

WHAT ARE THE DIFFERENCES BETWEEN EFFECTIVE AND INEFFECTIVE
CHARTER SCHOOLS IN NORTH CAROLINA?

by

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ABSTRACT

CEDRIC L. STONE. What are the differences between effective and ineffective charter schools in North Carolina? (Under the direction of DR.JOHN GRETES).

This purpose of this study was to investigate the effectiveness of the North Carolina charter schools. The variables were chosen based on the researcher's inference from literature reviews discussing common factors from qualitative charter school studies. The indicators were used to determine if charter schools could be categorized as effective or ineffective were: (1) attendance rates, (2) short suspensions, (3) student teacher ratio, (4) teacher quality, (5) Reading NCE, and (6) Math NCE scores. Charter schools were determined to be effective, if they were "1" standard deviation point above average for Reading NCE and Math NCE scores. Charter schools were determined to be ineffective, if they were "1" standard deviation point below average for Reading NCE and Math NCE scores.

The data collected for this study was ex-post facto data from the North Carolina Department of Public Instruction's (NCDPI) website using the academic school year 2008-09. The data was coded and entered into SPSS creating a quantitative output to be analyzed and interpreted. The quantitative output determined that there were a total of 12 ineffective charter schools and 10 effective charter schools

The results indicated that no charter schools in North Carolina were affiliated with a traditional school district. Also, the dependent variables, attendance rate and teacher quality were determined to be statistically significant in determining the effectiveness of a charter school in North Carolina. The other variables were determined to be insignificant in determining the effectiveness of charter schools in North Carolina.

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CHAPTER I: INTRODUCTION

Since the inception of slavery, Blacks have been denied the opportunity for equality in their quest for educational attainment. Between 1800 and 1835, most southern states enacted legislation making it a crime to teach enslaved children to read or write. Blacks emerged from slavery with a strong belief in the desirability of learning to read and write (Anderson, 1988). Ex-slaves emerged with hopes of a universal schooling, but met extremely hostile opposition in the South to the idea of a public universal education. The opposition for universal schooling that Blacks met in the South began the process for what would later become known as the student treatment gap in the traditional school system. An alternative public school system was created to offer solutions to the traditional school challenges.

The Promise of Charter Schools

Major cities in the United States are experiencing a population growth and expansion. The ramifications of such a growth explosion have placed a major strain on the educational systems in the affected areas. The embracing of a charter school system has offered a viable solution to counter the short supply of schools (Brown, 2006). The creation of charter schools was born of necessity for educational change. Charter schools are being strongly evaluated for their success (Kolderie, 1998). Charter schools are continually growing with over 5,000 schools in thirty seven states and enrollments that exceed 1.5 million.

Since the Charter School Act was ratified by the North Carolina General Assembly on June 26, 1996, Charter schools have grown from thirty-four in the fall of 1997 to ninety-eight in the spring of 2009. Charter schools, evaluated on the effectiveness of their educational plan, are transforming schools from rule-based to performance base accountability. Other questions surrounding charter schools are how to determine and measure their effectiveness. Finally, issues and promises of charter schools plans are being evaluated for the sustainment of the charter school movement (McNeal & Christy, 2000).

One of the promises of charter schools is that they can serve as laboratories of innovation by being education's "R&D" arm. "Because they have greater autonomy than traditional public schools, and since they tend to attract pioneering educators, they can try out new approaches to education that, if proven effective, can be transplanted back into the larger public education system" (U.S. Department of Education, 2004). Although charter schools are receiving mixed reviews on their effectiveness, the U.S. government has conducted a study to determine the common characteristics of an effective charter school (U.S. Department of Education, 2004).

The U.S. government has completed a descriptive study of eight charter schools identifying the elements of effective charter schools. The schools selected for this study are very diverse in their population and are located in various cities across the country. The eight charter schools are a combination of elementary, secondary, and high schools. Three of the schools have 80 percent of their students qualify for subsidized meals and another three schools have 20 percent or less qualifying for subsidized meals. One of the schools has been in existence for about 10 years: others have existed for approximately

five to six years. The project team conducted a two-day visit at each school, interviewed site leaders, teachers, board members, parents and students. The project team collected letters to parents, schedules and training agendas which provided examples of school practices. From this documentation, a case report was developed for each site. From the case reports an analysis of common elements was derived. The results of this study indicate that the common characteristics of effective charter schools are:

1. A mission that everyone associated with the school believes.
2. The school engages the parents as real partners.
3. The culture of the school is highly collegial and implements continuous improvement processes.
4. A strong accountability system.

The current government administration is a major proponent of the charter school movement. The newly- elected President Barack Obama and his newly- appointed Secretary of Education Arne Duncan have strong beliefs that an alternative educational system can work with a strong leadership team. The Secretary of Education suggests four “Turnaround Models” for those low performing schools. The four turnaround models topics are: (1) Students stay and adults leave, (2) Replace the stall and turn the school over to a charter or management organization, (3) Keep the staff but drastically change the culture, and (4) Everyone goes. Local level officials in the Charlotte-Mecklenburg school district have created their own turnaround plan for the traditional school system.

Dr. Peter Gorman, Superintendent of the Charlotte-Mecklenburg schools created a “Strategic Staffing Initiative” to turnaround struggling schools. There are five phases to Dr. Gorman’s turnaround model; (1) creating leadership, (2) sending in a team of strong

educators, (3) removing anyone who does not fully support the changes being made to increase achievement, (4) ensuring and nurturing community support, and (5) maintaining support from the district office (District Administration, 2009). The initial results of Dr Gorman's "Strategic Staffing Plan" were positive for the 2007-2008 academic school year (District Administration, 2009). A qualitative study indicates poorest performing schools offer the greatest opportunity for improvement.

A two-year study by Mass Insight detailed America's greatest opportunity to improve student achievement lies within our poorest performing schools. The research findings suggest "Six Essentials Characteristics of Successful Turnarounds" in which the primary focus revolves around staffing, scheduling, budgets, curriculum, longer school days, and performance based evaluations, and a better understanding of the students academic and psychosocial needs. Charter schools have struggled to meet these objectives from their creation.

Charter schools are opening and closing in record numbers across the country mostly due to mismanagement of funds; it is imperative that a determination be made what makes some charter schools more successful than others. By determining the quantifiable common characteristics of effective charter schools in North Carolina, The researcher can create a benchmark for charter schools that offers a quality education resulting in high performance. This information will prove useful for educational administrations across the country especially the North Carolina Department of Public Instruction (NCDPI) as a guideline for structuring an effective charter school, new and restructuring existing. The researcher suggests that by creating quantifiable characteristics, the information can be used as a guide for current ineffective charter

schools to implement processes of standards for a more effective educational structure. Also, the quantifiable characteristics can be transferred to the traditional school system for implementation into their pedagogy system.

Effects of Charter Schools

Traditional schools have created a huge disparity in the student treatment gap between Blacks and Whites. Recent studies have found that Blacks perform slightly better in charter schools versus traditional schools. According to the Center for Education Reform (2010), “Charter schools also excel at creating programs and curricula that better support students at both ends of the instructional spectrum who are being failed by a ‘one size fits all’ education system: special education students, teen parents, English language learners, and gifted and talented students.” Researchers have determined that start up classroom-based charter schools provide the greatest promise of improving performance (Buddin & Zimmer, 2005). School attendance is an important success indicator of educational achievement for Blacks. Although 72% of Black students in America graduate from high school each year, over 45% of Black males drop out of high school (Livingston & Nahimana, 2006). As Blacks move up in grade level, school attendance decreases (Hoffman, Llagas, & Snyder, 2003). Researchers have also discovered that students at the greatest risk for suspension were male, Black and in middle school (Mendez & Knoff, 2003). Even though there is an obvious student treatment gap between Blacks and other groups, charter schools are a better fit for Blacks pursuing educational attainment. There is limited information pertaining to characteristics of effective and ineffective charter schools in North Carolina and how the variables of attendance rates,

short suspension rates of students, student/teacher ratio, and teacher quality impact the school performance.

Charter Schools and Academic Achievement

Buddin and Zimmer (2005) have identified four types of charter schools: public school converted to a charter school, a start up from scratch charter school, classroom-based charter school and non-classroom-based charter school. A qualitative study was performed on the effectiveness of the four types of charter schools in the state of California. Overall Blacks in elementary and secondary education performed better in start-up charter schools than traditional schools. Also, Blacks in elementary performed better in classroom-based conventional charter schools versus start up from scratch charter schools (Buddin & Zimmer, 2005). The same holds true for Blacks in secondary education. The effectiveness was determined by the mean test scores of the students.

Charter Schools and Attendance Rates

Schools are a microcosm where children learn the social norms of our society (Bowen & Bowen, 1998). Children typically spend most of their developmental years in a school setting. For many young Blacks, the school system becomes a primary source of socialization (Livingston & Nahimana, 2006). Attendance is an important factor in the academic achievement of students. When absenteeism increases, learning opportunities decrease for students at school (Hoffman, Llagas, & Snyder, 2003). An ideal setting is needed to increase school attendance among Blacks and promote academic success. In Texas, charter schools have attempted to meet these challenges for Blacks. Clark (2000) reported higher school attendance in the elementary and middle grade charter schools for all students, including Blacks, than traditional public schools. High school attendance

was much lower due in part to a higher at-risk population, majority Blacks, in many charter schools. Lower attendance was one of the characteristics of at-risk students (Clark, 2000). This population had a high probability of dropping out.

Charter Schools and Suspension Rates

Mendez and Knoff (2003) reported that students, who were male, Black and in middle school are at a greater risk to being suspended from school. Their study took place in the 12th largest school district in the nation, which is also the 2nd largest school district in Florida. The Black male has experienced the highest percent of any group being suspended at least one time at the elementary, middle and high school levels. Black males also experienced the highest suspension rate per 100 students. The most common reason for being suspended is for disobedience/insubordination. The Black male is suspended more times for various infractions as opposed to any other group (Mendez & Knoff 2003). Blacks are suspended from school at a disproportionate rate across all levels mostly for minor infractions.

As stated previously, there is limited quantitative information pertaining to how attendance rate, short suspensions (less than 10 days), student/teacher ratio and teacher quality affect a charter school's success, as well the success of Blacks students in charter school systems. The strength of the literature review indicates evidence to support the imbalance in treatment of the black population (male and female). This quantitative research study will lend support to the understanding of what determines effective and ineffective charter schools in North Carolina.

Statement of the Problem

Since the creation of charter schools there have been mixed emotions concerning the direction and their effectiveness. The mixed emotions are closely split down the middle with proponents and opponents. Charter schools are weighing in at both ends of the scale, effective and ineffective. The problem was examined in this study addressed the lack of information about the differences between effective and ineffective charter schools in North Carolina. For the administration in the State Department of Education North Carolina desire to create consistency of a high quality education in charter schools, the following common successful characteristics needed to be identified.

1. The North Carolina Department of Public Instruction needs to understand that Reading/Math NCE scores are a strong indicator of academic achievement. If so, then more emphasis needs to be placed instruction in these subject areas.
2. The North Carolina Department of Public Instruction will want to know if attendance plays a role in charter schools' success.
3. Suspension rates affect academic performance?
4. With the overcrowding in schools, does the student/teacher ratio play an important role in determining the success of charter schools?
5. Teacher quality makes a significant difference in the success of charter schools?
6. What are the effective characteristics of charter schools?
7. What are the ineffective characteristics of charter schools?

In this study common successful characteristics were determined through a quantitative analysis from data entered into the SPSS, which resulted in the researcher's ability to categorize effective and ineffective charter schools? Effective charter schools were coded as "1" and ineffective charter schools were coded as "0". This research has the potential to become the benchmark for charter schools creating an educational business model producing high quality output through industry leading performance. Providing charter schools with a guide of common successful characteristics', affords the alternative schools a base to build upon. The researcher anticipates by identifying the common characteristics charter schools can increase their opportunity for success.

Research Questions and Hypothesis

The researcher hypothesizes that there is a strong consistency of characteristics with effective and ineffective charter schools in the state of North Carolina. The following research questions will be addressed by the study:

1. Is there a difference between effective and ineffective charter schools, when evaluating the variables of; attendance rate, short suspension rate, student-teacher ratio, and teacher quality?
2. What are the significant predictors of an effective charter school?

Delimitations and Limitations

The study has the following delimitations:

1. The researcher has restricted his study to include only elementary and middle school charter schools in the state of North Carolina.
2. The study excludes data between the bottom 12 and the top 10 charter schools from interpretation and analysis.

The study has the following limitations:

1. There is limited information on the distinction between effective and ineffective charter schools.
2. The sample size was reduced from 98 to 89 after data was entered into SPSS for analysis. The reduction was due to the researcher removing the high school data because the students were measured by End of Course (EOC) and not End of Grade (EOG).

Assumptions and Definitions

The researcher assumes that the data collected from the North Carolina Department of Public Instruction (NCPDI) public website is correct. The researcher has opted not to use a survey to collect additional data based on the assumption that the NCDPI website contains ex-post facto data on all the variables of the study with the exception of the parent involvement variable. The main purpose of the survey was to collect data for the missing variable parent involvement. After further consideration, it was determined that the ex-post facto data on the variables from the NCDPI website were sufficient to provide the researcher with an indication of success. A quantitative analysis determined whether or not the charter schools would be effective or ineffective. Finally, the researcher assumes that the policy makers in the state of North Carolina and the National Education department will be interested in the findings and recommendations for identifying effective charter schools once the study is published. The following key terms relate to the study:

1. Charter schools - An alternative education method developed in the early 1990s to enhance the educational system.

2. Public schools – A traditional school system designed to instill educational training and values in the student base.
3. Effective charter schools – Charter schools that are “1” standard deviation point above average for Reading NCE and Math NCE scores.
4. Ineffective charter schools – Charter schools that are “1” standard deviation point below average for Reading NCE and Math NCE scores.
5. Attendance rate – The percentage rate (%) that students attend school during the academic year.
6. Suspension rate – The percentage rate (%) that a student is suspended throughout the school year per 100 students.
7. Student/teacher ratio – The average number of students per classroom instructed by a teacher.
8. Teacher quality – The percentage rate (%) of fully-licensed and highly-qualified teachers.

Summary

To summarize, the traditional school system has created a major educational disadvantage for minorities’ pursuing educational attainment. Since the post-slavery era, the traditional school system has manipulated inequality and imbalance of educational standards and practices aimed at minority students. The birth of Charter schools in the early 1990s created a viable option to the traditional school system for minorities seeking a better quality of education. Skepticism followed the inception of charter schools, skepticism has followed. Critics have questioned whether or not charter schools are

effective. The purpose of this study was to examine the differences between effective and ineffective charter schools in North Carolina.

Following the introductory chapter, Chapter Two of the dissertation includes a review of prior research literature on effective and ineffective charter schools, effective and ineffective, as well as a comparison of Charter schools and Traditional School Systems.

CHAPTER II: REVIEW OF LITERATURE

A charter is based on a performance contract between a school and the state where it is located. The contract specifies the requirements and policies that the schools must adhere to, including, but not limited to: school operation, enrollment, duration of a charter, facilities, teacher licensing, transportation, reporting requirements, student discipline and grounds for termination. Charter schools, free to the students who attend them, are deregulated public schools with open enrollment. Charter schools receive funding from tax payers' dollars allocated for public education. Charter school funding is based on the school's student enrollment. Federal legislation states that charter schools are eligible for grants, to help with start-up costs (Innovation in Education, 2009). Charter schools have the power to make decisions for themselves about their day to day management, as well as the instructional methods that best suit the needs of their students (North Carolina Education Alliance, 2004). Charter schools are free to leverage their resources and needs in the community at large, allowing them to be creative in meeting their financial bottom line (North Carolina Education Alliance 2004).

Since the charter school movement began in 1991, charter schools have grown exponentially. Table 1 shows data from the U.S. Charter Schools website which has produced a self-reported chart from state departments of education, state associations and/or resource centers which recounts:

1. States that have charter schools;
2. The year the charter school law was enacted;
3. The number of charter schools per state: and,
4. The number of students enrolled in charter schools.

The ten states without charter laws are: Alabama, Kentucky, Maine, Montana, Nebraska, North Dakota, South Dakota, Vermont, Washington, and West Virginia.

Table 1

Nationwide Charter School Data

State	Year Law Passed	# of Charter Schools	# of Students Enrolled
<u>Alaska</u>	1995	23	4,700
<u>Arizona</u>	1994	464	93,213
<u>Arkansas</u>	1995	28	4,300
<u>California</u>	1992	750	276,000
<u>Colorado</u>	1993	133	52,242
<u>Connecticut</u>	1996	16	3,573
<u>Delaware</u>	1995	18	8,626
<u>District of Columbia</u>	1995	83	19,733
<u>Florida</u>	1996	356	98,000
<u>Georgia</u>	1993	71	33,230
<u>Hawaii</u>	1994	27	5,812
<u>Idaho</u>	1998	28	9,578
<u>Illinois</u>	1996	42	16,898
<u>Indiana</u>	2001	40	9,028
<u>Iowa</u>	2002	10	2,686

(continued)

Table 1 (continued)

State	Year Law Passed	# of Charter Schools	# of Students Enrolled
<u>Kansas</u>	1994	27	1,610
<u>Louisiana</u>	1995	66	25,000
<u>Maryland</u>	2003	30	7,149
<u>Massachusetts</u>	1993	61	25,034
<u>Michigan</u>	1993	229	91,567
<u>Minnesota</u>	1991	168	28,034
<u>Mississippi</u>	1997	1	374
<u>Missouri</u>	1998	40	11,519
<u>Nevada</u>	1997	22	5,850
<u>New Hampshire</u>	1995	11	498
<u>New Jersey</u>	1996	53	15,557
<u>New Mexico</u>	1993	62	11,361
<u>New York</u>	1998	94	25,736
<u>North Carolina</u>	1996	98	30,892
<u>Ohio</u>	1997	315	76,967
<u>Oklahoma</u>	1999	15	4,649
<u>Oregon</u>	1999	87	12,000
<u>Pennsylvania</u>	1997	126	59,976
<u>Puerto Rico</u>	NA	NA	NA
<u>Rhode Island</u>	1995	11	2,812
<u>South Carolina</u>	1996	31	5,423
<u>Tennessee</u>	2002	12	2,600

(continued)

Table 1 (continued)

State	Year Law Passed	# of Charter Schools	# of Students Enrolled
<u>Texas</u>	1995	427	113,760
<u>Utah</u>	1998	51	19,290
<u>Virginia</u>	1998	3	1,440
<u>Wisconsin</u>	1993	232	34,387
<u>Wyoming</u>	1995	3	238
Total		4364	1251342

This chapter will review current literature on issues surrounding the transformation of traditional school structures into alternative education that takes the form of charter schools. Traditional school shortcomings are identified along with school reform issues that offer plausible solutions. The researcher has also addressed the traditional school issues with charter school solutions. The overall history of charter schools is presented in a format that goes from past to present with a focus on charter schools in North Carolina. Moving forward, the researcher discusses the success and shortcomings of traditional and charter school systems, also identifying successful characteristics of charter schools from across the country. The researcher has discusses qualitative studies which have offered subjective findings based on opinions formed from investigative findings. The researcher discusses the quantitative study that was performed and the research questions that were investigated in an effort to achieve a quantitative result. The quantitative results further build on the success of the charter school system. Finally, the researcher summarizes the review of literature and discusses the importance

and the impact a quantitative study would have on the effectiveness of alternative education.

