

3-1-2011

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### Recommended Citation

DeNardis, Lesley (2011) "Keeping the Lid on Charter Schools: Capping and the Politics of Education," *New England Journal of Political Science*: Vol. 5: No. 2, Article 2.

Available at: <https://digitalcommons.library.umaine.edu/nejps/vol5/iss2/2>

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## **Keeping the Lid on Charter Schools: Capping and the Politics of Education Reform In Connecticut**

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### **Abstract**

Charter schools, public schools that operate with greater autonomy than their traditional counterparts, first opened in Minnesota in 1991. Between 1991 and 2010, they spread to 40 states and the District of Columbia. In recent months, they have received renewed policy attention under the Obama administration's *Race to the Top* competitive federal grant program which rewarded states for educational innovation including the creation of charter schools. While experiencing impressive growth, charter schools lag behind traditional public schools in size and in number, accounting for only 2.9% of the total public school population nationwide. State factors that are predictive of a large charter school supply such as high income, urbanization, population heterogeneity, and an achievement gap, are present in Connecticut. Yet charter schools remain on the margins of reform efforts since the Constitution state opened its first charter school in 1997. This paper will explain the political and institutional factors that account for Connecticut's low provision of charter schools as rooted in a weak charter school law. By tracing the political history of charter schools in Connecticut, this paper will explore the dynamic interplay between the legislative and executive branches as well as the role of educational interest groups in accounting for Connecticut's weak charter school law.

**Introduction**

It has been nearly twenty years since the first charter school opened in Minnesota in 1991. Once a fledgling reform movement, charter schools have spread nationwide to 40 states for a total number of 5,000 schools enrolling 1.5 million students (CER 2010). With such growth it would appear that charter schools have earned a permanent place in the American educational landscape. Yet, when considered in the context of the total share of public schools, charter schools still lag behind their traditional counterparts in size and number accounting for only 2.9% of the total public school population and 4.8% of all public schools (CER 2010).

After a protracted legislative battle, the Constitution state passed a charter school law in 1996. Today, there are twenty two charter schools in operation. In drawing national comparisons, Connecticut falls below the national average with charter schools accounting for approximately 1.6% of the total public school population. While Connecticut possesses many of the characteristics that are associated with a large supply of charter schools elsewhere such as high income levels, urbanization, and population heterogeneity which have spurred policy experimentation in other states (Corcoran and Stoddard 2007), charter schools remain on the margin of reform efforts. In attempting to explain the below average supply of charter schools in states, scholars have examined provisions of state charter laws that either facilitate or impede the growth of charter schools. In the case of Connecticut, the roots of its weak charter school law can be traced back to the political compromise struck during passage of the original legislation and subsequent modifications of the law that have curtailed the growth of charter schools.

**Table 1: National Charter School and Enrollment Statistics**

State	Operating in 2009-2010	Opening in 2010-2011	Total Operating	Total Estimated Enrollment
Alaska	28	2	30	6,169
Arizona	564	17	581	142,848
Arkansas	28	4	32	10,099
California	827	114	941	348,686
Colorado	161	15	176	66,186
Connecticut	21	1	22	4,992
Delaware	19	1	20	9,581
DC	96	5	101	29,557
Florida	427	56	483	150,199
Georgia	92	17	109	57,987
Hawaii	32	0	32	7,668
Idaho	34	5	39	14,951
Illinois	83	16	99	37,860
Indiana	54	8	62	19,669
Iowa	9	0	9	1,413
Kansas	37	0	37	5,003
Louisiana	82	14	96	33,083
Maryland	37	3	40	9,792
Massachusetts	64	2	66	25,167
Michigan	286	13	299	111,397
Minnesota	161	0	161	30,184
Mississippi	0	0	0	0
Missouri	40	6	46	17,684
Nevada	27	0	27	8,033
New Hampshire	11	0	11	2,162
New Jersey	71	7	78	20,626
New Mexico	73	9	82	14,932
New York	153	33	186	47,364
North Carolina	101	3	104	36,577
Ohio	334	34	368	114,554
Oklahoma	17	0	17	5,970
Oregon	98	11	109	17,261
Pennsylvania	147	8	155	85,142
Rhode Island	13	3	16	3,402
South Carolina	37	8	45	12,627
Tennessee	20	8	28	4,963
Texas	402	20	422	139,665
Utah	77	6	83	35,019
Virginia	3	1	4	341
Wisconsin	218	15	233	40,645
Wyoming	4	0	4	505
<b>TOTAL</b>	<b>4,988</b>	<b>465</b>	<b>5,453</b>	<b>1,729,963</b>

\* The number of schools opening and enrollment in 2010 are estimates. The number of schools includes campuses.

Source: *The Center for Education Reform, October 2010*

This paper will highlight the political and institutional factors that have impeded the growth of charter schools in Connecticut. The first section provides an overview of the charter school phenomenon nationwide with a brief history of the origins of the movement. The study will then trace the legislative history of charter schools in Connecticut from the early 1990s to passage of the first charter school law in 1996 and concludes with a discussion of the latest education reform act passed by the Connecticut General Assembly in 2010. Finally, some tentative predictions will be offered regarding the future of charter schools in Connecticut in light of the legal and regulatory framework within which they currently operate.

### **The Emergence of Charter Schools in the United States**

With the publication of *A Nation at Risk* (NCEE 1983), a general consensus emerged that public schools were failing. Drawing comparisons from international test score data that showed American students lagging behind other countries, the report underscored the deficiencies of the public school system and created a climate in which large scale reforms could be discussed with greater receptivity among policy makers. It was in this context that charter schools emerged as one type of reform aimed at improving student achievement. The concept arose out of the larger school choice debate whose underlying premise, advanced by Milton Friedman (1955), was that the traditional public school system operated much like a monopoly which deprived parents the freedom to choose. The lack of competition meant students had few exit options other than to flee failing public schools for private ones, a choice not readily available to all. Friedman called for the introduction of competition into public schools to break the public school monopoly. Competition would not only afford parents greater choice over their

children's education, it would produce what is referred to as "second order" effects or systemic change. According to this logic, traditional public schools, when faced with school competition in the form of vouchers and charter schools, would be forced to adopt reforms or risk losing students.

Friedman's arguments have resonated in various quarters. Albert Shanker (1988), the former President of the American Federation of Teachers, remarked that public education operated much like a planned economy and that the time had come to empower teachers by allowing them submit a proposal to set up autonomous public schools within their school buildings. Ray Budde (1996), an Assistant Education Professor at University of Massachusetts Amherst, later built upon this idea by coining the phrase "charter" to describe a model that would allow teachers to be chartered directly by school boards for 3-5 years to implement specific instructional programs.

