace competition served as the framework for this study. This study focused on how the local school system superintendents perceived and reacted to the existence of or possibility of charter schools and whether this perception had been or will be a stimulus for innovation or reform. Research on the effects of charter school competition on traditional public-school districts is limited. With charters only recently entering Alabama, the effects of this competition have yet to be seen (Arsen & Ni, 2012).

The purpose of this qualitative descriptive case study was to allow the investigation of how competitive educational marketplace theory was perceived by both Alabama superintendents and Alabama Public Charter School Commission members. The eight individual cases that made up this descriptive case study included four Alabama public school superintendents, from districts with either a current or prospective charter school, and four members of the Alabama Public Charter School Commission.

Data Collection Procedures

The data collection for this study included face-to-face interviews, district websites, board minutes, and the Alabama State Department of Education Charter School Commission reports. The primary data source for this study was the face-to-face interviews. The semi-structured interview approach allowed for sufficient flexibility with each participant while still covering the interview questions for data analysis (Noor, 2008). With each interview, the data was recorded and transcribed for specific codes and themes. The archival records, including but not limited to, district websites, board minutes, and Alabama State Department of Education

Charter School Commission reports, were reviewed to validate or extend the statements made by the case study participants. From the data analysis, four emerging themes surfaced: Financial Impact, Community Support, School Choice, and Political Pressure.

Research Questions

Alabama public school superintendents (a) and Alabama Public Charter School Commission members (b) were interviewed to determine their perceptions of the competitive educational marketplace using the following research questions:

1a. How do public school superintendents in Alabama perceive charter schools in the context of a competitive educational marketplace?

1b. How do members of the Alabama Public Charter School Commission perceive charter schools in the context of a competitive educational marketplace?

2a. According to school superintendents, what are the positive and negative characteristics of competitive pressure created by charter schools on public school districts in Alabama?

2b. According to members of the Alabama Public Charter School Commission, what are the positive and negative characteristics of competitive pressure created by charter schools on public school districts in Alabama?

3a. According to school superintendents, what hindrances exist in competing with charter schools?

3b. According to members of the Alabama Public Charter School Commission, what hindrances exist with traditional public schools competing with charter schools?

Participants

For a charter school to operate in Alabama, it must have an authorizer. According to the Code of Alabama, Chapter 290-3-6 Charter Schools, an authorizer is an entity authorized under the Act to review applications, approve or reject applications, enter into charter contracts with applicants, oversee public charter schools, and decide whether to renew not renew, or revoke charter contracts (Code of Alabama, 1975). This authorizer may be either an approved public-school district or the Alabama Public Charter School Commission. At the time of this study, there were five charter schools in five different Alabama school districts, either already or projected to open soon. All of these charters had been authorized by the Alabama Public Charter School Commission, not by the local school districts. There were also only four school districts approved to authorize a charter school, and two of those districts had rejected charter school applications that the commission approved later in the appeal process.

The eight participants in this qualitative case study were either members of the Alabama Public Charter School Commission or Alabama Public School Superintendents from a district where a charter school was located or planned. These participants (cases) were chosen carefully to predict similar or contrasting results based on the competitive educational marketplace theory (Yin, 2002). The participants were interviewed by the researcher in a private setting at an agreed-upon meeting place. Although gender, age, and ethnicity varied among the participants, these were not a criterion for selection (see Tables 1 and 2).

Table 1

Characteristics of Superintendents and Districts

	S1	S2	S3	S4
Years as Superintendent	>10	<5	<5	>10
School District	Urban	Rural	Rural	Urban
No. of Schools	>50	<20	<10	>90
No. of Students	>30,000	<15,000	<3,000	>50,000
Revenue per Student	$9,819	$8,771	$9,630	$9,811
District is Charter School Authorizer	Yes	Pending	No	No
Charter School in District	Yes – 1	No	Yes – 1	Yes – 1
Charter School Authorized by District	No	No	No	No
Charter School Overseen by EMO	Yes	N/A	Yes	No

Table 2

Characteristics of Charter School Commission Members and Districts

	M1	M2	M3	M4
Years as Member	<3	<3	>3	>3
Occupation	Retired Public Education	Career Development	Healthcare	Higher Education
School District in Which Residing	Rural	Urban	Urban	Suburban
No. of Schools	>15	>90	<80	>15
No. of Students	<10,000	>50,000	>25,000	>10,000
Revenue per Student	$9,070	$9,181	$11,081	$7,843
District is Charter School Authorizer	No	No	Yes	No
Charter School in District	No	Yes – 1	Yes – 2	No
Charter School Authorized by District	No	No	No	No
Charter School Overseen by EMO	NA	No	No	NA

Results

In understanding the current effects of charter school competition on traditional public schools, data were collected from eight participants, which included interviews from four Alabama Public School Superintendents and four Alabama Public Charter School Commission members. With each interview, the data were recorded and transcribed for specific codes and themes. Each interview lasted approximately one hour, and although each participant was asked the same set of questions, the semi-structured format led to some variation based on the responses.

Data were transcribed from audio recordings. After transcription, the data were reviewed, organized, coded, recoded, summarized, and interpreted. A database was used by the researcher to ensure that raw data were stored and analyzed in an organized process (Baxter & Jack, 2008; Creswell, 2013). Once analyzed, a list of codes and categories that emerged from the collection was recorded (Baxter & Jack, 2008).

After identifying themes, the researcher continued the process of cutting and sorting the data until theoretical saturation was reached regarding emergent themes. Four themes emerged in the analysis of the case study: (a) financial impact, (b) community support, (c) school choice, and (d) political pressure.

Table 3
Emergent Themes and Subthemes

Themes	Subthemes
Theme 1: Financial Impact	1a. Average Daily Membership (ADM)
	1b. Rural vs. Urban
	1c. Conversion Charter
Theme 2: Community Support	2a. Community Driven Schools
	2b. Failing School Districts
Theme 3: School Choice	3a. Competitive Pressure
	3b. Marketplace Economics

Theme 1: Financial Impact. The theme of financial impact was prevalent throughout all of the data. Alabama is one of only seven states that has continued to use a formula that provides school funding solely based on the number of students enrolled in the school the previous school year. In Alabama, the per-pupil funding has been earmarked to follow the student. Public charter schools received "the same amount of state Foundation Program funds that would have been allocated for each public charter school student to the local school system where the student resides" (ALSDE, OPCS, 2015, no. 2).

Superintendents have the responsibility of overseeing all aspects of the school district, including a yearly budget based on the funding received by the Average Daily Membership (ADM). Both superintendents and commission members recognized this impact on public school districts.

> C1: "You taking ADM from the school systems and giving it to a charter school entity ... that money follows that kid. If that money falls short, then what are you going to do now?"

C3: “The perception is that indeed it [charters] adversely affects the district … since they are funded on a per-pupil basis.”

S3: “It’s [charter school] going to cripple us… we are competing for the same students…the same funding.”

S4: “We are taking dollars that are desperately needed in every school district by every public-school child in Alabama, and we’re diverting them into a charter.”

Although both superintendents and commission members recognized the financial impact of the charter schools on traditional public school districts, commission members expressed that the impact of this per-pupil funding depended greatly on the physical location of the charter school, namely recognizing the negative impact found on rural districts. According to the National Center for Education Statistics (2009), Alabama ranked high among the states with the largest percent [53%] of rural public schools totaling 69 (Lindahl, 2011). Rural school districts have faced additional challenges that their suburban and urban counterparts do not encounter. The main challenge being transportation. Many families live over 30 miles away from the schools. These families have relied heavily on public school transportation, which has made after school activities, such as tutoring and enrichment, almost an impossibility. With the majority of local school funding earmarked toward transportation [school buses], little monies have remained to provide additional instructional supports to combat these barriers to education.