Traditional School Failures and the Continuing Search for Reform

National School Reform and the gap in opportunity

The inequality wedge for an educational opportunity was driven deeper in the student treatment gap due to the issues of segregation prior to the ruling of the *Brown v. Board of Education* decision. The student treatment gap moment was slowed but not eradicated by the decision of *Brown v. Board of Education*. The researcher believes that the *Brown v. Board of Education* was the first movement in the direction of an educational reform policy from the U.S. Government derived from the U.S. Supreme Court (1954) ruling.

During the post-slavery years an epidemic of racial segregation ensued. The policy of segregation was endorsed by the United Supreme Court decision in *Plessy v. Ferguson* (1896) that ruled that as long as the separate facilities for separate races were “equal”, then segregation did not violate the 14th Amendment which states “No state shall deny to any person the equal protection of the laws.” The first challenge to the U.S. Supreme court ruling came when a class action law suit was filed against the Board of Education for the city of Topeka, Kansas in the U.S. District Court for the District of Kansas (1951). *Oliver Brown et al.v. The Board of Education of Topeka* (347 U.S. 483 1954), requested the school districts to reverse their policy on racial segregation. Topeka, Kansas’s Board of Education operated under an 1879 Kansas law, which permitted, but did not require, communities with a population over 15,000 to segregate elementary schools. During that time period, communities were pro-segregation of students in the

school system. There were a few states that remained against the segregation policy. The District court was provided with strong evidence that segregation in public education had a detrimental effect upon Negro children. The judges believed that the schools in Topeka, Kansas were equal with respect to building, transportation, curricular and educational qualifications of teachers (*Brown v. Board of Education of Topeka, Shawnee County, Kansas et al. Opinion – 98 F. Supp. 797. 1951*). The district court ruled in favor of the Board of Education citing a precedent case, *Plessy v. Ferguson*, 163 U.S 537 (1896), which stated that “separate but equal” railway cars for blacks and whites were acceptable.

Brown v. Board of Education was later over turned when it was heard by the U.S. Supreme Court (1954). It was a unanimous ruling in the landmark, civil rights case, which stated that “state-sanctioned segregation of public schools was a violation of the 14th amendment and therefore was unconstitutional”. In the “Brown II” case the U.S. District Court ordered the district courts to carry out the desegregation policy with “deliberate speed”. The vague wording allowed the local courts to desegregate when it was convenient for them; in one instance the U.S. District court ruled that Prince Edward County, Virginia did not have to desegregate immediately. There was great opposition to the U.S. Supreme Court decision; some government officials were so brazen, they blocked the doorway as Black students were trying to integrate all-White schools; some officials decided to close schools as opposed to integrating them; districts used state monies to fund segregated “private schools”; and they selected “token” students, allowing selected black students to attend former white schools. Ultimately the schools would be integrated through a slow process years and decades later. The researcher believes that *Brown v. Board of Education* was the first National School Reform policy. Roughly over

forty years later another school reform policy, No Child Left Behind Act, was interjected into policy during the Bush Administration.

The Charter Schools Program (CSP) was authorized in October 1994, under Title X, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended 20 U.S.C. s061-8067. The program was amended in October 1998 by the Charter School Expansion Act of 1998 and in January 2001 by the No Child Left Behind Act of 2001 (U.S. Dept. of Education, 2004). Another school reform was the No Child Left Behind (NCLB) Act (2001), which was an amendment to the National Education Statistics Act of 1994. The NCLB policy was enacted into public law on Jan 8, 2002 as Public Law 107-110 by the 107th Congress. The government has defined the NCLB Act as “To close the achievement gap with accountability, flexibility, and choice, so that no child is left behind” (U.S. Government, 2002). There are several purposes of the NCLB Act: improve the academic achievement for all children, even those that are economically disadvantaged; provide the schools with more flexibility in how they use their federal education funds; increase preparation, training and recruitment of highly qualified teachers and principals; increase the accountability of the teachers and principals and provide a parent with the choice to send their child to better performing and safe schools within their school district. Nationally there are 16,120 school districts across the country; 100,809 schools and 52,745 Title I schools (U.S. Ed.Gov 2009). NCLB has several shortcomings that need to overcome before the Act can be considered a successful reform.

Opponents of NCLB feel that the very children that were meant to benefit from emergence of the NCLB Act (2001) are the very ones that are being placed in harm’s way

with the continued progress of the educational reform. The NCLB reform policy has several flaws in its design: (1) The 2005 National Assessment of Education Progress (NAEP) reading scores have been unchanged from 2002 to 2005 at grade 4 yet show a dramatic decline at grade 8 for Blacks and Hispanics. Math scores increased at faster rates in the 1990s when NCLB when the high stakes exams for elementary and middle schools were put in place (NoChildLeft.com, 2005). Dr. Monty Neill, co-director of the National Center for Fair & Open Testing, has responded to the 2005 NAEP report stating “The drill and kill curriculum that accompanies high stakes, one size fits all testing programs undermines rather than improves the quality of education”, (2) The NCLB is labeling many schools as failing even though they are making admirable progress, (3) NCLB calls for 100 percent of teachers to be ‘highly qualified’ however the Education Department reports that no state met that requirement during the 2005 school year, (4) McKenzie suggests that the states department of education has been “Gaming the System” by adopting easier test and lowering standards, creating a false impression of progress, (5) School systems are narrowing their focus by concentrating on Reading and Math overlooking the need for a well rounded education, (6) Test scores from the affluent and suburban schools were submitted before the scores from the disadvantaged minorities were included, (7) As teachers try to meet the testing requirements of the NCLB act they are spending more time on test preparation and less time on instruction. Students are spending less time learning and less time improving. McKenzie (2003) states “In a decade offering exciting social and economic prospects, NCLB has locked American schools in an iron maiden or chastity belt. At the very time we should be exploring human potential, we have lowered standards, killed motivation, stifled creativity and lost

ground. The best thinkers and best thoughts have been stilled while the merchants of mediocrity have been given the stage and the joy stick.”

The purpose of the NCLB Act has fallen short and its very existence is being questioned; the schools should either rejuvenate or replace the Act with a more feasible educational reform. In a personal interview with Phi Delta Kappan (2009), the current Secretary of Education, Arne Duncan stated in 2009 “I think they got this one fundamentally backwards. NCLB was very, very loose on the goals. So there are 50 different goal posts, 50 different measurements at the State level”, (Richardson, 2009). Schools that were improving year after year were labeled as failures by the NCLB act. Schools that were struggling did not receive the appropriate assistance and schools at the bottom of the educational food chain received marginal assistance. Since education is a major focus of the current administration, President Obama and his administration have created their own counter to the shortcomings of the NCLB Act.

The Secretary of Education suggested four “Turnaround Models” for those low performing schools. The first model, “Students stay and adults leave” suggests that new principals and lead teachers collaborate on the curriculum for students in conjunction with the recruitment of teachers in the spring in preparation for a June takeover. Teachers are encouraged to reapply although all will not be rehired. The second model suggests, “Replace the staff and turn the school over to a charter or management organization” for operation. Duncan recommends several management organizations; the Green Dot Public Schools, a nonprofit school management organization that has opened 18 public charter schools in Los Angeles (District Administration, 2009), Mastery Charter Schools or the Green Dot Public Schools. The third model, “Keep the staff but drastically change the

school culture”, suggests holding the staff accountable through rigorous performance evaluations; increase the level of support, training and teacher mentoring; strengthen the curriculum and instructional programs as well as increase student learning outside of the regular school hours. The final model, “Everyone goes”, suggests that schools that underperforming should be closed which is at the discretion of the state and local level administrations. Once the schools are closed, students should be re-enrolled in better performing schools. President Obama has created the American Recovery and Reinvestment Act (ARRA) which offers funds to states with an aggressive educational reform program.

President Obama and his current regime have created the American Recovery and Reinvestment Act (ARRA) of 2009, which contains a major focus on the National Education Reform. The ARRA of 2009 was enacted into law February 17, 2009 by President Obama. The purpose of the ARRA of 2009 is to jumpstart the economy, create or save millions of jobs, and give the U.S. a competitive advantage in the 21st century. The ARRA of 2009 is designed to increase the modernization of the U.S. infrastructure, increase the U.S. energy independence, expand educational opportunities, preserve and improve affordable health care, provide tax relief, and protect those with the greatest of need. The Secretary of Education, Arne Duncan believes that President Obama has an aggressive but achievable Education Reform plan. President Obama’s educational plan calls for the U.S. to have the largest percentage of graduates in the world by 2020. The Secretary of Education believes the U.S. can achieve this goal by creating educational opportunities, decreasing the dropout rates, increasing graduation rates, and ensuring the students who graduate are prepared for a successful college career. Duncan believes that

in order to have a world class school system, you need a world class supporting city: business community, philanthropic community, religious community, not for profits, parks and recreation, and health and human services supporting your educational goals. The ARRA of 2009 has authorized the “Race to the Top Assessment Program” for states with an aggressive educational reform plan.

According to the U.S. Government Website (2010), “The Race to the Top Assessment Program (RTAP) provides funding to consortia of states to develop assessments that are valid, support and inform instruction, provide accurate information about what students know and can do, and measure student achievement against standards designed to ensure that all students gain the knowledge and skills needed to succeed in college and the workplace. These assessments are intended to play a critical role in educational systems: provide administrators, educators, parents, and students with the data and information needed to continuously improve teaching and learning; and help meet the President’s goal of restoring, by 2020, the nation’s position as the world leader in college graduates (U.S. Government, 2010). RTAP has two major competitive grants that will be awarded by the Department of Education to consortia of states.

RTAP participants must submit a notice to apply by April 29, 2010. The applications are due June 23, 2010: winners will be announced in September 2010. There are two categories of grants for the “Race to the Top Assessment Program”: (1) Comprehensive Assessment Systems (CAS) grants; (2) High School Course Assessment Programs (HSCAP) grants. The CAS grants have a dual purpose to meet the needs for accountability and instructional improvement. States must create “needs assessment systems” which are based on standards designed to prepare students for college and the

workplace. The assessments must validly measure a student's knowledge and skills which reflect good instructional practices, and support a culture of continuous improvement in education. The HSCAP grant requires states to create rigorous high school courses using a well rounded curriculum. Currently the school systems lack rigorous courses offered which in many cases, is not sufficient enough to prepare students for a successful college career. According to the U.S Government (2010), The Race to the Top Assessment program requires states to advance educational reforms around four central areas:

1. Create standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy.
2. Build data systems that measure student growth and success, and inform teachers and principals about how they can improve instructions.
3. Recruiting, developing, rewarding and retaining effective teachers and principals, especially where they are needed most.
4. Turning around lowest achieving schools

Awards in the RTAP will go to states that are leading the way with ambitious yet achievable plans for implementing coherent, compelling, and comprehensive education reform (U.S. Government, 2010). States that are the recipients of the RTAP grants will become trailblazers with effective educational reforms, which will set the benchmark for other states and local school districts to follow. North Carolina school reform policy includes schools of choice.

North Carolina Charter School Reform

According to the U.S. Government website (2010), the state of North Carolina has two statewide support organizations for charter schools. The two organizations are North Carolina Alliance for Public Charter Schools (NCAPCS) and North Carolina Department of Public Instruction (NCDPI). “The North Carolina Alliance for Public Charter Schools is a group of public charter schools and community leaders from around the state, working on behalf of the charter school movement in North Carolina” (U.S. Charter Schools). The North Carolina Department of Public Instruction states, “The Department maintains a charter schools page which provides a number of resources, including a directory of charter schools, extensive application information, a sample application, and numerous other resources” (U.S. Charter Schools). Charter schools are another form of school reform which promotes accountability, competition and choice within the traditional school system. Charter schools have allowed local community groups, teachers and parents to open public schools to meet their educational needs. According to the North Carolina Department of Public Instruction (NCDPI) the 1996 Charter School Acts was created as an educational reform for the North Carolina’s public school system. The act is intended to bring new ideas, innovations, accountability, choice, competition, and a greater awareness about quality of education (Allen, 2004).

The Charter School Act was ratified by the North Carolina General Assembly on June 26, 1996. Thirty four charter schools opened for the 1997-1998 school year. As of spring 2009, 98 charter schools are operating in North Carolina. Federal law, state law and the State Board of Education’s policies govern a charter school’s operation. North Carolina law allows three entities to serve as authorizers of public charter schools: local

school boards, the University of North Carolina and the state Board of Education. Charter schools approved by either the local school boards or the University of North Carolina must also include the approval from the state Board of Education. For all intent purposes, the board of education is the only active authorizer in the state. The North Carolina Charter Schools ACT, NCGS 115C-238.29D, (b) states “The State Board shall authorize no more than 100 charter schools statewide which is roughly four % of the North Carolina public schools.” Applications for charter schools far exceed the number of available charters.

The North Carolina charter schools have over 21,000 students in attendance statewide (North Carolina Education Alliance, 2004). In North Carolina, the average class size in a traditional school is 21 students; the average class size for a charter school is 15 students (Noblit and Corbett, 2001). Charlotte-Mecklenburg school district had 131,176 students in attendance during the school year of 2007-2008 which ranked the district as the second largest in the state of North Carolina (U.S. Ed.Gov, 2009). North Carolina charter schools spend less on salaries and benefits than other public schools and more on services and equipment used for instruction (North Carolina Education Alliance, 2004). “North Carolina law allows the State Board of Education to grant the initial charter for a period not to exceed 10 years and requires the State Board of Education to review the operations of each charter school at least once every five years to ensure that the school is meeting the expected academic, financial, and governance standards” (North Carolina Alliance for Public Charter Schools, 2010). The renewal process for charter schools is not guaranteed. The State Board of Education can terminate a charter if certain conditions are not met, such as, financial mismanagement, lack of student achievement,

violations of the law or standards of the charter. North Carolina has a closure rate of 18 % for charter schools. North Carolina law requires upon the nonrenewal or dissolution of the charter school that the net assets purchased with public funds shall become the property of the local school administrative unit which the charter school is located.

The country has become dismayed with overcrowding, low test scores and high dropout rates: parents, communities, and students desire an overhauling of the U.S. Educational system. The persistence of these reformers has led to the formulation of an alternative school system, charter schools. The charter school movement has created mixed emotions regarding charter school success. Ranging from unsuccessful and not achieving the goal that the charter school system was designed to accomplish, to the success in reducing the student treatment gap. The mixed reviews of the charter school movement have lead to categorizing charter schools as either effective or ineffective in their efforts to reduce the student treatment gap. The authors of “Charter schools in North Carolina; Innovation in Education” have identified six major differences between charter schools and traditional schools; (1) charter schools are schools of choice; (2) parent involvement is greater in charter schools than traditional schools; (3) Charter schools class size are typically smaller than traditional schools classes which attribute to greater individualize attention; (4) Charter schools have greater autonomy and are not constrained by the regulatory restrictions that encumber traditional public schools; (5) Charter schools concentration on subjects and curriculum can vary; (6) Charter schools save tax payers roughly \$1,000 per student each year in facility cost. The North Carolina charter schools tend to serve more male students than traditional schools, 55 % verse 51%. Also charter schools tend to have a slightly higher percentage of special education

children due to the fact that the students are not well served by their assigned public schools (North Carolina Education Alliance, 2004). The existence of charter schools has inserted a certain level of competition in the traditional school system. Researchers have found that charter school competition in North Carolina increased traditional school performance by about one %, more than half of the average achievement gain in 1999-2000 (North Carolina Education Alliance, 2004). The current Democratic Presidential administration is a major proponent of the charter school movement. The Secretary of Education believes there are three things that need to happen in order for charter schools to be successful; (1) charter schools need very high bars for entry, (2) charter schools need real autonomy and, (3) the autonomy needs to be tied to real accountability. When all three criteria are achieved then the results are astounding for the children.

North Carolina Charter School Funding

One source of funding is the 'Children's Scholarship Fund-Charlotte,' which is a privately funded scholarship program. This scholarship fund provides tuition assistance to lower income students in the Charlotte area. The scholarship can be used at public, private, or religious schools of choice. There are more than 400 students receiving the scholarship with 60 different providers. Depending on the residence of the parent, they may be able to claim tax credits on their state income taxes for specific education expenses. Many believe that charter schools take money away from the traditional school system because of their existence. However, funding does follow the pupil to the school they attend, whether it is a traditional school or charter school. Charter schools are entitled to and receive the same state and federal funds as traditional schools. North

Carolina charter schools do not receive capital funds to offset the cost of facilities.

Charter schools can receive private funds as donations.

State Law

The strength of state law has a direct bearing on the ability of its charter school to succeed: the stronger the law, the greater the student achievement. State law requires that charter schools design their programs to meet student performance standards specified by both the State Board of Education and the individual school's charter. All charter schools in North Carolina's school participate in the ABC's Accountability Model; North Carolina's school improvement program has been in place since 1995. The ABC's measures both student performance and growth, through End of Grades exams for grades 3 through 8 and End of Course tests for grades 9 through 12 (North Carolina Education Alliance, 2004). Also charter schools are measured by Adequate Yearly Progress (AYP), which determines if schools are meeting performance targets for subgroups. The charter schools must achieve all their targets in order to meet AYP. In the state of North Carolina, charters are granted for five years.

In a report released by The North Carolina Center for Public Policy Research in 2002, the North Carolina Center for Public Policy Research in their analysis of whether or not the state should increase the number of charter schools suggests that the state should delay their decision to increase the number of charters. The researchers have determined that charter schools in North Carolina were tasked with six goals, of which they have only met three. The areas of success that the charter schools have achieved are: (a) giving teachers expanded professional opportunities; (b) being held accountable on performance based tests; and (c) providing parents with expanded choice for their

children's education. The center has also identified three missed opportunities that are preventing the center from endorsing the expansion of the charter schools movement in North Carolina. The challenges that North Carolina Charter schools are facing: (1) academic performance that is lagging behind traditional public schools; (2) racial diversity because the charter schools are not complying with state law requiring charter schools' student populations to reasonably reflect the racial makeup of their local school districts; and (3) concerns regarding charter school management because poor management has contributed to the closure of at least eight charter schools.