Charter schools were propelled forward from a novel policy idea to a concrete reality by Ted Kolderie, a Minnesota legislator, who was instrumental in passing the nation's first charter school law. The charter school concept had evolved from Budde's version of chartering programs to chartering schools as completely autonomous entities apart from traditional public schools. Kolderie (1990) developed several principles or characteristics that would distinguish charter schools from their traditional public school counterparts. These characteristics would serve as guiding principles for would-be charter operators. Perhaps the most novel characteristic of charter schools is notion that they may be organized by anyone. Teachers, parents, students and other interested parties could serve as the driving force behind the creation of a charter school. Those wishing to start a charter school would be able to approach more than one public body for

their charter, preferably an entity other than the local school district which would presumably block competition. The role of teachers would also be markedly different from traditional public schools. In charter schools, teachers would be given opportunities to participate in the design of schools and to devise instructional practices free from government regulations which arguably stifle innovation.

The most notable feature of charter schools is their freedom from many district and state regulations. In exchange for this increased autonomy, charter schools are held accountable for student achievement through the school's charter. A "charter" is a statutorily defined performance contract detailing the school's mission, program, goals, and assessment. Usually granted for five years at a time, the charter can be revoked for failure to perform up to specified standards, a feature which appeals to pro-market advocates for its responsiveness to parents and students.

Since their inception in the 1990s, charter schools have gained adherents on both sides of the political spectrum. This emerging consensus dovetailed with Chubb and Moe's seminal work on *Politics, Markets and America's Schools* (1990) which served as the intellectual groundwork for many of the ideas underlying charter schools. The authors called for restructuring public education using market principles, choice, and competition. The authors concluded that governance arrangements more than any other factor have the greatest impact on educational outcomes and that excessive rules and regulations were hampering student performance. Their vision of a radically changed organizational and governance structure animated the charter school movement.

Capturing the essence of charter schools has been a difficult task for scholars and policy advocates. They have been variously described as a hybrid organizational form, a

middle ground (Witte, Schlomer and Schober 2007) or third way between public and private schools and as a less radical alternative to vouchers. Henig (2002) captures this sentiment well with the following: “Frustrated with the poor performance of public schools, but unable to advance more radical notions of privatization such as vouchers, advocates saw charter schools as the most effective means of building market incentives.” This feature of charter schools as making inroads into choice in a modified and less dramatic way than vouchers has been a common strategy during the legislative process.

As a hybrid organizational structure, charter schools draw from elements of public schools and private schools. They are reminiscent of private schools in their freedom from state and local regulations by providing considerable latitude over matters of hiring, curriculum and budget. However, charter schools still retain fundamental principles of public education including their source of funding, open-enrollment policies and the fact that they are nonsectarian and are nondiscriminatory in admissions policies (Hart and Burr 1996).

Wherever they have emerged, charter schools have engendered intense political battles for challenging the educational status quo (Vergari 2007). State legislatures have been the main battleground where these debates have played out, most intensely during the passage of charter school laws. Legislators, subject to myriad influences in policymaking, have had to respond to cross-cutting pressures from pro-charter school advocates and education interest groups. To understand more fully the degree to which charter legislation varies among states, one must look to the legislative debates and



compromises that were struck as part of the process of navigating competing demands in order to secure passage of charter school legislation in individual states.

States vary widely in their provision of charter schools. Arizona, Florida and California have the greatest concentration of charter schools, accounting for 42% of all charter schools in the United States (Abernathy 2007). In seeking to address such variation in the number of charter schools among states, scholars have studied the impact of charter school legislation on the creation of new charter schools. Many of Kolderies' ideal characteristics for the development of charter schools have become incorporated into criteria that rating agencies and advocacy groups use to assign state grades. Education policy scholars Finn et. al (2001) drew from these characteristics in order to develop a categorization of charter school laws as either strong or weak. Strong charter laws have the following characteristics:

1. No restrictions or caps placed on the number of charter schools allowed
2. Multiple entities are empowered to authorize charter schools
3. Anyone may submit a charter school application
4. Freedom from state and local regulations
5. High degree of legal and operational autonomy
6. Fiscal equity—charter schools are treated in the same manner with respect to funding as their traditional school counterparts in that they are guaranteed equitable funding as compared with their traditional school counterparts
7. Fiscal autonomy
8. Exemption from collective bargaining agreements

Whether state laws allow for an unlimited or a substantial number of schools is a key consideration because it drives to the heart of the school choice concept. Wong and Shen observed that the “charter school market is created by the state” (2004, 169). State legislatures create the rules by which the charter school market operates and a set of incentives or disincentives for actors. Charter school proponents would argue that an

unfettered market place for education should allow for an unlimited number of charter schools. Weak charter laws, on the other hand, place tight restrictions on how many charters may be authorized and/or how many students may be enrolled in them. Twenty six states including Connecticut have state-imposed caps on charter school enrollment (Rotherham 2007). Connecticut limits enrollment in each state charter school to 250 students in most schools and 300 for K-8 schools or 25% of district enrollment, whichever is less. Modifying and lifting the cap has been a key dynamic in the post-adoption politics surrounding Connecticut's charter school law and a perennial item on the legislative agenda. In 2006, the cap was lifted for charter schools with a "demonstrated record of achievement" (Conn. Gen. Stat 10-66bb). The school would have to seek approval from the State Board of Education who is given discretion over whether a school has a demonstrated record of achievement. Further compounding the problem as Rotherham notes that "there is no regulatory guidance for the charter school office as to which criteria it should include in its review" (2007, 83).

The second criterion to assess the relative strength of a charter school law concerns which entities may authorize charter schools. Chartering authorities essentially serve as gatekeepers. Strong charter legislation permits multiple entities to grant charters (Finn, Manno and Vanourek 2001). These include local school boards, state boards of education, state departments of education and colleges and universities. By enabling different entities to approve charter schools, barriers to entry are lowered (Hassel 1999).

Teske, Schneider and Cassese noted that:

Local school boards have long enjoyed a monopolistic position in providing local public schools. We would expect school boards to discourage competitors who want to reduce their student market share. It should come as no surprise that the number of different authorizers

allowed by the chartering law is used as a critical parameter in rating the strength of charter laws. (2005, 131)

The ability of multiple authorizers other than local school boards to approve charter schools appears to be a key factor in the growth and number of charter schools. The Center for Education Reform (2003) found that states with multiple authorizers have nearly eight times more charter schools than states with single sponsors. Buckley and Kuscova (2003) also found a strong correlation between multiple sponsors and the proliferation of more charter schools. They attributed this relationship to the fact that multiple sponsoring authorities avoid the political and procedural obstacles imposed by one authority.

