

CHARTER MANAGEMENT ORGANIZATIONS AND STUDENT DISCIPLINE:
PROBING THE EQUITY-EFFICIENCY TRADEOFF

by

Nicole M. Togno
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Committee:

Penelope Eckley Chair

Michael M. Burt

Sam J. Jinn

Gary R. Galluzzo

Justin K. K... Program Director

Michael Dean, College of Education and Human
Development

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Fairfax, VA

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Nicole M. Togno
Master of Science
East Stroudsburg University, 2003
Bachelor of Science
East Stroudsburg University, 2001

Director: Penelope Earley, Professor
College of Education and Human Development

Spring Semester 2017
George Mason University
Fairfax, VA



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Dedication

To my clever husband, Jesse, who provided me with unflinching support and a well-stocked wine cellar.

To my dogs, Mookie and Ticket, who did absolutely nothing.

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Abstract

CHARTER MANAGEMENT ORGANIZATIONS AND STUDENT DISCIPLINE: PROBING THE EQUITY-EFFICIENCY TRADEOFF

Nicole M. Togno, Ph.D.

George Mason University, 2017

Dissertation Director: Dr. Penelope Earley

Reform efforts and policy initiatives aiming to improve academic outcomes for traditionally disadvantaged students abound in the education market. The purpose of this study is to examine the popular reform movement of charter schools to probe the sociopolitical trade-off between equity and efficiency. From a social perspective, the charter school movement reflects the desire to address persistent inequities in educational opportunities. From a political perspective, however, charters reflect dominant themes in education policy, including that of privatization, localized control, economic growth, and accountability (Linick & Lubienski, 2013; McGee & Mutchler, 1998; Timar & Tyack, 1999). Research questions were developed to explore the tensions between equity, as demonstrated through the social justice issue exclusionary discipline, and efficiency, as

demonstrated through achievement, as they play out in the charter school sector of the education market.

Policy Paradox and *Institutional Isomorphism* provide the theoretical frameworks for the analysis. The policy paradox demonstrates that policies designed to address inequities in education experience pressure from the education market to perform, and perhaps result in undermining the very inequities they seek to solve. Institutional isomorphism is used to interpret how, despite major change and waves of reform, a sense of *déjà vu* in education persists. The literature review and quantitative data provide the foundation for this non-experimental, comparative, exploratory analysis.

Findings suggest that when it comes to the use of exclusionary discipline and student achievement, organizational structure matters. Charter schools that are part of a larger network of schools, Charter Management Organizations (CMO), were more likely to suspend students than other types of charter schools. CMO charter schools also outperformed those not part of a CMO in math achievement. Data also suggest that as math achievement increases, so does the use of suspension. Amidst some gains in efficiency, equity remains elusive.

Chapter One: Introduction

Following the 1983 release of the report *A Nation at Risk*, the people of the United States were confronted with what civil rights activists had been saying for years. Public education fails to deliver quality education equitably despite considerable attempts (e.g., Elementary and Secondary Schools Act [ESEA], 1965; Individuals with Disabilities Act [IDEA], 1975). For the past three decades, numerous reforms have been implemented in attempts to address this disparity and improve the quality of education. Failure of equity-based reform initiatives and continued poor performance in the nation's schools opened the door for the standards-based reform movement emphasizing academic success for all students, cementing assessment scores as the primary metric defining that success. This climate of high pressure and continued low performance, exacerbated by an expanding achievement gap between minority and non-minority students, and those with means and those without, has in turn ushered in a new wave of choice-oriented, neoliberal market-based reforms.

Hursh (2007) argues that the passage of No Child Left Behind (NCLB; 2001) reflects the larger sociopolitical context that serves as a pretext for neoliberal reforms aiming to increase efficiency through accountability in the education market. Such reforms supplant the social democratic politics initiated during the administration of Franklin Delano Roosevelt in favor of economic deregulation and the privatization of

public services (Tabb, 2002). The assumption underlying this trend is that the competitive pressure imposed by neoliberal reforms, such as educational choice, will improve public schools writ large (Chubb & Moe, 1990). Educational choice (e.g., vouchers, magnet schools, charter schools), where parents have the right to select their child's school at public cost, has expanded the position of a marketplace for public education, and particularly so in urban areas. According to Hursh (2007), the full potential of neoliberal education reforms rests on the assertion that individuals are able to make choices within a market system; a system where schools are not only subject to accountability standards, but also to education consumers, namely parents and students, for whom they must compete. A heightened focus on efficiency and accountability through NCLB (2001) helped to create a favorable climate for neoliberal solutions to societal problems. Acuirre and Johnson (2005) describe charter schools as one such solution to an inequitable and dysfunctional education system.

Legislative History of Charter Schools

The market for education is perhaps most prominently reflected by charter schools, the growth of which has been rapid. The first charter school law was adopted in Minnesota in 1991 and as of this writing, only eight states do not yet have charter school laws (Alabama, Kentucky, Montana, Nebraska, North Dakota, South Dakota, Vermont, and West Virginia; Center for Education Reform, 2015). The federal Charter Schools Program (CSP) was authorized three years after the passage of the first state law in 1994 under reauthorization of ESEA, yet it was not until a provision to the No Child Left Behind Act (2001) that charter schools were given meaningful legislative footing at the

federal level. The expansion of charters over the previous two decades has solidified a marketplace where opportunity was previously afforded only to wealthy families; it empowered families most in need to make choices about where their children are educated (Moe, 2002; Yeung & Conley, 2008). The rapid rate at which charter schools began to crop up around the nation is a fascinating phenomenon in education policy, particularly in light of education's traditional bureaucratic resistance to change. Over the past decade and a half, charter school enrollment has risen by 225 percent (Center for Education Reform, 2015). The most recent data available at the time of this writing shows that there are more than 6,500 charter schools serving over 2.7 million children across forty-two states and the District of Columbia.

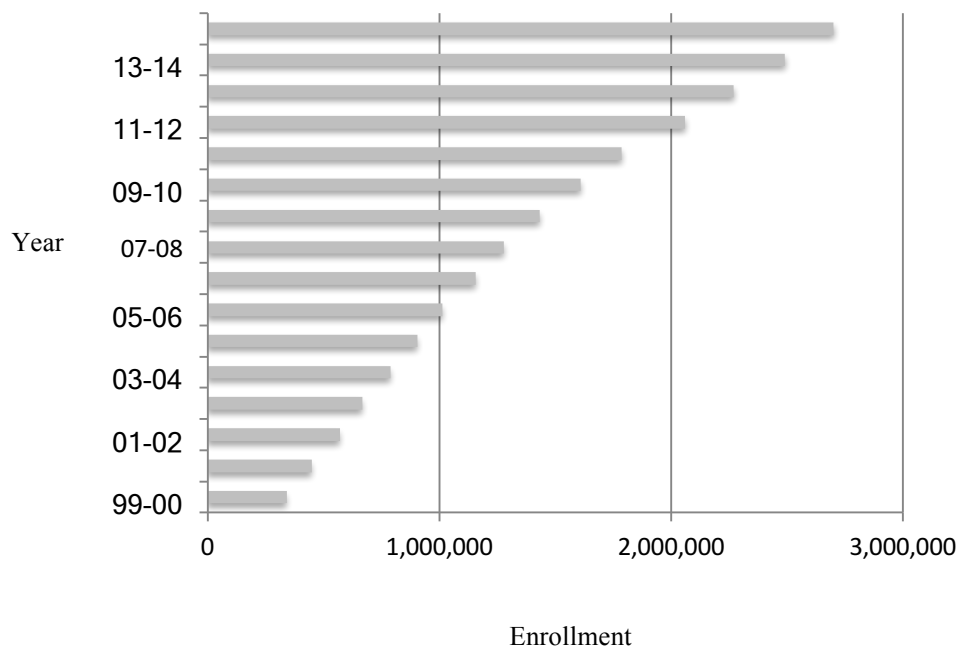


Figure 1. Increase in US charter school enrollment, 1999-2015. Data from U.S. Department of Education, National Center for Educational Statistics, Common Core Data (CCD), 2014, retrieved from http://nces.ed.gov/programs/digest/d14/tables/dt14_216.90.asp. 2014-2015

Many choice reformers assert that an education market allowed to correct itself through competition will increase achievement for at-risk students and narrow the various gaps in education. Early advocates of charter schools point to the excessive layers of bureaucracy and centralized rules applied to traditional public schools regardless of circumstance (e.g., neighborhood characteristics, student population, parent preferences) as a major source of the failings of the US public education system (Chubb & Moe, 1990; Nathan, 1996). Charter schools have also been promoted as a social justice tool for remediating the unequal condition of education for minority youth. This focus on serving a larger social mission is revealed, according to Coons and Sugarman (1978), when there exists choice among true educational alternatives, thus offering the most significant opportunities to the most economically and socially disadvantaged families. Similarly, Cookson (1994) argues that by virtue of innovation, charter schools can address “the real needs of children” and therefore are “committed to the preservation of democracy, the advancement of social justice, and the creation of schools that are oases of hope and intellectual ferment” (p. 119). Whereas the charter school movement initially began as a vehicle for parents, educators, and community members to address local needs, it has been propelled by concepts of efficiency, autonomy, and competition. Thus, in theory, charter schools can be viewed as a way to serve two conjoined goals related to efficiency

and equity in education. The first is to close the various achievement gaps, and the second to serve a larger social mission.

In the current sociopolitical landscape that is both capitalistic and democratic, the efficiency and equity of the American education system are under considerable public scrutiny. Within this larger market of education, however, it is not clear if these conjoined goals of efficiency and equity are complementary or at odds. Efficiency is an economic term that when used in the context of education typically refers to the composite concept of accountability; i.e. measureable outcomes, higher test scores and graduation rates (Sahlberg, 2010). In the broader social context of education, equity is a marker of social justice referring to fairness and equality of opportunity and resources. Okun (1975) describes how conflict arises when social institutions act to foster equality while economic institutions are guided by efficiency. He proposes that in any market there always exists what he calls “the big tradeoff” in that the promotion of equality comes at some cost in efficiency (Okun, 1975).

Henig and MacDonald (2002) urge the trade-off created two distinctive strands by which charter schools can be characterized: one that emphasizes market efficiency and another that emphasizes a social mission, or equity. Whereas Robertson (2000) urges that both “efficiency and equity in education can only be addressed through choice where family and individuals are constructed as the customers of educational services” (p. 174). In order to be complementary, efficiency is maximized simultaneously with equity (Brown, 1989). According to Tyack and Cuban (1995), “the rhetoric of reform has reflected democratic politics, with its insistence on access and equality, and the

structuring of opportunity in a competitive market economy” (p. 59). Much of the rhetoric is theoretical, and it is largely unclear how this tension plays out, if at all, in the growingly diverse US charter marketplace.

Charter school models have proven especially attractive in urban, high-poverty settings, where parents are increasingly seeking alternatives to their neighborhoods’ failing public schools (Mehta, 2013; Skiba, Chung, Trachok, Baker, Sheya, & Hughes, 2014). In fact, the majority of charters nationwide are serving concentrated low-income students. The percentage of students enrolled in charters that are classified as eligible for free and reduced-price lunch is greater than the national average for students enrolled in traditional public schools. As shown in Figure 2, the percentage of charter schools serving student populations where more than 75 percent of students qualify for free and reduced-price lunch is more than 60 percent greater than the percentage of traditional public schools serving student populations where more than 75 percent of students are eligible for the program.

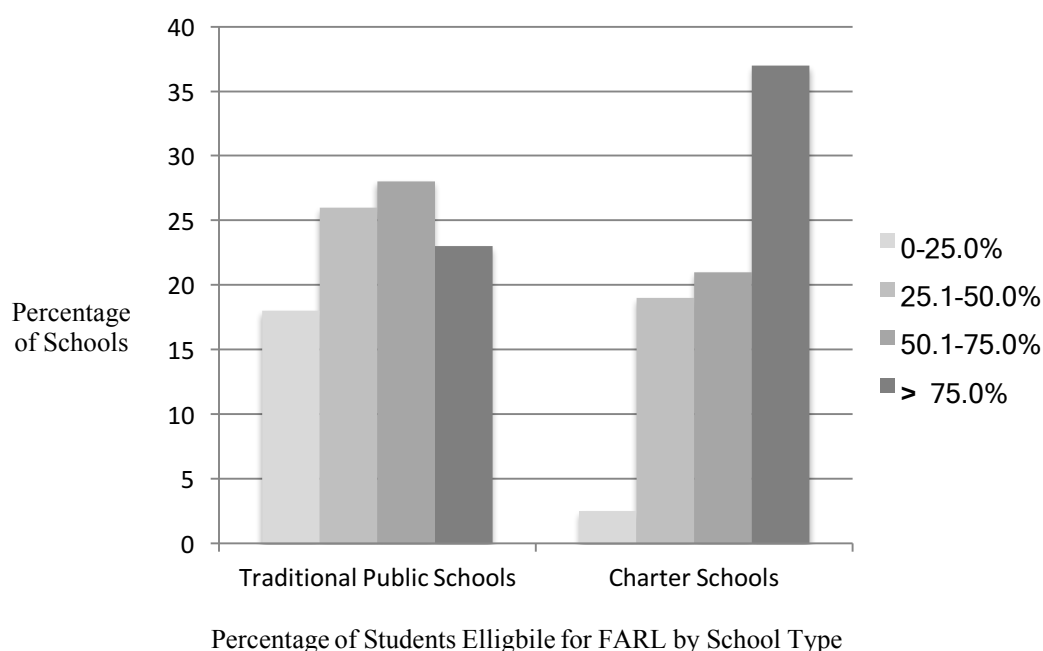


Figure 2. Percentage FARL in Public versus Charter Schools, 2012-2013. Data from U.S. Department of Education, National Center for Education Statistics, Common Core of Data (CCD), 2014, retrieved from http://nces.ed.gov/programs/digest/d14/tables/dt14_216.30.asp.

Charter School Governance and Management

Charter schools are publicly-funded schools of choice operated outside the control of local districts, and often privately managed, paving the way for within-sector variation. One important variation that has emerged in recent years is the organizational structure. Most charter schools across the nation exist as independent freestanding organizations (Woodward & Raymond, 2013). Such independence theoretically affords them the flexibility to take more chances than feasible in a traditional public school setting and experiment with what works for different students. According to Wells (2002), this independence was at times accompanied by too little external support to adequately run

the school. This, in part, resulted in the emergence of management organizations (MO), which through an economy of scale could theoretically alleviate much of the common resource constraints faced by freestanding charter schools (Smith et al., 2009). Scott and DiMartino (2010) argue that the development of MOs is more than just a response to insufficiently-supported community-centered and teacher-initiated schools. They argue it is rather an evolution toward a more business-like model driven by a disappointing achievement data indicating that on aggregate, charters failed to significantly outperform their traditional public school counterparts and gaps in achievement persisted.

Private for-profit education management organizations (EMOs) and nonprofit charter management organizations (CMOs) comprise the MO sector, yet considerable differences exist beyond profit status. For instance, private EMOs often manage a mix of charter and non-charter schools, whereas CMOs exclusively manage charter schools (Scott & DiMartino, 2010). Over the past decade, EMOs have diversified to also include the provision of supplemental services, making them look less like CMOs and more like educational generalists (Scott and DiMartino, 2010). The governance and oversight structure afforded by the network is a key difference within the MO sector. EMOs provide operational support to schools within their network, typically at a fee, but the EMO does not hold the charter and individual schools choose their affiliation with the EMO. Schools in a CMO network, by contrast, are directly managed by the CMO, who holds executive authority over each school (Woodward & Raymond, 2013). Thus, CMOs centralize the management of a cluster of charter schools, which all operate from a shared educational mission and vision (Smith, Farrel, Wohlstetter, & Nayfack, 2009).

The popularity of the CMO model has grown substantially in recent years, far surpassing that of the EMO model. They now comprise a substantial share of the charter school market. According to a national study of CMO charter schools (Ferguson, Gill, Haimson, Killewald, McCullough, Nichols-Barrer, Teh, Verbitsky-Savitz, Bowen, Demeritt, Hill, & Lake et al., 2012), in 2009 roughly 20 percent of public charter schools nationwide were managed by a CMO, up from 12 percent in 2000. This represents a nearly 20 percent annual increase in the number of CMOs over that period of time. The CMO network model in particular could significantly impact the education of urban minority children given the concentration of CMO schools in urban areas (Goodman, 2013). Nearly 75 percent of all CMOs nationwide are located in urban settings and 91 percent of the students served are Black or Hispanic (Ferguson et al., 2012).

CMOs also have strong philanthropic support from funders such as the Bill and Melinda Gates Foundation, and support of venture capitalists such as the NewSchools Venture Fund (Scott & DiMartino, 2010). Critics of neoliberal educational policies support a broader market of education than charter schools. Civil rights organizations such as the National Association for the Advancement of Colored People (NAACP) (NAACP, 2010), however, urge such policies do nothing to address social injustices as evidenced in racial and class divides in the minority, urban communities themselves. This is perhaps reflected in the ways in which charter schools approach student discipline. In addition to surpassing public schools in some areas, such as achievement tests, many urban charter schools also lead their counterparts in rates of exclusionary discipline (e.g., suspension, expulsion). The focus of this exploratory study is to determine if different

organizational models reveal tensions between efficiency, as demonstrated through achievement, and equity, as demonstrated through the social justice issue known as exclusionary discipline.

Emergence of a Discipline Gap

Schools, traditional, charter, or otherwise, are charged with the considerable task of ensuring all students are able to receive an education in a safe environment that is free of violence, drugs and alcohol. Because they serve students with various backgrounds, cultures, and experiences, schools are complex environments. Repercussions in school discipline practices for incidents minor and major alike are emerging. Children are experiencing exclusionary discipline in the form of in-school and out-of-school suspensions and expulsions at significant rates. For instance, according to the U.S. Department of Education (2014), over 3.5 million students in grades kindergarten through twelve were suspended from school across the country. An additional 130,000 were expelled completely. The extent of racial disparities in discipline experienced by students is shown in Figure 3. African American students represent 16 percent of the 49 million students enrolled in public schools, yet they make up 32 to 42 percent of students suspended or expelled. Although White students represent a similar range of those receiving exclusionary discipline, they represent over half of the total student population (U.S. Department of Education, 2014).

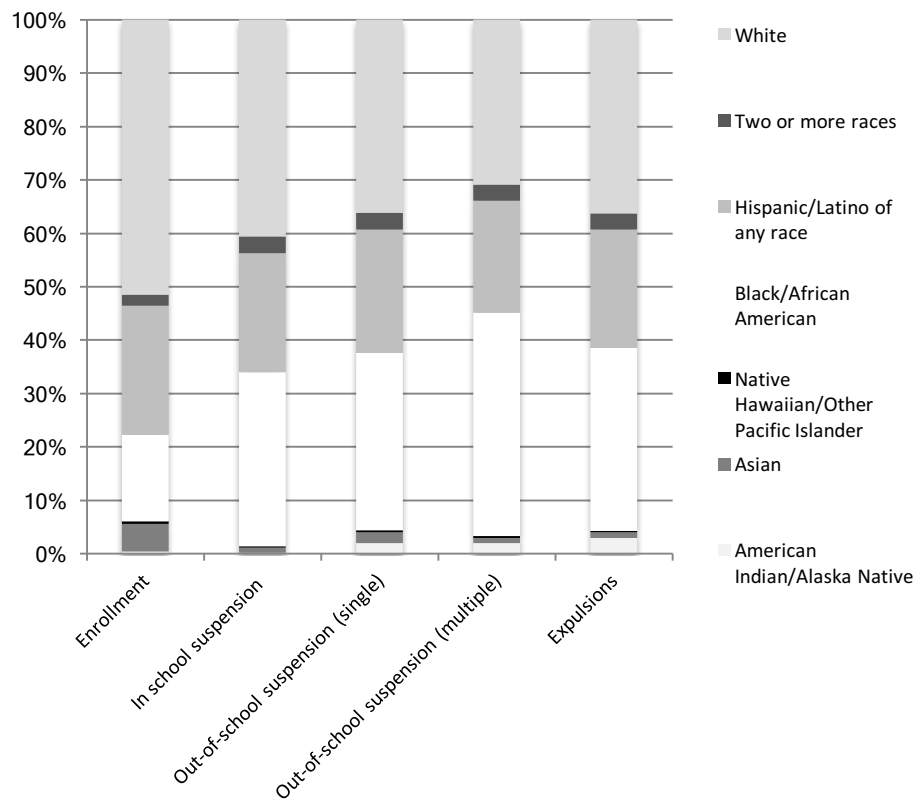


Figure 3. Exclusionary Discipline by Race/Ethnicity, 2011-2012. Data from U.S. Department of Education, Office for Civil Rights Data Collection, 2013, retrieved from <http://ocrdata.ed.gov/>.