According to Terry Stoops (Winston-Salem Journal Online, 2010), the foundation's director of education studies for the John Locke Foundation, a conservative policy-research group in Raleigh, NC, "Charter schools are already held to a higher standard than district schools." Stoops also stated that "The State Board of education shall revoke the charter of any charter school when, for two of the three consecutive school years, the charter school does not meet or exceed expected growth and has a Performance Composite below 60 percent. For purpose of this policy, the first year test scores will be from the 2009-2010 school year." A performance composite is the percentage of test scores that meet or exceed the state's proficiency standard for such measures as end-of-grade tests (Winston-Salem Journal Online, February 26, 2010).

However, in other states charters can be granted for three to five years. The legislative cap for charter schools in North Carolina is currently 100 charter schools statewide. According to the National Alliance for Public Charter Schools (2010), during the short Senate session for 2010 lawmakers in North Carolina will decide whether or not to move forward with lifting the restrictive 100 charter school cap. Due to the phenomenal

growth of the charter school movement and a desperate need for additional charter schools in North Carolina based on the 16,000 student waiting list, there is an attempt to remove the restrictive cap on the number of charter schools allowed in North Carolina. Currently, North Carolina legislation specifies that the State Board of Education can authorize a maximum of five charter schools per district per year. Some states are pioneering more aggressive plans.

Arizona has a very aggressive charter school reform. There is no cap for granting charters in the state of Arizona, and the initial charter is 15 years, which allows the school time to demonstrate success. Arizona has 491 charter schools, which are roughly five times the amount in North Carolina. Arizona, California, and Michigan combined have over 1,200 charter schools, which is nearly one third of the nation's 3,000 charter schools. States with laws providing autonomy and flexibility produce the most schools (North Carolina Education Alliance, 2004). Minnesota has removed their cap and other states like Arizona, Colorado, Delaware, Georgia, New Jersey, Oregon, Pennsylvania, South Carolina, Wisconsin, and Wyoming all have no legislative cap that restricts the number of charter schools.

In North Carolina, a small number of counties have an open enrollment policy, which allows parents to specify their public school preferences, provided they are within the borders of the residential school district (North Carolina Education Alliance, 2004). "North Carolina law requires charters to provide open enrollments to any students in the state" (NAPCS, 2010). Also, conversion charter schools must provide a preference to students who reside in the former attendance area of the conversion school during the admission process. In the North Carolina charter schools, the average years of teaching

experience is 8.5 years. North Carolina requires that 75 % of teachers in charter schools serving grades K-5, and 50 % of teachers in charter schools serving grades 6-12, hold teaching license (North Carolina Education Alliance 2004). Some states do not require certification at all. States with charter school laws are ranked based on the strength of their policy for public charter schools to succeed.

The National Alliance for Public Charter Schools (NAPCS) has produced a report, “How State Charter Laws Rank Against the New Model Public Charter School Law,” “This report looks at each individual state that has a charter school law, assesses the strengths of its law against the 20 essential components of the model law, and ranks them from 1 to 40” (National Alliance for Public Charter Schools, 2010). The NAPCS has identified 20 essential components of model law that was used to rank the states with charter school laws, which are listed in Table 2.

Table 2

Components of a Strong Charter School Law

The 20 Essentials Components of a Strong Public Charter School Law	
1	No Caps
2	A Variety of Public Charter Schools Allowed
3	Multiple Authorizers Available
4	Authorizer and Overall Program Accountability System Required
5	Adequate Authorizer Funding
6	Transparent Charter Application, Review, and Decision-making Processes
7	Performance-Based Charter Contracts Required
8	Comprehensive Charter School Monitoring and Data Collection Processes
9	Clear Processes for Renewal, Nonrenewal, and Revocation Decisions
10	Educational Service Providers Allowed
11	Fiscally and Legally Autonomous Schools with Independent Public Charter School Boards
12	Clear Student Recruitment, Enrollment, and Lottery Procedures
13	Automatic Exemptions from Many State and District Laws and Regulations
14	Automatic Collective Bargaining Exemption
15	Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed
16	Extra-Curricular and Interscholastic Activities Eligibility and Access
17	Clear Identification of Special Education Responsibilities
18	Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding
19	Equitable Access to Capital Funding and Facilities
20	Access to Relevant Employee Retirement Systems

Out of a possible 208 points in the 20 essential components of the new model law, the state of North Carolina has accumulated 78 points and has achieved a ranking of 32 among a possible 40 states. The top 10 states with the strongest public charter laws are: (1) Minnesota, (2) District of Columbia, (3) California, (4) Georgia, (5) Colorado, (6) Massachusetts, (7) Utah, (8) New York, (9) Louisiana, and (10) Arizona. The number one ranked state was Minnesota with a total 152 points out of a possible 208 total points. Maryland ranks last in the report with a possible of 41 out of 208 total points. This was the inaugural rankings among the states with charter school laws, which support the growth of high quality public charter schools.

African American failures reduced with emergence of charter schools?

According to the U.S. Department of Education (2009), the five largest school districts in North Carolina are: (1) Wake County schools (134,401) students, (2) Charlotte-Mecklenburg schools (131,176) students, (3) Guilford County schools (72,389) students, (4) Cumberland County schools (53,295) students, and (5) Forsyth County schools (51,738) students. The 2007-08 academic year student enrollment in the state of North Carolina for White students was 817,399 (54.9%), Black non-Hispanic was 417,547 (28%), Hispanic was 147,879 (9.9%), Asian/Pacific Islander was 34,988(2.3%), and American Indian/ Alaskan Native was 21,278 (1.4%). Blacks are failing in comparison to their White counterparts on the state assessment performance in the percent of students performing at or above proficient level for fourth grade reading (Whites 72.1, Blacks 39.4), eighth grade reading (Whites 68.0, Blacks 32.9), high school reading (Whites 75.9, Blacks 47.5), fourth grade mathematics (Whites 82.8, Blacks 54.2), eighth grade mathematics (Whites 79.1, Blacks 49.6) and high school mathematics

(Whites 78.1, Blacks 48.1). The dismal performance continues with the National Assessment of Educational Progress (NAEP) Achievement results fourth grade reading (Whites 39.0, Blacks 12.0), eighth grade reading (Whites 39.0, Blacks 10.0), fourth grade math (Whites 56.0, Blacks 15.0), and eighth grade math (Whites 46.0, Blacks 14.0). The results of the 2009 EDfacts state profile indicate that there is a huge disparity in student enrollments, the National Assessment of Educational Progress (NAEP) and the State Assessment Performance.

According to Arne Duncan, 1,100 schools nationwide have fallen into “restructuring,” the most extreme federal designation for failure and face the threat of closure for underperformance under the No Child Left Behind law. The number is on track to rise to 5,000 schools by 2010, representing more than 2.5 million students (District Administration, 2009). A two-year study by Mass Insight detailed America’s greatest opportunity to improve student achievement lies within its poorest performing schools. The study reviewed intervention efforts, which encompassed 10 states, four districts, and over 50 organizations. Several experts have contributed to the reports findings and recommendations for “Six Essential Characteristics of Successful Turnarounds”:

1. Provide autonomy to authority to act accordingly on what’s best for the children and learning, which includes but is not limited to staffing, scheduling, budget and curriculum.
2. Relentless and aggressive approach to hiring and staff development, ensuring the best possible teaching force.
3. Diversified and highly capable and effective leadership team.

4. Create more time in the school day and school year.
5. Performance-based evaluations for all stakeholders, including teachers, students and parents.
6. Better understanding of the students and academic and related psychosocial needs supported by research-based programs and related social services.

Traditional schools are creating huge disparities in the student treatment gap.

Rothstein (2004) believes the student treatment gap between Black and White students goes beyond the differences of class status, lower class or middle class. There are several factors to consider when determining the cause for the disparity in the student treatment gap. Rothstein (2004) suggests there are social class differences; wrongly designed school policies; and the focus on standardized tests are too narrow. Rothstein (2004) defines the academic achievement gap as “a phenomenon of averages, a difference between the average achievement level of lower-class children and that of middle-class children.” Additional traditional school failures are overcrowded class sizes; low academic achievement; attendance; and suspension rate of certain ethnic groups. Low achieving students are the product of low expectations. Low expectations can be a life sentence for these students. “Students are given less challenging work because the teachers do not believe in their academic capabilities” (House 2005). When the students are not challenged in the classroom the results are less developed cognitive skills.

Overall, the traditional school system is falling behind in academic performance as compared to countries such as Asia and China. The Japanese and Chinese students have been outperforming the United States (U.S.) students in mathematics achievement since 1980 (Benjamin, 2006). The traditional school system in the United States has

created inequalities in the academic performance between Blacks and Whites. The inadequacies' of traditional schools have open the door for alternative schools to fill the void that parents, communities and students have desired for a long time. Local level officials have created their own turnaround plan for the traditional school system.

Dr. Peter Gorman heads one of the twenty five largest school districts in the U.S. in a city that is progressively growing, Charlotte, NC. Dr. Gorman of the Charlotte-Mecklenburg schools system prefers a "Strategic Staffing Initiative" to a piecemeal approach. Dr. Gorman's approach to rebuilding schools has five phases; (1) create leadership, (2) send in a team of strong educators, (3) remove anyone who does not fully support the changes being made to increase achievement, (4) ensuring and nurturing community support, and (5) maintaining support from the district office (District Administration, 2009). Dr. Gorman has implemented his "Strategic Staffing Plan" in seven schools during the 2007-2008 academic school year. The results indicate that students' test scores rose for 2008-2009 academic school year and the number of students who were proficient increased by 23%. Dr. Gorman states that "Strategic staffing is the best approach to turn a struggling school around" (District Administration, 2009).

Data on traditional schools in comparison to charter schools

There are some major failures in our history of education, most notably the lack of equal educational opportunities for African Americans, Native Americans, women, immigrants and those of the lower class (Nelson 2006). During the 1950s, the classroom consisted of a homogenous student body, predominantly European Whites. The teacher to student ratio at that time was 35 to 40 students per teacher. Once the 1964 Civil Rights Act was signed in to law by President Lyndon B. Johnson, the process of integrating

schools began. African Americans could now attend integrated schools as well as other social institutions and amenities. Unfortunately, educating a large population that is heterogeneous and divided by class, economics, ethnicity, culture and religion was a challenging undertaking for our democracy (Evol Graham, 2009). The current class size in a traditional school system ranged from 30-35 students and possibly even up to 40 students in a class. One of the challenges that teachers face are trying to educate large student bodies which are heterogeneous, divided by class, economics, ethnicity, culture and religion. Educating young people who are culturally different sometimes requires individual attention which is difficult in an overcrowded room. A reduction in class size that is manageable is usually mandated by state which has the power to determine or set objectives to close the existing student treatment gap (Nelson 2006). Evol Graham (2009) stated that “The Class Size Reduction Program” is a new initiative to hire additional, highly qualified teachers so that students can attend smaller classes in the crucial early grades and receive a solid foundation for learning. The drawback to this initiative is incurring the additional expense of hiring and training new teachers as well as acquiring additional classrooms to place the students. Another inadequacy of Traditional Schools is the academic performance.

Overall blacks in elementary and secondary education perform better in charter schools than traditional schools (Buddin & Zimmer 2005). The success of the Black male is deteriorating rapidly in the traditional school’s classroom. Recent studies have found that Black males perform slightly better in charter schools versus traditional schools. However, the results of an exploratory study by Plucker, Makel & Rapp (2007) provide conflicting results to the earlier research study of Buddin & Zimmer (2005). In the

exploratory study, “The Impact of Charter Schools on Promoting High Levels of Mathematics Achievement” suggests that Blacks perform better in traditional schools as opposed to charter schools. While the trend was reversed for Whites in traditional schools, Whites performed poorer and had a higher performance in charter schools. Researchers have identified the best charter school option.

Researchers have determined that start-up classroom based charter schools provide the greatest promise of improving performance (Buddin & Zimmer 2005). School attendance is an important success indicator of educational achievement for Black males. Although 72% of Black students in America graduate from high school each year, over 45% of Black males drop out of high school (Livingston & Nahimana, 2006). Articles reviewed have elaborated on the fact that even though there is an obvious student treatment gap between the Black male and other groups, charter schools are a better fit for Blacks pursuing educational attainment. Attendance is a major indicator of a student’s success.

As Blacks move up in grade level, school attendance in traditional school system decreases (Hoffman, Llagas, & Snyder, 2003). Schools are a microcosm in which children learn the social norms of our society (Bowen & Bowen, 1998). Children typically spend most of their developmental years in a school setting. For many young Blacks, the school system becomes a primary source of socialization (Livingston & Nahimana, 2006). Attendance is an important factor in the academic achievement of students. When absenteeism increases, learning opportunities decreases for students at school (Hoffman, Llagas, & Snyder, 2003). Clark (2000) Charter schools are creating higher attendance rates for minorities in elementary and middle schools, while the charter

high schools continue to show signs of improvement in the attendance rates among the high at-risk groups. The high at-risk population had a high probability of dropping out. The traditional schools have also created an inequity in the suspension rates among students.

Researchers, Mendez and Knoff have determined that students, who were male, Black and in middle school are at a greater risk to being suspended from school (Mendez & Knoff 2003). The Black male experienced the highest percent of any group as far as being suspended at least one time for all levels, elementary, secondary and high school. The authors have also uncovered the fact Black males have the highest suspension rate per 100 students (Mendez & Knoff 2003). The most common reason for being suspended is for disobedience/insubordination. The Black male is suspended more times for various infractions as opposed to any other group (Mendez & Knoff 2003). According to the authors, Mendez, Knoff & Ferron (2002) Low Out of School Suspension (OSS) schools also were more likely than High OSS schools to include parents in the development of the school-wide discipline plan, and to include in this plan ways to get parents involved before students' problems became severe, and including having teachers contact parents prior to referring students to the office. Blacks are suspended from school at a disproportionate rate across all levels mostly for minor infractions.

Traditional schools inadequacies: class size, academic performance, attendance rates, suspension rates, student/teacher ratio and teacher quality have caused great alarm in the academic community. The disparities between races, class and culture have created an imbalance in social and economic opportunities for minorities. Alternative school choice offers solutions to the traditional school shortcomings. Table 3 displays the results

of Mendez and Knoff (2003, p.37) studies on suspension rate across gender, race and school level from a west central Florida school district are indicated as follows:

Table 3

Central Florida Suspension Rates Across Gender and School Level

Race	White		Black		Hispanic		M
	Male n=41,564	Female n=38,353	Male n=16,390	Female n=16,045	Male n=13,057	Female n=12,154	
Level							N=137,563
Elementary n=73,841	3.08%	0.40%	12.15%	3.88%	3.36%	0.38%	3.36%
Middle n=29,613	25.00%	9.28%	48.90%	31.88%	33.95%	15.58%	24.41%
High n=34,109	18.90%	8.84%	39.46%	20.69%	27.36%	12.80%	18.46%
M N=137,563	11.95%	4.53%	26.28%	13.64%	15.42%	6.48%	11.63%

The results from the study indicate that the Black males and females in elementary, middle and high school are suspended more often than the other groups studied White and Hispanic. A direct result of the higher suspension rates, the Black male and Black females have a mean percentage greater than the other groups as well. The Black male was suspended 75% and 73% more often than their White and Hispanic male counterparts at the elementary school level, respectively. In middle school, the Black male was suspended approximately 49% and 31% as often as their White male and Hispanic male counterparts, respectively. At the high school level, the Black male received suspension 53% and 31% more often than their White males and Hispanic male's counterparts, respectively as well. As for the female category of the study, the

White female was suspended the least at all grade levels with the exception of the elementary school level. The female Hispanic students were suspended the least of the elementary school level for the female gender group. At the elementary school level, the Black female was suspended 90% more often than both the White female and Hispanic female. At the middle school level, the Black female was suspended 71% and 51% more often than their counterparts, White females and Hispanic females respectively. At the high school level, the Black female received suspension 57% and 38% more often than their counterparts, White females and Hispanic females, respectively.

The creation of charter schools has offered a viable option to decrease the inequalities of the traditional school system. Parents desired to create better opportunities for their children to receive a solid educational foundation in a safe environment. The surrounding communities share similar concerns as the parents. The community desires to have schools produce effective students that will contribute to the sustainment of the economic environment in the community. With the overcrowding in the public school system, one of the current solutions is to house students in trailers behind the schools and other temporary spaces. Major cities in the United States are experiencing a population growth and expansion. The ramifications of such a growth explosion have placed a major strain on the educational systems in the affected areas. The embracing of a charter school system has offered a viable solution to counter the short supply of schools (Brown, 2006). Charter schools creation is out of necessity for an educational change.

Charter School Purpose

According to the U.S. Government website, most charter schools legislation intentions are to:

1. Increase opportunities for learning and access to quality education for all students;
2. Create a choice for parents and students within the public school system;
3. Develop a system for accountability for results in public education;
4. Encourage innovative teaching practices;
5. Create new professional opportunities for teachers;
6. Encourage community and parent involvement in public education;
7. Leverage public education broadly.

“Twelve years after the first charter school was launched, the charter school movement is now entering its adolescence. Like many pre-teens, it’s had its share of growing pains, but I am confident that it is about to hit a growth spurt. That is because charter schools are enormously popular with their primary clients—parents and students—and because they are starting to show promising results in terms of student achievement” (U.S. Department of Education, 2004). Parents were in search of schools that offered better educational opportunities; schools that are peaceful and safe without violence or disruption among students, more manageable class sizes, and better teacher quality.

The charter school concept originated in Minneapolis, Minnesota in 1991. Charter schools were created to increase the quality of education, provide more accountability, provide an option to the current traditional school system, reduce the student treatment gap, and increase economic wealth in the community. Charter schools started with two

schools in 1991 and have grown to more than 5,042 schools in 2010. Student enrollment has reached over 1.54 million within 39 states plus the District of Columbia and Puerto Rico. “In July 2009, Mississippi allowed its charter law to expire with no hope for renewal” (Center for Education Reform, 2010). There are four types of Charter schools: charter school converted from public schools (Conversion schools); charter schools started from scratch (Start up schools); schools that offer a significant portion of instruction outside of the traditional classroom (Non-classroom based schools), and charter schools that focus on online-based learning (Buddin & Zimmer 2007). Charter school management varies between individual proprietary, municipality operated, and corporate sponsorship. Previous studies have offered guidelines for qualities of successful charter schools. The qualities of successful charter schools have been identified as length of school day, schools that offers mix grades, schools that incorporate dress codes (uniforms), teachers who serve on the school board, students who double up on core subjects (math/reading), schools that offer a family style school culture, teachers who stay with students for two to three years, advisors who update parents every two weeks, schools that offer a strong accountability system, and the mission statement is part of the culture and highly visible. Charter schools are equipped with freedom and flexibility and are meeting the educational needs of children that are diverse in personalities, skills, and talents. In exchange for their freedom, charter schools are held to high standards of accountability. Charter schools systems are reflective of the real world that offers freedom and accountability and challenges that inspire creativity in problem solving.