The viability of a new charter school is dependent upon funding which has been a source of friction among choice advocates. Fiscal equity or equal treatment of charter schools in comparison to their traditional public school counterparts has not been observed uniformly among the states and create what economists refer to as regulatory barriers that may discourage potential charter school operators from opening new schools. Charter schools typically receive 78% of the funding that traditional public schools receive (National Alliance for Public Charter Schools 2010, 10). In the case of Connecticut, charter schools receive 71% of the state average per pupil expenditure (Lohman 2010).

Not only is there a substantial differential in funding between charter schools and traditional public schools, an additional feature of the funding formula is designed to cushion the impact that charter schools will have on local school districts. Connecticut is one of only two states that do not require that state and local education funding to follow

children to charter schools. Moreover, as part of the legislative compromise and to soften the blow to district schools, when a child leaves a traditional public school in Connecticut in order to attend a charter school, the state reimburses the local school district for the per pupil cost (Public Act sec. 10-66ee). As Wahlberg (2007, 33) observed, this practice “means that public schools are insulated from the consequences of their failure.” Finally, until the recent education reform was passed by the Connecticut General Assembly, charter schools authorized by the state board of education were ineligible for a grant of \$500,000 to finance school building projects, building improvements and repayment of debt (Ziebarth, Celio, Lake and Rainey 2005).

Since the advent of the charter school movement, several advocacy and research groups have developed rankings based on the aforementioned criteria to assess the relative strength of charter school laws among the states. These scores have provided the basis for policy advocacy and for scholarly research. The Center for Education Reform is the earliest and most cited source of rating information with regard to state charter laws relied upon by scholars. However, it should be noted that the CER’s framework has been assailed from various quarters. Wong and Shen’s critique of the CER framework takes issue with the methodology for its inability “to capture the political compromise at the center of charter school legislation and the complexity and cross-cutting provisions at the center of charter law” (2006, 1). Similarly, Scott and Barber (2002) called the CER framework to task for failing “to capture the intense lobbying and advocacy efforts and political compromise.” Additionally, Chi and Welner (2008) criticize the framework for reflecting a free-market bias by only measuring factors relating to the choice and

competition aspects of a given charter school law instead of equity and other considerations.

The thrust of most of the critiques leveled by charter school researchers is the need to develop better criteria for inclusion in a database of charter school rankings upon which scholars can draw for more reliable results. However, even well-designed cross national studies still have shortcomings. Composite measures such as the ones used by the CER are problematic for their aggregation of data. For instance, a state that receives a “C” may have some provisions which are strong and some which are weak but receive an overall weak grade which may mask important nuances within a given state.

A proposed solution to the data problem posed by national rankings is to engage in case studies that analyze component provisions of charter laws with a careful state-by-state analysis to yield a more nuanced understanding (Wong and Shen 2006). One of the earliest studies to address some of these shortcomings of both cross-national and quantitative approaches was Bryan Hassel’s (1999) case study of four states with charter school laws. As Hassel and others points out, political compromise was the key to the formulation of charter school laws. Further to the point, Ziebarth, Celio, Lake and Rainey (2005) observed that the root cause of the variation in state laws is traced back to the legislative process in each state.

Each state’s charter school law is unique, representing the state’s preferences on everything from the purpose of the law to how charter schools are to be held accountable and for what. In addition, a state’s unique mix of history—with education reform, the interplay of state and local politics, and traditions of school governance—plays a role in determining who ends up starting schools and what the schools look like. (Ziebarth et.al. 2005, 18)

While using the rankings as a point of departure, this research employs the case study approach by delving deeply into the politics surrounding the passage of charter school legislation in Connecticut. Informing the debate on charter schools is Connecticut's history of education reform policy which serves as a backdrop to legislative deliberations. Finally, the pivotal role of education interest groups will also be highlighted for their role in the policy making process.

### **Ranking Connecticut's Charter School Law**

Notwithstanding the above critique of state charter law rankings, an examination of the two leading education ranking agencies place Connecticut in the weak category. The Center for Education Reform assigned Connecticut a grade of "D" for its charter school law (CER 2011) while The National Alliance for Public Charter Schools ranked Connecticut 24 out of 40 states. Among the common criteria that both organizations use to evaluate the relative strength of charter school laws are whether the law provides for multiple authorizers to approve charter school applications, whether an unlimited number of schools are allowed, and the extent to which the law provides for autonomy in operations as well as fiscal equity. Along each of these dimensions, Connecticut's charter law can be considered weak. For instance, Connecticut allows only a sole authorizer for charter schools, the State Board of Education. The state also closely regulates their enrollment with three different types of capping provisions. Moreover, the state provides 71% of funding to charter schools and constrains school operations through hiring practices that are governed by collective bargaining procedures set forth by the teacher's union for local charter schools (Public Act 10-111, Connecticut General Statutes).

In attempting to explain the variation among states in terms of charter school laws, scholars have generally relied upon the CER rankings. However, limitations in cross-national studies that rely on the CER framework have prompted other avenues of inquiry. One of the earliest studies to address some of these shortcomings of both cross-national and quantitative approaches was Bryan Hassel's (1999) case study of four states with charter school laws. He provides a useful framework for this study that isolates four key variables: 1) the partisan balance of the legislature, 2) the role of the governor, 3) the power of teacher's organizations, and 4) the objective educational conditions and political culture. Each one will be explained in the section below. An examination of political variables, particularly institutional actors, holds the key to understanding why Connecticut's charter school law is considered relatively weak.

### **Partisan Balance of State Legislatures**

While charter schools have gained adherents among Democrats and Republicans alike, the degree of support and level of intensity as expressed in charter school legislation varies from state to state depending on which party is in control of the state house. The choice and free market aspects of charter schools appeal to Republicans while Democrats view them as more acceptable than other market reforms such as vouchers. Hassel found a strong correlation between partisan control of legislatures and charter school laws. "Although both parties may support charter legislation of some kind, Republicans are more likely to favor strong charter laws" (Hassel 1999, 22).