The “discipline gap,” as it has come to be known, was first highlighted forty years ago in a report by the Children’s Defense Fund (1975). It refers to the considerable disparities in discipline experiences for students based on race, gender, disability, and sexual orientation, and how these disparities disproportionately impact outcomes, some lifelong, for large groups of students. Figure 3 shows the rates of suspension and expulsion by race and ethnicity for all students in the United States during the 2011-2012 school year. The Office for Civil Rights (OCR), housed in the U.S. Department of

Education, maintains the largest national database regarding exclusionary discipline practices. The OCR collects rates of exclusionary discipline practices biannually on all public schools and students, although the inclusion of charter schools and students is a recent addition. In a 2016 report by Losen, Keith, Hodson, and Martinez on behalf of the Center for Civil Rights Remedies, the authors were able to disaggregate OCR data on rates of exclusionary discipline in charter schools by selected student subgroups, including race, disability, and English learning status across 5,250 of the nation's 95,000 charter schools in operation during the 2011-2012 school year. Although the discipline gap has been researched extensively in the traditional public school sector, this landmark report is the first of its kind to examine the extent to which the discipline gap affects the charter school sector. The findings are troubling. The authors found that 374 charter schools suspended more than 25% of their enrolled student body at least one time that school year, and high rates are more prevalent for some groups than others (Losen et al., 2016). At the secondary level, charter schools suspended students with disabilities at a rate of nearly 21 percent, as compared to a rate of 10.6 percent for students without disabilities. African American charter school students were suspended at a rate of 22 percent, more than double the rate for Hispanic students (9.1%) and over triple the rate for White students (5.6%) (Losen et al., 2016).

Disproportionate discipline experiences of some in US charter schools may act as a barrier to academic success, challenging the promise that charter schools will disrupt the failing education system and narrow achievement gaps. Disciplinary sanctions that remove youth from the classroom, and thereby remove the opportunity for human capital

development, appear to have the potential to perpetuate racial and class inequalities (Jordan & Anil, 2009). Exclusionary discipline also serves as a vehicle for youth to enter the school-to-prison pipeline (STPP), which refers to the harsh punishment for problem behavior such as noncompliance, disrespect, threats, and violence, guided by policies that funnel students into the juvenile justice system (ACLU, 2014; APA, 2008; Marchbanks, Blake, Booth, Carmichael, Seibert, & Fabelo, 2015). Policies fueling the pipeline (e.g., Zero-Tolerance, No Excuses) fail to account for individual students' needs (e.g., disability, social emotional deficits, trauma history, abuse, neglect, poverty) yet, are popular among many urban charter schools (Cheng, Hitt, Kisida, & Mills, 2014).

Statement of the Problem

Urban minority children are increasingly being educated in public charter schools (Ferguson et al., 2012). These schools are publicly funded, yet are exempt from many of the regulations that apply to traditional public schools in order to provide curricular flexibility and operational autonomy (Vergari, 2009). Charter school policy initiatives reflect an important component of the prescription for raising academic performance through a free education market; reformers assert the introduction of school choice will disrupt the failing status quo and create a more efficient education system (Chubb & Moe, 1990). Opponents claim such disruptions may widen inequalities in education across racial, ethnic, and socioeconomic groups as a result of adherence to market competition (Darder, 2012). Despite discussions of the role of charter schools in narrowing achievement gaps, few studies of the education market examine the role of other possible outcomes.

Although the evidence is somewhat mixed, many charter schools are meeting with success and even out-performing traditional public schools on accountability measures including student achievement, graduation rates, and college enrollment rates (Betts & Tang, 2011; Golann, 2015; Wells, 2002). In addition to leading public schools in some areas, such as achievement tests, many urban charter schools also lead their counterparts in rates of exclusionary discipline (e.g., suspension, expulsion; Losen et al., 2016). This trend is especially important when considering that urban charter schools serve a majority minority and poor student population, and not all students are treated equally when it comes to school discipline. Many popular urban charter schools point to strict discipline policies as a source of their academic success (Thernstrom & Thernstrom, 2003). However, the literature indicates that disproportionate exclusionary discipline practices influence racial disparity in academic achievement (Gregory, Skiba, & Noguera, 2010).

The approach to studying charter schools has been myopically focused on whether the charter school sector of the education market results as compared to the traditional public school sector in improved student achievement (e.g. Hoxby, 2002; Zimmer & Buddin, 2005). For a more complete picture of the education market, comparisons not only across educational sectors are important, but comparison within the charter sector is critical given its variability. The organizational structure that defines the decision-making process in a charter school is one important way in which within-sector differences may be revealed. For instance, an *independent* charter school is operated and managed by local actors such as parents and school officials, with a vested stake in the community in which they operate (Roch & Sai, 2015). Comparatively, charters may be

part of a management organization (MO), whereby they are managed as part of a centralized network of charter schools, often spanning multiple communities and even states (Roch & Sai, 2015). There are two types of MOs: the non-profit *Charter Management Organizations* (CMO) and the for-profit *Education Management Organizations* (EMO). Where once the EMO model proliferated the charter segment of the education market early in the history of the charter schools, the model has lost considerable traction in favor of the CMO model (Lacireno-Paquet et al., 2002; Roch & Sai, 2015). In response, the EMO model has diversified to include the provision of supplemental services, making them look less like their CMO counterparts and more like the independent charter. Additionally, whereas the CMO centralizes the management of a cluster of charter schools around a shared vision and educational mission, the EMO does not prescribe a vision or mission.

The EMO does not hold the charter (unlike the CMO), and therefore individual schools chose their affiliation with the EMO. This choice is often driven by local actors who have the desire to start a charter school yet lack the means (e.g. finances, infrastructure, etc.) to do so without the support of the MO (Smith, Farrel, Wohlstetter, & Nayfack, 2009). Researchers suggest that the differences in the CMO model are too disparate from other types of charters (i.e. independent and EMO) and cannot be reconciled (Smith et al., 2009; Woodward & Raymond, 2013). Therefore, it is perhaps most appropriate to examine charters that are part of a CMO in comparison to all other types of charters. The non-CMO charter, therefore, is a charter school that is part of either an EMO or an independent, freestanding community charter school.

It is unclear if neoliberal education reforms aiming to decrease gaps in student achievement and the advancement of social justice are in some way incompatible.

Keeping in mind the tensions of efficiency and equity in the educational market, perhaps the intersection between the neoliberal policies and social justice can be better understood by taking a closer look at charters' organizational structures and the approach to student discipline. More specifically, the organizational structure adopted by the charter may be a key within-sector difference that potentially informs the equity-efficiency outlook.

Purpose of the Study

This dissertation explores the intersection of equity and efficiency in the market for education in public charter schools located in Washington, District of Columbia, and examines the extent to which, if any, the school's organizational structure informs the equity/efficiency outlook. Although charter schools are heavily researched, the bulk of the literature is centered on student achievement as compared to the traditional public school system. Little research seeks to examine the within-system dynamics of the charter sector, and even less attention is being paid to discipline practices within charter schools.

The central research questions that drive this study are:

1. To what extent, if any, is organizational structure (CMO, non-CMO) associated with the use of exclusionary discipline (suspension)?
2. To what extent, if any, is the use of exclusionary discipline (suspension) associated with student achievement (math proficiency, reading proficiency)?

2a. If so, is that relationship moderated by the organizational structure (CMO, non-CMO)?

The objective of this dissertation is to explore how charter schools' policies regarding the use of discipline emerge in contexts, and how these contexts influence the extent to which they adopt punitive practices. More specifically, I am interested in exploring if the operational context of market pressures interacts with the social dimensions of schooling, namely school discipline. This dissertation contributes to the growing body of literature in education policy research on school discipline, as well as whether charter schools represent reform by reducing inequity in public education.

Significance of the Study

Given the propensity of urban charter schools to serve a majority poor and minority student body, it is important to know more about their approaches to discipline, and what impact they may have on marginalized students who potentially contribute to a further widening of the already expansive racial divide, as well as the divide between the rich and poor in America. In light of growing evidence to suggest charter school expansion may be leading to increased segregation (Booker, Zimmer, & Buddin, 2005; Gulosino & d'Entremont, 2011), further examination of charter school discipline policies may reveal how social justice in education can be pursued in more rigorous ways. It is therefore important to analyze charter school discipline policies to determine the extent to which school level differences, namely the organizational structure, may impact the perceived success of a given charter. Given the contentious policy debates over charter schools and exclusionary discipline respectively, the information provided by this

investigation will be of great use to policymakers, schools leaders, parents, and students alike by casting light on the potential for charters to ensure student achievement and encourage initiative, all the while maintaining order. The District of Columbia is an important setting in which to examine the impact of charter schools because it ranks fourth among cities with the highest percentage of public charter school enrollment share of public education in which 44 percent of students attend charter schools. That rate is topped only by New Orleans, Louisiana (93%), as well as Detroit (53%) and Flint (47%), Michigan. Washington, DC was also among the first states in the nation to adopt charter school laws, and where rapid expansion was supported (U.S. Department of Education, 2014).

Conceptual Framework

The range and depth of issues impacting education requires a matching range and depth of strategies to help policymakers make the most informed decisions. Education policy research spans multiple social science disciplines (e.g., sociology, psychology, history, political science, public health) and thus this study is grounded in interdisciplinary frameworks germane to studying both past and contemporary issues in education, with a primary focus on how charter schools approach school discipline. Specifically, I draw on policy paradox and institutional isomorphism frameworks to examine the tensions of the neoliberal reform agenda and how these tensions intersect with student achievement and discipline.

Policy paradox. According to Stone (2012), no unitary notion of truth in political claims exists and inconsistencies abound when public policies are developed. Policies are

not implemented within a vacuum specific to the problem in which they are designed to address, and the process by which they are constructed is irrational. Therefore, attempts to make distinctions between one policy solution and another ignore the interrelated nature of complex social constructs and the values they are built upon (Stone, 2012). A commonality between Stone's theory and that of some critical theorists is that the social policy process is inherently driven by societal values (Torres & Van Heertum, 2009). In the case of Stone's theory, she highlights the possible conflictual nature between the societal values of equity and efficiency (Stone, 2012). When applied in this exploratory analysis, this framework is useful in deconstructing what is known about charter schools, the policies that govern them, and their potential for both social justice and oppression. Exploring charter schools' approaches to discipline through the lens of policy paradox helps reveal how values of equity and efficiency overlap, are aligned, and perhaps are in conflict.

Institutional isomorphism. Lastly, this study is framed by institutional theory, which provides interpretive power regarding the importance of the charter school sector as a source of innovation in the education market. Institutional isomorphism posits organizations are responsive to the institutional environments within which they are situated (DiMaggio & Powell, 1983). Therefore, the normative practices of the environment that determine legitimacy serve to reproduce organizations that, over time, resemble one another (DiMaggio & Powell, 1983). This lens is therefore useful for assessing how the organizational structure of charter schools may be similar or different as they operate within the context of an external education market.

Grounding this exploratory study in multiple frameworks across disciplines (e.g. political science, sociology) allows for a deeper understanding of the mechanisms, and magnitude of which, that underlie policy results (Gamoran, 2009). Policy paradox is used to interpret how policies designed to address inequities in education experience pressure from the education market to perform, and perhaps result in undermining the very inequities they seek to solve. Institutional isomorphism helps us to interpret how despite major change and waves of reform, a sense of *déjà vu* persists in education. Both theoretical frameworks are used to show how the tensions of equity and efficiency play out on the growing charter school landscape.

Chapter Two: Literature Review

This section includes a review of the literature on charter schools and school discipline in an attempt to unearth the points of intersection to provide a better understanding of how current policies came to be and how they continue to influence the reform landscape. An examination of charter school discipline practices in the current context of urban education problems and the larger sociological and societal changes in schooling, particularly as aided by neoliberal reform agendas, can provide a rich demonstration of the complexities of education policy research.

Evolution of the Charter School Movement

The charter school reform movement is a relatively new phenomenon in American education. A look to the past can shed fresh light on the way in which we consider a path of scholarship regarding this new landscape of charter school policy. The historical past of this movement begins with the emergence of school choice.

School choice. Forman (2005) argues that the choice movement began during the period of Southern Reconstruction in the years immediately following the Civil War, long before there was language of choice in education. The Freedman's Bureau, along with Northern philanthropists, began to organize schools for newly freed Blacks, although not at the desired pace, which prompted Southern Blacks to build their own

schools in and for their own communities (Forman, 2005). Even after the government assumed the responsibility of creating and supporting schools for Black children in the south, many families continued to prefer the independent Black schools (Butchart, 1980). Although we cannot and should not draw exact parallels between the schools built by the Black community as schools of choice as we think of them now, this history demonstrates important early tensions of modern debates over who controls education, especially for those marginalized in society.

It is not until the *Brown v. Board of Education of Topeka, Kansas* (1954) Supreme Court decision that the language of school choice takes shape more solidly in the vernacular of educational system. Many southern and border states attempting to avoid desegregation, circumvented integration by creating *Freedom of Choice* programs, which consisted mainly of vouchers for public school students to attend all-white private academies, thus ensuring that schooling largely remained segregated (Wells, 1993). At this time, Milton Friedman (1955, 1962) introduced the first sustained theoretical discussion of school choice that was not overtly comingled in race politics. According to Friedman, government financing and provision should be distinctly separated. The financial component, the voucher, equal to the per-pupil expenditures in the students' local district, could be given to families who could then freely shop for approved schooling options. The role of the government would be relegated to approving and monitoring schooling institutions (Mintrom, 2000; Witte, 2009).

Although Friedman's work is often associated with educational efficiency and political conservatism, advocates of equity-based reforms have adopted subsequent

developments of these ideas as well (Mintrom, 2000). For example, Jencks (1966) suggested vouchers would help remedy the problems of social stratification in inner city schools by allowing children to attend private schools outside their neighborhoods. Alternatively, Mario Fantini, who played a major role in the decentralization of New York City's public schools through his work establishing the experimental district in the Ocean Hill-Brownsville section of Brooklyn in the 1960s, advocated for the use of vouchers within the students' community to support better educational opportunities for children with different learning styles (Podair, 2002). The Ocean Hill-Brownsville experiment centered on the idea that rather than escaping their community, low-income students needed to be empowered and gain a sense of control. Podair (2002) offers the following quote from the African American Teachers Association:

The values of the community must become those of the school...values in education incompatible with the child's life conditions [must be] changed to become natural extensions of those values and beliefs which already exist in the community. Those goals which are deemed worth striving for- equality, freedom, etc- can be reflected in the operations of the school. (p. 168)

In this respect, the definition of an effective education is one that gives students a sense of their own racial identity (Delpit, 1988; Podair, 2002).

Along a similar vein, the development of magnet schools of choice were designed as an attractive alternative to failed forced busing initiatives during desegregation efforts of the early 1970s that incentivized parents and students to choose them through

specialized curricular or instructional themes that would encourage sorting of students based on interest and values and not on race (Goldring & Smrekar, 2000). This history supports the notion that school choice has always been inextricably linked to racial politics (Henig, 1994; Wells, 1993). History also indicates that choice in schooling has been conceptualized to accomplish different goals for education reform. The one goal that has persisted, however, is centered on the theory of deregulation, which perhaps explains the rise of the charter school.

The rise of the charter school. There is much misinformation about the nature of charter schools, which perhaps in part is an artifact of competing goals of choice-based reform and complexities of education policy. Results of the 46th annual Phi Delta Kappa/Gallup poll interested in testing the public's attitudes toward the public schools indicates that the majority do not know what a charter school actually is (Bushaw & Calderon, 2014). The PDK/Gallup poll is conducted each spring through a telephone survey of a statistically representative sample of over 1,000 Americans 18 years or older. Nearly half (48%) of the respondents testing Americans' knowledge of charter schools believe charters are not public schools. The same percentage (48%) believes they are free to teach religion. Many (40%) also think it is true that charter schools can charge tuition, and that they could select their students based on ability (29%). In actuality, charters are public schools, and therefore are non-sectarian, may not charge tuition, are bound by nondiscriminatory admission processes, and are strictly held accountable to state and federal academic standards, including No Child Left Behind (NCLB) (Vergari, 2009). Nearly all rhetoric regarding charter school asserts that these are schools free from the

bureaucracies and regulations attached to traditional public schools (Belfield & Levin, 2002; Kolderie, 1990; Manno, Finn, Bierlein, & Vanourek, 1998; Rofes, 1998; Vergari, 2009). The exemptions given to charter schools afford them wide flexibility over their governance structures, curriculum and instructional strategies, hiring practices, and discipline decisions (Buckley & Schneider, 2007).

The notion of charter schools was first advanced in the 1970s and 1980s (Budde, 1974, 1988), as a school-within-a-school where a charter was held between a group of willing teachers and the school board (Powers, 2009; Vergai, 2009). The idea did not gain traction nationally until the then American Federation of Teachers President, dissatisfied with the state of education, in a number of public speeches endorsed an expanded view of charter schools (Shanker, 1988a, 1988b). Shanker and Budde respectively envisioned a new kind of school that would empower teachers to experiment with non-traditional approaches in the classroom, desegregate students both racially and economically by severing neighborhood restrictions, and encourage innovation in a way public schools were too bound by bureaucracy to do (Mintrom, 2000; Vergari, 2009).

The next historical development of charters came in contrast to the equity-based motivation of Shanker, with the efficiency-based work of Minnesota policy entrepreneurs Ted Kolderie (1990) and Joe Nathan (1996), and the State Senator, Ember Reichgott-Junge, who advocated a charter strategy that would end the government monopoly of education in the state by allowing multiple organizations to enter into charter agreements with the public school board and provided comparable per-pupil allocation of state funds (Nathan & Power, 1996; Vergari, 2009). The policy entrepreneurs in Minnesota were

able to persuade the state legislature to pass the first charter laws in the nation in a state with one of the country's best education systems (Mintrom, 2000). That demonstrated the power of these critical agents in advancing the charter movement and opened the door for a wave of new charter school laws across the nation (McDonnell, 2009; Wong & Langevin, 2007).

Charter school legislation has taken shape since the early 1990s across the nation, but in very different ways. The Center for Education Reform, an advocacy group, annually evaluates existing state charter school laws and grade ranks them as either strong, permissive, or weak based on four components: 1) the number of entities with authorizing power; 2) the number of schools allowed to open, whether annually, in total throughout the state, or locally; 3) the degree of independence from existing state and district rules and procedures is codified in law, and; 4) per-pupil funding equity, with charters funded at the same rate as public schools. Laws ranked as an 'A' are considered strong, as characterized by having independent, multiple authorizers, few limitations on expansion, equitable funding, and a high degree of school-level authority, thus affording them significant freedom (Center for Education Reform, 2014). It is apparent that this agency's agenda is pro-charter school, and thus any rankings should be considered with that in mind. Nonetheless, the rankings provide important evidence of the variability across state charter school policy. As stated earlier, forty-two states and the District of Columbia have adopted laws that fall somewhere on this categorization spectrum. According to the 2014 rankings, five are ranked as 'A', nine as 'B', 18 as 'C', leaving the remaining 11 as earning a 'D' ranking. Arizona, Michigan, and Washington, DC top the

list of those ranked with strong laws, whereas Virginia, Kansas, and Iowa are ranked as having the weakest laws (Center for Education Reform, 2014). Such variations are an anticipated result of state's rights to set the education policy agenda and the political climate pertaining to school choice. The variation also makes sense given the range of underlying assumptions and visions that motivated the market for education.

Since the Great Society and Civil Rights reforms of the 20th century, the role of the federal government in both the management and funding of education has expanded (DiMaggio & Powel, 1983). The passage of the Elementary and Secondary Education Act (ESEA) (1965) in particular solidified the role of the federal government in education. The bill was largely a response to the societal tensions at the time, driven in part by a lack of trust in states' capacity to provide equitable education for all students, deemed a moral imperative of the federal government (Means, 2011). Although some view the underlying assumptions of this legislation as stemming from a deficit mindset regarding historically underserved populations, by and large ESEA is considered a landmark advancement in social justice (Currie-Knight, 2012; Herriot & Gross, 1979; Sturges, 2015). There have clearly been great benefits to the centralization of education including major advancements in civil rights, but many worry that such a trend has undermined the nation's economic growth and capacity for global competition (Timar & Tyack, 1999).

Currie-Knight (2012) argues that the historical trend of control over education in American has been a progression of increasing centralization of educational authority. Government intervention in education continued in an interesting way with the passage of

the 1994 amendment to Part B of the ESEA (§5201-5211), which defines charter schools as “exempt from significant state or local rules that inhibit the flexible operation and management of public schools,” as well as the Charter School Expansion Act (1998) which aided the proliferation of the model in participating states. Requirements stipulated in NCLB (2001) gave charters greater legitimacy by holding them to the same standards of adequate yearly progress (AYP) as traditional public schools and the market began to grow considerably. In an effort to respond to the rapid expansion of charters, the federal CSP (20 U.S.C § 7221) was created for the statutory purpose of enhancing the national understanding of charter schools, specifically by: (a) providing funding for the planning, program design, and initial implementation; (b) evaluating the effects of such schools, including the effects of charter schools on students, student academic achievement, parents, and staff; (c) expanding the number of high-quality charter schools available to students across the nation; and (d) encouraging states to provide support to charter schools for facilities financing in an amount similar to that provided to traditional public schools (20 U.S.C § 7221). Under the federal law, an estimated 3.7 billion dollars has been appropriated for the development, improvement, and expansion of charter schools (Center for Media and Democracy, 2015). More recently, the Race to the Top Initiative (2009) supported charter school growth while also further raising the bar on achievement standards. This legislation appears to reflect the federal government’s efforts both to increase accountability in public education despite States’ policy, as well as provide parents and students better schools from among which to choose.