Effectiveness of Charter Schools

Charter schools are battling two obstacles: autonomy and flexibility hinged on the successful completion of the ABC's Accountability Model and school finances. The North Carolina charter schools are subject to compliance with the ABC's Accountability Model. The charter schools may administer a test that does not reflect the material mastered in the classroom. Should the charter schools follow the North Carolina standard course of study, then there is no mismatch between what is taught and what is measured. Most charter schools struggle financially to cover expenses during the start-up phase, since they receive no capital funding for facilities. According to the Center for Education Reform, as of November 2009 North Carolina has no new charter schools opened, thirty-four charter schools closed, and 98 charter schools operating with 34,845 students enrolled. In North Carolina no new charter schools can open unless one closes. Nationwide there were 418 new charter schools that opened and 742 charter schools that closed, leaving 5,042 charter schools in operation with over 1.5 million students enrolled.

Below are illustrations of a failed attempt and success stories of two qualitative charter school studies that have been recently performed. The first example illustrates how one of the largest charter school organizations failed their students and communities due to poor management practices. The researcher has provided two examples of qualitative studies, which have provided the charter school movement with supportive documentation of success. The success stories are intended to encourage the charter school proponents to continue the fight for an alternative free education system that works. The qualitative studies have identified several high achieving charter schools and

common keys to their success. One of the largest charter school closures in the era of the charter school movement occurred in California.

The closure of the 5-year-old California Charter Academy (CCA), which ran about 60 schools under four charters and enrolled some 10,000 students, represents one of the largest charter school failures since the nation's first such independent public school opened in 1991 (Sack 2004). The charter schools were closed due to poor management practices (misappropriation of funds). The doors of the schools were closed suddenly, leaving the students without a school to attend. The students were referred to a nearby public school to continue their education. The state of California has the most charter school students and the second most charter schools in the country (Buddin & Zimmer 2005). This is a more drastic example of charter school failures.

An example of effective charter schools is discussed within the study that the U.S. Government has performed as well as a qualitative study performed in the Northeast region of the United States by Dr. Katherine Merseth.

Impressive Charter School Studies

The U.S. Department of Education Office of Innovation and Improvement (2004) has completed a descriptive study of eight charter schools, identifying the elements of effective charter schools. The charter schools were selected for their exemplary achievement, geographic, and programmatic variety. The schools selected are very diverse in their population and located in various cities across the country. The researchers discuss the innovations and creations from eight very successful charter schools that have raised the level of student learning. The eight charter schools are: The Arts and Technology Academy Public Charter School; BASIS School, Inc.; Community

of Peace Academy; KIPP Academy Houston; Oglethorpe Charter School; Ralph A. Gates Elementary School; Roxbury Preparatory Charter School; and The School of Arts and Sciences, which are a combination of elementary, secondary, and high schools.

The researchers have determined that, among the eight schools represented in this guide, three are middle schools, one is a comprehensive K-12 school, one is 5-12, another is K-8, and two are elementary schools, one of which includes a preschool program. Student enrollment ranges from 182 at middle school to 850 at an elementary school. At three of the schools, more than 80 % of the students qualify for subsidized meals; at three other schools, the percentage is about 20 % or less. Three of the schools are chartered by their state, four hold a charter from the local district, and one is chartered by a special chartering authority. The oldest of these schools has been in existence for 10years; most are five or six years old (U.S. Department of Education, 2004). The qualitative descriptive study was structured into two parts.

In part I, the researchers discuss the elements of effective charter schools in the study. During part II, the researchers discuss the charter school profiles. The investigators dissected the educational structure of each school in order to exploit an analysis of their common elements and most successful characteristics. The schools profile and curriculum is discussed. The location of the school, year first chartered and authorizer, grades, enrollment, English learners, subsidized meals, special needs and per pupil spending is shared in each schools profile. All of the charter schools are meeting the AYP, which is a requirement of NCLB. The researchers offer some very unique educational pedagogy that has contributed immensely to the charter schools success.

The project team conducted a two-day visit at each school and interviewed site leaders, teachers, board members, parents and students as well. The project team collected letters to parents, schedules and training agendas that provided examples of school practices. From this documentation, a case report was developed for each site. From the case reports, an analysis of common elements was derived. The results of this study indicate that the common characteristics of effective charter schools are:

1. A mission that everyone associated with the school believes in.
2. The school engages the parents as real partners.
3. The culture of the school is highly collegial and implements continuous improvement processes.
4. A strong accountability system.
5. An attendance rate of 95% or higher.

Another study of charter schools inside the areas of Boston, Massachusetts was performed by Dr. Katherine Merseth and a team of investigators. The subjective qualitative study was performed over a two-year period. The criteria for selecting the charter schools were: located in top 10% of state districts with high proportions of children in poverty, outperformed schools in local district on the Massachusetts Comprehensive Assessment System (MCAS) in aggregate scores and low income subgroup, achieved AYP status in 2006, and received at least one charter renewal from the Massachusetts Department of Education. The team of researchers collected data from interviews, focus groups, classroom observations and documented processes. Merseth and her colleagues studied five charter schools located in the inner city of Boston, Massachusetts area in order to determine why the charter schools were more successful

than the traditional schools in the same area. Massachusetts not only has a cap on charter schools allowed in the state and certain districts, but also on the charter enrollment. Only 2.5% of the students in Massachusetts have access to a charter school education. The students of the charter schools were performing at high academic achievements and college placements greater than that of the traditional schools in the Boston area.

Merseth presented two main points from a unique qualitative research study. First the author's aim provided the reader with a simplistic view of the elaborate detailed daily regimen and a blue print of the infrastructure of five consistently high performing successful charter schools in the United States. The charter schools were located within the boundaries of Massachusetts top 10% poverty stricken areas in Boston. Each school is as different as a finger print, but also shares common practices, policies and processes designed to give the students a competitive advantage while achieving a first rate public education. Second, Dr. Merseth offered the reader an opportunity to have an unprecedented look at a detailed description of each charter schools success, discipline, people and processes and intricate workings.

Four of the charter schools are located in Boston (Boston charter schools; Academy of the Pacific Rim, Boston Collegiate Charter School, Match Charter Public High School, and Roxbury Preparatory Charter School) and the other in Lawrence, Massachusetts (Community Day Charter School). All of the charter schools are located in the belly of a competitive traditional school environment and feed from the same demographic pool within close proximity in Boston. The charter schools are producing more successful outcomes in student's performances on the Massachusetts Comprehensive Assessment System (MCAS) and creating more students' acceptance into

four year colleges as opposed to their traditional counterpart. The charter schools are very effective. Below is a list of key common elements that contribute to the high performance and success among the charter schools in the study (Merseth, 2009):

1. A clear sense of mission and a broadly shared institutional culture dedicated to the achievement of the school's mission.
2. A set of organizational structures and systems that support student learning.
3. A collection of purposefully chosen teachers and administrators who "fit" the organization's objectives and exhibit a passionate commitment to the school's goals.
4. A family of network that is aware of and willing to carry out their responsibilities in support of their children.
5. A set of classroom procedures that maximize time on task and tightly link content to the Massachusetts Curriculum Framework.

Merseth (2009) qualitative study on highly successful charter schools lends support to the charter school movement for a free alternative, autonomous and accountable educational program. Her study provides a recipe for a top notch public education for the all students attending traditional, charter, private or parochial schools. Merseth presents solid evidence that creating a positive environment, teachers and parents buying into the process, implementing a transformative and inclusive pedagogy into the curriculum, a steadfast discipline and rewards process and consistency with policy can create successful programs for at risk students from less desirable backgrounds. Dr. Merseth discussed the strategic layout of design, processes and strength of the workforce and culture for each school. Moving forward the author elaborated on

the attitudes toward the charter school movement, a diagnosis for choosing the right people, creating structures and systems and preparation for classroom instruction and student outcomes. The table below identifies the demographic characteristics of the charter schools in the qualitative study “Inside Urban Charter Schools” (2009, pp.5-6):

Table 4

Demographic Profile Results of Dr. Merseeth's Charter School Study

School	Academy of Pacific Rim (Boston)	Boston Collegiate Charter School (Boston)	Match Charter Public High School (Boston)	Roxbury Preparatory Charter School (Boston)	All Boston Public schools	Community Day Charter Public School (Lawrence)	All Lawrence Public Schools
Founded	1997	1998	2000	1999	N/A	1995	N/A
Grades	5-12	5-12	9-12	6-8	N/A	K-8	N/A
Enrollment	472	412	222	198	N/A	330	N/A
Native American	0%	0%	0%	2%	0%	0%	0%
African American	57%	27%	62%	61%	39%	2%	2%
White	23%	64%	4%	0%	13%	9%	7%
Hispanic	16%	6%	30%	33%	37%	67%	88%
Asian	3%	2%	2%	0%	9%	1%	3%
Multiracial, non Hispanic	1%	1%	2%	5%	2%	1%	0%
Free reduced lunch	52%	42%	71%	70%	71%	64%	83%
Special education	13%	17%	11%	12%	20%	18%	19%
First language English Limited English Language	12%	4%	14%	27%	38%	80%	82%
2006-07 Per-pupil expenditure	\$13,464	\$11,356	\$16,643	\$14,879	\$16,467	\$13,917	\$12,039 (FY07)

In Houston, Texas a charter school organization raises the bar for high expectations on academic achievements for disadvantage students. Erik Robelen the author of the article, "Network Says 'YES' To College For All" (Education Week, 2009), has uncovered the power and success of a local public charter school, Youth Engaged in Service (YES) Prep Public School in Houston, Texas. YES Prep has five campuses which serve 2,600 students which have earned high rankings under the Texas accountability system. YES Prep was first granted a charter by the state of Texas in 1998. The school has grown from one to five campuses from the time the charter was enacted. The author reports on the demographics of the school which consist of 80% students from low-income families, 98% are Hispanic or African-American, 90% are first generation college bound, 84% YES alumni have graduated from or are still enrolled in postsecondary institutions. YES Prep uses an open enrollment process and uses a lottery system as part of their admission process.

The prescription for success includes, but not limited to; stronger graduation requirements, tougher and measurable standards, extended learning time (longer school days and school year) including mandatory summer school. The administrators of YES have meticulously selected the talented faculty for the purpose of infusing the schools philosophy into the students' culture. YES Prep has plans for improvement by creating performance based compensation, a professional development plan for teachers as well as strengthening recruitment efforts, increase retention and rewarding teachers. YES has voluntarily implemented their own enrollment cap, 750 students in grades 6-12. The purpose is to create a close-knit culture in the school communities along with high expectations for student academics and behavior. YES Prep Public school's goal is for

every student: “To earn a high school diploma, each student at YES Prep Public Schools, a growing Houston-area network of charters that predominantly serves children from low-income and minority families, must be accepted into at least one four-year college or university” (Education Week, 2009). YES has plans to expand to more than 12 schools with over 10,000 low-income and minority Houstonian students. The growth of the YES Prep school has achieved steady growth. Thus far there have been 363 students that have graduated from the school system. Eighty four percent (306 students) of the graduates have earned or are currently enrolled in postsecondary institutions. The students have enrolled within state and out of state colleges and universities as prestigious as Columbia University, Stanford University and Oberlin College.

What makes this program a success is that the teachers are willing to interact with the students and provide assistance for them outside of the classroom. Another success trait, the counselors are very hands on with the students. The student to counselor ratio is 40 to1. The counselors have many responsibilities as the bridge builders between high school and college admission. The guidance counselors assist the students with the college entrance exams, selection of schools, completing college applications and navigating through the financial aid maze. The YES program offers scholarship assistance to students as well. College visits are coordinated as well for the students. YES Prep continues the network with the students once enrolled in college by keeping them linked together with events and local mentors. The North Central campus of YES Prep has received a nomination from the Texas Education Agency for a Blue Ribbon from the U.S. Department of Education. The school has a waiting list of roughly 3,000 students. The YES Prep program is far from perfect; the program does have the same issues and

problems to deal with as a traditional school system. In December of 2008, several students were caught cheating on an end of semester exams. The student's disciplinary actions were swift and direct. Two students received expulsion, others received lesser penalties and there was a re-administration of exams for many students. The goal of YES Prep is to be huge force to deal with in Houston, Texas, too big to ignore or dismiss. YES Prep would like to serve as a successful model for disadvantage students and creating a competitive environment with the nearby public school systems. YES Prep biggest competitor is another charter school program, Knowledge Is Power (KIPP). Both school systems have aggressive expansion plans for creating a college going culture in the area of Houston, TX. Both organizations have a common denominator, a generous sponsor. YES Prep and KIPP charter schools have a major sponsor, George V. Grainger, a senior program officer at the Houston Endowment which has contributed \$10 million to both programs, YES Prep and KIPP.

The qualitative studies performed on these highly successful charter schools has provided enough ammunition to press forward in the fight for an equitable alternative education program in addition to the support being offered by the current Presidential administration. Charter schools are demonstrating that there is a purpose, desire and an opportunity for their existence in the community. The data provided by the qualitative studies indicates that there is a need to further investigate the charter school success. Moving from a qualitative study on the success of charter schools to a quantitative framework would lend tremendous support in the field of academia on the intricate workings, sustainment and creation of effective charter schools in the U.S. A quantitative study would be a benchmark for the charter school movement by creating measureable

characteristics for the creation of a successful charter school to be used as a guide for current and future charter school operators as well as charter school administrations in our educational government offices.

Purpose of Proposed Research

There are many different emotions regarding the effectiveness of charter schools. Since the charter school movement first began in the early 1990s there has been a vast explosion of alternative education. The growth and impact that the charter school movement has bestowed upon the educational administration is well deserving of a microscopic inspection into the root cause for the success of the effective charter schools. The previous study of the eight effective charter schools performed by the U.S. Government provided the academic community with a descriptive study which findings are subjective. A school reform of this magnitude needs to have quantifiable measures that define charter school effectiveness that can be transferred to other charter and traditional schools. A study that can provide quantifiable measures of success can serve as a research and development laboratory for effectiveness for charter school operators to begin their journey of educating our future leaders. From previous literature reviews it has been determined that certain common characteristics have been instrumental for success in various schools. The common characteristics can be converted to quantifiable measures for accuracy. Some of the common characteristics that will lend support in formulating the research questions are; differences between effective and ineffective charter schools; attendance rates, short suspension rates, student teacher ratio and teacher quality. This quantitative study, if proven effective, can be transplanted back into larger public school systems and serve as a benchmark for the North Carolina Department of

Public Instruction to use a guide for struggling charter schools to implement as a policy and procedures.

Summary

A strategic review of literature has been performed on the topics of charter school effectiveness and ineffectiveness and the shortcomings of the traditional school system. This chapter was comprised of dissertations (unpublished), conference papers, journal articles, books, school visits (charter and traditional), visits to the North Carolina Department of Public Instruction (NCDPI) division of charter schools and government websites. During the education reform of 1990's the No Child Left Behind (NCLB) Act did not achieve the results which were desired. The NCLB Act has struggled since its inception. The deficiencies of the NCLB Act have allowed the parents and communities to request further change in the educational system. From the demand for change, the charter school evolution was born. This new age school reform of the 1990s was designed to address the shortcomings of our current traditional school system. The new charter school reform was met with great opposition. There was roughly a fifty-fifty split between proponents and opponents of an alternative educational system. The current Presidential administration has offered wholehearted support for the sustainment and expansion of charter schools. The charter school movement has pressed forward and has a history of withstanding enormous obstacles.

Based on research there are qualitative studies that have indicated success results which are subjective. However, there are no quantitative studies performed that can provide answers as to what are the common characteristics of effective charter schools. The results of a quantitative study indicating the common success characteristics of an

effective charter school will be paramount for the academic community. The findings will lend support to the struggling traditional school system in their efforts to further reform the educational system.

In Chapter Three, the researcher has provided a detailed account of the methodology used including but not limited to; the research design, research hypothesis, the population and sample, the procedures for data collection, as well as the procedures for data analysis.

CHAPTER III: METHOD

There have been several qualitative studies performed on charter schools across the country which have provided subjective indicators of success (Merseth, 2009; U.S. Dept of Education, 2004). There is limited information on quantitative studies performed on charter schools in North Carolina to determine a pattern of success indicators. The measurable success indicators can be used as a guide to establish an effective charter school system.

The purpose of this study was to perform a quantitative analysis to determine the charter schools in North Carolina to be used as a benchmark for further educational research studies on the effectiveness of charter schools. The researcher has collected charter school data from the NCDPI public website. The data collected resulted in a charter school sample size ($n = 89$), that was used to determine if the charter schools in North Carolina were either effective or ineffective.

The researcher has opted not to administer a survey by email for two reasons: (1) the data located on the NCDPI website contains ex-post facto data for the academic year 2008-09 for all the variables with the exception of the parental involvement variable. The ex-post facto data from the NCDPI website was used to determine, if there is a correlation between variables that can predict the effectiveness of a charter school, and (2) The researcher has decided to forgo using the parental involvement variable, because the ex-post facto data from the NCDPI website contained several variables that could

provide an indication on their effectiveness of charter schools. The NCDPI website contained variables and data that allowed the researcher to move forward with the study. The critical variables for the study were selected based on the researcher's inference from various research articles and literatures. A quantitative analysis was interpreted after all the data was coded for input into the SPSS system and the output analyzed.

The structure of this chapter provides the research questions for the study and research design. The research context discusses the population and sample used in the study. This section the researcher discussed, the instrument used, data collection and processing methods as well as the research tool used. Moving forward in the "procedures used" and "data analysis" section there was a discussion on the primary and alternative system used which processed the data followed by a summary of the methodology.

Overview

This is a quantitative study that used a correlation research design to evaluate the relationship between charter schools effectiveness; attendance rates, short suspensions (less than 10 days) student teacher ratios, and teacher quality. Comparison groups consist of students attending effective charter and ineffective charter schools. The study required the use of a Multivariate Analysis of Variance (MANOVA) analysis. The MANOVA "evaluates differences among centroids (composite means) for a set of DV's when there are two or more levels of an IV (groups)" (Tabachnick and Fidell pg.21). The independent variable for the MANOVA analysis was charter schools that had values of effective and ineffective. The dependent variables for the MANOVA analysis were attendance rates, short suspension rates, student/ teacher ratios and teacher quality.

Research Topic

What are the differences between effective and ineffective charter schools in North Carolina?

Research Questions

Is there a difference between effective and ineffective charter schools, when evaluating the variables; attendance rate, short suspension rate, student/ teacher ratio and teacher quality?

The operational definitions for the MANOVA variables based on the researchers interpretation as defined by the NCDPI charter school division website (NC School Report Card, 2010). The operational definition for the teacher quality was developed based on the combining of two variables located on the NCDPI website: (1) percent of fully licensed teachers, (2) percent of classes taught by highly qualified teachers. The study has several constructs which were defined as an abstraction that cannot be observed directly; it was a concept invented to explain behavior. Constructs must have an operational definition which has been defined in terms of processes or operations that can be observed and measured (Gay, Mills & Airasian p.122).