The timing of passage of charter school legislation is also indicative of the relative strength of charter school laws. States with both houses controlled by the GOP tended to pass charter school laws at an earlier stage in the movement between 1991 and

1996. In fact, 66.7% of states with high levels of Republican control, defined as party control of both houses, were early adopters of strong charter school laws. Conversely, only 35% of states with low levels of GOP control had done so. In the case of Connecticut, the legislature has been controlled by Democrats for all but two of the last thirty years including the time period when charter school legislation was passed by the Connecticut General Assembly. While these circumstances would not be propitious for the prospects of charter school legislation in general, a number of other factors came into play which would alter the fate of charter schools in Connecticut. Connecticut did eventually pass a charter school law due in large measure to the efforts of Governor Rowland (1995-2004) in crafting a bipartisan support in the legislature. However, the content of the charter school law's provisions was influenced by the involvement of teachers' organizations during the legislative process.

### **Teachers Organizations**

The presence and strength of teachers' organizations in a given state and their influence over the policy process is also a key variable in determining the content of charter laws. One of the hallmark features of charter schools is the autonomy of operations in the personnel area. If one had to distill the charter school governance structure down to its most essential element, it would undoubtedly be the freedom from state and district rules regarding the hiring and firing of personnel. Chubb and Moe (1990) identified school organization rooted in bureaucracy as the main factor hindering effective schools and student achievement. Their conclusions, drawn from a comprehensive database of schools, found that features of public school organization



such as hierarchy, division of labor, specialization, coordination and control are the very qualities that inhibit the autonomy and professionalism needed for high performance.

Perhaps the most important aspect of charter school autonomy comes with the ability to hire and fire personnel. The advent of series of civil service laws was originally designed to protect teachers from political influence. Tenure laws and certification requirements arose to provide teachers with a degree of insulation from the vagaries of political administrations and to professionalize teaching. Over the years, teachers' organizations have achieved gains on behalf of their membership through collective bargaining agreements governing teacher pay, certification, retirement, and a host of other provisions designed to protect the material interests of teachers.

When examining the variation in charter school laws and their content, the strength of teachers' unions is an important explanatory variable. Several indices have been developed to measure the power of teachers' unions (Mintrom and Vergari 1997). Measures developed by Mintrom (2000) include contract negotiation, union recognition, union security, impasse procedures and strike policy, all of which are determined by collective bargaining procedures, the latter being the most salient for this study. In terms of overall pro-bargaining environment for teachers, Connecticut ranked seventh highest among the states (Valletta and Freedman 1985). The salience of Connecticut's collective bargaining strength was evident throughout the formulation of the charter school law. Teachers' unions played a strong role crafting charter school legislation that protects the material interests of teachers.

In general, teachers' unions have tended to oppose charter school laws by working to defeat them during the early years when charter schools were still in their

infancy. Once this policy innovation spread throughout the states, teachers' unions changed their tactics to support the passage of charter school laws that were favorable to the material interests of teachers. Both Wong and Shen (2006) and Hassel (1999) found empirical support for the contention that Democratically-controlled legislatures tended to produce provisions that weaken charter school legislation. "Emphasizing collective bargaining and serving at-risk populations is consistent with traditional Democratic party constituencies concentrated in teacher unions and urban areas with large numbers of at-risk students." (Wong and Shen 2006). They also found that principles enunciated by American Federation of Teachers and the National Education Association with respect to charter schools have found their way into many states' charter laws such as state certification requirements for charter school teachers, requiring charter school teachers to join unions and providing them with the same collective bargaining rights as public school teachers.

The Connecticut Education Association played an instrumental role in shaping the final charter law. Provisions relating to teachers such as tenure and collective bargaining laws were inserted into the final language of the charter school legislation. Local charter schools would be subject to union rules in the form of collective bargaining agreements while state charter schools would not. (Conn. Gen. Stat. Public Act 10-111, section 4). Furthermore, in response to Connecticut Education Association's concern about the experimental nature of charter schools, the law provides for a two year leave of absence for teachers to work in a charter school without the loss of seniority or retirement upon their return to a traditional public school. The latest amendment to the charter school law

requires all school professionals hired after July 1, 2010 to participate in the state teacher retirement system (Public Act No 10-111 Sec. 13 section 10-66dd sec D).

Many factors militated against the passage of charter school legislation in Connecticut, chiefly a Democratically-controlled legislature and powerful teacher unions. After several failed attempts, charter school legislation passed in 1996. The following section will trace the political history of legislation in Connecticut and will explain the policy change in terms of the role of policy entrepreneurs in the executive and legislative branches. With all the factors militating against charter schools and the previous failed attempts to secure passage, why did the Connecticut General Assembly pass charter school legislation in 1996 when the issue had been on the policy agenda since 1991? The answer lies in several factors that converged in the spring of 1996. A confluence of certain events made the passage of charter school legislation possible where previous attempts failed. In contrast to the early 1990s when Governor Weicker's main priority was to tackle the severe fiscal crisis hampering the state, John Rowland, a Republican Governor (1994-2005), placed school choice at the top of his agenda and used his considerable political skills to gain bipartisan support in the Connecticut state legislature.

### **Early Attempts to Pass Charter School Legislation**

The passage of charter school legislation by the Connecticut General Assembly in 1996 was the culmination of a process that began as early as 1991 and included two failed attempts to move charter schools onto the legislative agenda. These early attempts failed due to several factors. First, the lack of overall familiarity with the charter school concept on the part of the general public and legislators was a considerable hurdle in achieving support and passage. This was due in large part to the timing of the initial

attempt which took place in 1991-1992. At this juncture only a few states had passed charter legislation and the lack of data or evidence relating to the performance of charter schools at this phase served to cast doubt in the minds of legislators. Moreover, opponents portrayed charter schools as something other than public in framing the debate. In testimony offered by interest groups in Connecticut detailed in the next section, many attempted to cast charter schools as something other than public schools and characterized funding for charter schools as the diversion of public funds. Finally, the lack of a champion in the form of a governor or advocacy groups also hampered the ability of the issue to gain traction among legislators.

The first attempt began in 1992 with the *Connecticut Task Force on Charter Schools*. During the 1991 session of the General Assembly “An Act Concerning Innovative Programs” (Conn. Gen. Stat. Public Act 91-285) authorized the legislature to empanel a task force to study and make recommendations regarding charter schools. Task Force Chairman Stephen Tracy had been an early proponent of charter schools in Connecticut. As a twenty five year veteran of public schools as a teacher and later as Superintendent of Schools in New Milford, Tracy reached the conclusion that choice was the only solution to the problems outlined in *A Nation at Risk* (NCCE 1983). In outlining his views in a white paper issued upon the task force’s conclusion in 1992, he wrote the following:

Among the various approaches to choice, the notion of charter schools is particularly attractive because it blends the power of choice and competition with a commitment to equal opportunity and teacher empowerment. As proposed by *Connecticut’s Task Force on Charter Schools*, charter schools would operate under charters granted by the state board of education. They would be committed to quality student outcomes, staffed and controlled by certified teachers, publicly funded, and open to all students (Tracy 1992, 2).