C2: “Depending on the physical location of the school [charter], I see it could be a hindrance to rural schools. Those are small school settings. Funding is not what it should be for them…more of a problem for rural institutions than it does for the urban institutions because they have a greater pot of funds to work from.”

C4: “It is complicated because you could have situations [rural] where it could have a real [financial] impact on the public roles.”

C3: “Districts have fixed costs…small ones would be very concerned about that [finances], larger ones won’t be as adversely affected, but right now that’s the biggest impediment is the financial effect it will have on the districts.”

This belief was shared by superintendents of both rural and urban districts who currently have a charter school in their district.

S4: “It [charter school] had a minimal effect on the [urban] school system…it’s sort of a niche group of students.”

S1: “In a rural system that’s already bare minimum…it is going to be a huge financial hit for us.”

Both commission members and superintendents mentioned conversion charter schools as a way to avoid the negative financial impact on districts. The Alabama Department of Education has encouraged all school districts to apply to be a charter school authorizer. This authorization would enable school districts to oversee new charter schools as well as conversion schools. Conversion schools are traditional public schools converted into a charter school. With either option, the district has the right to withhold 3% of the ADM to cover district expenses.

S1: “The law allows you [LEA] to withhold 3% [ADM]. In a conversion charter school, we have oversight for finances for any money we might flow through.”

S2: “Plus for our system, if we initiated it [charter] pulling some of the funding back, 3% [ADM].

C4: Conversion [charter] has zero [financial] impact.”

Theme 2: Community Support. The first state to create and adopt a charter school policy was Minnesota in 1991. With a policy in place, the first charter school appeared the very next year in St. Paul, Minnesota. This community-driven charter authorized by the St. Paul District #625, Minnesota's City Academy Charter School, began by targeting impoverished, defiant, homeless, and drop-out students (Schroeder, 2004). This first charter school has been operational in that community for over 25 years.

Both superintendents and commission members recognized the need for community support with charter schools, and in many cases, community-driven charter schools. The ACCEL Day and Evening Academy in Mobile, Alabama, was the first charter school in Alabama. This school was authorized by the Alabama Charter School Commission and governed by the non-profit agency, Mobile Area Education Foundation (MAEF). ACCEL was community-driven to meet the needs of over-aged and drop-out students in Mobile, Baldwin, and Washington counties. Most of these students would have been lost ADM funding for these school districts and additionally would have harmed school accountability.

> S4: "The board, the merit of MAEF is a strong voice for education in the area…there is a lot of community support for it."
>
> C2: "It depends on the charter coming into a local area - what relationships the administrators of that particular charter have within the community. In Washington County, I don't know that the community was brought into the discussion until after a decision was made…creates problems internally within a local school system also, ultimately, within the community.
>
> C3: "They [charters] should be community-driven…the EMOs aren't working."

Commission members and one superintendent additionally expressed the need for charter schools in failing school districts. University Charter School, located at the University of West Alabama in Livingston, Alabama, was formed to meet the needs of the community and the university to provide quality education in a rural, impoverished, failing district. This charter was authorized by the Alabama Public Charter School Commission and governed by the University of West Alabama. Most of these charter school students did not previously attend a traditional public school in Sumter County, where the University Charter School is located, thus lessening the negative impact of ADM funding on the local school district.

> C1: "I was told that charter schools were started when the education process falls short in the district…But the whole idea of the thing is if that really is what's best for those children. A community may embrace it [charter] with different variables. If it's profitable, like UWA, it was prosperous right there, then they'll embrace it, but if it's negative, they're [community members] going to go protest against it."
>
> C3: "The challenge is making sure that the charter school is a high performer…no need if you put in a poor performing charter school in a community that has poor-performing public schools, that's the issue."
>
> C4: "You don't have that school [university charter] if you don't have that support [community]."
>
> S2: "Seems to be more [support] where you have unstable systems…failing schools…safety issues."

Theme 3: School Choice. School choice in the United States could be defined as the offering of alternatives to traditional public schools that were assigned to students based on their residence. Since the 1980s, the parental right to choose has been heard, and various alternatives

have been provided in multiple states including the following options: educational tax credits, private school vouchers, homeschool policies, magnet schools, and charter schools (Lewis, 2013; Merrifield, 2001; Schneider, 2016). Before 2015, parents in Alabama have had limited school choices – they moved to another school district, paid for private education, or chose to homeschool. The charter schools that have entered as a result of the Charter School Bill provide a free, public school choice that has not existed previously in Alabama.

Since the inception of charter schools over twenty-five years ago, competition has been driving the educational free market. The sole purpose of charters was to improve education in the United States through innovation and competition with traditional public schools (Ellis, 2008). Superintendents and commission members had varied viewpoints on this competitive pressure. According to several superintendents, competition, just not in the form of charters, has always existed.

> S1: "The competition is there and has been there a good while…our job is to give them [students] the best education we can possibly give them no matter what."
>
> S2: "If you do not look to innovate, you become complacent…we need to be competitive with other programs so that we can draw students in…charters may be that paradigm shift…I'm more threatened by complacency than I am of the charters."
>
> S4: "Together we have a very strong school system…there are options for everybody…we need to be the best we could be and keep on with our program and meeting the needs of our students…if we all work together, then we have a very strong educational system, not competing, but working together and realizing the value and worth of everyone."

However, for one superintendent, this viewpoint was not shared:

S3: “Unwanted competition…with declining enrollment…we don’t want, need more competition for the same students…not a fair competitor when you’re not on the same playing field…we’ve only been introduced to competitive pressure the last few months, we’ve never had any.”

The commission members did not share these same viewpoints either:

C2: “I don’t see much competition, to be honest with you.

C3: “People say that a charter school is going to create more competition…but the school districts have not been responsive in numbers.”

C4: “I sometimes get puzzled when I hear people tell me they’re against school choice because school choice has always existed…we call it real estate in some places. When you have conversations about charters schools and school choice, it depends on from which vantage point you’re looking …not every kid is meant to go to a certain type of school ultimately. Schools that are having really big challenges should find ways to do something different, not because of the [charter] school, but because of the kids they’re supposed to serve.”

In a market economy, the decisions regarding investment, production, and the distribution of goods have been based on supply and demand as well as the nature of the product. Porter (1980) proposed the Five Fundamental Forces of competition in an industry which affected their impact on the market: (a) competitive rivalry, (b) supplier power, (c) buyer power, (d) threat of substitutes, and (e) threat of new entry. Regarding education, competition through charter schools would lead to innovation and thus would increase productivity, student achievement.

Both superintendents and commission members shared the belief that marketplace economics has a significant place in education.

S2: “Students are consumers…two most important elements in an education process are the students and teachers.”

S3: “Look at supply and demand…there are no private schools in X county. The reason is there’s no demand. We’re providing what people want.”

S4: “Marketplace economics…it affects the quality of the program that can be offered…there is a certain group that’s going to take advantage of it [charters], and that’s fine. It’s not going to be the end of public education.”

C4: “I really don’t think that most people conceive of their choice…that they are consumers.”

C1: “It’s not to embellish charter schools or anything, but get the best possible education for your child…economics might not let me move.”

C2: “They [for-profit EMOs] are marketing a product that they cannot deliver…they have very good marketing techniques…it’s only about the money.”

C3: “The economics in terms of curious competition has really come to life…people are people; people don’t necessarily think in terms of competition. Parents should have a choice.”

Theme 4: Political Pressure. Charter schools have been promoted by key figures, such as Bill Gates, Michael Bloomberg, and United States Secretary of Education Arne Duncan, as the solution to aid low-income communities of color across American. However, replacing community schools with “cookie-cutter” schools has not fixed the root issues of educating these low socio-economic students. Yet, with Democrats and Republicans alike, promotion and federal funding incentives for charter schools have remained.