The six constructs included in this study were; Attendance Rates, Short Suspension Rates, Student/Teacher Ratio, Teacher Quality, charter schools with effective values and charter schools with ineffective values.

1. The Attendance rates were the average percentage of students who attended school daily. The NCDPI has calculated the attendance rate by dividing the Final Average Daily Attendance (ADA) in the school year by the Final Average Daily Membership (ADM) in the school year.

2. The short suspension rates were based on a short term out-of-school suspension (OSS) less than ten days. The NCDPI has determined the suspension rates by dividing each school's total number of reported acts by the school's final Average Daily Membership (ADM) for the 2008-09 school year and then multiplying by 100. Each charter school sets its own disciplinary policies, many schools use after school, Saturday, or in-school detentions to address disruptive or inappropriate behavior. OSS and expulsions are reserved for recurring, egregious or illegal offenses committed by students. Since charter schools have more autonomy; they determine their own student discipline process and reporting. The discipline process and reporting is not standardized between charter schools. Therefore, no state level averages can be provided.
3. The student teacher ratio was determined by the total number of students enrolled in the school during the academic year divided by the total number of teachers instructing in the classroom during the same academic year.
4. The website for NCDPI offers definitions for the percent of fully licensed teachers and percent of classes taught by highly qualified teachers which the researcher has created an operational definition for "Teacher Quality" based on inference of combined definitions. The website for NCDPI defines "Percent of Fully Licensed Teachers" as the percentage of classroom teachers with clear initial or clear continuing licenses. The teacher has met all the requirements and teaching standards set by the State Board of Education for all areas of their license. NCDPI website also defines the "Percent of Classes Taught by Highly Qualified Teachers" as the percentage of classes in your school taught by highly qualified

teachers as defined by law. As a requirement for the NCLB Act, all teachers instructing core academic subjects must be highly qualified. Highly qualified teachers were generally defined as fully licensed teachers by the state. In summation, “Teacher Quality” is the percent of classes taught by highly qualified teachers that are fully licensed. (NCDPI 2008-09).

5. Charter schools with the dichotomist values of effective and ineffective were used to determine the performance of charter schools in North Carolina. The effective school variable is a dichotomous variable, where effective charter schools are coded as 1 and ineffective charter schools are coded as 0. Charter schools with the effective value were determined to be performing above average on the EOG test scores for reading and math.
6. Charter schools with the ineffective value were determined to have performed below average EOG test scores for reading and math. Table 5 provides the operational definition for the constructs.

**The data for all the constructs were retrieved from the NCDPI charter school website.*

The sample population ($n = 89$) North Carolina charter schools produced a list of effective and ineffective charter schools from the output analysis of the SPSS data. The effective and ineffective charter schools were compared to the charter schools in the qualitative study performed by the U.S. Department of Education (2010), “*A Closer Look at Charter Schools Using Hierarchical Linear Modeling*”. The researcher investigated the schools to determine, if the schools were chartered by a traditional school district, or not. There was a need to further investigate the charter schools identified as effective or

ineffective based on the findings from a previous study, U.S. Department of Education (2010). The results of the study indicated that the students enrolled in charter schools that were chartered by a traditional school district had greater gains than those in public non-charter schools and charter schools chartered by the state had even lesser gains than those chartered by public non-charter schools (NAEP, 2006). The researcher wanted to determine if the findings from the NAEP 2006 study was consistent with the findings of the current study on effective and ineffective charter schools.

Table 5

Quantitative Charter School Constructs

Type	Operational Definition
Attendance Rates	The average number of students who attended school daily.
Short Suspension Rates	The average number of short-term (10 days or less) out-of-school suspensions and per 100 students.
Student Teacher Ratio	The average number of students in the classroom per teacher.
Teacher Quality	The percent of classes taught by highly qualified teachers that are fully licensed.
Charter Schools Effectiveness	Charter schools identified as Effective (coded as 1) if the overall passing rate in reading and math EOG scores is one standard deviation above the mean of all charter schools in North Carolina. Charter schools identified as Ineffective (coded as 0) if the overall passing rate in reading and math EOG scores is one standard deviation below the mean of all charter schools in North Carolina.

It was anticipated that there would be a high degree of correlation between effective charter schools and attendance rates, short suspension rates, student teacher ratios, and teacher quality. The researcher anticipated there would be a significant yet

lower degree of correlation for ineffective charter schools and the same dependent variables. The results of the study were validated through the ex-post facto data collected through NCDPI. In addition, the results of the study provided the basis for further investigations of the factors contributing to the positive correlation between effective charter schools and charter schools affiliated with public school districts.

Participants and Context

The study focused on charter schools ($n = 89$) elementary, middle school within the state of North Carolina. After the data was entered into SPSS for analysis the researcher discovered that there were no EOG ABC Reading or Math scores for the North Carolina high schools. After a strong consideration the researcher decided to omit all the North Carolina high school data from the study and focus on the elementary and middle schools, that resulted in a sample population ($n = 89$). The remaining charter schools locations were, but not limited to, elementary schools, middle schools, suburban, rural small towns and urban areas. Charter schools in North Carolina contained the all the variables for the study. The sample population ($n = 89$) charter school data collected from the NCDPI website was ex-post facto data. The researcher was pleased to have the use of ex-post facto data in order to make an inference of from the analysis for the study on effective and ineffective charter schools. The researcher has also requested the support of the NCDPI in order to determine whether or not the twenty-two charter schools identified as effective and ineffective charter schools from the SPSS output are a part of a traditional school district, or not.

Procedure

The data used for this study is ex-post facto data retrieved from the NCDPI website. The data was entered into SPSS in order to prepare a quantitative analysis for interpretation. Further research was necessary in conjunction with the assistance of NCDPI, to determine if the schools identified as effective and ineffective charter schools were affiliated with a traditional school system, or not. A majority of the data was collected from the NCDPI website such as school demographics, test scores; EOG scores, attendance rate, suspension rates, class size, student population, teacher certification, test scores based on ethnicity of student as well as Reading NCE and Math NCE scores.

The data collected from the NCDPI website was coded and entered into an excel spreadsheet for input into the SPSS system in an effort to create a quantitative analysis. From the data collection, the researcher analyzed and interpreted the information from the SPSS output.

Most of the demographic data for past students was collected from the North Carolina Department of Public Instruction's (NCDPI) Education Statistics Access System online, NCDPI online reports and statistics, and the district office of the charter schools and traditional schools. The Access system contains information regarding school ABC's End of Grade (EOG) test, ABC's End of Course (EOC) test, school performance, suspension, expulsions, and dropout rates by gender, ethnic group, local educational agency (LEA), grade level, and counties.

All of the ex-post facto data was collected from the NCDPI public website. The ex-post facto data measured information obtained about the independent variable; effective and ineffective charter school systems and its dependent variable attendance

rate, short suspension rate, student/teacher ratio and teacher quality. The researcher has been granted approval from the Institutional Review Board (IRB) prior to proceeding with this study.

Data Analysis

Quasi Experimental Design

This was a quasi experimental design, specifically a casual-comparative correlational research. This study was used to determine, if there is a correlation between variables. The researcher predicted that there would be a degree of relationships that exist between the independent and dependent variables. Once the responses were collected they were entered into a Statistical Package for the Social Sciences (SPSS). The researcher used a descriptive statistical method; numerical data was analyzed and tabulated using frequency distribution, means and percentages. The ex-post facto data from the NCDPI website was approved by the Institutional Review Board (IRB) prior to moving forward with the research study.

Summary

The method for the research described in this chapter, was used to perform a study on the effectiveness of charter schools in North Carolina. The data collection method was ex-post facto from the NCDPI website. The area of focus was on charter school effectiveness and ineffectiveness when discussing the variables; (a) attendance rates, (b) short suspension rates, (c) student teacher ratios, and (d) teacher quality. The sample population consisted of ($n = 89$) charter schools in North Carolina listed on the NCDPI website. The sample consisted of all the usable ex-post facto data ($n = 89$) for charter schools in North Carolina.

The data was entered into a SPSS system in order to produce a quantitative analysis. After further consideration the researcher determined that there was no need to use a logistic regression model as an alternative method to determine the relationship between variables. Descriptive statistics were used to determine the findings of the research questions. The research questions were developed from inference of literature on factors affecting charter schools. The data was organized, interpreted and summarized into a quantitative analysis. In Chapter Four, the researcher has presented a report and analyzes the results in terms of specific research questions (or hypothesis). Chapter Five includes presentations, interpretation and discussion of the results as well as, summary, discussion and recommendations for future studies.

CHAPTER IV: DATA INTERPRETATION AND ANALYSIS

The purpose of this study is to gain a better understanding of how certain independent variables; attendance rates, short suspension rate, student teacher ratio and teacher quality affect the dependent variables, effective and ineffective charter schools. The independent variables are continuous ratio variables, and the dependent variables are discrete nominal variables. The central tendency mean (μ) values and variability standard deviation (σ) were recorded for both variables. The problem examined the differences between effective and ineffective charter schools when compared to the dependent variables. There is limited information regarding charter schools and the information is even scarcer when searching for quantitative studies which reference measurable success in charter schools. The variables for this study were developed based on the researcher's inference from literature review regarding the most referenced variables that were discussed in qualitative studies focusing on charter school success. The variables used also give the reader in-depth information regarding attendance rate, short suspension rate, student teacher rate and teacher quality, and their impact on effective and ineffective charter schools in North Carolina. It is also imperative that other researchers have a good understanding of the quantitative variables that create a significant difference on the success of North Carolina charter schools. The sample population ($n = 89$) consisted of elementary and middle charter schools in North Carolina that reported EOG scores. The sample approximates the population. From this study, the researcher desired to understand

if there is correlation between the variables and a significant difference on the impact of charter school success in a quantitative measure.

Data Demographics

As stated in Chapter I, the study reported here examined in detail the problem with the lack of information regarding the differences between effective and ineffective charter schools in North Carolina. This chapter is organized around the research question from Chapter I, which is “Is there a difference between effective and ineffective charter schools, when evaluating the variables; attendance rates, suspension rates, student teacher ratio and teacher quality”. Also this chapter compares the findings from a previous quantitative study, U.S. Department of Education (2010) to the findings from the current research study. The structure of this chapter addresses the comparative quantitative study results before addressing the research question. The researcher has explained in chapter three the methodology used for this research study, which is a quantitative study using ex-post facto data from the website of NCDPI. The ex-post facto data was entered into SPSS to create a quantitative analysis for interpretation of results. The researcher has summarized the results in Chapter V.

According to the 2009 EDfacts state profile, there are 213 school districts, 2,513 traditional schools with 1,044 of them receiving Title I funding. As for the charter schools, there are 98 charter schools in North Carolina with 13 charter schools reported receiving Title I funding according to the NCDPI 2008-09 website. The five largest traditional school districts in North Carolina according to student population for academic year 2007-08; Wake County schools (134,401) with 13 charter schools, Charlotte-Mecklenburg schools (131,176) with 11 charter schools, Guilford County schools (72,389) with three

charter schools, Cumberland County schools (53,295) with one charter school and Forsyth County schools (51,738) with five charter schools. Although Wake County school district is larger than Charlotte-Mecklenburg school district, there are more (4) top ranking charter schools located in the geographical location of Charlotte-Mecklenburg county. The top four charter schools are; Kennedy Charter schools, Socrates Academy, Lake Norman Charter and Metrolina Regional Scholars Academy. Table 6 list the top five counties with the student population and number of charter schools within the geographic area.

Table 6

<i>Top Five Counties in North Carolina</i>		
North Carolina County	Student population in county	# Charter schools in county
Wake county	134,401	13
Charlotte-Mecklenburg County	131,176	11
Guilford County	72,389	3
Cumberland County	53,295	1
Forsyth County	51,738	5

Table 7 list North Carolina charter schools demographics. There are eight charter schools reporting a year round academic calendar. There are two charter schools reporting extended day hours. And there are six charter schools reported as alternative education which are schools that work with students that were suspended or expelled from public schools.

Table 7

Highlights The North Carolina Charter Schools Profiles

Title I schools	Year Round	Alternative Education	Extended Day
Mountain Discovery charter Orange Charter	Endeavor Charter Franklin Academy	Crossnore Academy Crossroads Charter High	Gaston College Preparatory Wilmington Preparatory Academy
PreEminent Charter Quality Education Academy	Quality Education Quest Academy	KIPP Charlotte Kennedy Charter	
Queen's Grant Community College Research Triangle Charter River Mill Academy Rocky Mount Academy Sandhills Theater Arts Renaissance Success Charter Sugar Creek Charter The Learning Center Washington Montessori	Sallie B. Howard School The Mountain Community School Torch light Academy Union Academy		

Comparative Quantitative Research

In the article “A Closer Look at Charter Schools Using Hierarchical Linear Modeling”, The results of the study indicated that the students enrolled in charter schools that were chartered by a traditional school district had greater gains than those in public non-charter schools and charter schools chartered by the state had even lesser gains than those chartered by public non-charter schools (NAEP, 2006). In response to the findings in the journal article mentioned above, the results of this current quantitative study differ in comparison. After further investigation, the researcher for this current study has

determined that the 22 charter schools identified as either effective or ineffective charter schools in North Carolina are not affiliated with a traditional school district. In fact no charter school in the state of North Carolina is affiliated with a traditional school system. Table 8 shows the results of the investigation to determine whether or not the 22 charter schools in North Carolina are affiliated with a traditional school system, the counties that the charter schools are located within as well as the total number of students residing in the county during month seven (*M7*) of the 2009-10 academic year.

Table 8
Top Charter Schools Affiliated with a Traditional School District

Effective Charter schools (22)	Chartered by a public school district Yes /No	County Charter school located within	Total # of students in county. (M7 2009-10)
	No	Lee	9,503
Provisions Academy Wilmington	No	New Hanover	23,659
Preparatory Academy	No	Robeson	22,956
CIS Academy	No	Wayne	18,881
Dillard Academy	No	Durham	31,530
Healthy Start Academy	No	Forsyth	51,249
Carter G. Woodson School	No	Wake	139,049
PreEminent Charter	No	Mecklenburg	132,225
Kennedy Charter	No	Moore	12,251
The Academy of Moore County	No	Lenoir	9,087
Kinston Charter Academy	No	Warren	2,483
Haliwa-Saponi Tribul School	No	Forsyth	51,2549
Downtown Middle	No	Avery	2,159
Grandfather Academy	No	Vance	7,057
Vance Charter School	No	Union	38,228
Union Academy	No	Rutherford	8,951
Thomas Jefferson Class Academy	No	Iredell	21,027
Pine Lake Preparatory	No	Mecklenburg	132,225
Socrates Academy	No	Wake	139,049
Endeavor Charter	No	Chatham	7,602
Woods Charter	No	Mecklenburg	132,225
Lake Norman Charter	No	Mecklenburg	132,225
Metrolina Reg Scholars Academy	No	Mecklenburg	132,225

Data Analysis

The researcher has attempted to address the research question, “Is there a difference between effective and ineffective charter schools, when evaluating the variables; attendance rates, suspension rates, student teacher ratio and teacher quality”.

The researcher has completed a thorough investigation and analysis in order to determine if there is a correlation between the dependent variables; attendance rates, short suspensions, student teacher ratio, teacher quality and the dichotomous independent variables; effective and ineffective charter schools. The results of the study have provided the researcher with a quantitative analysis indication as to which dependent variables have a statistical significant impact on the charter schools performance in North Carolina. The quantitative data analysis has been interpreted below.

Teacher quality is measured by two variables from the NCDPI website: fully licensed teachers and highly qualified teachers. A principal component analysis was conducted to create a construct named “teacher quality”. The first component of the principal component analysis explained 72.05% of the total variance. Therefore, it is legitimate to use the composite factor score as the construct for teacher quality. Similarly, a principal component analysis was conducted with two other variables from the NCDPI website: overall ABC Reading Passing Rate and overall ABC Mathematics Passing Rate. The first component explained 92.96% of the total variance. As a result, the factor score from this principal component analysis was used to measure the relative effectiveness of the schools. To determine which schools are effective and which schools are ineffective, one standard deviation below or above the mean was used. Schools with the factor score of one standard deviation below the mean were considered ineffective and

coded “0”. Schools with the factor score of one standard deviation above the mean were considered effective and coded “1”. The researcher has identified 22 charter schools in the study which were determined to be either effective or ineffective charter schools after the data was entered into SPSS. This resulted in 12 ineffective schools and 10 effective schools. With the list of 22 charter schools, the researcher has contacted NCDPI in order to determine if either of the charter schools identified as ineffective or effective were chartered by a traditional school district or not. The results indicated that no charter schools in North Carolina were affiliated with a traditional school system.

The research question that was addressed “Is there a difference between effective and ineffective charter schools, when evaluating the variables; attendance rates, suspension rates, student teacher ratio and teacher quality” is reported below. The alpha (α) statistical significance level has been set at .05 for hypothesis testing. Also the results of the hypothesis testing have been reported as well. Based on the findings, the researcher has presented a strong argument as to which variables can indicate success in charter schools.

Table 9

Descriptive Statistics of the Dependent Variables

		Attendance Rate	Short Suspension	Student/teacher Ratio	Teacher Quality
Effective Schools	<i>M</i>	96.40	3.60	13.92	.2556
(<i>n</i> = 10)	<i>SD</i>	.516	3.17	2.19	.7716
Ineffective Schools	<i>M</i>	92.83	30.00	12.55	-.7822
(<i>n</i> = 12)	<i>SD</i>	4.821	40.13	3.76	.7539

Hypothesis and Conclusions

H₀: There is no difference in Attendance Rates between effective and ineffective charter schools.

H₁: There is a difference in Attendance Rates between effective and ineffective charter schools.

The researcher rejects the null hypothesis and concludes that the observed sample difference is unlikely to be the result of chance. There is a statistical significant difference between Attendance Rates for effective and ineffective charter schools,

$$F(1,20) = 5.38, p = .031, r^2 = .212$$

H₀: There is no difference in Short Suspensions between effective and ineffective charter schools.

H₂: There is a difference in Short Suspensions between effective and ineffective charter schools.

The researcher fails to reject the null hypothesis and conclude that the difference could have occurred by chance. There is no statistical significant difference between Short Suspensions for effective and ineffective charter schools, $F(1,20) = 4.27, p =$

$$.052, r^2 = .176$$

H₀: There is no difference in Student Teacher ratio between effective and ineffective charter schools.

H₃: There is a difference in Student Teacher ratio between effective and ineffective charter schools.

The researcher fails to reject the null hypothesis and conclude that the difference could have occurred by chance. There is no statistical significant difference between Student Teacher Ratio for effective and ineffective charter schools, $F(1, 20) = 1.02$, $p = .324$, $r^2 = .049$.

H₀: There is no difference in Teacher Quality between effective and ineffective charter schools.