The Politics of Charter Schools

Education reform is deeply entrenched in political interests (Tyack & Cuban, 1995). An interesting feature of charter school policy is that support comes from diverse stakeholders representing nearly all positions along the political spectrum. At the start of the expansion, Democrats envisioned charter schools as a solution to level the educational playing field through choice while avoiding more radical capitalist options such as vouchers (Cookson, 1994). Republicans supported giving parents control over public funds to make their own decisions about schooling, and saw charters as a reasonable concession in a political climate where voucher laws are unlikely to receive enough political support to take shape (Mintrom, 2000; Teske & Schneider, 2001). The debate over charter legitimacy appears to be holding true, but perhaps goes beyond political ideologies. In their book, *The Charter School Experiment*, Lubienski and Weitzel (2010) trace the development of charter reform by reviewing the scholarship and observe charter schools as less of an educational design in it of itself, but rather:

A vehicle that can be variously used to advance both the small-school movement and the franchising of corporate school provides; both back-to-basics and progressive pedagogical approaches; both traditional family values and progressive political models for educating at-risk kids; and even efforts both to shore up and to undercut teachers unions. (p.73)

Charter proponents are a diverse group that includes free-market advocates, liberal social reformers, and even teachers' unions (e.g., United Federation of Teachers; Lubienski & Weitzel, 2010). Regardless of what side of the political aisle they are seated on, policy

entrepreneurs are seemingly united in their rejection of what they consider to be excessive layers of bureaucracy that favor conformity over innovation (Brown et al., 2004). Sarson (1998) referred to charter schools as, “the most radical educational reform effort in the post-World War II era in that states encourage and permit those schools to be created exempt from burdensome, stifling, innovation-killing features of the culture of existing systems” (p. vii.).

Equity and efficiency. Clearly, charters are a hotly contested topic in education policy. Advocates claim charters are the necessary mechanism to disrupt the failing status quo in order to create a productive education system. In contrast, opponents believe that disruption only serves to threaten current practices crucial for fostering equity (Medler, 2008). It seems as though market-based approaches are facing a conflicting set of goals and it is yet unclear which will win out in the marketplace of education. The big sociopolitical trade-off between equity and efficiency first described by Okun (1975) are particularly apparent when considering the multifaceted dimensions of charter schools in the market of education (Buckley & Schneider, 2007). From a societal perspective, the concept of charter schools reflects the need for expanded equitable opportunities for accessing a high-quality education. From a political perspective, however, many believe charters to be a response to the dominant themes in education policy, including that of privatization, localized control, economic growth, and accountability (Linick & Lubienski, 2013; McGee & Mutchler, 1998; Timar & Tyack, 1999).

Neoliberal politics. The tensions between equity and efficiency can be seen in the neoliberal policies that have transformed the landscape of education over the past three

decades. Understanding neoliberalism is so important to contemporary education policy research that it deserves careful explanation. Lipman (2011) provides the following definition of neoliberalism:

...an ensemble of economic and social policies, forms of governance, and discourses of ideologies that promotes self-interest, unrestricted flow of capital, deep reductions in cost of labor, and sharp retrenchment of the public sphere. Neoliberals champion privatization of social good and withdrawal of government from provisions for social welfare on the premise that competitive markets are more effective and efficient. (p. 6)

Ultimately, the theory of neoliberalism holds that the market will yield efficient outcomes and maximize social welfare (Stone, 2012). Revealing the strong connection with market-theory, neoliberalism also assumes people are rational and self-interested and that engagement in the market is a voluntary process (Chubb & Moe, 1990; Harvey, 2005). Popular criticisms of the legitimacy of applying this theory to social mechanisms (e.g., education, healthcare) point to the reality that people often do not act in rational accordance to their own self-interest (Stone, 2012). Take for example the behavior of texting while driving. This behavior is known to be unsafe and could potentially cause great harm to others, or ourselves, yet eighteen percent of adults report they cannot resist the urge to text while driving (www.digitalcenter.org).

The term neoliberalism was first coined in 1938 by German sociologist Alexander Rustow (Foucault, 2008). However, the economic and socio-political ideology of neoliberalism did not develop salience in US political mainstream until the early 1980s,

largely in response to the growing disenchantment with traditional liberalism of Roosevelt's New Deal programs of the 1930s and Johnson's Great Society programs of the 1960s (Harvey, 2005). The Reagan administration recoiled at the "waste, fraud, extravagance, and abuse" created by these programs, and thus pursued a neoliberal agenda that sought to sharply reduce taxes and government spending (national defense was the exception) in an effort to stave off America's decline (Niskanen, 1988, p. 25). Neoliberalism holds that government intervention does more harm than good and should leave to private entrepreneurs as many decisions as possible (Harvey, 2005). The notion of decline and failure at the hands of the bureaucratic powers is central to the widespread adoption of these ideologies. In education, failure has been interpreted as the fault of the hegemony of districts, schools, and teachers, making intervention from private enterprises not only a necessity, but a cry for commonsense (Sturges, 2015).

A key tenet of neoliberalism borrows from the economic notion of externalities, the effects on people outside the market (Sturges, 2015). For social welfare to be maximized, exchanges that take place between actors in the market must not result in negatively impacting the welfare of those not part of the exchange (Stone, 2012). According to Belfield and Levin (2002), the presence of externalities may lead to the wrong kind of good being produced and when considering education, the results could be devastating. They propose that it remains unclear how to "reconcile the private choices of families with the public requirement of education for democratic knowledge and values" (Belfield & Levin, 2002, p. 16), and therefore challenges the belief that markets are capable of creating efficiency in education. When further considering the risk of negative

externalities related to school choice, some argue that there is a larger social cost when wealthy families choose to send their children to private schools to best position them for lifetime success, but leaving public schools less capable of perpetuating democratic values by losing politically powerful parents (Gutman, 1987). Others point to the potential for positive externalities, however. Parents may choose to send their children to charter schools to maximize their individual chances for academic success, and this may also result in a stronger school-centered community (Buckley & Schneider, 2007). Nevertheless, “we know that since schools have a strong public good dimension and they generate many externalities, their nonmarket dimensions are as important as their more narrowly defined efficiency” (Buckley & Schneider, 2007, p. 13)

Charter schools reflect a neoliberal response to the perceived continued failures of an overly bureaucratic system of public education, and the full extent to externalities is unknown. Timar and Tyack (1999) regard the politics of the 1990s that influenced the proliferation of the charter school model as “an attempt to undo the institutional structures created by the politics of the 1960s,” and they represent the “anti-politics of markets,” (p. vii). Foucault (1991) speaks to the potential of neoliberalism to promote political inventiveness in education reform, as well as offers caution that this inventiveness may be used to reproduce or worsen existing inequalities. Darder (2012) argues that neoliberal anti-politics serve to erode civil rights advancements that confront racism and poverty and have relegated these important issues as irrelevant to the business of education. Others, such as Stone (2012), take a less polarizing view that the erosion is of institutional mechanisms for accountability, obscuring policy decisions from the public

view and thereby removing potential for debate. Nonetheless, both positions articulate the perceived trade-off between equity and efficiency, namely that by gaining efficiency we lose equity.

Henig and MacDonald (2002) argue there are conflicting visions of markets that underlie this larger debate. The classical economic model is characterized as efficient yet equitable in the sense that such markets are colorblind, paying no attention to race or ethnicity. Proponents of choice and charter schools point to this model as evidence that racial minorities will be better served by market-based reform programs than those that actively reflect inequalities (Moe, 2011). The conflicting vision portrays markets as inherently biased in favor of those who already are advantaged (wealth, social mobility, political power), which indicates choice and charters may serve to exacerbate existing inequalities (Henig & MacDonald, 2002). One prediction of a bias-based market model appears to be coming to fruition in that charters are increasing the risk of segregation (Rotberg, 2014) as the market seeks to cater to the demands of the consumers; parents.

The markets for education and charter schools are not necessarily incompatible with equity. Lacireno-Paquet, Holyoke, Moser, and Henig (2002) argue that it is theoretically possible to structure a progressive model of school choice that favors historically marginalized groups such as minorities or the poor, yet the pressures charter school are under to maximize performance while minimizing costs complicates the debate. The authors conducted a study comparing charter schools in the District of Columbia to determine if some charter schools behaved differently in regard to student enrollment based on their orientation to what they defined as market principles. The

authors first classified charter schools as either market-oriented or nonmarket-oriented based on a set of seven criteria: original founder of the school was a for-profit organization; the school is currently partnered with a for-profit organization; a founder is from another state; the school has, or is planning a multi-campus expansion within DC; the school has, or is planning, a multi-campus expansion outside of DC, and; the founder is from the business community, or has business-oriented background (Lacireno-Paquet, et al., 2002). Using these criteria, of the 30 charter schools operational during the 1999-2000 school year, 13 were categorized as market-oriented (meeting at least 2 of the criteria), and 17 were categorized as nonmarket-oriented. They then compared the student composition of market-oriented, nonmarket-oriented charter schools, and DCPS, and although they found little evidence of market-oriented charter schools serving an elite population (creaming the top students), they did find evidence that they cropped off service to students who were costlier to educate, namely those with language or special education needs (Lacireno-Paquet et al., 2002). Lacireno-Paquet et al. (2002) found that the percentage of special education students served in nonmarket charter schools (14.4%) is nearly twice as high as market-oriented schools (7.8%). When testing whether market-oriented schools served few limited or non-English speaking (LEP-NEP) students than nonmarket-oriented charters, the researchers found that LEP-NEP students made up 15.88% of nonmarket-oriented charter schools' student bodies, although just 0.58% of the market-oriented charter schools' student bodies (Lacireno-Paquet, et al., 2002). Their findings appear to support the potential for the market, and the underpinning ideology of neoliberalism, to influence the role of institutions in maintaining systemic injustices.

Parental choice politics. Advocates of charters point to their potential to create locally-controlled, community-centered schools where parents have greater opportunities to become involved in their schools in ways that had traditionally been off limits to them, such as serving on the school board (Buckley & Schneider, 2007; Yancey, 2000). Neoliberal proponents point to choice as an option for those in greatest need to access something that was once afforded only to wealthy parents who could pay to send their children to private school; namely, a better opportunity (Moe, 2002). Wealthy families have also enjoyed the privilege of living in or moving to affluent communities that house high-achieving public schools, whereas poor families have historically been forced to send their children to the low-performing schools in their neighborhood (Yeung & Conley, 2008).

A major attraction of charter schools is the promise that parents could have more influence over the education of their child once afforded with options to choose from (Gintis, 2004). Increased options create the market where schools must then compete for students. This competition, theoretically, drives innovation, which results in improved school and student performance (Hess & Henig, 2015; Moe, 2002). Thus, charter schools are accountable to parents as consumers because they are free to exercise their consumer preferences in the schools that best appeal to them (Moe, 2002). What appeals to parents, however, may not be a simple question to answer. For example, Howell (2006) and his team of three research assistants used random-digit dialing sampling strategies to conduct telephone surveys in either English or Spanish that ranged from 15 to 20 minutes in length for the designed purpose of identifying what parents know about and want for their

child's education. Drawing from this survey of 1,000 public school parents in the state of Massachusetts's ten largest school districts, the author found that parents of children attending underperforming schools are more than twice as likely to prefer the alternative of a public charter school (18.8%) than are parents of children attending schools that made annual yearly progress (AYP; 7.6%). Ironically, in this same study assessing parents' knowledge of and interest in alternative school settings, Howell (2006) found that parents with children in underperforming schools were three times as likely to identify yet another underperforming school as their alternative preference than parents with children in higher performing schools. Approximately 44 percent of parents who qualified for NCLB's choice provisions reported a desire to send their child to a school in their district that was not performing any better than the school their child currently attended, even though available alternatives included schools that had made AYP (Howell, 2006). This line of evidence supports a major criticism of the choice movement as summarized by Moe (1995), that "parents cannot be counted on to make choices by reference to sound educational criteria or values (p. 26), and that low-income parents "supposedly care about practical concerns, such as how close the school is or whether it has a good sports team" (p. 27).

Through their extensive research regarding parents and choice, Buckley and Schneider (2002, 2007) would argue something more complex is at play. Over the course of several years, the authors conducted four waves of panel interviews with parents of children in Washington, DC charter schools or the traditional public schools (DCPS) at four separate times, in order to study choice behavior and charter schools. An additional

source of study data came from the search behavior of parents using an Internet site developed by the authors to help parents shop for schools. The first wave of interviews occurred in the Fall of 2001 with 1,012 participants (roughly 500 each of charter and traditional public school). Through panel attrition and drop out, wave two (Spring 2002) was conducted with 557 participants; wave three (Fall 2003) with 385 participants; and wave four (Spring 2004) with 296 participants. Data were collected through the website in several ways. First, anyone wishing to use the site was required to provide basic information about themselves; (a) status as a student, parent, or other type of user; (b) education level; (c) frequency of Internet use; and (d) extent of voluntary activity in schools in the last year. Site users were also asked to voluntarily complete a more detailed online survey providing information. Those that provided an email address were additionally sent an email survey. Once the site had been live for one year, the authors had data from nearly 1,800 registered users who identified themselves as parents, 500 who provided email addresses of which 169 responses were collected.

The evidence indicated that what parents want regarding schooling can be complicated. Buckley and Schneider (2007) found that parents do care about the academic performance of a school as anticipated, but they also care about nonacademic things such as the amount of parental involvement, location of the school and proximity to their home, discipline and safety, and interestingly, the racial composition of the school. In their study, 34 percent of DCPS and 29 percent of charter parents ranked teacher quality to be most important, the highest ranked category for both groups. However, discipline and safety was ranked the most important defining characteristic of a

school by 14 percent of DCPS and 12 percent of charter parents, the fourth largest ranking. Less than one percent of both groups of parents considered the diversity of students to be an important aspect of school (Buckley & Schneider, 2007). Theoretically, parents have an “exit option” that they can take advantage of if dissatisfied with their child’s school (Chubb & Moe, 1990). The implicit assumption driving charter school reform is that parents will act as rational consumers to choose schools that attain the best results (Chubb & Moe, 1990).

Evidence from Buckley and Schneider (2007) indicates there is not a full picture of what rational behavior looks like and according to whose definition. Wells et al. (1998) argue that the market for education is far from perfect given evidence she found indicating parents are not the only ones doing the choosing. Wells led a team of nine researchers from UCLA in an examination of 17 California charter schools across 10 districts. Schools were selected based on key factors, including size, racial diversity, socioeconomic diversity, location, and types of charter schools in operation (Wells et al., 1998). The sample included ten schools across five large urban districts, five schools across three predominantly rural districts, and two schools from, one each from two different suburban communities. Data was collected via 4642 semi-structured interviews with school officials, founders, leaders, teachers, parents, governance board members, and community supporters. Additionally, the research team observed district and charter meetings, and collected and reviewed hundreds of charter school documents. Wells et al. (1998) found that some charters do provide greater access to disadvantaged groups, but some charters are using their administrative latitude to choose which students they will

accept through targeted recruitment efforts in certain communities, and enrollment requirements such as favorable admission to siblings of current students, and children of staff. They concluded that private resources were also necessary for the schools' continued operation and found that support through these public-private partnerships was uneven with greater financing opportunities going to schools that serve predominantly middle class or white students (Wells, et al., 1998). This suggests that private partners must also favor one school over another in allocating scarce and much needed resources (Wells, et al., 1998).

Charter schools themselves have considerable freedom through administrative mechanisms, such as recruitment and enrollment, to choose the students who attend them. This practice can influence charters to game the system, either by leveraging their increased operational flexibility to remove the students that are problematic, or imposing policies that directly support desired academic outcomes (Lacireno-Paquet et al., 2002; Simon, 2013; Robinson, 2012; Stillings, 2005). Research suggests that charter schools with close ties to for-profit corporations may be less inclined to serve disadvantaged students. In their 2014 study, Ertas and Roch examined all charter school enrollments in the state of Michigan for the 2005-2006 school year. Data were drawn from the National Center for Education Statistics (NCES) Common Core Data (CCD), which is a national statistics database that collects information on all public schools in the United States on an annual basis. Through a logistical regression analysis, the authors found that charters that were part of a large for-profit education management organization (EMO) were significantly less likely to enroll poor students than CMO charters. This suggests that the

conditions needed to support parents' ability to exercise choice and leverage market forces to improve schools remains mixed and indicates a need for future research.

Organizational Structures of Charter Schools

Much has been written about how charter schools differ from traditional public schools (Bulkley, 2004; Gill et al., 2001; Nathan, 1996; Powers, 2009; Roch & Sai, 2015; Vergari, 2009). By comparison, far less has been written regarding the within-sector differences. Although nascent, this section focuses on the emerging literature related to how organizational structures vary within the charter sector. Categorization along the lines of organizational characteristics can help shed light on what is happening at the school level (Bulkley, 2004; Goodman, 2013; Lacireno-Paquet et al., 2002). Given the diversity of the reform's stakeholders, it is a logical extension that those operating charter schools include a wide range of actors, ranging from small, local grassroots organizations to large, national corporations and foundations (Lubienski & Weitzel, 2010). At the organizational level, charter schools can be categorized by three types; (a) private, for-profit education management organizations (EMOs); (b) nonprofit charter management organizations (CMOs); and (c) freestanding or independent charter schools.

Across the United States, most public charter schools operate independently, although a considerable number, 36 percent, are managed by either a for-profit EMO or a nonprofit CMO, enrolling an estimated 44 percent of all charter school students nationwide (Miron & Gulosino, 2013). The nonprofit share of the charter school sector in particular has seen steady growth over the past several years, with little sign of slowing

down. For instance, as of 2012, CMOs operated an estimated 1,200 public charter schools across 29 states, educating nearly 500,000 students (Miron & Gulosino, 2013).

The trend in which private organizations, nonprofit and for-profit, manage charter schools is relatively recent. Early in the charter movement, charter schools were created locally by educators, parents, and teachers seeking to realize the particular educational vision for their children encouraged by the likes of Budde and Shanker (Mintrom, 2000; Powers, 2009; Scott & DiMartino, 2010). Yet the diversity of charter school proponents quickly swelled, and with them came alternative visions for charter school reform. As noted by Wells et al. (1998), joining the early adopters of charter schools were an eclectic mix of progressive activists, educational traditionalists, market-control advocates, and ethnocentrists, each aligned with particular yet often overlapping educational and social policy goals. Such goals included improving school quality and reducing various achievement gaps, reaching a competitive scale and offering real choices to parents, demonstrating economic efficiency and being a vehicle for social equity (Scott & DiMartino, 2010). Grown from neoliberal and pro-market ideology is the notion that the best way to advance the movement and realize these goals involved a different approach to management, which resulted in the birth of the management organization (MO).

According to Wells (2002), the rise of the management organization (MO), first advanced by for-profit and later the growth of nonprofit organizations, can be attributed to the desire of charter advocates for more efficiency with limited resources. Thus, the aim was to be better positioned to replicate successful schools and reach an economy of scale necessary in any market (Hoxby, 2002). This business-oriented approach seemed to

fit well with the unique degree of flexibility and self-governance inherent in public charter schools, further broadening their market share (Ertas & Roch, 2014).

A core principle of charter schools is the autonomy they are afforded to govern without consideration of or constraint from the local school district (Powers, 2009). The organizational structure and internal governance is one of the biggest ways in which charter schools differ from their tradition public school counterparts (Roch & Sai, 2015). The decision-making process is closely tied to the organizational structure. Freestanding, independent charter schools, for example, are generally managed by local actors, such as parents and school officials who have a vested stake in the community in which they operate (Roch & Sai, 2015). Charters operated by MOs on the other hand are managed by centralized networks, managing multiple charter schools, and often across multiple states (Roch & Sai, 2015). In a practical sense, this management often translates to decision-making about areas ranging from curriculum development to the operational tasks of hiring teachers, information management, and payroll (Scott & DiMartino, 2010). Therefore, a key difference between independent charters and charters managed by an MO is that local actors within a managed environment typically have considerably less decision-making power, if any, over important educational practices than freestanding schools (Wells, 2002). Critics of charter schools fear the decision-making power of MOs coupled with pressures for efficiency will yield inequity whereby schools cream skim students based on race, class, and academic achievement (Gill et al., 2001, Lacireno-Paquet et al., 2002).

Whereas EMOs are driven by a corporate ethos and have private motives to maximize profits, CMOs tend to be more closely tied to the mission and service goals of the organization (Henig, Holyoke, Brown, & Lacireno-Paquet, 2005). Many CMOs benefit from educational philanthropy such as the infusion of funds from foundations, which may serve to lessen, but not eliminate, the efficiency-seeking pressure EMOs face (Hess & Henig, 2015; Scott & DiMartino, 2010). This type of funding is referred to as “venture philanthropy” due to parallels to venture capital, such as maximizations of returns on investments (Snyder, 2015). In educational venture philanthropy, the returns are not measured in profit but in social change (Snyder, 2015). Venture philanthropists, such as the Bill and Melinda Gates Foundation, The Walton Foundation, and The Broad Foundation, to name a few, have donated large sums of money to the education market, often through targeted support of CMOs to use with a specific agenda in mind (Scott, 2009; Snyder, 2015). Independent charter schools also strive to use resources efficiently, and like CMOs have received funds from external partners. These partners however tend to be local, community-based nonprofits such as local universities and museums; thus independent schools often pursue the interests of local actors including parents and community leaders (Finn, Hassel, & Speakman, 2005).

For-profit and nonprofit marketplace. The for-profit EMO sector first took shape in the middle 1990s alongside some of the first charter school legislation, and grew steadily for about a decade. At the end of that decade, MO supporters and critics alike worried about emerging achievement data produced to determine if these privatized models were indeed working (Scott & DiMartino, 2010). What the data revealed,

however, gave neither skeptics nor proponents reason to claim they had it right.

Academic outcomes were mixed, indicating some EMO-run schools fared no better than their district-run counterparts (Wohlstetter, Smith, & Farrell, 2013). Additionally, the ability to turn a profit on education proved quite challenging. According to Zimmer and Buddin (2005) EMOs attempted to cut costs by hiring less-experienced teachers to enable high pupil-to-teacher ratios, and offering fewer resources to students (eliminating transportation, no school-lunch program). Not surprisingly, these decisions were unpopular with consumers, the parents, and pressed funders and policy makers to determine alternative strategies to continue the expansion of the charter movement (Scott & DiMartino, 2010). It was at this time that the nonprofit CMO model began to gain traction.