After 20 years of taking a clear stand against charter schools, Alabama turned the tables in March of 2015 when Senate Bill 45 was passed. This bill opened the door for charter schools to enter the state. The Alabama School Choice and Student Opportunity Act, SB45, also known as the Charter School Bill, was aimed at giving students in Alabama another educational choice that would improve student learning. In August of 2019, New Schools for Alabama, formerly known as the Alabama Coalition for Public Charter Schools, was awarded $25 million by the federal government to start up 15 new charter schools in Alabama over the next five years (Crain, 2019).

Superintendents and commissions members had varied viewpoints on the political pressure involved in charter schools, including the intent of the bill itself.

S4: "The top of it [charter school bill] was school choice, but the intent of it is power in politics."

S3: "Some of the legislators that push stuff through doesn't even understand it [charter school bill]."

S1: "A lot of people will push for charter school legislation because to do a charter, you have to have the legislation."

C2: "The intent [charter school bill] is well…to provide a quality education for students."

C4: "The intent [charter school bill] was to increase educational opportunity, educational choice."

C1: "Perception is not reality…everyone thinks it's a global situation now because it's [charter schools] going to help us as a nation."

Also, most of the superintendents perceived an underlying meaning to the Charter School Bill, political power, and money. One commission member acknowledged this possibility as well.

S4: "Most eye-opening experience of superintendency is how much politics are involved…I think the charter school movement is power and politics…and it's going to continue…it's politics and money. We're having so much mandated through the legislature, and they are not educators, these are politicians, and they're out making their mark…you have to have adequate funding to have the programs that you as an educational body know your schools and your students' need."

S3: "They [politicians] claim that public education is flawed, and then they make sure it happens by underfunding…its [charter schools] has been pushed on us from Montgomery."

S2: "Hard to break a governmental bureaucracy…you have to have some means which to do that, and a charter system seems like an opportunity to do that."

S1: "I think there was perhaps some political pressure…public school systems have been under scrutiny a good while now…part of that movement was for charter schools to come in."

C2: "If intent [charter school bill] is well…to provide a quality education for the students…it that's in the forefront of the decision-making process, then it's all good. But if it's not, if it's just about getting someone in a position to financially benefit from it, the kids are the ones that's going to suffer in the process."

Summary

Charter schools are not a new phenomenon, just new to Alabama. Charter school advocates claim the "adoption of charter school laws would lead to the creation of new or reinvention of existing schools; the market forces would make charter schools more innovative and of higher quality than district-run public schools; and the combination of autonomy, innovation, and accountability would lead to improved student achievement" (Bulkley, 2002). Opponents claim that charter schools divert money from local traditional public schools because the funds follow the pupils. Even when sizable student numbers have left a traditional public school, the operational costs have not been reduced (Baker, 2016). This decrease in funds has contributed to the continued decline of the traditional public school (Cohen, 2016; Saloomey, 2017). Thus, the much-needed innovation hoped for and promised with charter schools has been limited, and in some cases, non-existent in traditional public schools due to the lack of funds. While evidence of this competitive relationship between charter schools and traditional public schools has been established in multiple other states, no such relationship has been investigated in Alabama until this qualitative case study.

As of 2018, the only charter schools operating in Alabama have both been authorized by the Alabama Public Charter School Commission, not by public school districts. A possible cause of this problem is that the competition may be perceived differently by Alabama's charter schools' authorizers - local school system superintendents and the members of the Alabama Public Charter School Commission. The researcher sought to analyze how this charter school competition, or potential new entrants, was perceived by Alabama's charter schools' authorizers, which includes local school system superintendents and the members of the Alabama Public Charter School Commission.

The interviews provided the voices of those directly involved and impacted by the charter school movement in Alabama. Although many of their viewpoints differed, one remained the same. Both superintendents and commission members agreed that they want the very best for the students being served; students should be at the forefront of the decision-making process.

Chapter V: Conclusion

The purpose of this qualitative case study was to identify the competitive effect of charter schools on traditional public schools in Alabama. The theory of competitive educational marketplace based on Porter's (1980) book *Competitive Strategy* guided this study. Porter (1980) proposed these following forces of competition in an industry which affected their impact on the market: competitive rivalry, supplier power, buyer power, the threat of substitutes, and the threat of new entry. Business and industry have just this model to determine whether to enter a specific industry or develop competitive strategies.

Regarding education, the competitive rivalry would include the current traditional public schools, such as magnet schools, city schools, and county schools. The supplier power would include educational entities: state department of educations, public colleges and universities, and educational management organizations (for-profit and non-profit). The buyer power would include both students and parents. The threat of substitutes would include private schools, virtual schools, and homeschools. The threat of new entry would be the charter schools entering into Alabama.

Summary of the study findings, synopsis of research answers, and implications of the study are included in this chapter. Recommendations for further research will also be discussed.

Summary of Findings

This qualitative case study provided perspectives from four traditional Alabama public school superintendents as well as four members of the Alabama Public Charter School Commission. The study addressed three questions that were grounded in inquiry. Archival records, including but not limited to, district websites, board minutes, and Alabama State Department of Education Charter School Commission reports, were reviewed to validate or

extend the statements made by the case study participants. From the data analysis, four emerging themes surfaced: Financial Impact, Community Support, School Choice, and Political Pressure. Each theme supported the underlying research questions:

Question One. The first research question asks, "How do public school superintendents/commission members in Alabama perceive charter schools in the context of a competitive educational marketplace?" As of 2016, an average of $11,000 was spent on each student in the United States (DiPerna & Catt, 2016). In a competitive education marketplace with high accountability at stake, these students have represented money. In Alabama, the per-pupil funding has been earmarked to follow the student. Public charter schools received "the same amount of state Foundation Program funds that would have been allocated for each public charter school student to the local school system where the student resides" (ALSDE, OPCS, 2015, pg 2).

For a business to prosper, its product must be quality and targeted at certain consumers. Charter schools, unlike traditional public schools, have been able to do just that. Traditional public schools are at a disadvantage because they are bound by the demographics of the neighborhood that they serve. However, the parental choice in charter schools tends to lead to greater segregation of race, socioeconomic class, and educational ability (Laciereno-Paquet et al., 2002).

Charter schools have become a means for privatization in education for profit-seeking entities. Although charter schools are publicly funded, they are privately managed, representing social justice. However, this private management has served as an entry point for private companies, or EMOs, to enter public funding (Lubienski, 2013). Charter schools run by EMOs are on the rise (Stitzlein, 2013).

Both superintendents and commission members expressed the importance of community support (buyer power) and the charter's governing board (supplier power). The communities that have embraced charter schools in Alabama have been communities that 1) had a need that the traditional public school could not meet, and 2) trusted the governing board. The charters were needed to reach a niche group of students, such as ACCEL Day and Night Academy, or to meet the needs of students in a failing district and bring an innovative partnership, such as University Charter School. The entry of these charters has been favorable, unlike the entry of the charters governed by for-profit EMOs. Both superintendents and commission members agreed that these charters governed by for-profit EMOs were not effective in meeting the needs of the community they had been placed in to serve.

The financial impact, dependent on the physical location and the governing board of the school (supplier power), seemed to be prevalent throughout the study. Conversion charter schools governed by local districts did not pose a financial hardship, or threat, as the per-pupil funding remained in the district. Both superintendents and commission members discussed the positive aspect of conversion charters. Charter schools placed in large urban areas did not pose a financial hardship on those districts as they have a greater influx of funding. However, both superintendents and commission members recognized that charters governed by for-profit EMOs and placed in small, rural districts, such as Washington County, where the threat of substitutes had not existed, could be a financial burden on those systems.

Rural school districts have faced additional challenges than their counterparts – suburban and urban. The main challenge being transportation. Many families in rural Alabama live up to 30 miles away from the school, and for working parents, the distance from work and school has

been even greater. As a result, these families have relied heavily on public school transportation, and rural districts have had to earmark a majority of their funds to provide this transportation.