H₄: There is a difference in Teacher Quality between effective and ineffective charter schools.

The researcher rejects the null hypothesis and concludes that the observed sample difference is unlikely to be the result of chance. There is a statistical significant difference between Teacher Quality for effective and ineffective charter schools $F(1, 20) = 10.12$, $p = .005$, $r^2 = .336$

Hypothesis Testing Procedure

The researcher has selected the MANOVA to test the hypothesis, due to the fact there was one independent variable (effective charter schools) and four dependent variables: (attendance rate (H_1), short suspensions (H_2), student/teacher ratio (H_3), and teacher quality (H_4)). The mean and standard deviation for the dependent variables are presented in Table 9. Levine's test of equality of error variance was performed to determine if the assumption of MANOVA was held. The MANOVA using Wilks'

Lambda revealed a significant difference, $F(4,17) = 4.23, p < .05, \eta^2 = .50$. The post hoc tests identified Attendance rates and Teacher quality as having the most significant difference.

According to Cohen (1988), a small effect size is listed as (.01), medium effect size (.06) and a large effect size is listed as (.14). In response to Cohen's (1988) scale (H_1) equals .212 is a large effect size, (H_2) equals .176 is a large effect size, (H_3) equals .049 is a small effect size and (H_4) equals .336 is a large effect size.

The results presented above indicate that all successful charter schools are not affiliated with a traditional school district. Also the attendance rates and teacher quality presented a strong correlation among variables in the success of effective charter schools. The following Chapter V presents a more detailed summary and discussion of the findings.

Limitations of this Research

A limitation of this dissertation in terms of external validity is the selection bias created by the focus on one state, North Carolina. There is limited information on the distinction between effective and ineffective charter schools. This study has high external validity since the results can be replicated in other settings by other researchers. The North Carolina charter school law has been set at a cap of 100; however, during the short Senate session for 2010 law makers in North Carolina will decide whether or not move forward with lifting the restrictive 100 charter school cap, Senate Bill 704. This restriction may limit the generalizability of this research. Also, no charter schools in North Carolina are affiliated with a traditional school district. There are ten states without charter laws are: Alabama, Kentucky, Maine, Montana, Nebraska, North Dakota, South

Dakota, Vermont, Washington and West Virginia. There are several states that have expired their charter school caps, states such as; Arizona, Colorado, Delaware, Georgia, Minnesota, New Jersey, Oregon, Pennsylvania, South Carolina, Wisconsin and Wyoming all have no legislative cap that restricts the number of charter schools.

Also, states have the autonomy to determine funding levels, set accountability standards, and ultimately determine charter school authorization. In North Carolina, the state provides 64% of educational funding to the local school districts; federal funding is at 11% and local funding at 25% (NCDPI 2008). Charter school funding is based on the school's student enrollment. Charter schools are also eligible for grants, provided by federal legislation, to help with start-up cost (Innovation in Education, 2009). Differences in North Carolina and other states in the context of layered legislative and regulatory requirements, including funding, also limit the generalizability of this research.

A limitation to the internal validity was due to the reduction of the sample population, by removing the charter high school data from the study. The sample population was reduced from 98 to 89. The adjustment to the sample population resulted in the focus on elementary and secondary schools. The data used was ex-post facto data from the NCDPI website which was reported by the charter school operators. Future research should consider including charter high school data when isolating study to the state of North Carolina. Also, a charter school survey and personal interviews should be used in order to triangulate the data in order to further improve the quality and internal validity. The study should also be expanded across states that are comparable to North Carolina.

Strength of this Research

This study is a quantitative study that uses ex-post facto data from a government website, NCDPI, for the academic school year 2008-09. The study uses elementary and middle charter school data from rural, urban and suburban charter school settings. The results of a quantitative study are more reliable than a subjective qualitative study. A qualitative study that uses a survey has the potential to experience the effects of self selection bias in the survey respondents. Also the data from a qualitative study using a survey has the potential to threaten external validity by creating biased results based on who responds to the survey. The focus of the study is isolated to the state of North Carolina.

CHAPTER V: SUMMARY, DISCUSSION AND RECOMMENDATIONS

This final chapter of the dissertation has been organized into the following format; (a) problem statement and review of methodology, (b) summary of results, (c) discussion of results, (1) researcher's insight (2) current study relationship with prior research, (3) explanation of unanticipated findings, and (d) contributions and recommendations, (1) North Carolina charter school contribution, (2) Recommendations for further research. The problem statement is reintroduced and the methodology is reviewed in detail. The summary of the study describes the general overview of the study and salient findings of the research question and hypothesis. The results are discussed as they relate to prior research. Also, the results which are unintended or astound are discussed in generality. The final section discusses the major contributions this quantitative charter school study can offer traditional school systems in the state of North Carolina. Also, the researcher has made specific recommendations for other quantitative charter school studies from the implications of this study.

Problem Statement and Review of Methodology

During the introduction chapter the researcher presented the problem statement "The lack of information about the differences between effective and ineffective charter schools in North Carolina." The problem statement has been addressed and several unique characteristics have been identified. The unique characteristics are identified in the summary of results section. In Chapter II, the researcher introduced several

qualitative studies on charter school success. The qualitative studies were definitive in identifying the successful characteristics of highly successful charter schools. However, the qualitative study's findings were subjective and not quantifiable. The researcher desired to introduce a quantitative study with quantifiable results which can be duplicated in future studies by other researchers. Also, the researcher desired to create a benchmark of success indicators that would serve as a guide for other charter school operators to implement.

The researcher has used a quasi experimental design, specifically a casual-comparative correlational research design to evaluate the relationship between charter schools effectiveness, attendance rates, student teacher ratios, short suspensions (less than 10 days) and teacher quality. The dependent variables were derived from the researcher's inference from literature review. This study offered six constructs which were; Attendance Rates, Short Suspension Rates, Student/Teacher Ratio, Teacher Quality, Charter schools with effective values and Charter schools with ineffective values.

The researcher has collected ex-post facto data from the NCDPI website for the 2008-09 academic year. The ex-post facto data was used to address the research question; what are the differences between effective and ineffective charter schools in North Carolina? Also the ex-post facto data contained the independent and dependent variables used in the hypothesis. The charter schools in North Carolina consist of elementary, middle and high school. After the charter high school data were removed from the data due to the fact that high school data has no ABC Reading/Math scores for North Carolina. The sample population was reduced to ($n=89$). The data was then coded and entered into SPSS for an analysis. During the data interpretation it was determined that

twenty two charter schools were categorized as effective. The researcher further investigated and determined that the twenty two effective and ineffective charter schools were not affiliated with a traditional school district. The study required the use of a Multivariate Analysis of Variance (MANOVA) analysis. After the data analysis was complete, the researcher has determined that there are several variables that can provide an indication of an effective charter school.

Summary of the results

This study has addressed the primary research question: “What are the differences between effective and ineffective charter schools in North Carolina? The results of the research question were driven by the findings of the hypothesis (4). In the next section, the research question is revisited and the findings discussed.

The research question states “What are the differences between effective and ineffective charter schools in North Carolina?” and the hypotheses have determined the results. The null hypothesis states “There is no difference in Attendance Rates between effective and ineffective charter schools.” The alternative hypothesis states “There is a difference in Attendance Rates between effective and ineffective charter schools.” The researcher has rejected the null hypothesis due to the fact that the p-value (.031) is less than the Statistical Significance level (05). The researcher concluded, there is a significant difference between Attendance Rates for effective and ineffective charter schools.

The null hypothesis states “There is no difference in Short Suspensions between effective and ineffective charter schools.” The alternative hypothesis states “There is a difference in Short Suspensions between effective and ineffective charter schools. The

researcher has failed to reject the null hypothesis due to the fact that the p-value (.052) is greater than the Statistical Significance level (.05). The researcher concludes, there is no significant difference between Short Suspensions for effective and ineffective charter schools.

The null hypothesis states “There is no difference in Student Teacher ratio between effective and ineffective charter schools. The alternative hypothesis states “There is a difference in Student Teacher ratio between effective and ineffective charter schools.” The researcher has failed to reject the null hypothesis due to the fact that the p-value (.324) is greater than the Statistical Significance level (.05). The researcher concluded, there is no significant difference between Student Teacher Ratio for effective and ineffective charter schools.

The null hypothesis states “There is no difference in Teacher Quality between effective and ineffective charter schools.” The alternative hypothesis state there is a difference in Teacher Quality between effective and ineffective charter schools.” The researcher has rejected the null hypothesis due to the fact that the p-value (.005) is less than the Statistical Significance level (.05). The researcher can conclude, there is a significant difference between Teacher Quality for effective and ineffective charter schools.

Based on the research findings, the hypothesis have determined that there are two variables that can provide an indication of charter school success. When addressing the research question “What are the differences between effective and ineffective charter schools in North Carolina?” the researcher has determined that the variable “*Attendance Rates*” and “*Teacher Quality*” has a statistical significant impact on effective and

ineffective charter schools. The variable teacher quality has the strongest impact on determining effective and ineffective charter schools in North Carolina.

Effective and Ineffective Demographics and Variable Results

The results of the effective and ineffective charter schools are discussed in the tables. The descriptive characteristics of the effective and ineffective charter schools for North Carolina are discussed in the tables 10 – 15. The effective charter schools results are discussed in tables 10 – 12. The ineffective charter schools results are discussed in tables 13 – 15.

Table 10 discusses the effective charter schools dependent variable results. The effective charter schools' dependent variables for the study indicate that *attendance rates* averaged 96% to 97%. The effective charter schools number of *short suspensions* less than 10 days ranged from 0 to 11 occurrences per year. The effective charter school *student teacher ratio* averaged 12 to 16 students per teacher in the classroom. The *teacher quality* dependent variable for effective charter schools is derived from the variables fully licensed teachers and high quality teachers. The teacher quality ratio for effective charter schools ranged from -.72240 to 1.09954.

Table 10

Effective Charter Schools Dependent Variable Results

Charter school	Attendance Rate	Short Suspension	Student/Teacher Ratio	Teacher Quality	Fully Licensed Teachers	High Quality Teachers
(E1)	96	4	13.31	.74094	86	100
(E2)	97	2	14.03	.49499	90	92
(E3)	96	2	13.49	.10408	75	94
(E4)	96	2	16.25	-.72240	77	75
(E5)	96	3	18.20	.77326	87	100
(E6)	96	5	12.83	1.09954	100	98
(E7)	96	11	11.80	-.65890	63	86
(E8)	97	1	15.82	1.09640	97	100
(E9)	97	0	11.67	-.95175	67	77
(E10)	97	4	11.81	.57937	81	100

Table 11 discusses effective charter schools ABC scores by ethnic background.

The ABC White scores ranged from 85 to 95. The ABC Black scores ranged from 65 to 95. The ABC Hispanic scores ranged from 58 to 85. There are no scores recorded for the ABC American Indian. The ABC Asian scores ranged from 84 to 95. The ABC Multi-Race scores ranged from 86 to 95.

Table 11

Effective Charter Schools ABC Scores by Ethnic Background

Charter school	ABC White	ABC Black	ABC Hispanic	ABC Am. Indian	ABC Asian	ABC Multi-Race
(E1)	85	75	.	.	95	.
(E2)	86	69	58	.	.	95
(E3)	85	65	83	.	.	92
(E4)	87	.	78	.	84	95
(E5)	88	.	.	.	.	.
(E6)	89	.	.	.	.	86
(E7)	89	.	.	.	95	92
(E8)	91	76	88	.	95	92
(E9)	95	95	.	.	89	.
(E10)	92	75	71	.	.	94

Table 12 discusses the effective charter schools demographics. The effective charter schools student population and grade level are discussed. The Overall ABC Reading scores ranged from 85% to 95% for students passing. The Overall ABC Math scores ranged from 91.7% to 95%.

Table 12

Effective Charter Schools Demographics

Charter school	School size	Grade level	Overall ABC Read	Overall ABC Math
(E1)	479	K-8 th	85.0	95.0
(E2)	954	K-12	87.2	92.7
(E3)	917	K-12	88.0	91.7
(E4)	1251	K-11	89.0	94.6
(E5)	273	K-4	89.4	95.0
(E6)	372	K-7	89.7	95.0
(E7)	484	K-12	89.8	92.4
(E8)	1044	5 th – 10 th	92.2	94.1
(E9)	245	K-8	95.0	95.0
(E10)	685	K-7	92.4	95.0

Table 13 discusses the ineffective charter schools dependent variable results. The ineffective charter schools' dependent variables for the study indicate that *attendance rates* averaged 79% to 97%. The ineffective charter schools number of *short suspensions* less than 10 days ranged from 1 to 151 occurrences per year. The ineffective charter school *student teacher ratio* averages 5 to 16 students per teacher in the classroom. The *teacher quality* dependent variable for ineffective charter schools was derived from the variables fully licensed teachers and high quality teachers. The teacher quality ratio for ineffective charter schools ranged from -2.05044 to .61168.

Table 13

Ineffective Charter Schools Dependent Variable Results

Charter school	Attend. Rate	Short Suspension	Student Teacher Ratio	Teacher Quality	Fully Licensed Teachers	High Quality Teachers
(I1)	91	151	4.50	-2.05044	33	77
(I2)	90	31	10.89	-.69009	78	75
(I3)	94	33	14.43	-.54109	71	83
(I4)	94	33	14.10	.54705	80	100
(I5)	95	8	12.69	-.65149	85	71
(I6)	95	1	15.76	-1.42389	64	69
(I7)	95	25	15.26	.61168	82	100
(I8)	79	6	10.22	-1.13532	41	91
(I9)	94	11	10.27	-1.18827	80	63
(I10)	97	4	19.71	-1.06417	94	56
(I11)	97	22	10.67	-1.04442	83	64
(I12)	93	35	12.12	-.75584	60	86

Table 14 discusses ineffective charter schools ABC scores by ethnic background. The ABC White scores that were recorded ranged from 13 to 83. The ABC Black scores that were recorded ranged from 6 to 38. The ABC Hispanic scores that were recorded ranged from 28 to 95. The recorded scores for the ABC American Indian ranged from 27 to 40. There were no ABC Asian scores recorded. The ABC Multi-Race scores that were recorded ranged from 29 to 59.

Table 14

Ineffective Charter Schools ABC Scores by Ethnic Background

Charter school	ABC White	ABC Black	ABC Hispanic	ABC Am. Indian	ABC Asian	ABC Multi-Race
(I1)	50	6	.	.	.	.
(I2)	13	22	.	.	.	.
(I3)	.	.	.	27	.	.
(I4)	.	28	.	.	.	.
(I5)	.	32	.	.	.	.
(I6)	.	38	39	.	.	50
(I7)	83	34	95	.	.	29
(I8)	.	32	.	.	.	.
(I9)	37	26	.	33	.	.
(I10)	.	36	50	.	.	43
(I11)	.	.	.	40	.	.
(I12)	81	38	28	.	.	59

Table 15 discusses the ineffective charter schools demographics. The ineffective charter schools student population and grade level are discussed. The Overall ABC Reading scores ranged from 29% to 51% for students passing. The Overall ABC Math scores ranged from 32% to 72%.

Table 15

Ineffective Charter Schools Demographics

Charter school	School size	Grade level	Overall ABC Read	Overall ABC Math
(I1)	81	6 th – 12 th	29.0	48.4
(I2)	98	K – 5 th	29.5	31.8
(I3)	101	6 th -8 th	31.0	66.0
(I4)	141	K – 4 th	34.0	69.8
(I5)	330	K – 8 th	38.7	49.2
(I6)	394	K – 12 th	40.6	72.1
(I7)	519	K – 8 th	43.2	50.7
(I8)	276	6 th – 12 th	43.8	52.1
(I9)	154	K – 8 th	47.7	51.2
(I10)	335	K – 8 th	48.6	53.7
(I11)	128	K -12 th	50.0	54.8
(I12)	303	5 th -8 th	51.4	61.3

Effective versus Ineffective Charter Schools

The effective charter schools' *attendance rates* average was 96% to 97%. The ineffective charter schools' *attendance rates* average was 79% to 97%. Effective charter schools' *short suspensions* less than 10 days range from 0 to 11 occurrences per year. Ineffective charter schools' *short suspensions*' less than 10 days range from 1 to 151 occurrences per year. The effective charter schools' *student teacher ratio* averages 12 to 16 students per teacher in the classroom. While the ineffective charter schools' *student teacher ratio* averages 5 to 16 students per teacher in the classroom. The effective charter schools' teacher quality ratio includes the range from -.72240 to 1.09954. While the teacher quality ratio for ineffective charter schools' range from -2.05044 to .61168.

Effective charter schools, ABC White scores range from 85 to 95. Ineffective charter schools, ABC White scores that were recorded range from 13 to 83. Effective charter schools, ABC Black scores range from 65 to 95. Ineffective charter schools, ABC Black scores that were recorded range from 6 to 38. Effective charter schools, ABC Hispanic scores range from 58 to 85. Ineffective charter schools, ABC Hispanic scores that were recorded ranged from 28 to 95. Effective charter schools, there were no scores recorded for the ABC American Indian. Ineffective charter schools, recorded scores for ABC American Indian ranged from 27 to 40. Effective charter schools, ABC Asian scores range from 84 to 95. Ineffective charter schools, there were no ABC Asian scores recorded. Effective charter schools, ABC Multi-Race scores ranged from 86 to 95. Ineffective charter schools, ABC Multi-Race scores that were recorded range from 29 to 59.

Effective charter schools, overall ABC Reading scores ranged from 85% to 95% for students passing. Ineffective charter schools, overall ABC Reading scores ranged from 29% to 51% for students passing. Effective charter schools, overall ABC Math scores ranged from 91.7% to 95%. Ineffective charter schools, overall ABC Math scores ranged from 32% to 72%.

Discussion of the results

Researchers' insight

The charter school movement can compliment a traditional school system, however opponents are stagnating the growth of an alternative educational school system. Opponents of the charter school movement believe that the latest school reform poses a threat to the current traditional system. Even despite the opposition the charter school movement has experienced, the alternative school system continues to press forward. The researcher believes that the use of additional variables in conjunction with the variables of the study would offer a stronger indication of success variables. Using hindsight, the researcher relishes on the fact that the variable, parent involvement was not measured, since this variable consistently appeared in literature reviews. Although the variables, attendance rate and teacher quality have provided a measures of effectiveness in order to begin expanding research for other quantitative studies. Charter schools will become very instrumental in the success of our educational system and they will begin to compliment the traditional school system, as well.

Current study relationship with prior research

In a prior qualitative study performed by Hoffman, Llagas, & Snyder, (2003) mentioned earlier, the researchers indicated that attendance is an important factor in the academic achievement of students. The U.S. Department of Education office of Innovation and Improvement (2004) has completed a descriptive study of eight charter schools identifying the elements of effective charter schools. The results indicated five common characteristics of successful charter schools, one of the common characteristics were attendance rate of 95% or higher. Both qualitative studies have identified attendance rate as a strong indicator of success, which are consistent with the findings of the current quantitative research study. The current quantitative research study, has determined attendance rate to be statistically significant in the success of charter school in North Carolina.