The task force presented its report and made recommendations to the state legislature. The report called for the establishment of six pilot charter schools to operate under a charter granted by the State Board of Education to open in the fall of 1994. The plan was derailed and as later recounted by the task force chairman Stephen Tracy, never made its way onto the legislative agenda for a vote either in 1992 or 1993. In reflecting upon the fate of the charter school proposal, Tracy recalled how the Commission strategically included both major teachers associations. He noted however, that “the association leaders ‘watered down’ the proposal during the course of the year’s planning and then offered the only opposition when the commission voted to send the bill to the legislature” (Reigeluth and Garfinkel 1994, 91). The bill, which was never reported out of committee, would have established six pilot charter schools.

Among the more controversial recommendations in the report was the provision to allow funds to follow the student. The report touted this provision as “charter schools at no new cost to the taxpayer” wherein the charter school would receive payment from the school district in which the student resides “equal to 90% of the district’s net current expenditure per pupil” (Report of the Task Force 1992, vii). In further describing the benefits of this funding arrangement, the report stated that due to the fact that districts would lose dollars for students that attend charter schools, they “would have an incentive to improve the quality of their programs” (Report of the Task Force 1992, 14). This provision has been a non-starter in subsequent charter school debates and a point of contention with charter school advocates. The plan also called for collective bargaining laws to apply to public school teachers who taught in local charter schools.

During the intervening years from 1992-1996, additional task forces and commissions would make recommendations regarding school choice. However, Tracy's departure left a void in charter school advocacy and conditions would not be ripe for charter school legislation until 1996 after a protracted battle that culminated in the passage of Connecticut's first charter law.

### **Governor John Rowland (1994-2005) and Policy Entrepreneurship**

Upon Governor Rowland's taking office in 1994, a charter school law still appeared unlikely to pass the legislature. However, his leadership was a key factor in propelling a stalled policy agenda forward. In asserting the important role that governors play in education policy, scholarship on state government has cast them as key political actors in terms of their power, visibility and influence over the legislative process (Bernick and Wiggins 1991, Rosenthal 1990, Morehouse 1998). The impetus for charter school policy has often been due to governors making a concerted effort to champion them as part of an overall education policy reform agenda.

Mintrom's (2000) discussion of policy entrepreneurship and school choice is instructive to this analysis. In his seminal work on policy entrepreneurs and school choice, he defined a policy entrepreneur as the efforts of a group of political actors who, "driven by a range of motives, have been instrumental in articulating the school choice idea and getting it onto state legislative agendas" (2000, 2). In the case of Connecticut, Governor Rowland spearheaded a number of initiatives in the education arena. In a June 21, 2004 Associated Press article titled "Embattled Governor Resigns," John Rowland was lauded as a "rising star" in the Republican Party who enjoyed a high profile on the national political scene. His policy initiatives drew attention from President Bush who

heralded him as the “future of the Republican Party.” As a young conservative and the youngest governor in Connecticut state history at the age of 37, Rowland embraced an education reform agenda that heavily emphasized choice including charter schools and vouchers. While Rowland ultimately resigned from office due to a corruption scandal, he was nonetheless instrumental in bringing about a series of education reforms.

A June 6, 1995 Hartford Courant article by Stephen Olemacher, “School Choice Issue Put Off to Next Session,” reported that due to Rowland’s disappointment over the failure of the legislature to take action on school choice, he signed Executive Order Number 8 establishing a *Blue Ribbon Commission on School Choice*. The commission was charged with making recommendations on programs that would increase parental involvement in the education of their children and would expand educational opportunities for children and families especially for the economically disadvantaged. The Commission made several recommendations that ultimately were included in House Bill 5698 *An Act Concerning the Recommendations of the Governor’s Commission on School Choice*. Included in the bill were proposals regarding vouchers and charter schools. Vouchers were a revival of a demonstration project that began back in the 1970s under the name “Project Choice.” As a policy initiative, they were Rowland’s main priority. In a number of forums, Rowland used his bully pulpit to discuss school choice in an effort to revive the defunct program which languished due to lack of funding and a sunset provision. Placing them back on the table was part and parcel of Governor Rowland’s choice agenda and congruent with his conservative political ideology. Over the course of his first two administrations, Rowland exerted considerable energy in moving school choice onto the policy agenda. Vouchers figured prominently in his first

administration. When it became apparent that the teachers' unions would not be supportive, Rowland backed away from his earlier proposals. In a August 28, 1998, Hartford Courant article by Mark Pazniokas "Rowland to Union: No School Vouchers," the article noted that Rowland backed off of his original position as he faced Democratic challenger Barbara Kennelly during his first reelection campaign who enjoyed the support of teachers' unions.

While ultimately not prevailing in the voucher battle, it was an important tactical maneuver on Rowland's part to gain inroads into school choice and to pave the way for the acceptance of charter schools. Moreover, by inclusion of vouchers, considered to be a more radical reform, Rowland's tactic would appear to be congruent with the carrot and stick narrative offered in Hassel's case study. He noted that whether a given educational reform is considered solo or in tandem with other policy reforms greatly affects its prospects for legislative approval. "The presence of charter schools on a crowded agenda may have made charter schools less threatening than if they were considered alone" (Hassel 1999, 66). Hassel attributes this to the fact that educational interest groups would only be able to devote full attention to the more threatening aspects of school choice such as vouchers. This appears to be the case in Connecticut. In 1996, charter school legislation was considered as part of a larger package of reforms including vouchers. After lengthy public hearings, most of which was devoted to the voucher provision, the Senate passed SB 59 which gave birth to charter schools in Connecticut. Vouchers fell by the way side during the legislative deliberations after numerous interest groups were vociferous in their opposition.



A second opportunity emerged for Rowland to exercise gubernatorial leadership on school choice when the State Supreme Court ruled in *Sheff v. O'Neill* (1996) 238, Conn. 1, 678 A 2d. 1267 that Hartford's schools were racially, ethnically and economically isolated. Equal educational opportunity would emerge again as a recurring theme in Connecticut's education reform debate. In contrast to the 1970s where school finance was the primary vehicle to remedy the inequities across school districts, Rowland converted the education agenda to press for greater choice for parents and students in the wake of the landmark *Sheff* decision. In response to the court's decision, Rowland issued Executive Order No. 10 to create the Educational Improvement Panel to "explore, identify and report on a broad range of policy options for reducing racial isolation in our state's public schools, improving teaching and learning, enhancing a sense of community and encouraging parental involvement" (*Sheff v O'Neill*). Rowland seized this opportunity to advance an education reform agenda that would use choice as a vehicle to accomplish the goal of reducing racial isolation. Included in the EIP's final report were a number of recommendations such as an expansion of public school choice (Memorandum of Decision, March 3, 1998). The legislature passed "An Act Enhancing Educational Choices and Opportunities" to reduce racial, ethnic and economic isolation.