Question Two. The second research question asks, "According to school superintendents/commission members, what are the positive and negative characteristics of competitive pressure created by charter schools on public school districts in Alabama?" Since the inception of charter schools over twenty-five years ago, competition has been driving the educational free market. The sole purpose of charters was to improve education in the United States through innovation and competition with traditional public schools (Ellis, 2008). However, the case study findings tell a different story in Alabama. Both school superintendents and commission members did not perceive charter schools as new competition to traditional public schools.

According to most of the superintendents and commission members, competition has always existed. It has existed in the form of school choice. Families have had the option of moving to another school district (competitive rivalry), paying for private education, or choosing to homeschool (threat of substitute). All but one superintendent expressed that this new school option, charter schools, was not perceived as a threat of new entry. They believed the buyer power, the influence of the parent and student, had the most drastic influence on how their district performed, not the entry of a charter school. In order to meet the needs of these consumers, districts have looked for ways to be innovative, provide quality education, and avoid complacency even amid inadequate funding. The successful districts have drawn new families into their school zones.

The commission members perceived charter schools as a public-school intervention, not as competition. This threat of new entry would provide a free school-choice option to families in

under-performing districts. In addition, they felt that these charters would have a greater challenge as they usually attracted lower-performing students. Thus far, the buyer power for charters has been mainly parents who just saw "free public school" and hoped their students would do better in a different setting.

Question Three. The third research question asks, "According to school superintendents/commission members, what hindrances exist in competing with charter schools?" Since the beginning of the charter school existence, the education "playing field" has been misconstrued. Traditional public schools bound by local, state, and federal mandates have not been able to compete with schools (charters) that do not have to follow these mandates equally. Nor have traditional public schools been given the same funding or federal incentives to innovate. According to Spring et al. (2017), there has existed a complex web of economic and political relationships influencing how schools have received and disseminated funds. In August of 2019, New Schools for Alabama, formerly known as the Alabama Coalition for Public Charter Schools, was awarded $25 million by the federal government to start up 15 new charter schools in Alabama over the next five years (Crain, 2019). This grant has been just one of many available for charters that have not been available for traditional public schools.

This political pressure on the entry of charter schools was noted by the superintendents, but not recognized by the commission members. The superintendents viewed the Charter School Bill as a means for politicians to exercise power and money, thus making their political mark on education. School districts must have adequate funding in order to meet the diverse needs of students and families. Districts in rural, impoverished areas have been less successful than their wealthy, suburban counterparts due to budget restraints and inadequate funding. These districts have needed additional funding and flexibility, not a competition, in order to meet the needs of

students. For superintendents, the onset of charter schools is perceived as a threat, and rightfully so, as it redirects per-pupil funding, these districts so desperately need.

The commission members viewed charter schools as a means of equity, a means of individual empowerment. This school choice prompted by the legislature to meet the needs of students (buyer power) where the traditional public school has failed. The members did not necessarily view this threat of new entry as a means to improve traditional public schools through innovation and competition, but rather as an additional option for families who have not had a choice in the past. They noted that charters should be experimental innovators providing new ways of tackling educational challenges; however, that has yet to be seen in Alabama.

Implications for Theory and Research

The findings of this qualitative case study as related to Porter's (1980) theory of competitive educational marketplace led the researcher to engage in analysis to determine if this original conceptual framework aligned with the findings. The original framework proposed the following forces of competition in an industry which affected their impact on the market: competitive rivalry, supplier power, buyer power, the threat of substitute, and the threat of new entry (Figure 1). The researcher sought to compare the perceptions of Alabama's traditional public-school superintendents and the perceptions of Alabama Charter School Commission members as it pertained to this conceptual framework of market-based competition.

In a market economy, the decisions regarding investment, production, and the distribution of goods have been based on supply and demand as well as the nature of the product. Bain (1968) stated that the dynamic behavior of buyers and sellers had an effect on the markets. He referred to this as the Structured-Conduct-Performance paradigm. According to Holyoke (2008), the original argument for charter schools was that once schools were free of regulations, they

could operate more like for-profit businesses. As for-profit businesses, these schools would compete for consumers or students, and this competition would improve traditional public-school education (Sibieta, 2006).

The themes that emerged from the research aligned with the five forces of competition presented by Porter (1980), as represented in Figure 1. A sense of rivalry has always existed amongst traditional public schools and in certain locations, even with some substitutes, such as private schools; however, the entrance of charter schools was not necessarily seen as competition, but moreover, a threat. The threat of new entry, charter schools, was perceived as entering the State of Alabama due to political pressure. While commission members saw this entrance of another school choice as a positive for Alabama students, superintendents did not share that same viewpoint. To them, these charters were for politicians to exhibit power and money by stripping traditional public schools of already inadequate funds.

Parents and students, also seen as the consumers, have a drastic influence on educational institutions – traditional public, private, or charter. They should be advocating for change within a school system, especially if it is failing. If the school system has not met the needs of the students, community-driven choices should be sought out, but not at the cost of crippling the existing public-school system. Both superintendents and commission members recognized this need for community support in the success of a school. One of the Alabama charter schools governed by a for-profit EMO was authorized by the commission in 2018. This school not only lacked community support but also had the potential to cripple the small, rural school system. As of 2020, this school has yet to open partly due to the unrest of the community.

Substitutes to traditional public schools have always existed in Alabama. These have included private schools and homeschool umbrellas. Private schools have been the most prevalent in urban areas in Alabama.

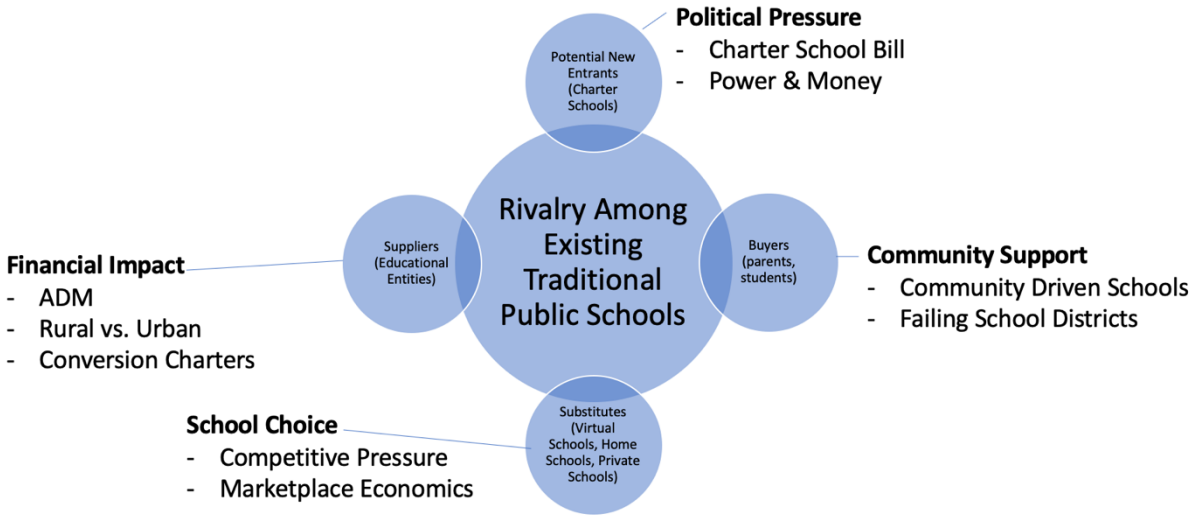

Figure 3. Porter's Five Forces Framework and Research Study Themes

Implications for Practice

The implementation of competitive marketplace theory can further the understanding of how charter schools will impact traditional public schools. The insight given by the participants through the interviews, along with the archival records, adds to the understanding of how charter schools are being perceived in Alabama. Because charter schools have only entered since the 2015 legislation, and since then, turnovers have existed with both superintendents and commission members, a limited generalization and interpretation can be gleaned.