The U.S. Government performed a pilot study in 2003, “A Closer Look at Charter Schools Using Hierarchical Linear Modeling” and the results were presented in a 2006 report. The study was conducted by the National Assessment Governing Board (NAGB) in conjunction with the National Center for Education Statistics (NCES). The government study consisted of comparing fourth grade students’ academic achievement in reading and math for charter schools and public non charter schools. The results of the study indicated that the students enrolled in charter schools that were chartered by a traditional school district had greater gains than those in public non-charter schools and charter schools chartered by the state had even lesser gains than those chartered by public non-charter schools (NAEP, 2006).

The current quantitative study, “What are the differences between effective and ineffective charter schools in North Carolina” has identified 22 highly effective and ineffective charter schools from the output analysis of the SPSS data. The researcher investigated the 22 schools to determine if the schools were chartered by a traditional school district, or not. The researcher wanted to determine if the findings from the NAEP 2006 study were consistent with the findings of the current study on effective and ineffective charter schools. The investigative results determined that none of the 22 charter schools, effective or ineffective in North Carolina were affiliated with a traditional school district. The results of this study were inconsistent with the results of the NAEP 2006 study.

Explanation of Unanticipated Findings

During the investigative research for the study of effective and ineffective charter schools in North Carolina, the researcher has discovered an unanticipated finding which is listed in Table 16. The researcher has made an inference based upon a review of literature that Blacks are doing better in charter schools rather than traditional schools. Unfortunately, the scope of this study is limited to charter schools in North Carolina only. Therefore, the researcher cannot draw a conclusion on whether or not Blacks are performing better in charter schools in comparison to traditional schools. However, the researcher can compare the academic achievement of Blacks to the other students from various backgrounds attending North Carolina charter schools. Academic achievement as measured by a mean score of the percentage of students that have passed the overall ABC Read and overall ABC Math.

The ethnic groups attending North Carolina charter schools during the academic year are Whites, Blacks, Hispanics, American Indian, Asian and Multi Race. Of the ethnic groups listed the Blacks have the lowest mean score ($\mu = 50.55$) for the percentage of students that have passed the overall ABC Reading and overall Math. The results indicate that there are fewer Blacks passing the overall ABC Reading and ABC Math standardize test. The Asian students have the highest mean score ($\mu = 90.06$). Another important unintended finding is the results of the ABC Male in comparison to the ABC Female groups. The ABC Male and ABC Female groups mean scores are close in performance with $\mu = 63.97$ and $\mu = 66.64$, respectively.

Table 16

Mean Scores for North Carolina Charter School Students

	ABC Male (N = 89)	ABC Female (N = 89)	ABC White (N = 71)	ABC Black (N = 68)	ABC Hispanic (N = 33)	American Indian (N = 8)	Asian (N = 17)	Multi Race (N = 47)
Mean	63.97	66.64	76.61	50.55	62.86	53.23	90.06	68.38

As mentioned previously in Chapter II, the results of the 2009 EDfacts North Carolina state assessment performance profile indicate that there is a higher percent of White students versus Black students that are performing at or above proficient levels on fourth and eighth grade reading and math assessments. The results are consistent with the percentage of students performing at or above proficient levels proficient level using the same ethnic groups for North Carolina charter schools.

Table 17

Results of the 2009 EDfacts North Carolina State Profile

	Fourth grade math %	Fourth grade reading %	Eighth grade math %	Eighth grade reading %
Blacks	54.2	39.4	49.6	68.0
Whites	82.8	72.1	79.1	32.9

Contributions and Recommendations

North Carolina Charter School Contributions

The charter school movement is within its adolescence years and the growth process is occurring at a steady pace. This dissertation adds to the Charter school research efforts because the alternative education movement has been operative since the early 1990's. The federal regulations for education are expanding as well and accountability is a major focus for charter school operators. Currently in North Carolina, charter school proponents are lobbying to have the restrictive cap of 100 charter schools removed. On May 27, 2010 The State Senate passed a bill (Senate Bill 704) on the third vote, 70 to 43, which would allow the conversion of low performing schools into charter schools, if approved by the State Board of Education. The researcher wishes to discern the fact that a bill is not law until passed by the House and the Senate, ratified, and if required, signed by the Governor. However, these efforts are not without opposition, opponents are working diligently to keep the restrictive cap of 100 in place.

The opponents would prefer to have several, if not all, the charter schools closed in the State of North Carolina. There are various reasons that have been reported by the opponents ranging from; concerns regarding teacher quality, disagreements over funding,

concerns over fiscal management, racial imbalance in charter schools and poor performance on standardized test (Associated Press, 2007).

The charter school movement is growing expeditiously nationwide and the same holds true for the state of North Carolina based on the number of applicants for charter school operation. Charter schools have a 'pendulum effect' on the scale of effectiveness. Charter schools nationwide as well as North Carolina appear to gauge in the range of either success or failure. The difference between effective and ineffective charter schools in North Carolina is limited based on this research study. However, the limited difference is instrumental in creating an effective charter school starting point to developing a guide using successful variables as indicators.

This quantitative research study has identified "Attendance Rate" as a significant indicator for charter school success. The variable "Attendance Rate" plays an instrumental part in charter school success. It is imperative for charter school operators to increase their focus on attendance issues. The variable "Attendance Rate" plays an instrumental part in charter school success. In order for students to learn, their attendance in school is important. Current and future charter school operators should focus on increasing the attendance rates and trade their Out of School Suspension (OSS) policy for an In School Suspension (ISS). There is a strong need to keep the students connected to the educational institution as much as possible.

In addition, this study offers a starting point for future quantitative charter school research in North Carolina. Future researchers might examine the opportunity to increase "Teacher training" since "Teacher Quality" was a significant impact on charter schools being categorized as effective. Charter school operators will want to make sure that all

their teachers receive as much out of class training as possible. The charter school operators will want to ensure that all the teachers complete their certification and attend professional development training classes that will increase their pedagogy skills. The charter school operator should hire the most qualified teachers and provide them with the tools to be successful and ensure that the teachers remain current on all their training.

Having the ability to transpose the successful outcomes from effective charter schools to the traditional school system will offer great opportunities. There is an opportunity to create a cohesive and collaborative educational system. A stronger combined effort between charter schools and traditional schools is needed, if President Obama's goal of being the most educated nation by the 21st century will be achieved.

Recommendations for further research

Based on this research, there are several opportunities that have been presented and should be strongly considered for the ongoing implementation of charter school legislation.

1. Attendance Rate is another variable in this quantitative study which has proven to have a significant impact on charter school effectiveness. The charter school operators should focus on increasing the attendance rates of the students within their schools. The charter school operator should implement an 'In School Suspension' (ISS) policy, if needed. Students will be able to continue their education in a controlled environment, keeping the students connected to the academic environment.
2. Teacher Quality has a significant impact on the success of charter schools. Teacher training is an attribute of teacher quality. A well trained teacher on the

current pedagogy techniques translate to great equity for the charter school work place. It is recommended that the charter school operator and local, state and federal government agencies mandate that teachers continue their professional development on yearly basis. Professional development training provides the teachers with the most current pedagogy tools to be implemented in the classroom.

3. It is recommended that the “sharing of best practices” become implemented as a policy for all. Teachers should increase the “sharing of best practices” between each other, between charter schools to charter school, as well as between charter schools to traditional schools. Government agencies need to establish a platform or forum where “best practices” can be shared and received in a positive environment. If needed, an incentive program should be implemented by the school systems and/or government agencies for best practices that have documented proven success and submitted for sharing.
4. It is recommended that charter school teachers continue to increase their pedagogy skills in the areas of inclusive, exclusive and transformative training. It has been suggested that charter schools strength is its ability to create a niche for educating student’s diverse needs. Skills developed in the area delivering and meeting the diverse needs of certain ethnic groups should be benched mark for sharing with other educators within and across the charter school lines.
5. The final and most important recommendation is for future researchers of quantitative studies to increase the number of variables being study, more variables in addition to the variables that were studied in this research. Additional

variables can provide a stronger indication of success for effective charter schools. After the data analysis was complete the researcher desired to use additional variables in order to gain a better indication as to what other variables are important to the success of effective charter schools. The researcher believes that using other variables would have provided a better perspective on the successful characteristics of charter schools that would have greater value to charter school operators and prospective researchers of quantitative studies.

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APPENDIX A: IRB APPROVAL



Compliance Office / Office of Research Services

9201 University City Boulevard, Charlotte, NC 28223-0001
 t/ 704.687.3311 f/ 704.687.2292 www.research.uncc.edu/comp/complian.cfm

Institutional Review Board (IRB) for Research with Human Subjects


Approval of Exemption

Protocol #	10-04-24		
Title:	What are the differences between effective and ineffective charter schools in North Carolina?		
Date:	4/27/2010		
Responsible Faculty	Dr. John	Gretes	Educational Leadership
Investigator	Mr. Cedric	Stone	Educational Leadership

The Institutional Review Board (IRB) certifies that the protocol listed above is exempt under category 4 .

Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in such a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

This approval will expire one year from the date of this letter. In order to continue conducting research under this protocol after one year, the "Annual Protocol Renewal Form" must be submitted to the IRB. Please note that it is the investigator's responsibility to promptly inform the committee of any changes in the proposed research, as well as any unanticipated problems that may arise involving risks to subjects. Amendment and Event Reporting forms are available on our web site: <http://www.research.uncc.edu/comp/human.cfm>


 Dr. M. Lyn Exum, IRB Chair


 Date



APPENDIX B: NORTH CAROLINA CHARTER SCHOOL LAW

Part 6A. Charter Schools

§ 115C-238.29A. Purpose.

The purpose of this Part is to authorize a system of charter schools to provide opportunities for teachers, parents, pupils, and community members to establish and maintain schools that operate independently of existing schools, as a method to accomplish all of the following:

- (1) Improve student learning;
- (2) Increase learning opportunities for all students, with special emphasis on expanded learning experiences for students who are identified as at risk of academic failure or academically gifted;
- (3) Encourage the use of different and innovative teaching methods;
- (4) Create new professional opportunities for teachers, including the opportunities to be responsible for the learning program at the school site;
- (5) Provide parents and students with expanded choices in the types of educational opportunities that are available within the public school system; and
- (6) Hold the schools established under this Part accountable for meeting measurable student achievement results, and provide the schools with a method to change from rule-based to performance-based accountability systems. (1995 (Reg. Sess., 1996), c. 731, s. 2.)

§ 115C-238.29B. Eligible applicants; contents of applications; submission of applications for approval.

(a) Any person, group of persons, or nonprofit corporation seeking to establish a charter school may apply to establish a charter school. If the applicant seeks to convert a public school to a charter school, the application shall include a statement signed by a majority of the teachers and instructional support personnel currently employed at the school indicating that they favor the conversion and evidence that a significant number of parents of children enrolled in the school favor conversion.

- (b) The application shall contain at least the following information:
- (1) A description of a program that implements one or more of the purposes in G.S. 115C-238.29A.
 - (2) A description of student achievement goals for the school's educational program and the method of demonstrating that students have attained the skills and knowledge specified for those student achievement goals.

- (3) The governance structure of the school including the names of the proposed initial members of the board of directors of the nonprofit, tax-exempt corporation and the process to be followed by the school to ensure parental involvement.
 - (3a) The local school administrative unit in which the school will be located.
 - (4) Admission policies and procedures.
 - (5) A proposed budget for the school and evidence that the financial plan for the school is economically sound.
 - (6) Requirements and procedures for program and financial audits.
 - (7) A description of how the school will comply with G.S. 115C-238.29F.
 - (8) Types and amounts of insurance coverage, including bonding insurance for the principal officers of the school, to be obtained by the charter school.
 - (9) The term of the charter.
 - (10) The qualifications required for individuals employed by the school.
 - (11) The procedures by which students can be excluded from the charter school and returned to a public school. Notwithstanding any law to the contrary, any local board may refuse to admit any student who is suspended or expelled from a charter school due to actions that would lead to suspension or expulsion from a public school under G.S. 115C-391 until the period of suspension or expulsion has expired.
 - (12) The number of students to be served, which number shall be at least 65, and the minimum number of teachers to be employed at the school, which number shall be at least three. However, the charter school may serve fewer than 65 students or employ fewer than three teachers if the application contains a compelling reason, such as the school would serve a geographically remote and small student population.
 - (13) Information regarding the facilities to be used by the school and the manner in which administrative services of the school are to be provided.
 - (14) Repealed by Session Laws 1997-430, s. 1.
- (c) An applicant shall submit the application to a chartering entity for preliminary approval. A chartering entity may be:
- (1) The local board of education of the local school administrative unit in which the charter school will be located;
 - (2) The board of trustees of a constituent institution of The University of North Carolina, so long as the constituent

institution is involved in the planning, operation, or evaluation of the charter school; or

(3) The State Board of Education.

Regardless of which chartering entity receives the application for preliminary approval, the State Board of Education shall have final approval of the charter school.

Notwithstanding the provisions of this subsection, if the State Board of Education finds that an applicant (i) submitted an application to a local board of education and received final approval from the State Board of Education, but (ii) is unable to find a suitable location within that local school administrative unit to operate, the State Board of Education may authorize the charter school to operate within an adjacent local school administrative unit for one year only. The charter school cannot operate for more than one year unless it reapplies, in accordance with subdivision (1), (2), or (3) of this subsection, and receives final approval from the State Board of Education.

(d) Unless an applicant submits its application under subsection (c) of this section to the local board of education of the local school administrative unit in which the charter school will be located, the applicant shall submit a copy of its application to that local board within seven days of its submission under subsection (c) of this section. The local board may offer any information or comment concerning the application it considers appropriate to the chartering entity. The local board shall deliver this information to the chartering entity no later than January 1 of the next calendar year. The applicant shall not be required to obtain or deliver this information to the chartering entity on behalf of the local board. The State Board shall consider any information or comment it receives from a local board and shall consider the impact on the local school administrative unit's ability to provide a sound basic education to its students when determining whether to grant preliminary and final approval of the charter school. (1995 (Reg. Sess., 1996), c. 731, s. 2; 1997-430, s. 1.)

§ 115C-238.29C. Preliminary approval of applications for charter schools.

(a) The chartering entity that receives a request for preliminary approval of a charter school shall act on each request received prior to November 1 of a calendar year by February 1 of the next calendar year.

(b) The chartering entity shall give preliminary approval to the application if the chartering entity determines that (i) information contained in the application meets the requirements set out in this Part or adopted by the State Board of Education, (ii) the applicant has the ability to operate the school and would be likely to operate the school in an educationally and economically sound manner, and (iii) granting the application would improve student learning and would achieve one of the other purposes set out in G.S. 115C-238.29A. In reviewing applications for the establishment of charter schools within a local school

administrative unit, the chartering entity is encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure. If the chartering entity approves more than one application for charter schools located in a local school administrative unit, the chartering entity may state its order of preference among the applications that it approves.

(c) If a chartering entity other than the State Board disapproves an application, the applicant may appeal to the State Board of Education prior to February 15. The State Board shall consider the appeal at the same time it is considering final approval in accordance with G.S. 115C-238.29D. The State Board shall give preliminary approval of the application if it finds that the chartering entity acted in an arbitrary or capricious manner in disapproving the application, failed to consider appropriately the application, or failed to act within the time set out in G.S. 115C-238.29C.

If the chartering entity, the State Board of Education, or both, disapprove an application, the applicant may modify the application and reapply subject to the application deadline contained in subsection (a) of this section. (1995 (Reg. Sess., 1996), c. 731, s. 2.)

§ 115C-238.29D. Final approval of applications for charter schools.

(a) The State Board shall grant final approval of an application if it finds that the application meets the requirements set out in this Part or adopted by the State Board of Education and that granting the application would achieve one or more of the purposes set out in G.S. 115C-238.29A. The State Board shall act by March 15 of a calendar year on all applications and appeals it receives prior to February 15 of that calendar year.

(b) The State Board shall authorize no more than five charter schools per year in one local school administrative unit. The State Board shall authorize no more than 100 charter schools statewide. If more than five charter schools in one local school administrative unit or more than 100 schools statewide meet the standards for final approval, the State Board shall give priority to applications that are most likely to further State education policies and to strengthen the educational program offered in the local school administrative units in which they are located.

(c) The State Board of Education may authorize a school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the authority is necessary for it to raise working capital. The State Board shall not allocate any funds to the school until the school has obtained space.

(d) The State Board of Education may grant the initial charter for a period not to exceed 10 years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed 10 years each. The State Board of Education shall review the operations of each charter school at least once

every five years to ensure that the school is meeting the expected academic, financial, and governance standards.

A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education.

It shall not be considered a material revision of a charter application and shall not require the prior approval of the State Board for a charter school to increase its enrollment during the charter school's second year of operation and annually thereafter (i) by up to ten percent (10%) of the school's previous year's enrollment or (ii) in accordance with planned growth as authorized in the charter. Other enrollment growth shall be considered a material revision of the charter application, and the State Board may approve such additional enrollment growth of greater than ten percent (10%) only if the State Board finds that:

- (1) The actual enrollment of the charter school is within ten percent (10%) of its maximum authorized enrollment;
- (2) The charter school has commitments for ninety percent (90%) of the requested maximum growth;
- (3) The board of education of the local school administrative unit in which the charter school is located has had an opportunity to be heard by the State Board of Education on any adverse impact the proposed growth would have on the unit's ability to provide a sound basic education to its students;
- (4) The charter school is not currently identified as low-performing;
- (5) The charter school meets generally accepted standards of fiscal management; and
- (6) It is otherwise appropriate to approve the enrollment growth. (1995 (Reg. Sess., 1996), c. 731, s. 2; 1997-430, s. 3; 2000-67, s. 8.23; 2001-424, s. 28.26; 2003-354, s. 2; 2004-203, s. 45(a).)

§ 115C-238.29E. Charter school operation.

(a) A charter school that is approved by the State shall be a public school within the local school administrative unit in which it is located. It shall be accountable to the local board of education if it applied for and received preliminary approval from that local board for purposes of ensuring compliance with applicable laws and the provisions of its charter. All other charter schools shall be accountable to the State Board for ensuring compliance with applicable laws and the provisions of their charters, except that any of these charter schools may agree to be accountable to the local board of the school administrative unit in which the charter school is located rather than to the State Board.

(b) A charter school shall be operated by a private nonprofit corporation that shall have received federal tax-exempt status no later than 24 months following final approval of the application.

(c) A charter school shall operate under the written charter signed by the entity to which it is accountable under subsection (a) of this section and the applicant. A charter school is not required to enter into any other contract. The charter shall incorporate the information provided in the application, as modified during the charter approval process, and any terms and conditions imposed on the charter school by the State Board of Education. No other terms may be imposed on the charter school as a condition for receipt of local funds.