All MOs are hierarchical in structure, yet recent literature categorizing charters by type indicate differences between how for-profit EMOs and nonprofit CMOs operate, and in turn educate, exists in the market for charter schools. Like the EMO, a CMO provides organizational support, yet their nonprofit status buffers them in some ways from the pressures of profit maximization (Scott & DiMartino, 2010). Research suggests some EMOs may employ enrollment strategies that minimize the number of costly and hard-to-educate students in order to maximize profit. For instance, using data from the 1999-2000 Schools and Staffing Survey on 980 public charter schools across 19 states, Lacireno-Paquet (2006) conducted a multivariate analysis of enrollment of low-income and minority students in charter schools by those schools' management status. Through an Ordinary Least Squares regression, she found that small EMOs (those managing fewer

than 10 schools) located outside of a central city location, on average, serve 11 percent fewer poor students than similarly sized independent charter schools; however, both large and small EMOs located in urban settings serve significantly higher percentages of low-income students than urban independent charters (Lacerin-Paquet, 2006), indicating that both size and geographic location are important contexts. Additionally, Lacireno-Paquet (2006) found that although the average enrollment across the full sample of charters was approximately 50 percent, large EMOs enrolled significantly more (64%), while small EMO operated schools at significantly less (41%).

Ertas and Roch (2014) conducted a regression analysis on data from the National Center for Education Statistics' Common Core Data on whether EMOs, given their entrepreneurial approach, were less inclined to enroll students who were costlier to educate as compared to both CMOs and traditional public schools. The researchers found that charter schools managed by EMOs were significantly less likely to enroll low-income students, yet on average serve more minority students than either CMOs or traditional public schools (Roch & Sai, 2015). Association with an EMO appears to matter, but perhaps not consistently across sub-groups of students.

Roch and Sai (2015) suggest that staff within a CMO-run charter school may be less constrained by hierarchical decision-making and centralized management than those within an EMO, pointing to the franchise format many CMOs work in. One of the nation's largest CMOs, the Knowledge is Power Program (KIPP), for instance, allows for entrepreneurial principals to develop and operate schools with a degree of independence from the larger organization (Scott & DiMartino, 2010). Ferguson et al. (2012) conducted

a national study on the characteristics of CMO effectiveness. The scope of the study included an analysis of survey data and student records from 40 CMOs operating 292 schools across 14 states in the fall of 2007; the research team also conducted site visits to 20 schools (Ferguson et al., 2012). The team found that principals at CMO schools were more likely to report having played a key role in developing the culture that reflects the schools' goals and values (Ferguson et al., 2012). Likely related to supporting an intimate school culture, CMO schools tended to be smaller in nature than non-CMO schools, which included EMOs and independent freestanding charter schools, as well as the traditional public schools in their district. When compared to the nearby traditional public schools, on average, CMO schools enrolled 389 students per school, whereas the traditional schools average 982 students per school (Ferguson et al., 2012).

An interesting distinction of CMO-run charter schools is the importance of school culture and a rule-ordered environment. As part of a larger longitudinal national study of CMO effectiveness, Lake et al. (2012) investigated the practices and student achievement among the middle schools of 22 CMOs. The authors found high-performing CMOs were more strongly correlated with enforcement of consistent behavioral standards and discipline policies, having a zero-tolerance discipline policy, and having a behavioral code that rewards good behavior and sanctions misbehavior, than other charter schools. Goodman (2013) details that four distinct commonalities have emerged among CMO charter schools: pervasive adult monitoring of students, targeting student behaviors that are tangential to learning, attributing independent agency to children who deviate, and derogation by adults (Goodman, 2013). She proposes that such distinctions have larger

social justice implications for students in that these schools tend to adopt strategies that emphasize the view of students “primarily as perpetrators who need to be dominated” (Goodman, 2013, p. 94).

Social Justice, School Discipline, and the Gaps

Schools are charged with the considerable task of ensuring all students are able to receive an education in a safe environment that is free of violence, drugs and alcohol through policy initiatives such as the National Goals Panel and NCLB. Current rhetoric indicates the intent of school discipline is to ensure schools are able to provide this safe environment where students can learn and do so by removing those who break the rules, disrupt learning for other students, or pose a threat to safety (Arcia, 2006). It is both a punishment for the offending student and a deterrent for other students. Schools, by nature of serving students with various backgrounds, cultures, and experiences, are complex environments. Coupled with the need to create safe, secure environments where teachers can instruct and students can learn, schools are struggling to manage. As a possible result, children are experiencing exclusionary discipline (e.g., suspensions, expulsions) at significant rates. According to the U.S. Department of Education (2014) over 3.3 million students in grades kindergarten through twelve were suspended from school across the country. An additional 100,000 were expelled completely. School staffs assume that making a discipline referral sets off a linear and predictable chain of events meant to address the problems that misbehavior causes (Sheets, 1996). The reality looks far less predictable and can have life-altering unintended consequences.

Discipline as moral regulation. According to Kafka (2011), the basic authority of school discipline looks remarkably unchanged from the conception of educating children in America until the middle of the 20th century. Classroom teachers and principals handled discipline locally with considerable autonomy to dictate and enforce the behavioral norms they saw fit. The *in loco parentis* doctrine, which literally translates to “in place of the parent,” gave educators authority over students under their charge by virtue of imposing discipline that is assumed to have the best interest of the child in mind. It dominated discipline practices in American schooling for more than a century (Bybee & Gee, 1982). Early educators embraced their roles in discipline as helping students develop a moral conscience; emphasizing that good behavior was virtuous and that through discipline they could contribute to the nation’s moral development (Kafka, 2008). Orville Taylor, a respected educator, wrote a manual for teachers in 1835 stating “societies expect that teachers will make children and youth social, honorable and benevolent members” (Kaestle, 1983, p. 96). Educational leaders of the time had a strong belief in academic pursuits, but as secondary to a child’s moral training (Elson, 1964). Students who performed poorly were perceived as “dunce, shirker, loafer, idle, vicious, reprobate, depraved, wayward, wrong-doer, sluggish, scapegrace, stupid, and incorrigible” (Deschenes, Cuban, & Tyack, 2003, p. 529). Thus the language of discipline was largely synonymous with morality, or rather, a lack thereof, and a deficiency of character.

Although there was consensus on the importance of discipline, there was less agreement on how best to instill the values and morals of a society (Kafka, 2011). One

popular strategy in the first half of the 19th century demanded submission to the teachers' authority and obedience through the use of corporal punishment. Historical documents indicate teachers found physical "correction," such as striking students with hickory sticks or cowhide, and forcing them to stand for long periods of time holding a large bible at arms' length, were the most effective ways of ensuring obedience (Kaestle, 1983). Those opposed to corporal punishment at this time advocated for strict rules and routines that centered on student surveillance. Developed by Joseph Lancaster in England and quickly adopted in America, his model relied on students' motivation to compete with one another for recognition of good behavior. Students were continually monitored and repeatedly ranked, then rewarded for surpassing the rank of peers. Schools adopting this strategy were viewed as highly regimented, almost militaristic in nature, and were deemed more effective in developing the moral character of students than those using corporal punishment (Foucault, 1991). Interestingly, most charity and free-Black schools adopted some version of this model (Kaestle, 1983).

Discipline during the mid to late 1800s remained for the purposes of moral regulation, yet more humane approaches began to surface. Rather than fear or competition-motivated punishment, discipline was sought through affection and reasoning (Kafka, 2011). Well-known reformer Horace Mann openly challenged the use of corporal punishment and student competition and advised that discipline and order should be "maintained from reverence and regard for the teacher, and not through fear," and that if done correctly, students would gain the virtues of "self-government, self-control" (Mann, 1846). At the same time discipline practices were softening, the teaching

profession was becoming decidedly more female (Blount, 1998; Kafka, 2011). Mann and other like-minded reformers of the day saw the potential of the maternal disposition, believing that women were more adept at building the kind of nurturing and supportive relationships with students this strategy of discipline required (Kafka, 2011).

During the Progressive Era education reforms and the language of discipline began to subtly shift to include ideals of social order. It could be argued that this shift reflected the need for order given the chaos and significant change the country was undergoing at the time, including vast immigration, industrialization and urbanization, and northern migration of southern Blacks (Massey & Denton, 1993). With school enrollment rapidly expanding, for these reasons as well as child labor and compulsory attendance laws, discipline of the small common school would need to be re-envisioned. Maintaining order was a central concern to schools at this time. Tropea (1987) demonstrates that school order depended on exclusionary practices:

The pupil who failed to keep step with his fellows, or who, because of physical or moral defect seriously interfered with the regular work of the class, tended to drop out, or to be forced out, of school and the problem of the exceptional child disappeared with him. (p. 31)

The nature of this practice was shaped in large part by compulsory education laws that prohibited schools from excluding students indefinitely. Schools and districts created special classrooms or schools that satisfied the law and afforded them the ability to sort and segregate the “disciplinary” and “backward” child and so demonstrated the bureaucratic processing of students teachers were unable to manage in the classroom

(Tropea, 1987). This sorting of students based on some perceived ranking of ability or deficiency as legitimate way to maintain social order is itself a form of paternalistic discipline.

The underlying assumptions of difference and deficit are pervasive when considering the education of Black students in particular. When Black students were finally able to participate in the educational system once designed to exclude them, they were perceived as needing an inherently different kind of moral training than “regular” children (Tyack, 1974). Tyack offers the quote from one well-meaning white educator that “social life of the negro is too much outside the home” and to compensate “the work of the school should be punctuated throughout with such moral attributes as regularity, punctuality, responsibility, neatness, accuracy, tenacity of purpose, truthfulness, honesty, and purity of action” (p. 220). Black children were also disproportionately classified as “retarded” and therefore additionally deemed to have limited prospects in life (Tyack, 1974). This sentiment demonstrates the perception that Black youth required special training in the norms of society, and that these were values they were deficient in to begin with.

Bureaucratization of discipline. The discipline-morality relationship dominates in rhetoric and practice until the mid-to-late 1950s, when after the Second World War disciplinary authority began to shift from teachers and principals to non-educational staff and centralized officials. In part this can be attributed to the emergence of experts in the field of psychiatry and their impact on schools and students through the introduction of

intelligence testing and the pathologizing of student behavior (Conrad, 2007; Hendrick & MacMillan, 1989).

Additionally, the politics of the time provide helpful explanations of this shift as well. A new group of political players began to enter the policy arena, those that had otherwise been “outside” the process, namely, Blacks and other minority groups such as Hispanics, women, and advocates for the disabled. These actors called for schools to adapt better to the child and for “halt of blaming the victim” (Deschenes, Cuban, & Tyack, 2003). Schools were under a new political pressure as teachers’ capabilities in managing the classroom came under scrutiny. Schools were at once being blamed as a source of delinquency and called upon to be the remedy. Kafka (2008) offers the following passage from a parent’s letter published in the *Los Angeles Times* in 1956:

There are many changes being made in our schools today... These changes are definitely not for the better: Teachers are losing control of the classroom... Children are not being taught respect for law and order... Children are allowed to mill about classrooms and will even speak out of turn. (p. 58)

This passage reflects the larger sentiment of the populous at the time that tensions were rising between schools and parents, calling the legitimacy of the moral authority of schools into question (Arum, 2003).

The events at Gompers Junior High School in Los Angeles, 1956, illustrate this growing parental mistrust of how schools were handling the treatment and discipline of their children. Parents of students at the all-Black school staged a protest over some

teachers' use of corporal punishment, a practice that had previously been abandoned in city schools that serve majority-White students, on the grounds the teachers' and schools' discipline practices were unequal and racist. In response to pressure from teacher organizations seeking to release teachers from future liability for such criticisms, new district-wide policies and centralized codes of behavior and punishment were enacted. These policies successfully served to limit teacher liability by limiting their disciplinary responsibilities (Arum, 2003; Butchart, 1988).

Another major challenge to school discipline came with the Supreme Court's landmark decision in *Tinker vs. Des Moines Independent Community School District* (1969) that resulted in further solidifying the move to centralize the doling out of student discipline. At the heart of the case, students and families were fighting the school board's decision to suspend a group of students for protesting the Vietnam War by wearing black armbands. Represented by the ACLU, the students believed the actions of the school board were in violation of their constitutional rights, and the Court agreed in a seven-to-two ruling that students do not "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The protests helped to further move discipline not only out of the hands of teachers, but away from the school-site and to the central office (Tinker v. Des Moines, 1969).

Similar challenges during the Civil Rights movement effectively centralized school discipline policies in many districts across the nation (Arum, 2003). Arum further argues that such challenges limit the power of educators to maintain a "safe and civil" classroom and "undermined the legitimacy of a school's moral authority more generally"

(p. 13). This marks an important schism in the relationship between discipline and learning. Doling out punishment became distinct from teaching practices for the first time in the history of American schooling. Instead of teachers being able to rely on experience and judgment to handle student behavior, they instead deferred to the policy of bureaucratic institutions (Friedman, 1986). Teachers no longer sought to govern the behavior of students through the doctrine of *in loco parentis*, but changed to a rule of law backed by the weight of the entire district, and school boards across the nation legitimized teachers' demands through the adoption of comprehensive centralized discipline policies (Kafka, 2008).

The discipline gap. Not all students are treated equally when it comes to school discipline. The “discipline gap,” as it has come to be known, was first highlighted forty years ago in a report by the Children’s Defense Fund (1975). Over time, a growing body of literature has explored the extent of the disparity, its resulting negative effects, factors that contribute to continued disproportionality, and alternative discipline practices that show promise in ameliorating the discipline gap (Losen, 2015).

Trends clearly indicate substantial racial disproportionality exists, with African American boys being most significantly overrepresented in the data. In 2006, 15 percent of African American children were suspended from school, compared with 4.8 percent of their White peers (U.S. Department of Education, 2006). The same data indicate that 17 percent of all US students in elementary and secondary schools are African American yet they comprise 34 percent of all students who experienced exclusionary discipline. Unlike patterns for White and Latino students that demonstrate a decline in rates of exclusionary

discipline since the 1990s, the rate of suspensions and expulsions has increased for African American students (Wallace et al., 2008). The news is especially troubling for African American boys, who are nearly three times as likely to be suspended as their White male peers (Wald & Losen, 2003).

It is important to note that findings of disproportionality are somewhat inconsistent for Hispanic and Latino students, although patterns are beginning to emerge. Two separate studies have found that Hispanic and Latino students are significantly more likely to be suspended or expelled than their White peers, although still less likely than their African American peers. Losen and Gillespie (2012) conducted simple percentage calculations using publicly available data from the Office of Civil Rights national dataset for 2009-2010 and found that one out of every six (17%) Black schoolchildren were suspended at least once. The number of Latino school children suspended at least once during 2009-2010 was one in 14 (7%) as compared to White school children who rate of suspension was found to be one in 20 (5%) (Losen & Gillespie, 2012). According to Skiba, Horner, Chung, Rausch, May, and Tobin (2011), Hispanic and Latino students are not disproportionately disciplined in elementary school, but disparities become evident by middle and high school. Skiba and colleagues (2011) drew upon data gathered through the School-wide Information System (SWIS), a data-gathering system used by many schools across the nation to monitor and guide disciplinary decisions. At the time of their study, the authors had access to data from more than 4000 schools. For their study, they narrowed their sample to the 436 schools who used SWIS for the full 2005-2006 academic year (Skiba et al., 2011). The results of their multinomial logit regression

analysis, with a sample size of 120,148 students enrolled in grades six through nine, demonstrate that Hispanic and Latino children, although underrepresented in the discipline referral data for elementary school level ($OR = 0.76, p < .01$), are significantly overrepresented ($OR = 1.71, p < .01$) in the discipline referral data by middle school (Skiba, et al., 2011).

Not only are African American students increasingly overrepresented in receiving severe school punishment, the severity of the punishment is often more drastic than that received by their White peers. Skiba, Michael, Nardo, and Peterson (2002) investigated differences in discipline infractions by race in a large, urban, mid-western public school district, drawn on extant data from disciplinary records for all 11,001 district middle-school students for the 1994-1995 school year. The standardized data-collection system lists all disciplinary contacts, the nature of the incident, and at least one out of 33 coded reasons for the referral must be indicated. Discriminant function analysis was used to predict race by reason for discipline referral and found the White students had a greater likelihood of referral for objective incidents such as smoking, leaving without permission and using obscene language, whereas African American students were most likely to be referred for more subjective behaviors that are harder to define such as disrespect, excessive noise, threats, and loitering (Skiba et al., 2002).

Building on this, Bradshaw, Mitchell, O'Brennan, and Leaf (2010) examined the factors that may contribute to the prevalence of disparities and overrepresentation of African American students in discipline data, including the student's overall level of behavior problems, characteristics of the classroom, and the teacher's ethnicity. The data

used came from a sample of nearly 7,000 school children enrolled at 21 elementary schools that were participating in a randomized trial of School-wide Positive Behavioral Interventions and Supports (SPBIS). The students included in the study were nested within 381 classrooms across the 21 schools, and therefore 381 teachers were also included in the study sample. Bradshaw et al. (2010) conducted a multilevel analysis to examine the association between student and classroom level characteristics and the odds of receiving a teacher-reported discipline referral, and found that African American students had statistically significantly higher chances ($OR = 1.24, p < .01$) of the teacher referring them for discipline even after controlling for the teachers' ratings of behavior in the classroom (Bradshaw et al., 2010).

Although African American boys have consistently been shown to have the greatest risk for harsh school discipline, other marginalized groups of students are at risk for disproportionate negative experiences as well. Students with disabilities are also at risk for disproportionate discipline. Nationwide data from the U.S. Department of Education (2014) indicates that the 12 percent of students who receive special education services make up 20 percent of students who are suspended, 19 percent who are expelled, and 23 percent who are referred to law enforcement. According to the same data, students with disabilities are significantly more likely (6.5%) to be suspended at least once than students without disabilities (3.9%). Combining disability and race, the rates are troubling. In the study by Losen and Gillespie (2012) mentioned earlier, 25 percent of African American boys who were receiving special education services experienced at

least one out-of-school suspension. This rate is higher than every other racial group, and 16 percent higher than White students with a disability.

Gender has also been found to be a consistent predictor of school discipline. The evidence of the overrepresentation of boys in school discipline is strong, and there is consensus among researchers that boys are at an overall greater risk of suspension and expulsion. But suspension rates for girls should not be overlooked. Using data from the Educational Longitudinal Study 2002 (NCES), Bryan, Day-Vines, Griffin, and Moore-Thomas (2012) examined the potential predictors of teacher referrals for disruptive behavior and found a significant disparity in discipline referrals among African American, White and Latino girls when disaggregating by race and gender. Of the nearly 10,000 ninth and tenth graders in US public high schools, African American girls had more than double the odds and multiracial girls had three times greater odds of receiving a referral for disruptive behavior in the classroom than the other groups.

When combined with a disability, the suspension rate for African American girls is 20 percent (U.S. Department of Education, 2014). Importantly, rates for African American girls are increasing at a faster rate than any other race and gender combined (Losen & Skiba, 2010). In a report analyzing school and district level data from the Elementary and Secondary Education Civil Rights Compliance Survey from the U.S. Department of Education Office of Civil Rights (OCR), Losen and Skiba (2010) found that the 2.3 percentage point increase in the rates of suspensions of US public school students between 2002 and 2006 was unevenly distributed across gender and racial lines. The average increase for African American females (5.3 percentage points) was followed

only by African American males (1.7 percentage points).

There is a growing body of literature documenting the disproportionate discipline experiences of gay, lesbian, bisexual, and transgender (LGBT), and gender nonconforming (GNC) youth, and the group's overrepresentation in the juvenile justice system. Approximately five percent of youth in the US identify as gay or transgender but constitute nearly 14 percent of those in the juvenile justice system (Majd, Marksamer, & Reyes, 2009). Using data from Add Health, a nationally representative survey of adolescent health following youth in grades 7 through 12 in 1994-1995 through 2001-2002, Himmelstein and Bruckner (2011) examined whether nonheterosexual youth face disproportionate school discipline and criminal-justice sanctions. Three waves of data were collected: wave 1 was conducted with 20,747 adolescents; wave two consisted of surveys from 14,738 wave 1 respondents; and the final wave, 3, included 15,170 wave 1 respondents. Six outcomes were analyzed for respondents (15,170) who participated in both waves 1 and 3: school expulsion, police stops, juvenile arrest, juvenile conviction, adult arrest, and adult conviction. Results of the multivariate logistic regression indicate that LGBT youth, and especially GNC girls, were nearly three times more likely to experience harsh and exclusionary discipline than their heterosexual peers (Himmelstein & Bruckner, 2011).

The study by Himmelstein and Bruckner (2011) is particularly important as it was the first to use a nationally representative, population-based sample to document disproportionate discipline experiences for nonheterosexual youth. Their groundbreaking work indicates that nonheterosexual youth face disproportionate sanctions that cannot be

explained by illegal or noncompliant behaviors. This study further indicates that LGBT and gender nonconforming youth may face disparities in school disciplinary infractions similar to African American youth, yet the full picture remains hidden. Federal school discipline data on suspensions and expulsions, such as those collected by the OCR, does not include information on sexual orientation or gender identity.