Findings from this study should be shared with both current and aspiring administrators, district leaders, district and state superintendents, commission members, legislators, and educational entities. Implications of this study include charter school authorization, charter school innovation, and charter school funding.

As charter school authorizers, superintendents and commission members must work collaboratively to ensure charter schools that enter Alabama are for the betterment of the students and the district in which they serve. Superintendents should be included in the authorization process of charters entering their district, regardless of whether or not they will serve as the authorizing agent.

Charter School Authorization. For a charter school to be in existence, it must have an authorizer. This authorizer can be a local school district, or it can be the Alabama Public Charter School Commission. As of 2020, not one Alabama public school system has been the authorizer of a start-up charter school. To be exact, two of the school systems eligible to authorize a charter both rejected the charter applications they received – one district received one from a non-profit foundation, and the other district received one from a for-profit EMO. Both of the school boards felt the charters were not financially stable, nor were they needed in the system. In turn, these governing boards appealed to the Alabama Public Charter School Commission and were granted permission to start up.

Both charter schools are in urban areas where failing schools currently exist. The non-profit foundation school is scheduled to start-up in the fall of 2020. Only time will tell if it will be financially stable. The other school, governed by the for-profit EMO, started in the fall of 2019, and as predicted, has had both financial and leadership instability. Furthermore, this school has had little support from the community.

Even if a local school district chooses not to become a charter school authorizer for various reasons, the support of that district is crucial to the success of a charter entering in. This success is evident in the first Alabama charter school that is governed by a non-profit education foundation. The foundation's governing board includes area district superintendents. This charter

school has had both financial and leadership stability since it began in 2017. Furthermore, this school has been embraced by the community as a second-chance school for students who struggled in traditional public-school settings.

The authorizing of a charter school is a tremendous responsibility and should not be taken lightly. From researching the charters that have been authorized in Alabama since the onset of the Charter School Bill, it is apparent that more information and direction needs to be given to both superintendents and commission members. Both entities need to be aware of the components of an effective, successful charter school. Careful consideration should be given to the governing board applying for the charter school. Research indicates that the most effective governing boards are non-profit educational entities – local school boards, public universities, and educational foundations. Caution should be given to for-profit educational management organizations applying for a charter school start-up. The authorizing agency must be committed to providing an excellent school that meets the needs of the students within that community.

The support of the community is not only crucial to the start-up, but also the success of a charter. This support includes both the need for the charter and the potential financial impact on the local school district. Charter schools should be tailored to meet the needs of the community they serve, which should include the needs of the local school district. These community-driven schools should have a positive impact on the community.

Furthermore, the appeal process for charter school start-up needs to be revisited. Commission members need to work alongside district superintendents to ensure the charter schools entering their districts are a help and not a hindrance. Charter schools should be seen as the vehicle of innovation; not a political mandate sent to cripple the traditional public-school system.

Charter School Innovation. Charter schools, not governed by many of the state regulations, should be seen as vehicles of innovation from which traditional public schools may glean. Many of the innovations prevalent in successful charter schools can be implemented in traditional public schools. According to research, these innovations include time, talent, and technology, all centered around meeting the needs of individual students.

Time includes a relaxed or no bell schedule and a variety of starting and ending times. School content area times could vary according to the needs of the students. The school could be offered in the evening instead of, or in addition to, the daytime. Some traditional public schools have creatively implemented flexible schedules and offered night school; however, most are still bound to traditional 7-period days and school from 8 AM to 3 PM.

Talent includes hiring teachers based on their experience and expertise, not necessarily their education. This practice is already prevalent in many Alabama schools with career technical instructors; however, less seen in hiring content area teachers. Although many alternative routes to certification exist, many of these approaches need to be revamped by the Alabama State Department of Education to meet the needs of schools. Certification is not an issue with charter schools. They are not bound by the same criteria as traditional public schools.

Furthermore, technology includes personalized self-paced learning through the use of technology. This self-paced learning may include flipped classrooms, project-based learning, and incorporating learning management systems. Many traditional public schools have embraced this technology; however, many others are limited by funding and accessibility. Many districts located in rural Alabama still lack the internet accessibility to implement technology effectively. Furthermore, districts serving a high need, high poverty students lack the funding to be able to

provide technology resources as funds are constantly diverted to greater physical and emotional needs.

For charter schools to be the vehicle of innovation needed to transform student achievement, there must be a partnership between district charter schools and traditional public schools, and the playing field must be leveled. Charter schools and traditional public schools should collaborate on projects and professional development. Teachers could be paired to work on curriculum guides and model/observe instructional strategies. Resources could be shared to include both personnel and best practices. To date, charter and traditional public schools have not embraced such a partnership. One way to even the playing field is through conversion charter schools. School districts have the opportunity to apply to convert traditional public schools into conversion charter schools. As of 2020, only one school system in Alabama has applied to do so. This lack of embracing conversion charters would possibly indicate: 1) superintendents are unaware of the benefits of conversion charters, 2) superintendents do not see these innovation opportunities modeled in existing charter schools, or 3) superintendents do not want to change their current school structures.

Charter School Funding. Because school systems rely on the per-pupil funding (ADM) to support their districts, the fact that the Charter School Bill allows the entire ADM to follow the student has the potential to have a significant negative financial impact on these systems. This negative impact is especially seen in small high poverty, rural school districts. These systems are already underfunded to meet the needs of the diverse population they serve. The current funding formula does allow authorizing school systems to keep up to 3% of the ADM earmarked for the charter school; however, as of 2020, not one charter school in Alabama is authorized by a school district. This factor would possibly indicate that 1) superintendents their

school boards need additional guidance on becoming an authorizer, 2) school systems are not stable enough to authorize a charter school, or 3) school systems have rejected the application of the charter school, and it instead was authorized by the commission.

Several states allow the school systems to keep up to 3% of the per-pupil funding (ADM) regardless of the authorization. This remaining funding helps to lessen the negative financial impact on systems that do not authorize the charters in their district. Furthermore, most states have revamped their school funding formulas altogether to include additional factors other than just the previous year's enrollment numbers. Alabama's outdated school funding formula needs to be revisited and overhauled better to meet the needs of the students and school systems.

In 2015, when the Charter School Bill was introduced, each school system was encouraged to become a charter school authorizer. Instead of this being seen as an innovative opportunity for systems, it is apparent, it was perceived by superintendents instead as a political ploy, a threat. If the true intent of this bill was to improve education in Alabama, both superintendents and commission members needed guidance as to how charter schools could accomplish this goal. School districts need to be protected from potential negative financial impacts, partnership opportunities needed to be provided for innovative ideas and resources to be shared, and charter school authorization needed to be a top priority.

Limitations and Recommendations for Future Research

Limitations beyond using a qualitative research method existed in this study. Because charter schools are fairly new in Alabama, the influence on traditional public schools has yet to be fully seen. Additionally, this study included the perceptions of only four superintendents and four commission members. More credibility and data could have been given if the study had been combined with quantitative research, including subsequent statistical analysis. A survey

designed for quantitative research administered to all superintendents and commission members could have offered more evidence to strengthen the data discovered.

Several areas for potential future research exist with the findings and analysis of this study. These areas include quantitative research including all Alabama superintendents and commission members mentioned prior; a comparison of the perceptions of Alabama superintendents with no charter school experience vs. those with experience; public school funding vs. charter school funding; Elazar's political culture (traditionalist views vs. individualist views) as it relates to charter school entrance; and replicating this study in a similar or different state.