(d) The board of directors of the charter school shall decide matters related to the operation of the school, including budgeting, curriculum, and operating procedures.

(e) A charter school's specific location shall not be prescribed or limited by a local board or other authority except a zoning authority. The school may lease space from a local board of education or as is otherwise lawful in the local school administrative unit in which the charter school is located. If a charter school leases space from a sectarian organization, the charter school classes and students shall be physically separated from any parochial students, and there shall be no religious artifacts, symbols, iconography, or materials on display in the charter school's entrance, classrooms, or hallways. Furthermore, if a charter school leases space from a sectarian organization, the charter school shall not use the name of that organization in the name of the charter school.

At the request of the charter school, the local board of education of the local school administrative unit in which the charter school will be located shall lease any available building or land to the charter school unless the board demonstrates that the lease is not economically or practically feasible or that the local board does not have adequate classroom space to meet its enrollment needs. Notwithstanding any other law, a local board of education may provide a school facility to a charter school free of charge; however, the charter school is responsible for the maintenance of and insurance for the school facility.

(f) Except as provided in this Part and pursuant to the provisions of its charter, a charter school is exempt from statutes and rules applicable to a local board of education or local school administrative unit. (1995 (Reg. Sess., 1996), c. 731, s. 2; 1997-430, s. 4.)

§ 115C-238.29F. General requirements.

(a) Health and Safety Standards. – A charter school shall meet the same health and safety requirements required of a local school administrative unit. The Department of Public Instruction shall ensure that charter schools provide parents and guardians with information about meningococcal meningitis and influenza and their vaccines at the beginning of every school year. This information shall include the causes, symptoms, and how meningococcal meningitis and influenza are spread and the places where parents and guardians may obtain additional information and vaccinations for their children.

(b) **School Nonsectarian.** – A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations and shall not charge tuition or fees. A charter school shall not be affiliated with a nonpublic sectarian school or a religious institution.

(c) **Civil Liability and Insurance.** –

(1) The board of directors of a charter school may sue and be sued. The State Board of Education shall adopt rules to establish reasonable amounts and types of liability insurance that the board of directors shall be required by the charter to obtain. The board of directors shall obtain at least the amount of and types of insurance required by these rules to be included in the charter. Any sovereign immunity of the charter school, of the organization that operates the charter school, or its members, officers, or directors, or of the employees of the charter school or the organization that operates the charter school, is waived to the extent of indemnification by insurance.

(2) No civil liability shall attach to any chartering entity, to the State Board of Education, or to any of their members or employees, individually or collectively, for any acts or omissions of the charter school.

(d) **Instructional Program.** –

(1) The school shall provide instruction each year for at least 180 days.

(2) The school shall design its programs to at least meet the student performance standards adopted by the State Board of Education and the student performance standards contained in the charter.

(3) A charter school shall conduct the student assessments required for charter schools by the State Board of Education.

(4) The school shall comply with policies adopted by the State Board of Education for charter schools relating to the education of children with special needs.

(5) The school is subject to and shall comply with Article 27 of Chapter 115C of the General Statutes, except that a charter school may also exclude a student from the charter school and return that student to another school in the local school administrative unit in accordance with the terms of its charter.

(e) **Employees.** –

(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school; at least seventy-five percent (75%) of these teachers in grades kindergarten through

five, at least fifty percent (50%) of these teachers in grades six through eight, and at least fifty percent (50%) of these teachers in grades nine through 12 shall hold teacher certificates. All teachers in grades six through 12 who are teaching in the core subject areas of mathematics, science, social studies, and language arts shall be college graduates.

The board also may employ necessary employees who are not required to hold teacher certificates to perform duties other than teaching and may contract for other services. The board may discharge teachers and noncertificated employees.

- (2) No local board of education shall require any employee of the local school administrative unit to be employed in a charter school.
- (3) If a teacher employed by a local school administrative unit makes a written request for a leave of absence to teach at a charter school, the local school administrative unit shall grant the leave for one year. For the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 45 days before the teacher would otherwise have to report for duty. After the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave of absence be made up to 90 days before the teacher would otherwise have to report for duty. A local board of education is not required to grant a request for a leave of absence or a request to extend or renew a leave of absence for a teacher who previously has received a leave of absence from that school board under this subdivision. A teacher who has career status under G.S. 115C-325 prior to receiving a leave of absence to teach at a charter school may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers and that teacher shall have priority on all positions for which that teacher is qualified in accordance with G.S. 115C-325(e)(2).
- (4) The employees of the charter school shall be deemed employees of the local school administrative unit for purposes of providing certain State-funded employee benefits, including membership in the Teachers' and State Employees' Retirement System and the Teachers' and State Employees' Comprehensive Major Medical Plan. The State Board of Education provides funds to charter

schools, approves the original members of the boards of directors of the charter schools, has the authority to grant, supervise, and revoke charters, and demands full accountability from charter schools for school finances and student performance. Accordingly, it is the determination of the General Assembly that charter schools are public schools and that the employees of charter schools are public school employees. Employees of a charter school whose board of directors elects to become a participating employer under G.S. 135-5.3 are "teachers" for the purpose of membership in the North Carolina Teachers' and State Employees' Retirement System. In no event shall anything contained in this Part require the North Carolina Teachers' and State Employees' Retirement System to accept employees of a private employer as members or participants of the System.

(f) Accountability. –

- (1) The school is subject to the financial audits, the audit procedures, and the audit requirements adopted by the State Board of Education for charter schools. These audit requirements may include the requirements of the School Budget and Fiscal Control Act.
- (2) The school shall comply with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System.
- (3) The school shall report at least annually to the chartering entity and the State Board of Education the information required by the chartering entity or the State Board.

(g) Admission Requirements. –

- (1) Any child who is qualified under the laws of this State for admission to a public school is qualified for admission to a charter school.
- (2) No local board of education shall require any student enrolled in the local school administrative unit to attend a charter school.
- (3) Admission to a charter school shall not be determined according to the school attendance area in which a student resides, except that any local school administrative unit in which a public school converts to a charter school shall give admission preference to students who reside within the former attendance area of that school.
- (4) Admission to a charter school shall not be determined according to the local school administrative unit in which a student resides.
- (5) A charter school shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out

in the charter, the school shall not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. The charter school may give enrollment priority to siblings of currently enrolled students who were admitted to the charter school in a previous year and to children of the school's principal, teachers, and teacher assistants. In addition, and only for its first year of operation, the charter school may give enrollment priority to children of the initial members of the charter school's board of directors, so long as (i) these children are limited to no more than ten percent (10%) of the school's total enrollment or to 20 students, whichever is less, and (ii) the charter school is not a former public or private school. Within one year after the charter school begins operation, the population of the school shall reasonably reflect the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve residing within the local school administrative unit in which the school is located. The school shall be subject to any court-ordered desegregation plan in effect for the local school administrative unit.

- (6) During each period of enrollment, the charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students shall be accepted by lot. Once enrolled, students are not required to reapply in subsequent enrollment periods.
- (7) Notwithstanding any law to the contrary, a charter school may refuse admission to any student who has been expelled or suspended from a public school under G.S. 115C-391 until the period of suspension or expulsion has expired.

(h) Transportation. – The charter school may provide transportation for students enrolled at the school. The charter school shall develop a transportation plan so that transportation is not a barrier to any student who resides in the local school administrative unit in which the school is located. The charter school is not required to provide transportation to any student who lives within one and one-half miles of the school. At the request of the charter school and if the local board of the local school administrative unit in which the charter school is located operates a school bus system, then that local board may contract with the charter school to provide transportation in accordance with the charter school's transportation plan to students who reside in the local school administrative unit and who reside at least one and one-half miles of the charter school. A local board may charge the

charter school a reasonable charge that is sufficient to cover the cost of providing this transportation. Furthermore, a local board may refuse to provide transportation under this subsection if it demonstrates there is no available space on buses it intends to operate during the term of the contract or it would not be practically feasible to provide this transportation.

(i) **Assets.** – Upon dissolution of the charter school or upon the nonrenewal of the charter, all net assets of the charter school purchased with public funds shall be deemed the property of the local school administrative unit in which the charter school is located.

(j) **(See Editor's Note) Driving Eligibility Certificates.** – In accordance with rules adopted by the State Board of Education, the designee of the school's board of directors shall do all of the following:

- (1) Sign driving eligibility certificates that meet the conditions established in G.S. 20-11.
- (2) Obtain the necessary written, irrevocable consent from parents, guardians, or emancipated juveniles, as appropriate, in order to disclose information to the Division of Motor Vehicles.
- (3) Notify the Division of Motor Vehicles when a student who holds a driving eligibility certificate no longer meets its conditions. (1995 (Reg. Sess., 1996), c. 731, s. 2; 1997-430, s. 5; 1997-443, s. 8.19; 1997-456, s. 55.4; 1998-212, s. 9.14A(a); 1999-243, s. 8; 2001-462, s. 1; 2004-118, s. 3; 2004-203, s. 45(b).)

§ 115C-238.29G. Causes for nonrenewal or termination; disputes.

(a) The State Board of Education, or a chartering entity subject to the approval of the State Board of Education, may terminate or not renew a charter upon any of the following grounds:

- (1) Failure to meet the requirements for student performance contained in the charter;
- (2) Failure to meet generally accepted standards of fiscal management;
- (3) Violations of law;
- (4) Material violation of any of the conditions, standards, or procedures set forth in the charter;
- (5) Two-thirds of the faculty and instructional support personnel at the school request that the charter be terminated or not renewed;
or
- (6) Other good cause identified.

(b) The State Board of Education shall develop and implement a process to address contractual and other grievances between a charter school and its chartering entity or the local board of education during the time of its charter.

(c) The State Board and the charter school are encouraged to make a good-faith attempt to resolve the differences that may arise between them. They may agree to jointly select a mediator. The mediator shall act as a neutral facilitator of disclosures of factual information, statements of positions and contentions, and efforts to negotiate an agreement settling the differences. The mediator shall, at the request of either the State Board or a charter school, commence a mediation immediately or within a reasonable period of time. The mediation shall be held in accordance with rules and standards of conduct adopted under Chapter 7A of the General Statutes governing mediated settlement conferences but modified as appropriate and suitable to the resolution of the particular issues in disagreement.

Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation proceedings shall be conducted in private. Evidence of statements made and conduct occurring in a mediation are not subject to discovery and are inadmissible in any court action. However, no evidence otherwise discoverable is inadmissible merely because it is presented or discussed in a mediation. The mediator shall not be compelled to testify or produce evidence concerning statements made and conduct occurring in a mediation in any civil proceeding for any purpose, except disciplinary hearings before the State Bar or any agency established to enforce standards of conduct for mediators. The mediator may determine that an impasse exists and discontinue the mediation at any time. The mediator shall not make any recommendations or public statement of findings or conclusions. The State Board and the charter school shall share equally the mediator's compensation and expenses. The mediator's compensation shall be determined according to rules adopted under Chapter 7A of the General Statutes. (1995 (Reg. Sess., 1996), c. 731, s. 2; 1997-430, s. 6.)

§ 115C-238.29H. State and local funds for a charter school.

- (a) The State Board of Education shall allocate to each charter school:
- (1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with special needs and for the allocation for children with limited English proficiency;
 - (2) An additional amount for each child attending the charter school who is a child with special needs; and
 - (3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.

In accordance with G.S. 115C-238.29D(d), the State Board shall allow for annual adjustments to the amount allocated to a charter school based on its enrollment growth in school years subsequent to the initial year of operation.

In the event a child with special needs leaves the charter school and enrolls in a public school during the first 60 school days in the school year, the charter school shall return a pro rata amount of funds allocated for that child to the State Board, and the State Board shall reallocate those funds to the local school administrative unit in which the public school is located. In the event a child with special needs enrolls in a charter school during the first 60 school days in the school year, the State Board shall allocate to the charter school the pro rata amount of additional funds for children with special needs.

(a1) Funds allocated by the State Board of Education may be used to enter into operational and financing leases for real property or mobile classroom units for use as school facilities for charter schools and may be used for payments on loans made to charter schools for facilities or equipment. However, State funds shall not be used to obtain any other interest in real property or mobile classroom units. No indebtedness of any kind incurred or created by the charter school shall constitute an indebtedness of the State or its political subdivisions, and no indebtedness of the charter school shall involve or be secured by the faith, credit, or taxing power of the State or its political subdivisions. Every contract or lease into which a charter school enters shall include the previous sentence. The school also may own land and buildings it obtains through non-State sources.

(b) If a student attends a charter school, the local school administrative unit in which the child resides shall transfer to the charter school an amount equal to the per pupil local current expense appropriation to the local school administrative unit for the fiscal year. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a charter school located in the tax district for which these taxes are levied and in which the student resides. (1995 (Reg. Sess., 1996), c. 731, s. 2; 1997-430, s. 7; 1998-212, s. 9.20(f); 2003-423, s. 3.1.)

§ 115C-238.29I. Notice of the charter school process; review of charter schools; Charter School Advisory Committee.

(a) The State Board of Education shall distribute information announcing the availability of the charter school process described in this Part to each local school administrative unit and public postsecondary educational institution and, through press releases, to each major newspaper in the State.

(b) Repealed by Session Laws 1997-18, s. 15(i).

(c) The State Board of Education shall review and evaluate the educational effectiveness of the charter school approach authorized under this Part and the effect of charter schools on the public schools in the local school administrative unit in which the charter schools are located. The Board shall report no later than

January 1, 2002, to the Joint Legislative Education Oversight Committee with recommendations to modify, expand, or terminate that approach. The Board shall base its recommendations predominantly on the following information:

- (1) The current and projected impact of charter schools on the delivery of services by the public schools.
- (2) Student academic progress in the charter schools as measured, where available, against the academic year immediately preceding the first academic year of the charter schools' operation.
- (3) Best practices resulting from charter school operations.
- (4) Other information the State Board considers appropriate.

(d) The State Board of Education may establish a Charter School Advisory Committee to assist with the implementation of this Part. The Charter School Advisory Committee may (i) provide technical assistance to chartering entities or to potential applicants, (ii) review applications for preliminary approval, (iii) make recommendations as to whether the State Board should approve applications for charter schools, (iv) make recommendations as to whether the State Board should terminate or not renew a charter, (v) make recommendations concerning grievances between a charter school and its chartering entity, the State Board, or a local board, (vi) assist with the review under subsection (c) of this section, and (vii) provide any other assistance as may be required by the State Board.

(e) Notwithstanding the dates set forth in this Part, the State Board of Education may establish an alternative time line for the submission of applications, preliminary approvals, criminal record checks, appeals, and final approvals so long as the Board grants final approval by March 15 of each calendar year. (1995 (Reg. Sess., 1996), c. 731, s. 2; 1997-18, s. 15(i); 1997-430, ss. 8, 9; 1999-27, s. 1.)

§ 115C-238.29J. Public and private assistance to charter schools.

(a) Local boards of education are authorized and encouraged to provide administrative and evaluative support to charter schools located within their local school administrative units.

(b) Private persons and organizations are encouraged to provide funding and other assistance to the establishment or operation of charter schools.

(c) The State Board of Education shall direct the Department of Public Instruction to provide guidance and technical assistance, upon request, to applicants and potential applicants for charters.

(d) The State Board of Education shall direct the Department of Public Instruction to notify the Department of Revenue when the State Board of Education terminates, fails to renew, or grants a charter for a charter school. (1995 (Reg. Sess., 1996), c. 731, s. 2; 1997-430, s. 10; 2000-72, s. 3.)

§ 115C-238.29K. Criminal history checks.

(a) As used in this section:

- (1) "Criminal history" means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, that indicates an individual (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel. These crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burnings; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. These crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.
- (2) "School personnel" means any:
 - a. Member of the board of directors of a charter school,
 - b. Employee of a charter school, or
 - c. Independent contractor or employee of an independent contractor of a charter school if the independent contractor carries out duties customarily performed by school personnel,

whether paid with federal, State, local, or other funds, who has significant access to students or who has responsibility for the fiscal management of a charter school.

(b) The State Board of Education shall adopt a policy on whether and under what circumstances school personnel shall be required to be checked for a criminal history. The policy shall not require school personnel to be checked for a criminal history check before preliminary approval is granted under G.S. 115C-238.29B. The Board shall apply its policy uniformly in requiring school personnel to be checked for a criminal history. The Board may grant conditional approval of an application while the Board is checking a person's criminal history and making a decision based on the results of the check.

The State Board shall not require members of boards of directors of charter schools or employees of charter schools to pay for the criminal history check authorized under this section.

(c) The Board of Education shall require the person to be checked by the Department of Justice to (i) be fingerprinted and to provide any additional information required by the Department of Justice to a person designated by the State Board, or to the local sheriff or the municipal police, whichever is more convenient for the person, and (ii) sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories. The State Board shall consider refusal to consent when deciding whether to grant final approval of an application under G.S. 115C-238.29D and when making an employment recommendation. The fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search of the State criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Department of Justice shall provide to the State Board of Education the criminal history from the State and National Repositories of Criminal Histories of any school personnel for which the Board requires a criminal history check.

The State Board shall not require members of boards of directors of charter schools or employees of charter schools to pay for the fingerprints authorized under this section.

(d) The State Board shall review the criminal history it receives on an individual. The State Board shall determine whether the results of the review indicate that the individual (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel and shall use the information when deciding whether to grant final approval of an application for a charter school under G.S. 115C-238.29D and for making an employment recommendation to the board of directors of a charter school. The State Board shall make written findings with regard to how it used the information when

deciding whether to grant final approval under G.S. 115C-238.29D and when making an employment recommendation.

(e) The State Board shall notify in writing the board of directors of the charter school of the determination by the State Board as to whether the school personnel is qualified to operate or be employed by a charter school based on the school personnel's criminal history. At the same time, the State Board shall provide to the charter school's board of directors the written findings the Board makes in subsection (d) of this section and its employment recommendation. If the State Board recommends dismissal or nonemployment of any person, the board of directors of the charter school shall dismiss or refuse to employ that person. In accordance with the law regulating the dissemination of the contents of the criminal history file furnished by the Federal Bureau of Investigation, the State Board shall not release nor disclose any portion of the school personnel's criminal history to the charter school's board of directors or employees. The State Board also shall notify the school personnel of the procedure for completing or challenging the accuracy of the criminal history and the personnel's right to contest the State Board's determination in court.

(f) All the information received by the State Board of Education or the charter school in accordance with subsection (e) of this section through the checking of the criminal history is privileged information and is not a public record but is for the exclusive use of the State Board of Education or the board of directors of the charter school. The State Board of Education or the board of directors of the charter school may destroy the information after it is used for the purposes authorized by this section after one calendar year.

(g) There shall be no liability for negligence on the part of the State Board of Education or the board of directors of the charter school, or their employees, arising from any act taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes. (1997-430, s. 2.)