As reported by Rick Green in the Hartford Courant article of July 27, 1998, entitled "School Choice Common Ground," the intersection of the *Sheff* decision and Rowland's reform agenda made possible the advancement of a mutually shared agenda. While Rowland was interested primarily in the notion of choice, the *Sheff* decision provided an opportunity to advance his stalled agenda. The propitious timing of events was commented upon by then State Education Commissioner Ted Sergi (1996) in a New

York Times October 20, 1996 article by Fred Musante entitled “Wings on a Bird, School Reform and Diversity” (October 20, 1996) that: “There is a different will for political change and we have Supreme Court decision. The 1996 charter law was amended in the 1997 with changes made in response to the *Sheff* decision. Charter school applicants were required to describe how their proposed charter school would reduce racial isolation among students by promoting a diverse student body and to demonstrate in their admissions criteria how they would promote racial and ethnic diversity among their staff.

### **A Prelude to Charter Schools in Connecticut: Horton and Sheff**

Charter schools tend to emerge in the context of a broader dialogue concerning education reform within a given state over the course of many years. The larger legislative context of the policy debate is undoubtedly an important factor shaping the prospects for charter school legislation. The larger issues affecting education in Connecticut and that serve as a backdrop to the charter school debate included funding inequities across school districts, declining performance, a yawning achievement gap, and racial isolation of urban schools. Charter schools have been the most recent attempt to address the shortcomings of Connecticut’s public schools. Over the course of thirty years, the terms of debate shifted from school finance reform to racial isolation to more recent discussions about the so-called achievement gap. The discussion reached a crescendo when the Hartford Courant reported on August 30, 2010 that Connecticut had the largest achievement gap in the nation. Narrowing the gap between minority and white students would become a focal point for reformers.

During the 1970s, school finance dominated the education reform agenda. The primary thrust was to correct for funding disparities between school districts and to afford

students an equal educational opportunity despite where they lived. A wave of state court decisions drove changes in how states funded public schools, and in most cases required states to increase the state's share of education funds. In Connecticut, the legislature's agenda was driven by the *Horton* court decisions which directed the legislative body to devise a more equitable funding formula that resulted in the legislature devising a cost sharing arrangement between the state and school districts known as the ECS or Educational Cost Sharing grant (DeNardis 2010). Efforts to further equalize the funding formula continued until the late 1980s through the 1990s when the reform agenda took another approach which focused on the issue of racial isolation as it impacted equal educational opportunity through the *Sheff* decisions. The dominant approach today, while retaining elements of earlier reform periods, framed the education policy debate primarily in terms of choice, government management, and accountability.

### **Connecticut's First Charter School Legislation: "A Convergence of Interests, A Convenient Marriage of Individuals with Different Agendas"**

After several failed attempts, school choice proposals were finally given a full hearing on March 11, 1996, by the Connecticut General Assembly. The package of reforms included several proposals including vouchers and charter schools which were to be voted on in tandem. The consideration of charter schools alongside the more controversial proposal for vouchers proved to be a decisive and strategic move on the part of the Governor and the bill's sponsors. In comparison to vouchers, charter schools were perceived to be as less threatening among the educational interest groups, particularly teachers' unions.

Among the interest groups who gave testimony on Senate Bill 59 were the usual constellation of educational and industry organizations, some of whom had served on the

Governor's Commission on School Choice. These included the Connecticut Association of Independent Schools (CAIS), the Office of Policy and Management (OPM), the Connecticut Business and Industry Association (CBIA), the Connecticut Association of Boards of Education (CABE), the Citizens Alliance for Public Education CAPE, League of Women Voters, and the Connecticut Education Association (CEA), to name the most prominent groups.

Testifying in favor of charter schools were CAIS, CBIA, and OPM. Peter Tacy, Executive Director of CAIS and a member of the Governor's *Blue Ribbon Commission on School Choice*, started off the public hearings. Referring to the previous attempt at reform, Tacy spoke of the urgency and the timing of the proposal as well as referencing past efforts by opponents to derail the legislation.

You've heard much about the evils of these proposals. I believe the worst that can be said about them is that, seen all together, they are so much less than the real, unmet need. It is time for this Legislature to face that need. Our children deserve better. If choice legislation must be the first item on our state's reform agenda, the bills before you propose little in that line that is unreasonable. They may even bring progress. But whatever you do about them, a crying need will remain. It's time to meet it (Report of the Task Force 1992, 854).

Also speaking in favor of school choice and charter schools was CBIA, the Connecticut Business and Industry Association a pro-business interest group whose testimony revolved around the concern for boosting student achievement in order for Connecticut's young people to compete in a global marketplace (Education Committee Hearing 1996, 967). The Connecticut Association of Boards of Education (CABE) also spoke in favor of charter schools provided that the schools are non-sectarian, have non-discriminatory enrollment policies, enjoy the support of parents and teachers, and empower local boards of education to grant charters (Education Committee Hearing 1996, 873).

The Connecticut Education Association provided mixed testimony reflecting the union's ambivalence about charter schools. The testimony reveals the contours of the final legislation which is replete with provisions designed to address the union's concerns about the material interests of teachers. CEA President Eagan's comments presaged the bill's final outcome and indicated a willingness of the union to support the bill. His testimony was laden with several caveats that reveal some of the compromises that would emerge in the final legislation. Eagan stated that the CEA's support would be contingent on a number of elements and offered the following:

A good charter school law should not be a means of dismantling public education, should not be used to make money from children, and should not be a means of subsidizing religious and other private schools with taxpayer dollars. A good charter school law should promise the use of innovative instructional strategies that improve teaching and learning and should not simply focus on decentralization and deregulation (Education Committee Hearing 1996, 945).

Figuring prominently among CEA's concerns was the impact that charter school laws would have upon teachers. Accordingly, they believed that a good charter school law should assure that only certified teachers and administrators work with students. In referring to charter schools as experiments, CEA stance was that teachers should not have to give up their protections in order to participate. President Eagan made reference to a similar effort underway in New Jersey which involved a joint collaboration with teachers' unions working closely with Governor Whitman to craft support for charter school legislation (Education Committee Hearing 1996, 145). He also alluded to the fact that the CEA could support the bill if modifications were made and concluded his testimony by stating that CEA had passed a resolution calling for the investigation of charter schools in Connecticut.