The superintendents who participated in the study either currently had a charter school in their district, a charter school approved to enter, or were working on an application to be a charter school authorizer. These superintendents were familiar with the charter school policy. A study could be conducted on the perceptions of Alabama superintendents who do not have this same experience with charter schools to glean their perspective.

The charter school policy was written so that the entire per-pupil funding (ADM) followed the students. Instead of being funded based on the previous year's enrollment like traditional public schools, charter schools are funded based on the current enrollment. Additionally, grant monies have been earmarked specifically for charter schools. A study could be conducted on the disparity of this funding (charter vs. traditional) and whether or not a correlation has existed between education funding and quality.

Alabama was one of the last states to adopt charter school legislation. In 2015, when The Alabama School Choice and Student Opportunity Act (SB45) was passed, forty-two states and Washington, D.C. had already passed charter school legislation. Daniel Elazar (1972) in the

book, *American Federalism: A View from the States*, theorized that the United States could be divided into three distinct political cultures: moralistic, individualistic, and traditionalistic. Minnesota, where the first charter school legislation was passed, according to this theory, is located in the moralistic region of the United States. According to Elazar's theory (1972), these moralistic states tend to embrace an expanded role for government. Alabama, according to this theory, is located in the traditionalistic region of the United States. Traditionalistic states have seen the government as a means of maintaining social order, status quo. These states have traditionally seen new legislation based on the beliefs of those in power. A study could be conducted on the entrance of the charter school legislation in the United States as it relates to Elazar's theory.

As charter schools have only recently entered Alabama in 2015, this study was the first of its kind. It focused on the perceptions found only in Alabama with individuals able to authorize incoming charter schools – public school district superintendents and Alabama Public Charter School Commission members. This study could be replicated in states similar to Alabama and in states vastly different from Alabama to see if similarities in the findings exist.

Closing Statement

This study identified the competitive effect of charter schools on traditional public schools in Alabama by applying Porter's (1980) Five Fundamental Forces of competition. The eight participants in this study gave valuable insight through sharing their unique perspectives as it pertained to the threat of new entry, charter schools. It is the sincere hope of the researcher that this insight, which was given, should not only be shared but also kept in careful consideration as new charter schools enter Alabama. Meeting the needs of the students in Alabama should be at the forefront of both the political and educational systems. The economic future of Alabama

relies on these students and the quality education they have received because of public-school education.

> *Education makes us the human beings we are. It has major impacts on economic development, social equity, gender equity. In all kinds of ways, our lives are transformed by education and security. Even if it had not one iota of effect [on] security, it would still remain in my judgment the biggest priority in the world.* - Amartya Sen

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Appendix A

Alabama Charter School Authorizer Registration

I. GENERAL INFORMATION- http://www.alsde.edu/ofc/cs/Pages/home.aspx- (Forms)

Local Board of Education Name:	
Alabama State Board of Education District:	Congressional District:
Physical Address:	Mailing Address:
Board Contact Person:	Board Contact Title/Position:
Board Office Telephone Number:	Board Contact Telephone Number
Board Fax Number:	Board Contact E-Mail Address:

II. NOTICE OF INTENT TO SERVE AS A CHARTER AUTHORIZER [ACT 2015-3, SECTION 6 (d) (1)]

By its submission of this *Application for Registration as a Charter Authorizer*, the undersigned local board of education hereby notifies the Alabama State Department of Education (ALSDE) of its intent to serve as a charter authorizer in accordance with the *Alabama School Choice and Student Opportunity Act.*

III. STATEMENT OF ASSURANCE [ACT 2015-3, SECTION 6 (d) (7); NACSA PRINCIPLES & STANDARDS (pp. 8-9)

The board commits to serving as a charter authorizer and agrees that it will fully participate in any authorizer training provided and/or required by the state.

REQUIRED SIGNATURE AND DATES

Date of Board Action to Become Authorizer:
Local Superintendent:
Local Superintendent's Signature:
Date of Local Superintendent's Signature:
Date of Submission:

FOR ALSDE USE ONLY

____ DATE RECEIVED ____ DATE REVIEWED ____ DATE STATUS NOTIFICATION SENT _____ DATE OF REGISTRATION

*Scan and electronically mail the completed application to lsearcy@alsde.edu no later than **Nov. 1, 2017**. Mail or hand-deliver the completed hard copy with original signatures to the Alabama State Department of Education, Public Charter Schools, Gordon Persons Building, 50 N. Ripley Street, P. O. Box 302101, Montgomery, AL 36130-2101.*

IV. CAPACITY AND COMMITMENT [ACT 2015-3, SECTION 6 (d) (2)]; NACSA PRINCIPLES & STANDARDS (pp. 8-10)

Explain the board's capacity and commitment to execute the duties of quality charter authorizing as defined by nationally recognized authorizing standards.

This explanation should include, but is not limited to, the following attributes of a quality public charter school authorizer:

- An explanation of why the board wishes to serve as a charter school authorizer.
- An explanation of how the board proposes to use existing or additional staff and facilities to implement its charter vision and an explanation of other resources the board plans to use to fulfill its authorizer duties.
- An explanation of potential policies and practices that will streamline and systematize the board's work toward stated goals and execution of its duties efficiently while minimizing administrative burdens on schools.

Enter explanation here (unlimited characters)

http://www.alsde.edu/ofc/cs/Pages/home.aspx

Electronic copy is located under forms at the above link.

V. STRATEGIC VISION [ACT 2015-3, SECTION 6 (d) (3)]; NACSA PRINCIPLES & STANDARDS (p. 10)

Explain the board's strategic vision for chartering, including, but not limited to, the following:

- A clear mission for serving any student, student group, student need, or community need that the board desires to serve using charter schools.
- The desired outcomes (priorities, goals, and time frames) for any student, student group, student need, or community need.
- The impact of this vision on the board's overall strategic plan for the district.

Enter explanation here (unlimited characters)

VI. CHARTER SCHOOL APPLICANT SOLICITATION [ACT 2015-3, SECTION 6 (d) (4)]; NACSA PRINCIPLES & STANDARDS (pp. 12-13)

Explain the board's plans to solicit public charter school applicants including, but not limited to, the following:

- The board plans to publicize its Request for Proposals to the public and all interested applicants.
- The procedures, timelines, and method of evaluation the board intends to utilize during the Request for Proposal process.
- Any public forums or resources that will be available for interested applicants to receive additional information as needed.

Enter explanation here (unlimited characters)

VII. PERFORMANCE FRAMEWORK [ACT 2015-3, SECTION 6 (d) (5); SECTION 8 (a) AND (b)]; NACSA PRINCIPLES & STANDARDS (pp. 14-19)

Describe or outline the performance framework the board will use to guide the establishment of a charter contract and for ongoing oversight and evaluation of public charter schools consistent with the requirements of the Act.

Enter explanation here (unlimited characters)

VIII. DRAFT OF RENEWAL, REVOCATION, NONRENEWAL PROCESS [ACT 2015-3, SECTION 6 (d) (6); SECTION 8 (c); NACSA PRINCIPLES & STANDARDS (pp. 20-21)

Provide a draft of the board's renewal, revocation, and nonrenewal processes consistent with Act 2015-3, Section 8 (c).

Enter explanation here (unlimited characters)

Appendix B

Alabama State Board of Education

Chapter 290-3-6 Charter Schools

STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION

CHAPTER 290-3-6
CHARTER SCHOOLS

TABLE OF CONTENTS

290-3-6-.01 Establishment of Public Charter Schools.

Effective March 19, 2015, public charter schools are established as a part of the public education system of the state of Alabama. A public charter school shall not be established in Alabama unless authorized by the Act and the rules and regulations of the Alabama State Board of Education.

Author: Thomas R. Bice.
Statutory Authority: *Code of Alabama* (1975) §16-4-4 and §16-4-7; Rule No. 290-1-1-.05; 030; and, Alabama Act No. 2015-3.
History: New Rule Filed 8-13-15; effective 9-17-15.