Several studies support that teacher bias exists to some degree or another (Fabelo et al., 2011) and staffs' perceptions of students specifically; that teachers may hold negative perceptions of African American students and believe them to be more disruptive and defiant (Gregory & Weinstein, 2008; Horner, Fireman, & Wang, 2010). Teacher beliefs about race play an important role in classroom behavior management and school discipline. For instance, Kinsler (2011) offers an examination of how student-teacher interactions affect the likelihood of those teachers referring students for discipline, and for the severity of the infraction. The authors theorized that based on beliefs related to racial bias, one would expect to find White teachers behaving differently than African American teachers, and in fact they did, but not to a significant degree. Of the students referred by White teachers, a higher percentage were African American, as compared to the percentage referred by African American teachers. Although not statistically significant, this finding indicates the matter is more complex and perhaps more important factors are motivating the discipline gap.

Townsend (2000) offers a theory that does not rule out such bias, but might help explain some of that complexity. He postulates that African American students differ significantly from their African American teachers, and so much so that disparities in

referrals have little to do with the race of the teacher, but of behavioral attitudes within a larger cultural context.

These trends highlight the subjective nature of perceived misbehavior, student differences, and punishment, but more importantly reveal the potential mismatch between schools and many of the students they serve offered here by Deschenes, Cuban, & Tyack, 2003:

There have always been students who do not meet the educational expectations of their time- students outside the mainstream mold who do not fit the dominant notions of success. The differences between school and these students can be thought of as a ‘mismatch’ between the structure of schools and the social, cultural, and economic backgrounds of students identified as problems. (p. 525)

This passage supports that the concept of discipline is far more nuanced than exclusion and punishment. Good discipline practices, like other regulatory practices of schools, may seem at first glance to be intuitive when in fact they are socially constructed and subject to change. Discipline is inextricably linked to the purpose of education and therefore deeply entrenched in societal values and morals (Bagley, 1919).

The achievement gap and discipline. In their 2010 article, Gregory, Skiba, & Noguera offer a review and synthesis of the research on racial and ethnic patterns in school discipline sanctions and how such patterns might contribute to the lagging achievement of minority students. The authors found clear and consistent trends in the literature for increasing disproportionality between Black and White students in both

discipline sanctions and academic achievement, yet few published studies explore why these gaps have been steadily on the increase. They argue that disproportionate exclusionary discipline practices influence racial disparity in academic achievement and refer to achievement and discipline gaps as “two sides of the same coin” (p. 59). Ladson-Billings (2006) urges the connection between discipline and achievement gaps for White and African American students is more pervasive yet, using the term “education debt” (p. 3) to describe how education opportunities have never been the great equalizer for different groups. She makes the theoretical argument that education debt can be thought of as an artifact of historical debt born from the legacies of educational inequalities built around race, class and gender, economic debt stemming from wealth inequalities, sociopolitical debt as a result of exclusion from the civic process, and a moral debt resulting from the disparity of what is right and what actually happens. Both articles make the case that a focus on achievement has eclipsed ways that school systems support or inhibit student achievement through other mechanisms, such as the philosophy of school discipline.

Removing a child from school for misbehavior is a typical consequence in schools that practice traditional exclusionary practices. Any use of exclusionary discipline results in the student missing instructional time, which can add up over time to an insurmountable problem. The more class time the child misses, the further he or she falls behind in coursework and the more difficult it is to catch and keep up with peers (Scott & Barrett, 2004). This deficit has also been shown to lead to a negative pattern of teacher-student interactions, which is a catalyst for student disengagement from schooling, and

ultimately for leaving school all together. Using data gathered by the Diversity Project, where the performance and experiences of the Class of 2000 at Berkley High School were tracked from freshman enrollments in 1996 through 2002, following them additionally for two years post-graduation, Gregory, Nygreen, and Moran (2006) analyzed the rates of disciplinary incidents. Using the data from the fall of 1998, they found that of the approximately 3,000 enrolled students, more than 2,000 distinct incidents occurred that resulted in teachers' removal of students from the classroom for a perceived misbehavior in a single semester (Gregory, Nygreen, & Moran, 2006). In addition to the high frequency of students' exclusion from the classroom, it is also noteworthy that 70 percent of those incidents were sanctions issued to African American students who comprise just 38 percent of the student body.

Human capital, the attributes and skills that prepare an individual to produce economic value, directly points to the importance of high school graduation and one's ability to formulate that capital (Taylor & Foster, 1986). Marchbanks et al. (2015) found a strong relationship between discipline incidents in school and subsequent failure to graduate from high school. The authors draw on data from the Texas Education Agency's (TEA) Public Information Management System (PEIMS), a statewide repository that contains student records from all Texas school districts, and specifically, they sampled educational records between the years 1997 and 2007, a sample containing data on over 1 million students. Marchbanks et al. (2015) examined the instances of discipline events in the PEIMS database, which were defined as in-school suspension, out-of-school suspension, expulsion, placement in a disciplinary alternative setting, and placement in a

juvenile justice setting, and found that students who experienced at least one discipline event at any point between seventh and twelfth grades were nearly 24 percent less likely to graduate than those who did not receive exclusionary punishment. Marchbanks, et al. (2015) found an even more alarming trend in an analysis of the impact of being suspended in the ninth grade has on graduating from high school. Their analyses were based on a longitudinal study of data for over 180,000 Florida public school students who were first-time ninth graders for the 2000-2001 school year. The data followed the students through 2007-2008 so as to include both high school and post-secondary outcomes. The authors found that students' chances of dropping out of high school double for those who experience one suspension (16 percent to 32 percent). Repeated suspensions increase the likelihood of dropping out incrementally with each subsequent event. Forty-two percent of ninth graders who are suspended twice, 49 percent of those suspended three times, and 53 percent of students who receive four or more suspensions in the ninth grade end up dropping out of high school.

The same trend holds for subsequent enrollment in postsecondary education. In this same study, Balfanz et al. (2015) found students who received at least one suspension in the ninth grade were far less likely (39 percent) to enroll in any form of postsecondary education program than students who were never suspended (58 percent). Among the students suspended four or more times, just 23 percent enrolled in a postsecondary school. High school graduates earn more than non-graduates, and college graduates earn more than those whose education ended with high school completion. Thus, Neild et al.

(2007) contend that exclusionary school discipline may lead to decreases in potential lifetime earnings.

Students referred to the juvenile justice system face especially significant barriers to graduating from high school. In a study Aizer and Doyle (2013) conducted in Chicago using administrative data for over 35,000 juveniles who had gone before a juvenile court across a ten-year span, a linear regression analysis revealed that going to juvenile detention or jail reduced a child's likelihood of graduating high school by nearly 40 percent when compared to non-detained youth from the same neighborhood. Steinberg, Allensworth, and Johnson (2013) describe how disciplinary school exclusion is further confounded by a negative school climate and the students' loss of engagement and educational opportunity. The authors employed a mixed methods approach using a variety of neighborhood, school and student level data from Chicago Public Schools (CPS), survey measures from the University of Chicago Consortium on Chicago School Research (CCSR), as well as observations of and interviews with CPS students and their math and English teachers. They found that the quality of student-teacher interactions is significantly correlated to school climate, with high rates of exclusionary discipline strongly associated with lower levels of teacher-perceived safety. At the same time, students in the schools with high suspension rates perceived they were less in control, less cared for, and less likely to trust adults in the building, than in schools with lower suspension rates (Steinberg, Allensworth, & Johnson, 2013). These studies indicate the matter is complex and the lack of school connectedness and education direction leads to dropout, and is then strongly correlated with rates of delinquency.

Zero-tolerance and the school-to-prison pipeline. Zero-tolerance policies began to emerge in American society during the 1980s when fear of rising crime in many urban communities was gaining national attention. President Ronald Reagan's conservative policies to get "tough on crime" and the "war on drugs" were presented as a benign attempt to crack down on the rampant drug use and crime in poor, minority neighborhoods. Alexander challenges this in her 2011 book, *The New Jim Crow*:

The war on drugs, cloaked in race neutral language, offered whites opposed to racial reform a unique opportunity to express their hostility toward blacks and black progress, without being exposed to the charge of racism. (p. 54)

The portrayal of the "war on drugs" as a problem of Black subculture supports her challenge. For example, in 1986 *Newsweek* featured a story about the crack epidemic that portrayed African Americans as "crack whores," "crack babies," "welfare queens," and "gangbangers" (Alexander, 2011). Such rhetoric served to reinforce already prevalent racial stereotypes in society and in the classroom. In a series of writings on power imbalances and cultural conflicts in the classroom, Delpit (1998) urges that for poor people and people of color, "it is others who determine how they should act, how they should be judged" (p. xv), and that teachers often view them as "damaged and dangerous caricatures of the vulnerable and impressionable beings being them" (p. xiii). It is not a big leap to assume such dynamics further served to fuel the debates on what was happening with schools discipline.

The rise of federal funding for defense and law enforcement in the 1980s, coupled with increasing fear of violence in schools created a new relationship between the education and juvenile justice systems. Widespread adoption of zero-tolerance policies came in response to escalating crimes perpetrated by youth and the passage of the Gun-Free Schools Act (1994) (Brown, 2011). Zero-tolerance policies increased schools' reliance on the juvenile justice system and local law enforcement to handle student discipline issues that would have otherwise been managed by existing school staff (e.g., administrators, counselors, social workers) in addition to the school resource officer (Majd, 2011). This partnership of school and law has resulted in the over-criminalization of the classroom, where for many students in today's schools, suspension and expulsion is the gateway to entering the school-to-prison pipeline (STPP; APA, 2008). The STPP refers to the harsh punishment for misbehavior and truancy guided by school policies and practices that funnels students on a pathway from the education system to the juvenile justice system (ACLU, 2014). Skiba et al. 2014, describes that the first step on this pathway is school exclusion, which is confounded by the school's negative climate and the students' loss of engagement and educational opportunity. This lack of school connectedness and education direction leads to dropout, and is then strongly correlated with rates of delinquency.

Intervention by the juvenile justice system (the STPP) may be making the lifelong situation for many youth worse, not better. In an investigation on the relationship between juvenile incarceration and high school completion conducted in Chicago on more than 35,000 incarcerated youth over a ten-year period, researchers found that going

to juvenile detention or jail reduced by nearly forty percent a child's likelihood of graduating high school when compared to non-detained youth from the same neighborhood (Aizer and Doyle, 2013). Aizer and Doyle (2013) also looked at rates of repeat offenses and found that juvenile incarceration is not a deterrent but a catalyst for re-incarceration as a young adult. An alarming sixty-seven percent of youth who experience incarceration are jailed again at least once by the age of 25. The researchers also note that young adults who entered the justice system as youth were more likely to later be the perpetrators of violent crimes, including homicide (Aizer and Doyle, 2013). Given this trend, it is necessary that the pathways from schools to juvenile justice be significantly curbed. Skiba et al. 2013, theorizes the first step in this pathway is school exclusion, which is confounded by a negative climate in the school and the students' loss of engagement and educational opportunity.

Growing concerns regarding the negative outcomes that have been well established for zero-tolerance have motivated conversations at the national, state, and local levels alike (APA, 2008; Fabelo et al., 2011; U.S. Department of Education, 2014). In January of 2014, the Department of Education, in collaboration with the Department of Justice, released a package of recommendations on the use of alternatives to exclusionary discipline practices in an attempt to decrease rates of out-of-school suspensions and to help close the discipline gap between African American students and their peers. The recommendations argue against zero-tolerance practices and urge the following as best practice approaches: developing safe, positive school climates that provide social/emotional programs and supports; using suspension as a last resort; limiting the

role of law enforcement in schools, not involving police in school discipline; and implementing and evaluating discipline practices that are nondiscriminatory, fair, age and developmentally appropriate, and effective. In short, schools are urged to implement nuanced and pedagogically flexible strategies that take context into consideration (U.S. Department of Education, 2014).

No Excuses charter schools. The philosophy of No Excuses popular in many urban charter schools, simply stated, prominently features the notion of “success at all costs” (Cheng et al., 2014; Thernstrom & Thernstrom, 2003). This cost comes in the form of high academic expectations and frequent testing, extended instructional time through longer school days and after-school tutoring, parental pledges of involvement, strict behavior codes and highly structured discipline systems to maintain order (Thernstrom & Thernstrom, 2003). This emphasis on curbing disorder draws from the “broken windows” theory of crime reduction (Whitman, 2008). Kelling and Wilson (1982) discovered that signs of public disorder in a neighborhood (e.g. graffiti, apparent presence of prostitutes, gang members, and loitering homeless individuals) were more important to public perceptions of safety than actual fluctuations in crime rates. The belief is that disorder emboldens others to be disorderly and break the rules. Similarly, the leaders of No Excuses charter schools believe that “disorder, not violence or poverty per se, is the fatal undoing of urban schools in poor neighborhoods” (Whitman, 2008, p. 21). That explains why they spend a great deal of time and effort on character training and rituals that reflect paternalistic virtues (Whitman, 2008). Critics of No Excuses liken the model to Zero-Tolerance, which although deemed largely a failure, has been widely adopted in

predominantly urban charter schools (Angrist, Pathak, & Walters, 2013; Horn & Wilburn, 2013).

Charter schools are free to establish their own standards, rules and expectations for student behavior. The leaders of those who adopt No Excuses models largely agree that academic gains cannot be realized without implementing strict behavioral systems (Lake et al., 2012). A layer of complexity added to the popularity of No Excuses discipline policies popular in many charter schools stems from the dichotomy between the decentralized nature of the charter schools and the centralizing policies they adopt to regulate student behavior. It is paradoxical that charters repeatedly point to local discretion as a major source of their success, yet their discipline policies largely reflect bureaucratic, rules-driven approaches (Garen, 2014). That said, it remains unclear what if any impact this paradox creates in the actual delivery of quality education or in the equitable educational experiences of students that attend charter schools. The findings of a 2014 meta-analysis investigating the extent to which charter schools that adopt a No Excuses philosophy are able to see academic gains in students, indicate their potential to narrow the achievement gap (Cheng et al., 2014). The authors conducted a random-effects meta-analysis of ten studies that used experimental methods to assess the achievement of students who applied to the charter schools' enrollment lotteries, half of which provided estimates for students attending No Excuses charter schools specifically (Cheng et al., 2014). Results of pooled estimates indicate that attending a No Excuses charter school for one academic year led to student achievement increased by 25 percent of a standard deviation in math, and a 16 percent standard deviation in reading. Any

generalizable conclusions, however, should be made with caution, as the studies weighted most heavily in the analysis focus on the lotteries in just two metropolitan areas, both in the Northeast. Nonetheless, given that the Black-White achievement gap is typically equated to one standard deviation, these gains are significant.

Apart from the popularity of No Excuses, there is no shortage of critics who believe this model is at best an unnecessary over-reach, and at worst a reorientation to the kind of public paternalism that a century ago eroded the cultural heritage of Native American children (Cheng et. al., 2014). One prominent criticism in the rhetoric is that the model attempts to paternalistically condition students to the strict order required for learning, with the underlying assumption that no such sufficient order exists at home (Coleman, 1987; Whitman, 2008). Whitman (2008) states that this new paternalism is revealed through militaristic practices such as a strict code of conduct called SLANT (Sit up, Listen to speakers, Ask and answer questions, Nod to signal you're following the conversation, and Track teachers with your eyes), and failure to comply is censured through demerits. Other examples of militaristic approaches include rhythmic chanting and clapping in class to motivate productivity, and strict adherence to a dress code where even the slightest infraction (e.g., shirt not tucked in, undershirt the wrong color) is censured (Whitman, 2008).

Advocates claim that yes, discipline is tough, but it is often delivered in combination with positive recognition for citizenship and rewards for high marks (Whitman, 2008). This claim, however, relies on the assumption that the capacity for success (as a citizen in the school) is located within the individual rather than the system

itself, where failure is attributed to lack of effort on the student's part without regard or acknowledgement of the ways the educational system has historically privileged some while oppressing others. This paternalistic social structure of schooling serves to narrowly define citizenship to mean "White values, dress, and ways of being" that determine "who does and does not belong" (Hatt-Echeverria & Jo, 2005, p. 64).

Although on the surface it appears from the negative talk that these practices must be harmful for some children, the evidence is just beginning to mount. One newly published study acknowledges the dearth of research in this area and attempts to begin to fill the void. In a recent ethnographic study spanning eighteen months, Golann (2015) reveals a potential pitfall of market pressures and a narrow focus on academic gains. Through her fieldwork and interviews with over 90 school administrators, teachers, and students at one No Excuses charter school, she found the school's emphasis on order as a strategy to increase test scores prompted teachers to stress and reinforce class-based skills and behaviors that resulted in children who monitor themselves, hold back their opinions, and defer to authority. She refers to this as creating worker-learners who are not trusted to make decisions, rather than fostering the interactional skills that create lifelong learners (Golann, 2015). Students who do not develop the higher level skills of lifelong learners, like creativity and problem solving, are often not equipped to navigate the flexible and nuanced expectations of college and workplace (Collier & Morgan, 2008; Karp & Bork, 2014).

Goodman and Uzun (2013) conducted a case study exploration of the experiences of high school students attending an alternative school whose practices were by design

highly controlling and authoritarian. Surveys were returned by 56 of the 150 high school students in an urban charter school. Student participants reported a perceived lack of self-determination and believed they had little agency or autonomy to make their own decisions. The authors concluded, “Coercion is the price to be paid for self-actualization.” (p. 3). Experiencing autonomy and feeling a sense of agency are critical components for developing a child’s self-esteem (Deci & Ryan, 1995). The implications of these studies are troubling in that No Excuses models serve to reinforce inequality in cultural and interpersonal skills, which reduces the social capital of a generation of kids. Perhaps what works for achieving academic success may not necessarily coincide with what works for promoting lifelong success.

Theoretical Frameworks

The selected theoretical frameworks are used to illicit a deeper understanding of the competing tensions of a neoliberal reform agenda in an educational system developed for the common good. The societal complexities of the education sphere, coupled with a federalist model of governance, calls for attention to the important relationship between policy, practice, and research in education. The field of education policy is uniquely concerned with the process by which these relationships are forged (Gamoran, 2009). The social science disciplines (e.g., sociology, psychology, history, political science, public health) provide a foundation for rigorous education policy research (Gamoran, 2009), and thus, multiple theoretical frameworks and concepts are applied in this study. Borrowing from political science can enhance understandings of the complex political structures that govern charter school education. The policy paradox framework (Stone, 2012) helps to

elucidate how the sociological and political structures of charter schools influence and are influenced by the policy process and ultimately support better policy decisions.

Institutional isomorphism (DiMaggio & Powell, 1983) helps us understand how organizational structures, even those designed for social innovation, can over time become homogeneous without improved effectiveness.

Policy paradox. Stone's approach to policy analysis, which she refers to as policy paradox, is a useful framework to deconstruct what is known about charter schools and understand the policies that govern them (2012). Central to her framework is the notion that mainstream scientific approaches to how we come to know and understand what is happening in the social science disciplines often misrepresent and diminish the role of politics. Her approach to political reasoning rests on the assumption that there are no universal truths. Instead claims about what a policy actually does, or does not do, are politically constructed, making the interpretation of policy goals key to understanding policy and the policy-making process (Stone, 2012).

Policy entrepreneurs on either side of the political spectrum hold different interpretations regarding the condition of school choice and charter schools, and this reveals contradictory explanations for policy expansion (Wong & Langevin, 2007). This may explain, for example, why some states have reached consensus on charter laws with ease, whereas others are highly politicized and contentious (Hassel, 1999). Additionally, despite the considerable political power teachers' unions wield in the policy arena, efforts to prevent legitimacy in charter school reform were undermined by the charter school laws now in place (National Education Association, 2006).

Stone's work is particularly helpful in exploring charter school and discipline policies. The first way is in exploring the equity-efficiency trade-off described by Okun (1975) that is often applied to debates around charter school policies (Buckley & Schneider, 2007). Following Stone's framework, it can be posited that such a trade-off in the market of education is not an "immutable natural law" (p. 83), but rather an artifact of the choices made by political leaders to promote an agenda in different ways. When applied to charter schools and the controversial exclusionary discipline policies adopted by many, a paradox emerges; if charter schools do not respond to market pressures to improve academic performance, they are at risk of losing students, along with their funding. Charter schools that adopt strict, punitive, or exclusionary discipline strategies may be doing so in order to yield increased academic performance, but an unintended consequence is that these schools actually function in militaristic ways, bearing a resemblance to prisons. Policy paradox helps elucidate how deconstruction of the modern state of education may unwittingly advance greater inequality overall.

Stone's work helps us understand discipline policies, as rules that mandate certain behavior in the classroom may reveal social and political tensions. Where some attribute high suspension rates in charter schools to the belief they are forced to serve some of the most difficult students, others attribute the high rates to school leaders' training and philosophy of disciplinary approaches (Skiba et al., 2015). Stone argues that such "ambiguity is both the boon and bane of rule" (p. 293) and that good rules seek to find a balance between precision and flexibility (2012). In the case of charter school discipline, rules should be precise enough to accomplish the purpose of providing students a safe

environment in which to learn, yet flexible enough to prevent those in power from manipulating them in such a way learning is undermined.

Perhaps the system designed to help historically marginalized and disadvantaged students catch up ends up holding them back in important ways. For example, Delpit has written extensively on how constructs of social injustice and cultural tensions can be revealed in the classroom. Through an examination of the efficacy of progressive reform efforts targeting poor and minority children, Delpit's (1995) work focuses on whether or not process-focused instructional strategies help students access the skills they need to effectively participate in what she refers to as the "culture of power". Policy paradox helps us understand that social disciplines such as education play a role in social transformation through the development both of human and political capital (Leonard, 1991).