Ultimately, the CEA backed the charter school legislation and was pivotal in securing passage in the Democratically-controlled legislature. In reflecting upon the role of teachers' unions, Yvette Melendez-Thiesfield, the Charter School Program Manager, provided testament to their key role when she remarked "The reason the bill passed in the last session was that there was a lot of consensus building with the local teachers' union." (Johnston 1996).

Charter school legislation was passed in a final vote on Senate Bill 59 with 28 in favor and 7 senators against the measure (Senate Proceedings 1996, 3473). Two legislators were instrumental in the passage of charter school legislation, Senator Judith Freedman, a Republican, and Senator Kevin Sullivan, a Democrat. Together, they shepherded the legislation through the Connecticut General Assembly. Freedman was a formal school teacher who strongly favored charter schools. Sullivan had a long standing interest in education policy dating back to the late 1970s when he served as executive assistant to the Commissioner of Education and was instrumental in devising the first equalization funding formula for state aid to school districts (Tracy 1984). He had also served on the 1992 Connecticut Task Force on Charter Schools when the first effort was underway to advance charter schools. Both were ranking members of the Education Committee in the state senate, had strong standing among their senate colleagues and were instrumental in crafting bipartisan support.

Since charter school legislation was first passed in 1996, Connecticut has created twenty two charter schools, enrolling 4,992 students, and accounting for 1.6% of all public schools (CER 2011). These schools are located primarily in five schools districts: New Haven, Bridgeport, Norwalk, Stamford and Hartford. By statute, charter schools

must serve at-risk populations that are subject to racial and economic isolation. Similar to their counterparts in other states, the charter school population is comprised of a larger minority population (63%) than traditional public schools.

### **Capping and Compromise**

During the intervening years from passage of the first charter school law in 1996 until 2010 when the legislature passed the Education Reform Act, the battle over charter schools has largely centered on the issues of enrollment caps and achieving more equitable funding. The most conspicuous feature of Connecticut's charter school legislation is the limit placed on the number of charter school students. A cap is a limit placed on the number of charter schools authorized by the state or on student enrollment. As Terry (2009, 2) notes, caps are "artificial limits on charter growth with no connection to charter school quality or growing student or parental demand." Connecticut is among twenty six states that have capping provisions. The enrollment caps limit the number of students at each school. Over the course of several years since the initial law was passed in 1996, the legislature voted to raise the cap to 250 students or 25% of the district; 300 students or 25% of the district for K8 schools and 85 students per grade for charters with demonstrated record of achievement (National Alliance 2010, 28). From a limit of 1,000 students statewide, the cap was raised to 1,500 for the 1998-1999 school year. Finally, with the passage of the Education Reform of 2010, the legislature lifted the cap on high-performing charter schools provided that they apply for a waiver with the State Department of Education.

Over the last fourteen years, the legislature has occasionally lifted the cap on enrollment in existing charter schools in response to interest group pressure. The gradual

easing and lifting of enrollment caps has occurred as part of the political bargaining process. As Ziebarth (2006) notes, most state charter laws had original capping provisions that were the result of a political tradeoff between charter school proponents and the teachers' union. Caps became a pivotal issue and a key bargaining chip when the Obama administration made lifting charter school caps part of the criteria to qualify for the *Race to the Top* funds. In fact, Secretary of Education Arne Duncan issued a warning regarding the practice of capping in terms of affecting a state's charter school application. In a preface to his speech on the topic of school turnarounds, the Secretary told states that they must be open to charter schools.

States that do not have public charter laws or put artificial caps on the growth of charter schools will jeopardize their applications under the *Race to the Top Fund*. To be clear, the administration is not looking to open unregulated and unaccountable schools. We want real autonomy for charters, combined with a rigorous authorization process and higher performance standards (U.S. Department of Education 2009).

In preparation for Connecticut's application to *Race to the Top* and to make the application more competitive, the General Assembly passed The Education Reform Act of 2010 which included a provision to lift the cap on high-performing charter schools. Connecticut, along with several other states, responded to federal incentives to reform by aligning state education policies to position themselves for RTTP funds.

### **Charter School Redux: The Education Reform Act of 2010**

The Education Committee held public hearings on March 15, 2010. Amidst an overflow crowd that spilled into the corridors of the Legislative Office Building, supporters and opponents lined up to give their input on the education reform package.



Many of the familiar interest groups gave testimony on various pieces of the legislative package. Additionally, there other interest groups that had emerged since 1996 such as the Connecticut Coalition for Achievement Now (ConnCAN) and the Connecticut Coalition for Justice in Education Funding (CCJEF). ConnCAN was a new arrival on the scene in terms of education interest groups. It was largely due to ConnCAN's advocacy that modest changes in Connecticut's charter school law were effectuated during the 2010 session of the General Assembly. In some cases, their positions intersected, in others they diverged and were at odds with one another usually around funding issues. For instance, CCJEF opposed charter schools for diverting resources away from traditional public schools which would undoubtedly affect funding formulas as allocated by the Education Cost Sharing grant administered by the state. On the other hand, ConnCAN was a staunch advocate of the policy that school funds should follow the child. While ConnCAN did not prevail on the financial issue, it did prod the legislature to lift the cap on high performing charter schools.

On April 30, 2010, a final debate was held on Senate Bill 438. The two key legislators involved in crafting the legislation were Senators Gaffey and Fleishman. As ranking members of the Education Committee, they were responsible for holding meetings with the various interest groups in order to craft the legislation that would be aligned with the federal application criteria that ultimately were submitted as part of Connecticut's *Race to the Top* application. Having lost out on round one, Senator Gaffey noted the effort that was undertaken to position Connecticut to be more competitive in round two of *Race to the Top*.

When the news came out that we were not in the final sixteen states in round 1, I was quite upset by that. And that day I got on the phone and I called

Commissioner Mark McQuillen, and I told him that I'd like to convene a group of stakeholders including himself and his staff, to sit down and grind out what we needed to do as a General Assembly, as the State of Connecticut, to change our laws so that we were better suited to win round 2 (Final Senate Debate 2010, 2080).