290-3-6-.02 Definitions.

(1) ACT. The Alabama School Choice and Student Opportunity Act enacted as Act No. 2015-3 to provide for public charter schools.

(2) APPLICANT. A group with 501(c)(3) tax-exempt status or that has submitted an application for 501(c)(3) tax-exempt status that develops and submits an application for a public charter school to an authorizer.

(3) APPLICATION. A proposal from an applicant to an authorizer to enter into a charter contract whereby the proposed school obtains public charter school status.

(4) AT–RISK STUDENT. A student who has an economic or academic disadvantage that requires special services and assistance to succeed in educational programs. The term includes, but is not limited to, students who are members of economically disadvantaged families, students who are identified as having special education needs, students who are limited in English proficiency, students who are at risk of dropping out of high school, and students who do not meet minimum standards of academic proficiency.

(5) AUTHORIZER. An entity authorized under the Act to review applications, approve or reject applications, enter into charter contracts with applicants, oversee public charter schools, and decide whether to renew, not renew, or revoke charter contracts.

(6) CHARTER CONTRACT. A fixed-term renewable contract between a public charter school and an authorizer that outlines the roles, powers, responsibilities, and quantitative and qualitative performance expectations for each party to the contract.

(7) COMMISSION. The Alabama Public Charter School Commission.

(8) CONVERSION PUBLIC CHARTER SCHOOL. A public charter school that existed as a non-charter public school before becoming a public charter school. A conversion public charter school shall adopt and maintain a policy giving enrollment preference to students who reside within the former attendance zone of the public school.

(9) DEPARTMENT. The Alabama State Department of Education.

(10) EDUCATION SERVICE PROVIDER. An entity with which a public charter school intends to contract with for educational design, implementation, or comprehensive management. This relationship shall be articulated in the public charter school application.

(11) GOVERNING BOARD. The independent board of a public charter school that is party to the charter contract with the authorizer. A governing board shall have at least 20 percent of its membership be parents of students who attend or have attended the public charter school for at least one academic year. Before the first day of instruction, the 20 percent membership requirement may be satisfied by parents who intend to have their students attend the public charter school.

(12) GUIDELINES. The guidance for public charter schools issued by the Department.

(13) LOCAL SCHOOL BOARD. A city or county board of education exercising management and control of a city or county local school system pursuant to state law.

(14) LOCAL SCHOOL SYSTEM. A public agency that establishes and supervises one or more public schools within its geographical limits pursuant to state law. A local school system includes a city or county school system.

(15) NATIONALLY RECOGNIZED AUTHORIZING STANDARDS. Standards for high quality public charter school issued by the National Association of Charter School Authorizers.

(16) NON–CHARTER PUBLIC SCHOOL. A public school other than a school formed pursuant to the Act. A public school that is under the direct management, governance, and control of a local school board or the state.

(17) PARENT. A parent, guardian, or other person or entity having legal custody of a child.

(18) PUBLIC CHARTER SCHOOL. A public school formed pursuant to the Act.

(19) RESIDENCE. The domicile of the student's custodial parent.

(20) START–UP PUBLIC CHARTER SCHOOL. A public charter school that did not exist as a non-charter public school prior to becoming a public charter school.

(21) STUDENT. Any child who is eligible for attendance in public schools in the state.

(22) STATE SUPERINTENDENT. The State Superintendent of Education.

Author: Thomas R. Bice.
Statutory Authority: *Code of Alabama* (1975) §16-4-4 and §16-4-7; Rule No. 290-1-1-.05; 030; and, Alabama Act No. 2015-3..
History: New Rule Filed 8-13-15; effective 9-17-15.

290-3-6-.03 Guidelines for Public Charter Schools.

(1) The Department shall provide oversight of the performance and effectiveness of all authorizers approved under the provisions of the Act. This oversight is ongoing and is not limited to the specific actions and procedures described in these rules or the Act. The State Superintendent is authorized to provide guidelines for the establishment, operation, and oversight of public charter schools provided by the Act.

(2) The guidelines shall incorporate the procedures and forms for registering local school boards as authorizers of public charter schools within its boundaries.

(3) The guidelines shall include the timelines for charter approval or denial decisions applicable to all authorizers.

(4) The guidelines shall include actions, including withholding the distribution of state or federal funds to a public charter school, if the authorizer or the public charter school does not provide the reports needed to meet the requirements of the Act.

(5) The guidelines shall include procedures for the oversight of the performance and effectiveness of authorizers or public charter schools by the Department.

(6) The guidelines shall include requirements for assuring that the health, safety, and welfare of students attending public charter schools is of paramount importance in the operations of the authorizers, the public charter schools, and the education service providers.

(7) The guidelines shall include any procedures, forms, timelines, disclosures, requirements, or information that the State Superintendent determines to be necessary or beneficial to provide for the operations and provisions of educational services of public school students served by public charter schools and non-charter public schools in Alabama.

(8) The guidelines shall provide for the submission and maintenance of reports and forms in electronic format unless the State Superintendent determines otherwise.

(9) The guidelines may require attendance or completion of specific training courses or sessions for designated personnel of authorizers, public charter school personnel, or education service providers. The State Superintendent may approve or impose fees for the provision of required training.

(10) The rules, regulations, processes, and procedures included in the guidelines shall be implemented in addition to the requirements in the Act.

Author: Thomas R. Bice.
Statutory Authority: *Code of Alabama* (1975) §16-4-4 and §16-4-7; Rule No. 290-1-1-.05; 030; and, Alabama Act No. 2015-3..
History: New Rule Filed 8-13-15; effective 9-17-15.

Appendix C

Institutional Review Board Approval

AUBURN UNIVERSITY INSTITUTIONAL REVIEW BOARD for RESEARCH INVOLVING HUMAN SUBJECTS

REQUEST for PROJECT RENEWAL

For Information or help completing this form, contact: **THE OFFICE OF RESEARCH COMPLIANCE (ORC)**, 115 Ramsay Hall
Phone: 334-844-5966 **e-mail:** IRBAdmin@auburn.edu **Web Address:** http://www.auburn.edu/research/vpr/ohs/index.htm

Revised 2.1.2014 **Submit completed form to IRBsubmit@auburn.edu or 115 Ramsay Hall, Auburn University 36849.**

Exempt Activities: Must be renewed at least every 3 years.

Expedited and Full Board Protocols: Must be renewed at least annually, prior to the expiration date of the protocol.

If you do not plan to collect additional data and/or you do not have access to identifiable data (code lists, etc.), you may be able to file a "FINAL REPORT" for this project. Contact the ORC for more information.

Form must be populated using Adobe Acrobat / Pro 9 or greater standalone program (do not fill out in browser). Hand written forms will not be accepted.

1. **Protocol Number:** 18-458 EP 1902
2. **Original IRB Approval Dates:** **From:** 02/11/2019 **To:** 02/10/2020
3. **Requested Renewal Period (ONE YEAR MAXIMUM):** **From:** 2/11/2020 **To:** 2/10/2021
4. **PROJECT TITLE:** Charter Schools in Alabama: Superintendents' Perceptions in Relationship to Competitive Education Marketplace and the impact on traditional public school funding.
5. Jerri Michele Eller (PRINCIPAL INVESTIGATOR) | Doctoral Student (TITLE) | EFLT (DEPT) | ~~334-399-3500~~ (PHONE) | jme0019@auburn.edu (AU E-MAIL)

   Jerri Michele Eller (PI SIGNATURE) | ~~1691 Double Bridge Ferry Rd., Eclectic 36024~~ (MAILING ADDRESS) | meller33@gmail.com (ALTERNATE E-MAIL)

   Dr. Ellen Reames-Hahn (FACULTY ADVISOR) | Ellen B. Hahn (SIGNATURE) | EFLT (DEPT) | (334) 844-3067 (PHONE) | reameseh@auburn.edu (AU E-MAIL)

   Name of Current Department Head: Dr. James E. Witte **AU E-MAIL:** witteje@auburn.edu
6. **Current External Funding Agency and Grant number:** n/a
7. **a. List any contractors, sub-contractors, other entities associated with this project:** n/a

   b. List any other IRBs associated with this project: n/a
8. **Explain why you are requesting additional time to complete this research project.**

   It took longer than expected to contact and interview participants for the study.
   There was a large turnover in the members serving on the Alabama Charter School Commission.