Institutional isomorphism. It is presumed that the decentralized, autonomous nature of charter schools affords them the ability to operate free of bureaucratic constraints that have typically defined the institution of public schooling. Institutional theory offers a counter narrative. Charter school leaders attempt to leverage this autonomy to develop alternative forms of schooling, yet are challenged to develop schools with legitimacy in an environment where legitimacy is narrowly defined by the very same well-established bureaucracy they are supposedly free from (Huerta & Zuckerman, 2009). According to Meyer and Rowan (1977), all schools operate in response to the dominant demands of their institutional environment, which in the contemporary context of charter schools includes organizational structure. DiMaggio and

Powell's (1983) theory of institutional isomorphism is an especially useful lens through which to examine the charter school marketplace. Isomorphism refers to how organizations that are responsive to institutional environments, such as charter schools within the institution of education, evolve and interact with one another over time within this environment that is defined by a set of normative practices (DiMaggio & Powell, 1983). Isomorphism is a "constraining process that forces one unit if a population to resemble other units that face the same set of environmental conditions" (DiMaggio & Powell, 1983, p. 147).

DiMaggio and Powell (1983) enumerate three distinct mechanisms of isomorphic change: mimetic, normative, and coercive. Mimetic isomorphism relates to organizational uncertainty (e.g. school with an ambiguous mission), which leads to the mimicking, or imitation, of a legitimate organizational structure in that environment (DiMaggio & Powell, 1983). Environmental uncertainty undergirds mimetic isomorphism. In the case of charter schools and the veritable landscape of "innovation", popular, well-regarded models are copied in an attempt to mimic the perceived effectiveness. A good example is KIPP, that has successfully expanded its network of charter schools across the country.

Normative isomorphism creates homogeneity among organizations when they adapt to professional norms or increased specialization in an attempt to appear legitimate in their field (DiMaggio & Powell, 1983). Normative isomorphism refers to what professionals are supposed to know, and how they are expected to act. For example, people from the same or similar educational backgrounds will approach problems the same way. Norms developed during education are internalized on the job, perpetuating

conformity. This normative conformity abounds in education. For instance, classrooms today, divided by grade and age, look the same today as they did at the turn of the century.

Lastly, coercive isomorphism according to DiMaggio and Powell (1983) results from the political and legal environments in which they operate, whereby organizations are coerced, or persuaded by an entity they are reliant on or beholden to, to change in some fashion. External pressures, be they societal, cultural, or political, demand an organization behaves in a particular way. The expectation that charter schools produce better student outcomes, for example, is a coercive force that causes charter schools to over time become more like other schools responding to the same pressure.

Institutional theorists believe these isomorphic forces have considerable influence over the appearance of an institution, as well as the degree to which organizations within the institution evolve in response to the same service field pressures, thus causing them to become increasingly homogenized (DiMaggio & Powell, 1983; Meyer & Rowan, 1977). Huerta and Zuckerman (2009) posit that as the marketplace for charter schools evolves, schools are “forced to balance their internal objectives linked to technical efficiency with bureaucratic demands linked to institutional conformity” (p. 416). Therefore, accounting for the isomorphic forces will allow for a better understanding of how organizational structures of charter schools align or diverge in an environment where the innovation that has been the hallmark of the movement is challenged by institutionalized conditions that serve to maintain the status quo.

The selected frameworks that guide this study (policy paradox and institutional isomorphism) have intuitive appeal for each. Yet they are independently limited and fail to adequately capture the complex dynamics situated at the intersection of market-based reform and exclusionary discipline, such as power, ideology, and social innovation. In this context, the aim of this study is to consider the utility of combining multiple frameworks in order to enrich our understanding of the multi-layered policy-making process. I examine the tensions of equity and efficiency using the policy paradox to interpret how policies designed to address inequities pressure the education market to perform, but perhaps perpetuate the very inequities they seek to solve. Institutional isomorphism is used to explore how despite major efforts in education, the more things change, the more they stay the same.

Definition of Terms

For the purposes of this study, the following definitions will be used:

Charter Management Organization – A non-profit organization that operates a group of schools with a shared educational vision and mission (Wells, 2002).

Charter School – An independently operated public school of choice, freed from many regulations but accountable for its results (Carpenter, 2006).

Discipline Gap – The disproportionality in rates and intensity of discipline sanctions based on student characteristics (Children's Defense Fund, 1975).

Exclusionary Discipline – The removal of students from educational opportunity by means of suspension and/or expulsion on disciplinary grounds (Losen, 2014).

Education Management Organization – A for-profit organization that manages schools that receive public funds, including district and charter schools (Miron, Urschel, & Saxton, 2010).

Human Capital – The collection of skills the labor force possesses and is regarded as a resource or an asset. It encompasses the notion that there are investments in people (e.g., education, training) and that these investments increase an individual's productivity (Goldin, 2016).

Isomorphism – A “constraining process that forces one unit of a population to resemble another unit that face the same set of environmental conditions, [whereby] organizations compete not just for resources and customers, but for political power and institutional legitimacy, for social as well as economic fitness” (DiMaggio & Powell, 1983, p. 147).

Neoliberalism – An ensemble of economic and social policies, forms of governance, and discourses of ideologies that promotes self-interest, unrestricted flow of capital, deep reductions in labor costs, and sharp retrenchment of the public sphere (Lipman, 2011).

No Excuses – No Excuses schools focus intensively on raising the math and literacy scores of their students in a deliberately regimented attempt to narrow the achievement gap (Thernstrom & Thernstrom, 2003).

Paternalism – A principle or system of governing that echoes a father's relationship with his children (Whitman, 2008).

School Discipline – A system consisting of code of conduct, punishment, and behavioral strategies to: (1) ensure the safety of staff and students, and; (2) create an environment conducive to learning (Moles, 1989).

Zero Tolerance – Zero Tolerance initially was defined as consistently enforced suspension and expulsion policies in response to weapons, drugs and violent acts in the school setting. Over time, however, zero tolerance has come to refer to school or district-wide policies that mandate pre-determined, typically harsh consequences or punishments (such as suspension and expulsion) for a *wide degree* of rule violation (U.S. Department of Education, 2014)

Research Questions

This literature review was guided by the following research questions: (1) To what extent, if any, is organizational structure (CMO, non-CMO) associated with the use of exclusionary discipline (suspension); (2) To what extent, if any, is the use of exclusionary discipline (suspension) associated with student achievement (math proficiency, reading proficiency); and, (2a) If so, is that relationship moderated by organizational structure (CMO, non-CMO)?

Chapter Three: Methods

Charter schools are a relatively new phenomenon and the differences among and between them are not often considered in the literature. To date, there is scarce research on how charter schools differ by type, such as their organizational structure, and virtually none that examines the impact of charter type on their use of exclusionary discipline practices. Therefore, this is an exploratory study. This study did not use human subjects and was therefore determined exempt by the Institutional Review Board (IRB).

Research Design

This study uses a non-experimental, comparative, exploratory multiple-regression design. Due in part to the difficulty of performing randomized experimental and quasi-experimental research in education, non-experimental research is an acceptable and frequent mode of educational research (Johnson, 2001). This quantitative study uses regression techniques to explore the relationship of charter school organizational structure (CMO, non-CMO) as it relates to the use of exclusionary discipline (out-of-school suspension). Regression techniques will also be used to explore the relationship of the use of exclusionary discipline (out-of-school suspension) and student achievement (math proficiency and reading proficiency, respectively); as well as explore if there is an

interaction effect between organizational structure and use of exclusionary discipline on academic achievement as measured by math and reading performance. This study captures the relationship at one point in time; the 2013-2014 school year. There are strengths and limitations to using a cross-sectional study design. The strengths include the exclusion of such issues as maturation and school growth, and attrition in the form of school closures. The limitation to this design includes the inability to detect change in relationships over time.

Context of the study. This section places the study in its setting, the context, which can include the physical, historical, or economic setting for an investigation (Creswell, 2013). This study takes places in Washington, District of Columbia.

The market for charters in Washington, DC. District of Columbia (DC) is an interesting setting to examine charter schools. Not only does DC have the strongest, most difficult to comply with regulatory charter school legislation of any state in the country, it is the only city with two public school systems nearly equal in size. For example, 36,565 students were enrolled in DC public charter schools during the school year 2013-2014, which is 44% of the total public school enrollment in the city (U.S. Department of Education, 2014). The legislative history of the expansion of charter schools in DC begins with the 1995 adoption of the District of Columbia School Reform Act, which allowed the creation of the first charter schools in the District and designated the DC Board of Education (DCBoE) as the authorizing entity. A year later, the act was amended to include a second, independent charter authorizer, the DC Public Charter School Board (DCPCSB) (D.C.C 18 § 38-1800, 1996). Together, the two boards, both operating

independently of one another and of the DC Public School (DCPS) system, could approve the creation of up to a combined 20 new charter schools per year. This two-entity system was dissolved in 2006 when DCBoE relinquished authorizing responsibilities, leaving the DCPCSB as the sole authorizing entity. The board does not own or operate the charter, but instead contracts through a charter agreement. As of the start of the 2015-2016 school year, DCPCSB contracts with 62 independent not-for-profit organizations to operate the 115 schools across the city that parents are free to choose from, regardless of location.

District public charter schools created by the DCPCSB operate entirely independently from DCPS and DC government. DC charters are created in three ways: independent startups, conversion from a traditional public school, and conversion from a private school. The majority are independent startups (Charter Facts, n.d.) The 1996 Act also stipulates that teachers are not unionized, and market forces determine teachers' salaries and benefits. Students are funded at the same dollar amount regardless of enrollment in DCPS or a charter, through the uniform Per Public Funding Formula. But this does not account for the funding DCPS schools receive for teacher salaries and pensions and for facilities. Charters are granted for a term of 15 years, and can be renewed continually. However, charters must report annually, and the board has the right to close a charter after five years if they fail to meet academic goals or for reasons of fiscal mismanagement.

The demographics of DC charter school students are somewhat different from that of the DCPS system. For example, of the total population of public charter school

students, 92 percent were Black or Hispanic, as compared to 70 percent of the total population of DCPS (DC Public Charter School Board, 2015). Additionally, White students comprise less than 5 percent of the student body in DC charter schools, as compared to over 12 percent of the student body of DCPS. Demographic data indicates that DC charter schools are not diverse, and are serving a disproportionate number of minority students. Additionally, district charter schools serve on average a higher percentage of students classified as English language learning (11% in charter, 9% in DCPS), but a slightly lower percentage of special education (13.5% in charter, 14% in DCPS) (DC Public Charter School Board, 2015). There is a slightly higher percentage of charter school students (82%) eligible for free and reduced-price lunch as compared to the percentage in the public-school district (75%) (Facts and Figures, n.d.). These differences highlight the need for careful examination of the educational arenas serving this majority of disadvantaged and historically marginalized children.

The District of Columbia is divided into eight diverse political areas referred to as Council Wards, used to elect members of the local legislative body, the Council of the District of Columbia. The District's median household income in 2012 was \$66,583, with 18 percent of DC residents living in poverty; yet income varies dramatically across Wards (U.S. Census Bureau, 2014). For instance, the mean annual household income for Ward 2, the highest-earning Ward, is approximately \$256,400, and \$190,600 for Ward 3. The mean annual household incomes for Ward 1 (\$98,500), Ward 4 (\$116,700), and Ward 6 (\$120,500) are nearly or more than two times higher than the national average of \$51,900, followed by Ward 5 with \$78,600 (U.S. Census, 2014). Ward 8 has the lowest

reported income with just over \$44,100, followed by Ward 7 with \$54,700 (U.S. Census Bureau, 2014). Consequently, Wards 8 and 7 have the highest poverty rates, where one-in-three residents live below the poverty line (U.S. Census Bureau, 2014). Given students may attend a charter school outside the neighborhood they reside, charter schools have the potential to break down traditional housing barriers.

Sampling Procedures. The study sample consists of public charter schools located in Washington, DC serving students in elementary and/or secondary grades (k-12), and that were operational during the entire 2013 to 2014 academic school year ($n = 86$). Excluded from this study are charter schools that served exclusively very young children ($n = 7$), and adults ($n = 7$). New charter schools ($n = 8$) that had not yet been in operation for a full school year were excluded as well. Lastly, virtual charter schools ($n = 1$) were excluded. In total, 23 charter schools were excluded. The number of required participants needed to obtain necessary power was determined based on the recommendations for multiple regression analysis. This study will include a maximum of six independent variables in the regression analysis. An a priori power analysis using G*Power (Faul, Erdfelder, Buchner, & Lang, 2009; Tabachnick & Fidell, 2007) indicated that a sample size of 86 would be sufficient to obtain the necessary power to reject the null hypothesis with a medium effect size ($f^2 = .25$) at $\alpha = 0.01$ (Cohen, 1992). A maximum of six predictor variables, including one interaction term, were considered in determining the necessary sample size.

Variables studied. The school will function as the unit of analysis in all analyses. This study will collect data from only one point in time, the 2013-2014 school year, the

most recent data available at the time of this study. The DCPCSB data portal website (<https://data.dcpceb.org/>), and specifically school-level Equity Reports, were used to compile the data for this study. This repository consists of a wide range of secondary data collected annually on indicators such as school finances, student enrollment and attendance, discipline, academic achievement, and student movement. To answer the first research question, the predictive variable, organizational structure (CMO, non-CMO) of the charter school, was explored as it relates to the dependent variable in this quantitative study, the rate of exclusionary discipline as measured by out-of-school suspension. The covariates used in this study are related to school-level demographics, and were selected for inclusion to further demonstrate possible in-sector variation because of their possible relationship to academic achievement and exclusionary discipline, and include: (a) the percentage of students who qualify for free and reduced-price lunch (FARL), (b) the percentage of students who are classified as special education (SPED), and (c) the percentage of students who are non-White. This exploratory study also examines the relationship of exclusionary discipline as it relates to student achievement. Indicators of student achievement include school-level rates of students proficient in math and reading, respectively.

Additional variables were initially considered and excluded from the final model. For instance, constructing the term related to the racial composition of the student body initially included variables for the percentage of Black, Hispanic, and White students, respectively. Preliminary analysis and examination of *t* statistics and significance values and revealed the variable reflecting the percentage of Black students between CMO

charter schools ($M = 89.4$, $SD = 20.7$) and non-CMO charters ($M = 74.4$, $SD = 28$), $t = .013$, $p = .989$, $d = .037$, was not significantly different. Likewise, differences in the variable, percentage of Hispanic students, between CMO charter schools ($M = 9.2$, $SD = 20.2$) and non-CMO charters ($M = 14.8$, $SD = 18$), $t = .147$, $p = .884$, $d = .217$, was non-significant. According to Warner (2013), variables with a t statistic < 2 (irrespective of the sign) and a p value > 0.05 (a confidence level of 95%) are appropriate to exclude. The variable for the percentage of White students in CMO charters ($M = 0.2$, $SD = 0.8$) when compared to non-CMO charters ($M = 8$, $SD = 12.7$) was not statistically significantly different ($t = 1.210$, $p = .230$). Cohen's (1969) effect size value ($d = .866$), however, suggested a high practical significance, indicating differences may in fact exist but the sample size may be too small to detect a significant difference. Given these findings, and in light of the literature on disparities in exclusionary discipline experienced by minority students, the term for percentage of students who are non-White was created with the composite of percentage Black and percentage Hispanic students. The new variable, percentage non-White, when initially examined between groups (CMO, $M = 98.69$, $SD = 1.58$; non-CMO, $M = 88.88$, $SD = 16.37$), was found to be significant with a t statistic of 3.482 and p value of .001. Further, Cohen's (1969) effect size value ($d = .843$) suggested a high practical significance.

The size of the school was also initially considered for inclusion in the model given charter schools in the district vary significantly by size and the literature suggests CMO charter schools typically have lower enrollment (Roch & Sai, 2015). According the DC Public Charter School Board, current enrollment ranges from schools serving 60

students to more than 1,500 students. Preliminary analysis and examination of t statistics and significance values for the variable reflecting total student enrollment revealed this variable was non-significant ($t = -1.301, p = .197, d = .084$), and a comparison of mean enrollment revealed no real differences between CMO ($M = 357.2, SD = 155.9$) and non-CMO charter schools ($M = 362.7, SD = 140.9$), therefore school size as indicated by total student enrollment in the 2013-2014 school year was not explored further in this study.

In addition to rates of suspension, a common measure of exclusionary discipline are rates of expulsion. However, over two-thirds of the charter schools in the sample had no instances of expulsion. Including this variable would not only reduce the sample size to the point where necessary power could not be reached, the results would yield little interpretable power. Thus, exclusion was outside the scope of this study. The literature strongly points to males being disproportionately disciplined (Bryan et al., 2012); however, the percentage of males versus female students is evenly distributed for both categories charter school organizational structure. Additionally, data available for this study does not include disaggregated rates of suspension or student achievement by gender, and therefore, is not included in this study. Other student-level differences found to be influential in the disparate experiences of exclusionary discipline include LGBTQ status. This study is limited to school level comparisons and disaggregated data at the student-level was neither available or within the scope of this study. The purpose of this study was also to use the theoretical constructs identified in the literature review. Therefore, this study also seeks to explore whether or not the organizational structure of a charter school influences the relationship between discipline and achievement, if said

relationship is found to exist. The following section describes each of the variables used in this study.

Organizational structure. The existing literature shows some inconsistency in the unit of analysis of organizational structures. Some researchers have analyzed organizational structure between CMO and non-CMO schools, whereby non-CMO schools include both EMO and independent charters, and in some cases, traditional public schools as well (Goodman, 2013; Lake et al., 2012; Woodworth & Raymond, 2013). Others focus on the for-profit distinction of the EMO as compared to all other charters and traditional public schools alike (Ertas & Roch, 2014). However, this distinction is losing favor in the school management process given the rise of the large CMO networks, such as KIPP.

Lacireno-Paquet et al. (2002) theorized that some charter schools, by way of affiliation with a for-profit venture (EMO), are likely to be more market-oriented in the way they behave, and therefore are more likely to engage in behaviors that serve to maximize their positive outcomes. For instance, by removing students whose individual performance reduces the schools' overall performance (by driving test scores down, for example), the school is responding to market pressures by acting as an organizational profit maximizer (Weisbrod, 1997). On the other hand, charter schools that are affiliated with nonprofit management organizations (CMO) tend to value the very same ideals of academic success as an absolute goal, and are burdened by the same pressures of the market to perform (Goodman, 2013; Lake, Dusseault, Bowen, Demeritt, & Hill, 2010; Miron, Urschel, & Saxton, 2010).

A useful distinction among charter schools is the degree to which the school has direct ties to the neighborhood it serves (Wells, 2002). For instance, freestanding, independent charter schools are often developed and run by local actors, guided by the social values and goals of parents and community leaders (Wells, 2002), which may impact decision-making around complex social matters such as school discipline. Although EMOs are typically for-profit companies, and may have a network of schools, their model is predicated on replicating successful models in other areas. They often do so by seeking out leaders in the community who are already interested in starting a neighborhood charter, but lack resources (Woodworth & Raymond, 2013). Thus, an EMO has local control, and looks very similar in feel and design to an independent neighborhood charter school.

For the purposes of this study I will adopt the categorization technique of the recent work by Woodworth and Raymond (2013), whereby using variables of CMO and non-CMO, focusing on within-sector differences without attempting to draw comparisons to the traditional public school counterparts (see Figure 4).

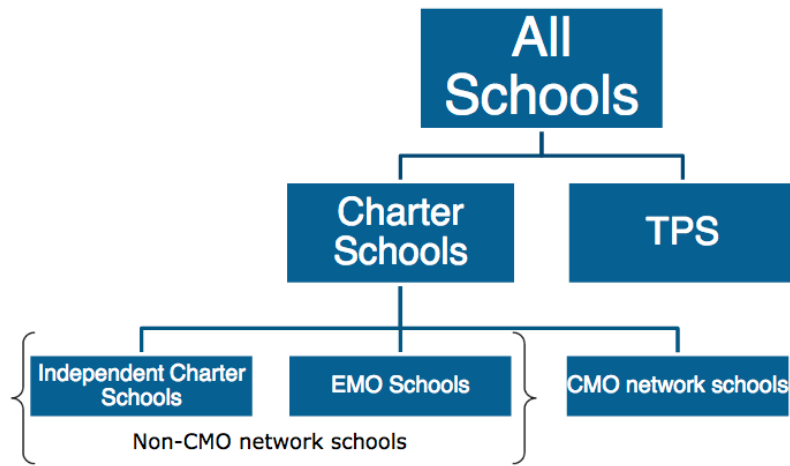


Figure 4. Organizational Structure of Charter Schools. Adapted from Woodward & Raymond (2013).

Data for this variable, *Organizational Structure*, was obtained through financial audit reports for each DC charter school compiled annually by the DC Public Charter School Board and obtained for the 2013-2014 school year through the freedom of information act. The financial audit details if a school is part of a charter management organization and the type of MO (profit, nonprofit), or operates as a freestanding school. Given that this investigation seeks to find variation between types of charter schools, two groups were created: CMO and non-CMO. Figure 5 presents a distribution of the types of charter schools included in the adjusted, purposeful sample. Of those included in the sample ($n = 86$), 47 are categorized as non-CMO (39 are independent, eight are part of an EMO), and 39 are run by a CMO (refer to Figure 5). Dummy codes will be assigned to each variable for the purposes of analysis (CMO: 0; non-CMO: 1).