Germane to the charter school discussion, the legislative proposals included a waiver for state charter schools that demonstrate a record of high student achievement. It also allowed the State Board of Education to issue charters without taking into account available appropriations, and finally, the legislation made the charter school facility grant program permanent. Rising in support of the education reform package, Senator Meyer offered the following comments which capture the change in mood between the passage of the first charter school law in 1996 and the Education Reform Act of 2010. Noting that the tide had changed with respect to public opinion and charter schools he offered the following testimony:

For the last ten years there have been some lone voices calling for a major increase in the charter schools, independent schools, and what bill calls the "innovation schools." That the sun has really set on that new movement and recognition that education for our children, for our grandchildren is something greater than the way we've done it in the past. I had lunch today with Marian Wright Edelman, the Director of the Children's Fund in Washington, DC and actually a Representative in the District of Columbia in the U.S. Congress. And we had a chance to talk about the charter school movement, which she, like me, ten years ago would have strongly opposed. She said two things at lunch today about charter schools. She said, "First, remember charter schools are public schools." And the second thing she said is that "Charter schools are an important part of the answer." When we look at a great charter school in New Haven like the Amistad School, we know she's right. And I just urge enthusiastic support of this bill. It's going into the future in the best direction for our state and our country (Final Senate Debate 2010, 2103).

It was heralded as the most important reform since the passage of the charter school law in 1996. Governor Rell (2004-2010) signed the bill that included lifting the enrollment

on high performing charter schools. As reported by Jacqueline Rabe and Robert Frahm in the May 26, 2010 Connecticut Mirror article entitled “Hoping for Federal Aid, Rell signs sweeping education reform bill,” the resulting education reform package came about in large part due to the powerful financial incentives of federal funds coupled with strong legislative leadership in ultimately pushing through the legislation.

An unlikely coalition crafted the bill, including the state’s two major teachers’ unions, the superintendents’ association, administrators’ association and the school reform group ConnCAN. ConnCAN’s advocacy was at odds with teacher unions, and the group was also strongly critical of the initial *Race to the Top* application prepared by McQuillan.

While Senator Gaffey’s working group did not typically agree on many issues, the prospect of being awarded 195 million dollars provided a powerful incentive for cooperation. The federal application included several components with accompanying points awarded to each: linking teacher evaluations with student performance, additional graduation requirements, the establishment of governance councils for low performing schools and easing restrictions on charter schools (Federal Register, July 29, 2009). The state legislature attempted to mirror the required components of the application in the package of legislative reforms.<sup>1</sup> However, as noted in the aftermath of losing the *Race to the Top*, most of the reforms fell short and did not go far enough particularly with respect to teacher pay and performance which still lacked specifics. The charter school component of the application was worth 40 points out of a possible 400. The legislature’s move to lift the cap on high performing charter schools garnered 29 out of 40

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<sup>1</sup> The education reform package consisted of several individual pieces of legislation: SB438 An Act Concerning Charter Schools and Open Choice Program Funding, SB440 An Act Concerning Schools Districts and Teacher Performance, SB442 An Act Concerning Boards of Education, HB5487 An Act Concerning the Open Choice Program, HB 5489 An Act Concerning Secondary School Reform, HB 5491 an Act Concerning Certain School District Reforms to Reduce the Achievement Gap in Connecticut, and HB5493 An Act Concerning Strategic Planning in State Education Policy and Charter School Funding

points. However, the cap limiting the overall number of charter schools to this date has not been lifted. In feedback provided by the federal Department of Education, Connecticut's application was deemed to be weak on a number of grounds including charter schools which was a contributing factor to losing the federal grant competition in both phases (Sam Dillon 2010).

### **Conclusion**

With all the factors militating against charter schools and previous failed attempts to secure passage, this paper attempts to explain why the Connecticut General Assembly passed charter school legislation in 1996 when the issue had been debated since 1992. The answer lies in several factors that converged in the spring of 1996. Consistent with the pattern in other states, charter school laws emerged where the GOP consistently controlled the Governor's office and where unions were strong. While seemingly contradictory, teachers' organization sought to guide and craft legislation that would reflect the material interests of teachers. The resulting combination of GOP control of the Governorship counterbalanced by a Democratically-controlled legislature influenced by strong unions produced weak charter school legislation.

The *Race to the Top* also shaped the policy environment. President Obama's signature education initiative rewarded states for demonstrating innovation in teacher certification and evaluation. The *RTTP* funds also included a provision concerning charter schools. States had to demonstrate in their policies that they were supportive of charter schools in terms of lifting the caps in order to facilitate their formation. Additionally, the arrival of on the scene of new advocacy groups on behalf of charter schools such as ConnCAN served to highlight awareness of charter schools and pressure

the state legislature for more equitable treatment of charter schools. ConnCAN's critique of the state's charter school law and prediction that it would lose out on federal funds if it did not lift the cap was one of the driving forces behind the legislature's adoption of reforms to better position Connecticut's grant application. The catalyst of federal funding in a competitive grant program where Connecticut stood to gain millions in funds finally broke the stalemate that had typically characterized policies towards charter schools.

While education policy in Connecticut tends towards the status quo, this inertia has been periodically interrupted when external forces break the logjam. At both critical junctures in 1996 and 2010, external forces served as the catalyst for policy reforms. The first critical juncture took place with the arrival on the scene of a new political actor and policy innovator in the person of Governor John Rowland (1995-2004). His championing of a school choice agenda also coincided with the *Sheff* court decision which propelled forward a stalled policy agenda. Charter schools became one mechanism to achieve the goal of reducing racial isolation. In this context, charter schools were the product of a conservative Republican Governor and Democratic majority in the legislature with competing goals and objectives. For the Governor, charter schools fit a pro-school choice agenda while for his democratic counterparts it was a means of satisfying the court ordered desegregation of *Sheff v. O'Neill*.

Charter schools, while comprising only a small fraction of the total number of schools in Connecticut represent an important alternative in terms of educational opportunities available to school children. As testament to their growing popularity, charter schools have over 5,000 students on waiting lists (Connecticut State Department

of Education, 2010). Despite the growing demand, charter schools in Connecticut continue to face considerable obstacles in the form of political opposition from teachers' unions and other quarters that has impeded their growth and expansion. Recent history has demonstrated that the policy stalemate prevailing in Connecticut education policy can be overcome when outside forces serve as a catalyst for reform such as seen in the *Race to the Top* program. It appears that given the inertia in state policy making, the future of charter schools may hinge on federal intervention again through the reauthorization of the Elementary and Secondary Act or ESEA. Charter schools have received federal recognition for their importance in providing greater educational opportunities in the educational arena. The policy emphasis of charter schools particularly at the federal level will be an important factor in determining the future of charter schools in Connecticut. The reauthorization of ESEA currently pending in Congress envisions a continued federal role in charter schools through a permanent competitive federal grant program designed to foster the creation of new schools. The recognition of the importance of charter schools and cognizance of the policy logjam at the state level will ensure a continued federal presence in charter schools for the foreseeable future.

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