FOR ORC OFFICE USE ONLY

DATE RECEIVED IN ORC: _____ by _____		**RENEWAL #** _____	
DATE OF IRB REVIEW: _____ by _____		**PROTOCOL APPROVAL CATEGORY:** _____	
DATE OF IRB APPROVAL: _____ by _____		**INTERVAL FOR CONTINUING REVIEW:** _____	
COMMENTS:			

9. **Briefly list** *(numbered or bulleted)* **the activities that occurred over the past year, particularly those that involved participants.**

1. Conducted literature reviews to gain a thorough historical context and help identify key informants and appropriate review documents.
2. Identified key information and arrange interviews based on the signed informed consent agreement and confidentially and security of documents.
3. Observe participants and conduct face-to-face interviews (one-hour commitment) using a digital recorder to record at a meeting place of their choosing (total of 8 conducted).
4. Electronically transcribed and analyzed the data collected from a cross section of key informants and participants.

10. **Do you plan to make any changes in your protocol if the renewal request is approved?**
(e.g., research design, methodology, participant characteristics, authorized number of participants, etc.)

[X] NO [ ] YES
(If "yes", please complete and attach a "REQUEST for PROTOCOL MODIFICATION" form.)

11. **PARTICIPANT INFORMATION**

a. **How many individuals have actually participated in this research?** 8
If retrospective, how many files or records were accessed? 10

b. **Were there any adverse events, unexpected difficulties or unexpected benefits with the approved procedures?**

[X] NO [ ] YES
If YES, please describe.

d. **How many participants have withdrawn from the study?** _____ [X] NA
If participants withdrew from the study, please explain.

e. **How many new participants do you plan to recruit during the renewal period?** 0 [ ] NA

f. **During the renewal period, will you re-contact any individual that has already participated in your research project?**

[ ] NA

[X] NO [ ] YES
If "YES", please explain reasons for re-contacting participants. (If "YES" and the procedure to re-contact has not been previously approved, please complete and attach a "REQUEST for PROTOCOL MODIFICATION" form.)

12. **PROTECTION OF DATA**

a. **Is the data being collected, stored and protected as previously approved by the IRB?**

☐ **NO** ☒ **YES**

If NO, please explain.

b. **Are there any changes in the "key research personnel" that have access to participants or data?**
Attach CITI completion reports for all new key personnel.

☒ **NO** ☐ **YES**

If YES, please identify each individual and explain the reason(s) for each change.

c. **What is the latest date (month and year) you now expect all identifiable data to be destroyed?**
(Identifiable data includes videotapes, photographs, code lists, etc.)

DATE: 2/10/2021 ☐ **Not Applicable – no identifiable data has been or will be collected.**

13. **Attach a copy of all "stamped" IRB-approved documents used during the previous year.**
(Information letters, Informed Consents, Parental Permissions, flyers etc.).

14. **If you plan to recruit participants, or collect human subject data during the renewal period, attach a new copy of the consent document, information letter, or any flyers you will use during the extension.**

(Be sure to review the ORC website for current consent document guidelines and updated contact information: http://www.auburn.edu/research/vpr/ohs/sample.htm .)

Appendix D

Informed Consent

AUBURN UNIVERSITY
COLLEGE OF EDUCATION

EDUCATIONAL FOUNDATIONS, LEADERSHIP AND TECHNOLOGY

(NOTE: DO NOT SIGN THIS DOCUMENT UNLESS AN IRB APPROVAL STAMP WITH CURRENT DATES HAS BEEN APPLIED TO THIS DOCUMENT.)

INFORMED CONSENT

for a Research Study entitled

"Charter Schools in Alabama: Superintendents' Perceptions in relationship to Competitive Education Marketplace and the impact on traditional public school funding."

You are invited to participate in a research study to describe how superintendents perceive the charter schools in relationship to Competitive Education Marketplace. The study is being conducted by Michele Eller, Doctoral student under the direction of Dr. Ellen Reames, Associate Professor, in the Auburn University Department of Educational, Leadership, and Technology. You were selected as a possible participant because you are serving as either an Alabama superintendent or a member of the Alabama Public Charter School Commission and are age 19 or older.

What will be involved if you participate? If you decide to participate in this research study, you will be asked to answer interview questions about your experiences as either an Alabama superintendent or as a member of the Alabama Public Charter School Commission and the theory of market-based competition as it relates to charter schools in Alabama. Your total time commitment will be approximately one hour.

Are there any risks or discomforts? There are no foreseen risks associated with participating in this study. All information will be kept confidential. Information will be reported in an anonymous manner, and no identifiable information will be used.

Are there any benefits to yourself or others? If you participate in this study, you can expect to contribute to the knowledge of charter schools' competition, which will benefit future superintendents and members of the Alabama Public Charter School Commission.

Participant's initials _____

4036 Haley Center, Auburn, AL 36849-5221; Telephone: 334-844-4460: Fax: 334-844-3072

Will you receive compensation for participating? If you decide to participate, there will be no compensation given.

Are there any costs? If you decide to participate, you will there is no associated cost

If you change your mind about participating, you can withdraw at any time during the study. Your participation is completely voluntary. If you choose to withdraw, your data can be withdrawn as long as it is identifiable. Your decision about whether or not to participate or to stop participating will not jeopardize your future relations with Auburn University, the Department of Educational Foundations, Leadership, and Technology or the Alabama State Department of Education.

Your privacy will be protected. Any information obtained in connection with this study will remain confidential. There will be no identification tags attached to any participant of this study. Furthermore, in addition to the data remaining confidential by the researcher, as a participant one must agree not to speak of any information attained in this study. The information found in this research study can be published in a professional journal, book, and/or presented at a professional conference/meeting. By consenting to participate in this study, you give the researcher permission to maintain transcripts indefinitely for future research opportunities stated above. All information collected in this research study will remain confidential, and identifiable information will be destroyed after the three-year recommended period.

If you have questions about this study, *please ask them now or* contact Mrs. Michele Eller at (334) 300-3500 or via email jme0019@auburn.edu or Dr. Ellen Reames at reamseh@auburn.edu. A copy of this document will be given to you to keep.

If you have questions about your rights as a research participant, you may contact the Auburn University Office of Research Compliance or the Institutional Review Board by phone (334)844-5966 or e-mail at IRBadmin@auburn.edu or IRBChair@auburn.edu.

Participant's initials _____

HAVING READ THE INFORMATION PROVIDED, YOU MUST DECIDE WHETHER OR NOT YOU WISH TO PARTICIPATE IN THIS RESEARCH STUDY. YOUR SIGNATURE INDICATES YOUR WILLINGNESS TO PARTICIPATE.

_____ _____

Participant's signature Date

_____

Printed Name

_____ _____

Investigator Date

_____

Printed Name

_____ _____

Co-Investigator Date

_____

Printed Name

"The Auburn University Institutional Review Board has approved this document for use from 02/05/2019 to 02/04/2020. Protocol #18-458 EP 1902, Eller."
(This edit is needed to approve the document.)

The Auburn University Institutional Review Board has approved this Document for use from 02/11/2019 to 02/10/2020 Protocol # 18-458 EP 1902