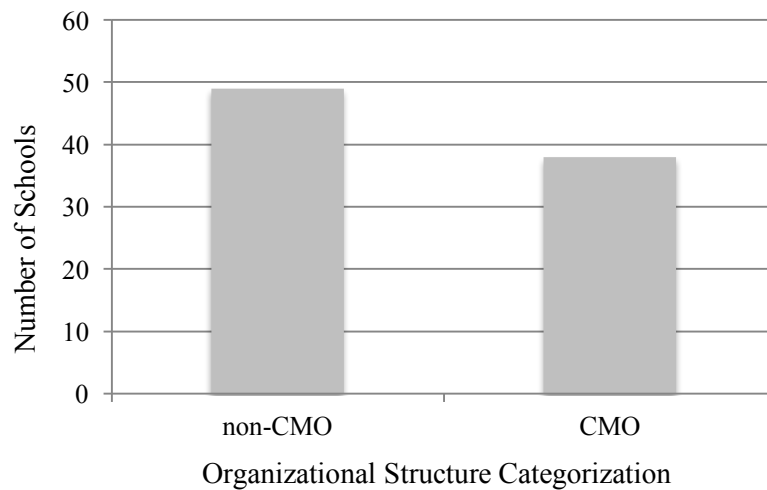


Figure 5. Organizational Structure of Washington, DC Charter, 2013-2014. Data from DCPCSB data portal.

Covariates. School-level demographic information gathered from equity reports publically posted on the DCPCSB website are included as covariates in this study. Certain predictors of exclusionary discipline are suggested by research presented in Chapter 2, thus I preliminarily examined these concepts to ensure the final analysis appropriately controls for potential effects on exclusionary discipline. Race is perhaps the most commonly identified indicator of disproportionate rates of exclusionary discipline and gaps in student achievement. District charter schools are comprised of 92 percent Black and Hispanic students on average, yet degree of diversity varied in this sample from zero percent non-White student populations to 68 percent non-White student populations. Thus, the variable capturing the percent of non-White students is included in this analysis.

Special education students have been shown to have disparate discipline and educational experiences (Losen, 2015; Losen et al., 2016). Among this sample of charter schools, the percentage of students classified as receiving special education services (*Percent SPED*) ranges between three percent and 36 percent, and was therefore included as a covariate. Finally, I included the percentage of students receiving free or reduced lunch prices (*Percent FARL*). This variable is a well-established proxy for determining the distribution of family income. Among the charter schools included in sample, the percentage of student eligible for FARL ranged between 13 percent and 100 percent, and was therefore appropriate for inclusion in the analysis.

Table 1

Summary Statistics

Variables	Count	<i>M</i>	<i>SD</i>	Minimum	Maximum
All Charters	86				
School Size		360.2	147	77	914
Percent FARL		80.4	23.7	13	100
Percent SPED		13.7	6.4	3	36
Percent Black		81.2	25.9	8	100
Percent Hispanic		12.1	19.1	0	84.7
Percent White		4.5	10.1	0	41.9
Percent non-White		93.3	13.04	46	100
CMO Charters	39				
School Size		357.2	155.9	77	914
Percent FARL		91.9	9.4	73	100

Percent SPED	13.7	6.3	5	34
Percent Black	89.4	20.7	10.3	100
Percent Hispanic	9.2	20.2	0	84
Percent White	.2	.8	0	5
Percent non-White	98.7	1.58	95	100
Non-CMO	47			
School Size	362.7	140.9	118	749
Percent FARL	70.9	27.5	13	100
Percent SPED	13.1	6.5	3	36
Percent Black	74.4	28	8	100
Percent Hispanic	14.5	18	0	60
Percent White	8.0	12.7	0	41.9
Percent non-White	88.88	16.3	46	100

Note. FARL = free and reduced-price lunch; SPED = special education; CMO = charter management organization; non-CMO = all other types of charter schools.

Discipline. Exclusionary discipline refers to any disciplinary practice that socially isolates students from their classroom environment in response to some negative behavior on the part of the student. In this study, exclusionary discipline is represented by school-level incident rates of out-of-school *Suspension*, as defined by the exclusion of students from school for 30 days or less to include both long and short-term punishments. The incident rates represent the total number of out-of-school suspensions divided by the total school enrollment.

Academic performance. The success of charter schools tends to be evaluated by how well they raise student test scores and narrow the various gaps in achievement.

During the timeframe of this study, the 2013-2014 school year, The Office of the State Superintendent of Education (OSSE), which is the State Education Agency for the District of Columbia, measured the performance of public school students attending either traditional or charter schools through the Comprehensive Assessment System (DC CAS). The CAS is based on the DC content standards and is partially aligned to the Common Core State Standards (CCSS) in reading and math. At the start of the 2014-2015 school year, the District ceased using the DC CAS and began implementing the Partnership for Assessment of Readiness for College and Careers (PARCC) assessment, which is expressly designed in alignment with the CCSS. For the purposes of this study, the percentage of students proficient or advanced in Math on the CAS (*Math Proficiency*) and the percentage of students proficient or advanced in Reading on the CAS (*Reading Proficiency*) serve as the two academic achievement variables. These data were publicly available on the website of the OSSE, as well as through OpenData DC PCSB.

Data Analysis

Hierarchical multiple regression techniques were then used to explore the direct effects and interactions among the study's variables in research questions one and two. A summary of the research questions that guide this investigation and analysis methods used is presented in Table 2.

Table 2

Summary of Research Question and Analysis Procedures

Research Question	Covariates	Independent Variables	Dependent Variables	Interaction Terms	Analysis Methods
1. To what extent, if any, is organizational structure associated with the use of exclusionary discipline	Percent FARL, Percent SPED, Percent non-White	Org. Structure	Suspension		Hierarchical Multiple Regression
2. To what extent, if any, is the use of exclusionary discipline associated with student achievement?	Percent FARL, Percent SPED, Percent non-White	Suspension	Math Proficiency, Reading Proficiency		Hierarchical Multiple Regression
2a. If so, is that relationship moderated by organizational structure (CMO, non-CMO)	Percent FARL, Percent SPED, Percent non-White	Suspension, Org. Structure	Math Proficiency, Reading Proficiency	Suspension/ Org. Structure	Hierarchical Multiple Regression with Moderation

Note. FARL = free and reduced-price lunch; SPED = special education; CMO = charter management organization; non-CMO = all other types of charter schools; Org Structure = organizational structure (CMO, non-CMO).

Three separate regression analyses are used to examine the research questions. All analyses were conducted using Statistical Package of the Social Sciences (SPSS) v. 24 software. This study uses regression models to explore and maximize prediction and is appropriate when the researcher has no logical data structure (Pedhazur, 1997). According to Field (2009), multiple regression analysis “enables us to predict future

[outcomes] based on values of predicative variables” (p. 198). Multiple regression also allows for a statistical analysis of the data that “best honors the reality to which the researcher is purportedly trying to generalize” (Thompson, 1991, p. 80). A multiple regression assesses the relationship among a set of categorical or continuous predictive variables on a continuous criterion variable (Meyers et al., 2013). To examine research question one, a hierarchical multiple regression was conducted to determine if the independent variables predict the dependent variable. In this instance, a two-step hierarchical regression was conducted. The covariates include percent FARL, percent SPED, percent non-White (entered in step 1). The independent variable is organizational structure (step 2), and the dependent variable is out-of-school suspension.

Additionally, a Baron and Kenny (1986) moderation analysis was used to determine if a variable of interest moderates the relationship between predicative variables and the dependent variables. Specifically, for research questions 2 and 2a, two simultaneous analyses were conducted to assess if out-of-school suspension is predicative of student achievement, and if so, does charter school organizational structure moderate the relationship between exclusionary discipline and student achievement (math proficiency, reading proficiency, respectively). To test for moderation, I conducted a hierarchical multiple regression. The independent variables of the regression include the covariates (percent FARL, percent SPED, non-White, entered in step 1), and out-of-school suspension, as well as the organizational structure (step 2), and the interaction between the independent variable and the moderator (step 3). The interaction was created by multiplying out-of-school suspension and organizational structure together after only

the suspension variable was centered to have a mean of zero. The dependent variable of the first regression testing for moderation was math proficiency, and the dependent variable for the final regression was reading proficiency.

The research questions were examined by first conducting a descriptive correlational analysis to determine if the predictor variables were correlated. It is important in multiple regression techniques to check for independent variables that are too heavily correlated to ensure the assumption of multicollinearity has not been violated. Person Correlation Coefficients, the tolerance level and the variance inflation factors (VIF) were examined to test this assumption. Additionally, the assumptions of normality and homoscedasticity were verified by examining p-plots and scatterplots. An examination of the Cooks distance scores were used to determine any multivariate outliers. The level of statistical significance was set to $p < .01$. Significance was determined by examining the unstandardized coefficient beta weights, and the standardized beta weights of each predicative variable. Additionally, the direct relationships and interactions between the predicative variables and dependent variables was determined by examining R squared.

Limitations

Existing research on exclusionary discipline specific to the charter school sector is limited. This study is an initial investigation to explore differences in discipline among charter school types in one urban setting in the mid-Atlantic region. The findings of this study may provide additional information about how market pressures impact the charter school sector as related to student discipline policies. Nevertheless, the limitations of this

study will need to be considered when interpreting future findings. For instance, the study takes place in one urban area in the Mid-Atlantic region of the US and therefore only representative of one geographically distinct area. The operation of educational systems is largely determined by local policies. The local context and landscape of charter schools in this setting is unlike other urban settings, and thus, the information from this study cannot be generalized to other populations. the sample size, although adequate to reach sufficient statistical power, is small. According to Warner (2013), small sample sizes warrant caution when drawing conclusions as this may increase the possibility of a type II error, a false negative.

The use of existing data provides the practical advantages of saving the researcher time and cost, yet the methods of data collection and accuracy of the data are unknown. Therefore, the accuracy of the data rests on the perceived dependability of the source. In this case, the District of Columbia Public Charter School Board, the only governmental agency responsible for the oversight of all public charter schools in the District, has already gathered the data that will be used in this study. In accordance with the data management terms of the charter agreement, data were entered and verified by school officials, and thus inconsistencies in reporting practices and other factors related to self-reported data pose limitations on the accuracy of the data used in the study.

The indicator of exclusionary discipline in this study (Out-of-School Suspension), although credible, does not capture incidents of expulsion, another common measure of exclusionary discipline. Research shows a strong correlation between suspension and negative student outcomes, such as expulsion and experience with the criminal justice

system (Balfanz, Byrnes & Fox, 2015; Fabelo et al., 2011; Marchbanks et al., 2015; Skiba et al., 2015). This suggests that suspension may cause outcomes that worsen the situation for youth. Nevertheless, findings will need to be considered in light of this limited definition of exclusionary discipline. Additionally, this study reflects one point in time (school year 2013-2014). Policies may change over time, especially in the expanding education market and with national attention growing about the need to reform school discipline.

Chapter Four: Results

The purpose of this research is to explore the intersection of equity and efficiency in the market for education in public charter schools located in Washington, District of Columbia, and to examine the extent to which, if any, the organizational structure of the school informs the equity/efficiency outlook. Although charter schools have been heavily researched, the bulk of the literature is centered on student achievement as compared to the traditional public school system. Little research seeks to examine the within-system dynamics of the charter sector, and even less attention has been paid to discipline practices within charter schools.

This chapter begins with an overview of the quantitative data analysis procedures used to explore the following research questions:

1. To what extent, if any, is Organizational Structure (CMO, non-CMO) associated with the use of exclusionary discipline (Suspension)?
2. To what extent, if any, is the use of exclusionary discipline (Suspension) associated with student achievement (Math Proficiency, Reading Proficiency)?

2a. If so, is that relationship moderated by the Organizational Structure (CMO, non-CMO)?

Data Analysis Procedures

Because there is little or no literature on the relationship between student discipline and charter school type, this is an exploratory, non-experimental comparative study.

Data screening and assumptions. Once the data were collected, it was necessary to clean and screen it for errors, inconsistencies, and missing data. Statistical analyses were conducted using Version 23 of the Statistical Pack for the Social Sciences (SPSS). Such screening allows the results to be interpreted and helps to determine the generalizability of the study's findings (Schlomer, Bauman, & Card, 2010).

The use of exploratory analysis allows the researcher to gain a comprehensive understanding of the data by examining trends and patterns that reveal the meaning underlying a set of variables (Shelly, 1996). Shelly also contends that an exploratory approach is appropriate when the relationships between variables are complex, and where non-linearity may present a challenge to using statistical regression techniques reliably. Exploratory techniques were used to determine that the data meet the assumptions of the planned analysis (Warner, 2013). The assumptions of multiple regression include: a) linearity, b) multivariate normality, c) no multicollinearity, and d) homoscedasticity. The data were screened for missingness and violation of assumptions prior to analysis. There were no missing data. The sample size ($n = 86$) was deemed adequate given six predictor variables to be included in the analysis. An a priori power analysis for a multiple

regression was conducted using G*Power to determine a sufficient sample size using an alpha of 0.01, a power of 0.80, and a medium effect size ($f^2 = .25$) (Tabachnik & Fidell, 2007). Based on these assumptions, the desired sample size is 85.

Multiple linear regression needs the relationship between the dependent and independent variables to be linear. It is also important to examine the data for outliers given multiple regression is sensitive to outlier effects (Warner, 2013). The linearity assumption was tested by reviewing the scatterplot of unstandardized residuals to predicted values. The scatterplots revealed a random display of points that fell between an absolute value of 3. The assumption of normality was tested by plotting the residual values on a histogram with a fitted normal curve. A review of the histogram suggested normality was reasonably assumed. Normality of was also examined using the Shapiro-Wilk (1965) test of normality (Suspension, $SW = .962$, $df = 86$, $p = .177$; Math proficiency, $SW = .984$, $df = 86$, $p = .365$; Reading proficiency, $SW = .986$, $df = 86$, $p = .477$). Examination of Cook's distance suggested there were no cases exerting undue influence on the model.

The assumption of multicollinearity assumes that the independent variables are not highly correlated with each other (Meyers et al., 2013). According to Stevens (2016), a VIF value of 5 would be cause for concern, although the value of 10 would be the absolute upper bound indicating unacceptable degrees of multicollinearity. An examination of correlations and bivariate relationships (see Table 3) revealed that no independent variables were highly correlated, with the exception of Percent FARL and Percent non-White (0.81). However, the collinearity statistics (i.e., Tolerance less than

0.1 and VIF less than 10) were all with acceptable limits (see Tables 4, 5, and 6), the assumption of non-multicollinearity was deemed to have been met (Stevens, 2016). To ensure the criteria of independence was also met, the Durbin-Watson statistic was computed to evaluate independence of error (Suspension, 2.395; Math Proficiency, 2.174; Reading proficiency, 2.384). As a rule of thumb, values of 1.5 – 2.5 show there is no first order auto-correlation in the data (Warner, 2013).

Lastly, the assumption of homoscedasticity in multiple regression requires that the variance of error terms were similar across all values of the independent variable. As with the linear relationship assumptions, the scatterplots of standardized residuals versus the predicted values were used to provide evidence of homogeneity of variance. A line of best fit was added to the scatterplot and demonstrate the plots appear equally distributed across the values of the independent variables.

Table 3

Descriptive Statistics and Bivariate Correlations of Study Variables

Variable	M (SD)	Range	1	2	3	4	5	6	7
1. Suspension Rate	14.86 (11.48)	0-43	--						
2. Math Proficiency	57.04 (18.34)	15-95	.07	--					
3. Reading Proficiency	51.88 (14.93)	16-85	-.10	.80**	--				

4. Percent Non-White	93.33 (23.68)	46- 100	.41**	-.25*	-.51**	--		
5. Percent FARL	80.47 (23.67)	13- 100	-.37**	-.37**	-.56**	.81**	--	
6. Percent SPED	13.37 (6.4)	3-36	-.46**	-.22	-.19	.12	.24*	--
7. Org Structure	.55 (.5)	0-1	-.29**	-.11	.48	.38**	-.44**	-.04 --

Note. $N = 86$; FARL = free and reduced-price lunch; SPED = special education; Org Structure = organizational structure (non-CMO labeled as 1, CMO labeled as 0).

* $p < .05$; ** $p < .01$; *** $p < .001$.

Hierarchical Multiple Regression. Hierarchical multiple regression analysis was used to answer the study's research questions, specifically exploring if there is a relationship between Suspension and charter school Organizational Structure; if there is a relationship between Math and Reading Proficiency; and, if so, is the relationship moderated by the Organizational Structure. As such, three separate hierarchical regression analyses were conducted to individually explore the relationship between independent variables and the separate dependent variables.

Suspension with organizational structure. A two-step hierarchical multiple regression was conducted with Suspension as the dependent variable. To control for the Percent FARL, Percent SPED, and Percent Non-White, these covariates were entered in step one of the regression. The dummy-coded variable for organizational structure (non-CMO) was entered in step two. Intercorrelations between the multiple regression variables are reported in Table 3 and the regression statistics are in Table 4.

Table 4

Summary of Regression Analysis Predicting Suspension

Variable	β	t	sr^2	VIF	R	R^2	ΔR^2
Step 1					.59	.35	.35***
Percent FARL	-.25	-1.62	.02	3.10			
Percent SPED	.45	.45***	.19	1.08			
Percent Non-White	.56	3.6***	.10	2.96			
Step 2					.63	.39	.04***
Percent FARL	-.35	-2.20*	.04	3.32			
Percent SPED	.47	5.2***	.20	1.08			
Percent Non-White	.55	3.7***	.10	2.97			
Org Structure	-.22	-2.3*	.04	1.25			

Note. $N = 86$; FARL = free and reduced-price lunch; SPED = special education; Org Structure = organizational structure (non-CMO labeled as 1, CMO labeled as 0).

* $p < .05$; ** $p < .01$; *** $p < .001$.

The hierarchical regression revealed that at step one, all the covariates with the exception of Percent FARL contributed significantly to the regression model, $F(3, 82) = 15.07$, $p < .001$, and accounted for 35% of the variation in suspension. Introducing the organizational structure variable, the primary variable of interest, explained an additional 4% of the variation in suspension and this change in R^2 was significant, $F(1, 81) = 13.15$, $p < .001$. This indicates that CMO charter schools have significantly higher rates of out-of-school suspension than other types of charter schools. The most important predictor of

Suspension was the Percent SPED which uniquely explained 20% of the variance in Suspension.

Two separate additional hierarchical regression analyses were conducted to individually explore the relationship between the independent variables (Suspension, Organizational Structure), and the two separate measures of achievement (Math Proficiency, Reading Proficiency). Also, each analysis explored the interactions among the independent variables and their relationships with each achievement variable.

Math achievement with suspension. A three-step hierarchical multiple regression was conducted with Math Proficiency as the dependent variable (Table 5). To control for the Percent FARL, Percent SPED, and Percent Non-White, these covariates were entered in step one of the regression. The Suspension and organizational structure (non-CMO) variables were entered in step two, followed by the interaction of these variables in step three. Consistent with the recommendations of Aiken and West (1991), the interaction variables were formed as the cross-product of the centered variables. Table 4.3 outlines the results of the hierarchical regression analysis on Math Proficiency with Suspension. Specifically, the hierarchical multiple regression revealed that at step one, the covariates contributed significantly to the regression model ($F(3, 82) = 5.12, p < .01$) and accounted for 16% of the variation in Math proficiency. Percent FARL was the only statistically significant predictor ($\beta = -.43, p < .05$), uniquely accounting for 6% of the variation in Math Proficiency. The relationship between these two variables is negative, indicating schools with a higher percentage of students who are eligible for FARL had a lower percentage of students who were scored proficient on standardized math tests. Neither of

the other covariates, Percent SPED ($\beta = -.14, p > .05$), and Percent Non-White ($\beta = -.12, p > .05$), predicated a significant amount of variability in Math Proficiency.

Introducing the Suspension and Organizational Structure variables at step two explained an additional 13% of the variation in Math Proficiency and this change in R^2 was statistically significant ($F(2, 80) = 6.40, p < .001$). Percent FARL was still the greatest predictor of Math Proficiency ($\beta = -.48, p < .01$). Suspension ($\beta = .26, p < .05$), and Organizational Structure ($\beta = -.28, p < .05$), were also statistically significant predictors of Math Proficiency. The relationship between Math Proficiency and Suspension was positive, indicating that schools with higher rates of out-of-school suspension had a higher percentage of students who scored proficient in math on standardized tests. The relationship between Math and Organizational Structure was negative. This indicates that CMO charter schools are more likely to have higher rates of students proficient in Math than charter schools with other types of organizational structures.

Finally, when the interaction between Suspension and Organizational Structure was added in step three, the model accounted for 29% of the variation in Math Proficiency, which was statistically significant ($F(1, 79) = 5.27, p < .001$). However, the addition of the interaction of Suspension and Organizational Structure did not explain any additional variation in Math Proficiency ($\Delta R^2 = .00, p > .05$), and was not a statistically significant predictor of the variation in Math Proficiency ($\beta = -.14, p > .05$). The most important predictors of Math Proficiency were Percent FARL ($\beta = -.49, p < .01$), and Organizational Structure ($\beta = -.28, p < .01$). Both relationships are negative. This

indicates that schools serving a higher proportion of low-income students have lower rates of proficiency on standardized math tests. This also indicates that charter schools with organizational structures other than a CMO are more likely to have lower math proficiency rates. When all variables were included in the model in step three, Suspension was no longer a statistically significant predictor of Math Proficiency ($\beta = .25, p > .05$).

Reading achievement and suspension. A similar procedure detailed in the last hierarchical multiple regression was followed, but with Reading Proficiency as the dependent variable. To control for the Percent FARL, Percent SPED, and Percent Non-White, these covariates were entered in step one of the regression. The Suspension and Organizational Structure (non-CMO) variables were entered in step two, followed by the interaction of these variables in step three. Once again, the interaction variables were formed as the cross-product of the centered variables (Aiken and West 1991). Table 6 outlines the results of the hierarchical regression analysis on Reading Proficiency with Suspension. Specifically, the hierarchical multiple regression revealed that at step one, the covariates contributed significantly to the regression model ($F(3, 82) = 13.10, p < .001$) and accounted for 32% of the variation in Reading Proficiency. Percent FARL ($\beta = -.39, p < .05$) was again the only statistically significant predictor of variation in Math Proficiency. The relationship between these two variables is negative, indicating schools with a higher percentage of students who are eligible for FARL had a lower percentage of students who were scored proficient on standardized reading tests. Neither of the other

covariates, Percent SPED ($\beta = -.39, p > .05$), and Percent Non-White ($\beta = -.18, p > .05$), predicated a significant amount of variability in Reading Proficiency.

Introducing the Suspension and Organizational Structure variables at step two explained an additional 5% of the variation in Reading Proficiency and this change in R^2 was statistically significant ($F(2, 80) = 9.49, p < .05$). Percent FARL was still the only predictor of Reading Proficiency ($\beta = -.43, p < .01$). Suspension ($\beta = .15, p > .05$), and Organizational Structure ($\beta = -1.78, p > .05$) were not statistically significant predictors of Reading Proficiency; therefore, the analysis ended here and no test of moderation was conducted with Reading Proficiency. The five independent variables included in the final model accounted for 38% of the variance in Reading Proficiency.

Table 5

Summary of Regression Analysis Predicting Math Proficiency

Variable	β	t	sr^2	VIF	R	R^2	ΔR^2
Step 1					.37	.16	.16**
Percent FARL	-.43	-2.40*	.06	3.10			
Percent SPED	-.14	-1.30	.02	1.07			
Percent Non-White	.12	.68	.00	2.97			
Step 2					.53	.29	.13**
Percent FARL	-.48	-2.71**	.07	3.53			
Percent SPED	-.23	-2.01*	.04	1.44			
Percent Non-White	-.03	-.19	.00	3.46			

Suspension	.26	2.11*	.04	1.65			
Org Structure	-.28	-2.53*	.06	1.33			
Step 3					.53	.29	.00
Percent FARL	-.49	-2.66**	.06	3.62			
Percent SPED	-.23	-2.03*	.04	1.45			
Percent Non-White	-.04	-.20	.00	3.49			
Suspension	.25	1.55	.02	2.81			
Org Structure	-.28	-2.49**	.06	1.37			
Suspension x Org	.01	.09	.00	2.44			
<i>Note.</i> $N = 86$; FARL = free and reduced lunch; SPED = special education Org Structure = organizational structure (non-CMO labeled as 1, CMO labeled as 0); Suspension x Org = suspension multiplied by organizational structure.							
* $p < .05$; ** $p < .01$; *** $p < .001$.							

Table 6

Summary of Regression Analysis Predicting Reading Proficiency

Variable	β	t	sr^2	VIF	R	R^2	ΔR^2
Step 1					.57	.32***	.32
Percent FARL	-.39	-2.50*	.05	3.10			
Percent SPED	-.08	-.80	.00	1.07			
Percent Non-White	-.18	-1.10	.01	2.97			
Step 2					.53	.37***	.05*
Percent FARL	-.43	-2.59**	.05	3.53			
Percent SPED	-.13	-1.23	.01	1.44			

Percent Non-White	-.27	-.1.63	.02	3.46			
Suspension	.15	1.23	.01	1.65			
Org Structure	-1.78	-1.74	.02	1.33			
Step 3					.53	.38***	.00
Percent FARL	-.41	-2.44*	.07	3.62			
Percent SPED	-.14	-1.27	.01	1.45			
Percent Non-White	-.26	-1.56	.01	3.49			
Suspension	.21	1.39	.02	2.81			
Org Structure	-1.66	-1.60	.03	1.37			
Suspension x Org	.09	.62	.00	2.44			

Note. $N = 86$; FARL = free and reduced lunch; SPED = special education Org Structure = organizational structure (non-CMO labeled as 1, CMO labeled as 0); Suspension x Org = suspension multiplied by organizational structure.

* $p < .05$; ** $p < .01$; *** $p < .001$.

Chapter Five: Conclusions and Discussion

Market-oriented school reform efforts have erupted over the last two decades. As a relatively new phenomenon, charter schools spark much debate, and the literature base has begun to develop. A good deal of the literature is theoretical, pointing to competing agendas, values, and goals of the charter movement. Many researchers study charter schools from the perspective of the marketplace, investigating both the supply and demand sides of the debate. From the demand side, researchers attempt to make sense of parents as consumers of education, and what makes one charter more attractive to consumers than another (Buckley & Schneider, 2007). Those approaching investigations from the supply side focus on who is being served by the charter. Supply side inquiry calls into question the extent to which charter schools adopt policies and practices that allow them to cream off the most easily educated from the traditional public schools, or conversely that they may crop off those most challenging to educate (Henig & McDonald, 2002; Lacireno-Paquet et al., 2002).

These studies raise important implications regarding the potential for charter schools to promote more equitable educational opportunities for those without the means or desire to attend private school, while simultaneously addressing the need to improve

outcomes and close achievement gaps. Few studies have explored charter school outcome indicators beyond student achievement. This study sought to build on the nascent literature base and explore the intersection of equity and efficiency in the charter school segment of the market for public education, and specifically to examine the extent to which, if any, the organizational structure was associated with the use of exclusionary discipline practices in the form of out-of-school suspensions. Next, the study sought to examine the extent to which, if any, the use of exclusionary discipline (suspension) was associated with academic outcomes. This relationship was further probed to determine if it was influenced by the organizational structure of the school.

As the charter school segment grows, it is no longer sufficient to broadly compare charter schools to the traditional public schools they are meant to supplant or complement. It is important to examine charter schools from the perspective of within-system differences as well. Charters are increasingly facing market pressures to compete with one another along with existing public schools for limited resources in an uncertain education environment. Thus, the extent to which they do or do not differ from each other is as important to understand as is the extent to which they reflect an alternative to the unacceptable status quo. To capture a small part of these differences, the focus of this exploratory study is the organizational structure of the school, and specifically, if they are part of CMO or not.

The study takes place in one urban area, Washington, DC. Charter school legislation in the District of Columbia has resulted in a public-school system whereby students are nearly equally served by traditional public schools and charter schools. As of

2015 rankings, DC is fourth among the nation's cities with the highest percentage of public charter school students (44 percent). Although there is near parity in the number of students attending either DCPS or charter schools, the students attending charters are more often minorities and are poorer than those in traditional public schools. In fact, just five percent of the 36,500 DC charter school students are White, compared with a rate almost three times that in DCPS. Approximately 82 percent of charter school students are eligible for FARL. The resulting education portfolio, whereby parents of historically disadvantaged students can tap into an education market ripe with choice of schooling options makes the District an interesting place to study charter schools.

Summary of Findings

Data confirms that some within-sector variation exists in the market for charter schools in Washington, DC. City charter schools that are part of a CMO serve more minority and low-income children than charters with other organizational structures. When controlling for school level student body composition by race, income, and disability, CMO charters have higher proportions of students who score proficient or advanced on standardized mathematics achievement tests than those who did not. In reading achievement, however, the data suggests there are no real differences between student proficiency in CMO versus non-CMO charter schools. Therefore, this at least partially supports evidence that some of the nation's highest-performing schools participate in well-respected CMO networks; networks that to varying degrees are separate from the schools themselves.

The data also indicate that poverty is a significant predictor of student achievement. In both CMO and non-CMO charter schools, the higher the proportion of students eligible for FARL, the lower the rates of student proficiency in math and reading. This supports existing evidence of the achievement gap between children from low-income families and those that are not. This indicates that charter schools are not adequately addressing the needs of students in poverty.

This study advances the literature in a key way, namely by examining the organizational structure of a charter school as a predictor of the social justice issue; exclusionary discipline. When controlling for school level proportions of students by race, income, and disability, students attending a CMO charter school are more likely to be suspended from school than students in other types of charters. This supports existing evidence that the type of rigid behavioral policies often adopted in CMO charter networks (e.g. KIPP) as a strategy to improve academic achievement, graduation rates, and rates of students going on to attend college may result in suspending students at higher rates than other kinds of charters.

The strongest predictor of exclusionary discipline in the form of out-of-school suspension no matter the organizational structure is the percentage of students with a disability. As the proportion of special education students increased, the rate of suspension increased as well. This was true for both CMO and non-CMO charter schools, indicating that this is an area of research in need of greater attention. This finding supports a growing literature base that indicates students with disabilities are disproportionately disciplined in school.

The data indicate that at least in the case of math achievement, suspension may be a lever for perceived quality. There was no evidence that this relationship was influenced by CMO status, however. Data did not indicate that the organizational structure adopted by a charter influences the relationship between suspension and achievement, indicating perhaps there may be other influential factors not examined in this study. The following sections detail how these results can be further analyzed through the theoretical lenses of policy paradox and institutional isomorphism.

Policy Paradox

Stone's (2002) Policy paradox provides the first theoretical framework for the analysis. The persistent relationships between suspension and race, race and poverty, and poverty and achievement evident throughout the literature are troubling. Education policy is uniquely concerned with the processes by which such relationships are created and sustained (Gamoran, 2009). Policy paradox posits that sociopolitical structures of charter schools influence and are influenced by the policy process (Stone, 2002). Thus for the relationships forged in the process, there are no universal truths. In exploring the equity-efficiency trade-off described in detail in chapter 2, the data reveal charter schools that are part of a CMO model may experience a greater pressure to improve academic performance and adopt a more aggressive stance to student discipline accordingly. The emphasis of efficiency is nested in the kinds of educational policies and practices that are supported by success at all cost approaches to student achievement that appear to perpetuate racial and class inequalities (Aquirre & Johnson, 2005; Webb & Kritsonis,

2006). Given CMO models are more likely to serve a majority minority and poor student body, the tensions between equity as a social justice issue and efficiency are revealed.

Independent charters do not operate in the same hierarchical environment as those that are part of a CMO (Roch & Sai, 2015). Therefore, the incentive to seek out scale-based efficiencies is perhaps different. We see a contradiction between the capability of charters that efficiently produce better academic outcomes, yet undermining equity. Charter schools are often promoted as a social justice tool for remediating the condition of education for poor and minority youth, yet exclusionary discipline acts as a barrier to upward mobility, challenging the development of human capital through school success (Webb & Kritsonis, 2006). This contradiction may be more apparent in charters that pursue the interests of the management organization than in independent charter schools that are more inclined to pursue the interests of parents and neighborhood leaders (Roch & Sai, 2015).

Examining the data through the lens of policy paradox posits these persistent problems are not created by the marketplace of education alone. Stone (2002) urges that our social system, and institutions that comprise it, are more accurately a polis, or political community, where community politics and values dominate reason and efficiency. Charter schools make it possible for parents and guardians who live in areas of concentrated poverty to look beyond the poorly performing neighborhood school to seek alternative schooling options. This decoupling of a family's neighborhood and schooling options creates a paradox, however. The presence of charter schools enable mid-upper class families with children to buy homes in neighborhoods without

committing to the public school (Fusarelli, 2009). Consequently, neighborhood housing prices rise with the demand catalyzed by rapid gentrification, displacing existing residents who can no longer afford to stay. At the same time, the presence of charter schools in gentrifying neighborhoods does nothing to integrate the existing neighborhood school and may serve to dis-incentivize efforts to improve them. This is often to the detriment of children of residents who are able to remain (Fusarelli, 2009).

A lack of regard for local school governance in high-poverty neighborhoods is supported by the data on CMO charters and provides another example of paradox. In the case of DC, the mean family income varies dramatically across the rapidly gentrifying neighborhoods. CMO charters in the poorest and Blackest wards (Wards 7 and 8) comprise 64 percent of the charter market, whereas in the wealthiest and Whitest (Wards 3 and 4) neighborhoods, charters are by and large independent, with just 13 percent CMO charters. Findings suggest that the DC charter school system, the polis, appears to favor schooling solutions and the disciplinary practices adopted that are designed *by* the community in more affluent neighborhoods, and designed *for* in those communities with concentrated poverty.

Policy paradox also frames the findings regarding the relationship between suspension rates and proportions of students with disabilities. The conflict between equity and efficiency is supported by the data which indicate the more students with disabilities in both CMO and non-CMO charter schools, the higher the rates of exclusionary discipline. The paradox is revealed when considering charter schools and special education for students with disabilities are based on conflicting ideologies. According to

Garda (2012), “special education and charter schools stand on competing foundations in the same schoolhouse” (p. 655). In the market for education where the determinants of success are based on common metrics of student performance, special education is in stark contrast. Special education reform was conceived from a civil rights perspective. The focus of special education laws is on the process by which students with disabilities are educated, with less attention given to outcomes in the most traditional sense (Garda, 2012). Moreover, the regulatory freedom that has shaped the charter market is in direct conflict with special education which is steeped in regulatory oversight and compliance with complex policies.

Institutional Isomorphism

The institutional theory construct of isomorphism as described by DiMaggio and Powell (1983) refers to:

A constraining process that forces one unit of a population to resemble other units that face the same set of environmental conditions, [whereby] organizations compete not just for resources and customers, but for political power and institutional legitimacy, for social as well as economic fitness. (p.147)

Over time, as charters vie for legitimacy in an expanding and increasingly competitive market, attention toward boosting charter quality has taken on a similar rhetorical feel to that of traditional public schools. The call for higher quality and better student achievement in the traditional public school sector ushered in reform efforts (e.g., NCLB) that increased regulatory accountability and decreased school autonomy (Hursh, 2007;

Vergari, 2009). Some reformers fear the same fate for the charter market (Finn, Manno, Wright, 2016). To whatever extent charter schools were meant to reflect innovation in education, institutional isomorphism posits that as social institutions, charter schools will come to resemble one another over time effectively “replacing one kind of bureaucracy with another” (Finn et al., 2016, p. 145).

According to Meyer and Rowan (1978) educational organizations require the support of the environment in which they operate through public opinion and regulations. These institutional demands codify a set of normative practices against which each organization is measured. Data are indicative of isomorphic forces at play. The CMO model breeds uniformity in the charter sector. As high profile models (e.g., KIPP, SEED, Harlem Children’s Zone Promise Neighborhood), gain legitimacy through academic success, others may attempt to capitalize on their secrets to success. Forces of mimetic isomorphism encourage those looking to copy the success of other models to be prescriptive in setting and enforcing academic expectations and behavioral norms. According to Golann (2015), new charters may be copying cultural, rather than just academic, strategies aimed at boosting achievement, such as the behavioral control strategies of No Excuses charters.

The use of suspension may be used to satisfy the environmental pressure charter schools face to demonstrate academic outcomes that outperform the public schools, and thus exemplified coercive isomorphism. External pressures from parents as consumers, chartering boards, and the public, demand that charters produce better outcomes, less they cease to have utility in the education market. This coercive force serves to shape

charter schools into becoming more like other schools responding to the same pressure. Over time, charters begin to look like each other as they attempt to solve the same problem, from the same perspective. This is perhaps pointed to in the data in that organizational structure played no role in moderating the relationship between achievement and the use of exclusionary discipline. Although we see some differences in the use of suspension, it is unclear if these changes will be sustained over time as isomorphic forces may serve to discourage further innovation and limit the degree to which charter schools attempt to experiment (Finn et al., 2016).

Implications for Policy and Research

This study holds implications for policy, specifically in relation to the advancement of school choice initiatives. This study offers a useful glimpse into variations within the charter school sector. Policy decisions at the federal, state, and local levels are taking place regarding the charter school as a catchall solution for the systematic problems of the nation's education system. This is especially true in urban, high minority, low-income areas. There is no evidence of this trend in reform slowing or changing course.

School choice policies hold several assumptions about the potential of alternative model of schooling in the form of charters to address the systematic underperformance of traditional public schools. First, it is assumed that an alternative is not only needed, but preferable to addressing the concerns of the failing school with which it is meant to compete. The key assumption is that competitive market forces will drive up the quality of all choices that remain. Those that miss the mark, so to speak, will fade away over

time, or be removed from the market altogether. Finally, an important assumption is that charter schools will be able to cut through the bureaucratic barriers that inhibit experimentation and eventually solve the persistent social problem of the various gaps in achievement.

Current policies are not well supported by this research, thus changes in policy may be necessary to attain the intended impact. This may be especially true in the case of appropriate education for students with disabilities where current policies exacerbate a clash between charter school and special education cultures. Much of the current debate regarding charter schools accepts that academic achievement scores are the determinants of quality and by extension their success or failure. Few studies challenge the civil rights impact of charter school expansion.

Although there is little evidence of the socially transformative promise of charter schools, this does not necessarily signal the model should be abandoned but rather adapted through policy. A potential inroad for policy change may involve a shift in the way educational policy traditionally approaches discipline. Traditional perspectives on student discipline focus on misbehavior, punishment, order, and rules. Current guidelines from the Departments of Education and Juvenile Justice prioritize a move away from zero tolerance and no excuses models that serve to remove students from educational opportunities instead of providing them with the resources to make better choices. Undeniably, charters are not all the same, and neither are the students who attend them. This study, along with the growing body of research on charter schools, highlights the

need for policies to consider the pitfalls along with the advantages of elevating academic success above all else.

Research is needed to examine best practice approaches in urban charter schools that move beyond an examination of academic achievement as the primary metric for success. A varied approach to research that incorporates qualitative inquiry is perhaps best suited to examine the processes by which charter schools may or may not be meeting the needs of the nation's most disadvantaged students. Case study analyses, for example, could provide rich information on the contextual factors such as values, social norms, school culture, and policies that may drive the use of exclusionary discipline in charter schools. Longitudinal and cross-sectional studies that are broad in scope may provide comprehensive data on discipline trends over time and allow for comparisons among different types of charter schools.

Future research should expand the analysis of charter school institutional factors in other urban landscapes that currently serve a large percentage of public school students in charters. Studies across geographical areas are needed as well, especially those that examine charter schools in rural as well as urban settings. Institutional factors and other features that potentially influence exclusionary discipline may look different in those settings. Research on the institutional characteristics of management organizations will serve to fill a gap in the literature on within-sector differences in charter school effectiveness.

Scholars should also analyze other neoliberal reform domains, such as school voucher programs, to examine the relationship between discipline and achievement

across the education market. Whereas the charter movement challenges the legitimacy of traditional public schools as the sole provider of public education, the voucher movement perhaps threatens the legitimacy of both. If the education market continues to diversify, more research will be needed to monitor the use of exclusionary discipline practices as a means to control student behavior and shape school culture to be more appealing to consumers.

Conclusions

To summarize, this study explores the rather uncharted water of within-sector charter school variation, and specifically that of organizational structure in an attempt to probe the market metaphor of equity versus efficiency. First, this study finds that the organizational structure of a charter school in one urban area is predictive of the use of exclusionary discipline. Specifically, CMO charter schools suspend more students than other kinds of charter schools. Also, the use of suspension was predictive of math achievement. Charter schools with higher rates of math proficiency also have higher rates of suspension. The proportion of students receiving special education was also predictive of suspension. This is supported in the literature on disparities in student discipline that indicate exclusionary practices are disproportionately impacting students already at a higher risk of poor academic outcomes. Disparities in educational experiences among disadvantaged students remain a troubling social justice issue that requires further investigation.

Organizational structure was predictive of student achievement for math proficiency, but not reading proficiency. To understand this finding requires a deeper

exploration into achievement that is beyond the scope of this study. The most significant predictor of achievement in this sample of charter schools was the proportion of students who are eligible for FARL. A commonly accepted proxy for poverty, this indicates that despite charters being positioned as a solution in low-achieving neighborhoods, other factors such as concentrated poverty may require charter schools to change their approach.

The field of charter school research is ripe with opportunity and school discipline has been in the national spotlight since the U.S. Departments of Education and Juvenile Justice released a joint report on alternatives to the use of exclusionary discipline. Research to identify the common design elements of management organizations that have the greatest potential to impact lifelong outcomes for students is warranted. Further study of how and why the marketplace for education creates inequity is needed to help education reformers determine what types of market corrections are necessary to support equity without losing efficiency, and vice versa.

Appendix A

IRB Approval Letter



Office of Research Integrity and Assurance

Research Hall, 4400 University Drive, MS 6D5, Fairfax, Virginia 22030
Phone: 703-993-5445; Fax: 703-993-9590

DATE: October 24, 2016
TO: Penelope Earley
FROM: George Mason University IRB
Project Title: [962791-1] Charter Management Organizations and Student Discipline:
Probing the Equity-Efficiency Tradeoff
SUBMISSION TYPE: New Project
ACTION: DETERMINATION OF NOT HUMAN SUBJECT RESEARCH
DECISION DATE: October 24, 2016

Thank you for your submission of New Project materials for this project. The Office of Research Integrity & Assurance (ORIA) has determined this project does not meet the definition of human subject research under the purview of the IRB according to federal regulations.

Please remember that if you modify this project to include human subjects research activities, you are required to submit revisions to the ORIA prior to initiation.

If you have any questions, please contact Katie Brooks at (703) 993-4121 or kbrook14@gmu.edu. Please include your project title and reference number in all correspondence with this committee.

This letter has been electronically signed in accordance with all applicable regulations, and a copy is retained within George Mason University IRB's records.

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Biography

Nicole M. Togno graduated from Stroudsburg High School, Stroudsburg, Pennsylvania, in 1997. She received her Bachelor of Science in 2001, and her Master of Science in 2003 from East Stroudsburg University. She is employed as a researcher in Washington, DC, where she lives with her husband and two Boston Terriers.