Scaling up Success for ELLs in Charter Schools:

Exploring the Role of Charter School Authorizers

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LIST OF ABBREVIATIONS

ACF	Advocacy coalition framework
DOJ	United States Department of Justice, Civil Rights Division
ELD	English language development
ELL	English language learner
LEA	Local education agency/school district
NACSA	National Association of Charter School Authorizers
NCLB	No Child Left Behind (Elementary and Secondary Education Act)
OCR	United States Department of Education, Office for Civil Rights
RFP	Request for Proposals process
SEA	State education agency
SEI	Sheltered English Immersion

SUMMARY

The population of English language learners (ELLs) and the number of charter school students have both been increasing rapidly over the past two decades, yet there has been surprisingly little attention paid in the literature to the convergence of these two trends. This study begins to fill that gap by examining the role that charter school authorizers might play to ensure that ELLs have equitable access to charter schools and that those schools provide ELLs with high-quality, research-based programs that build on their assets and skills. This exploratory qualitative study employed a multiple-case case study approach to examine ELL-related authorizing practices in 10 urban school districts.

My first research question investigated whether proportions of ELLs in charter schools in the districts in the sample were similar to proportions of ELLs in traditional public schools. I found that the proportions of ELLs varied, both within and across districts. In the eight districts for which I was able to obtain data, ELLs were overrepresented in three districts, underrepresented in four districts, and equitably represented in one district. I also dug deeper to determine why these enrollment gaps might exist and what strategies authorizers used to mitigate gaps if they did exist.

My second research question explored how authorizers considered ELLs in their authorizing practices, the factors that contributed to variation across the authorizers in the sample, and the implications for research and policy. Guided by the advocacy coalition framework and Honig's (2006) three P's theoretical framework (people, places and policies), I examined how authorizing practices across the 10 diverse authorizers were shaped by external factors, the agency of the actors within the authorizing office, and by the local context in which the authorizer was situated. In terms of external factors, the political orientation of the state and

substantive references to ELLs in the state charter law did appear to influence ELL-related authorizing practices, but statewide language policies and external civil rights oversight did not explain variation across the sample. Two factors related to the "people" component of Honig's framework were important: the authorizer's access to ELL expertise and the authorizer's commitment to improve access and quality for ELLs in charter schools. In terms of the "place" component of Honig's framework, authorizer type and the charter climate in the district did not help to explain variation, but the proportion of ELLs in the district and the capacity of the authorizer did appear to be important. Finally, within the "practices" component of Honig's framework, authorizers with the most focused ELL-related practices integrated ELLs throughout the application and monitoring processes, involved ELL experts at key junctures, encouraged charter schools to set mission-specific goals, and used multiple measures—including measures that were valid and meaningful for ELLs—to measure the quality of their charter schools, both overall and for ELLs specifically. On the basis of my findings, I conclude by outlining implications for research, policy, and practice.

Chapter One: Study Overview and Theoretical Framework

The population of English language learners (ELLs) and the number of charter school students have both been increasing rapidly over the past two decades, yet there has been surprisingly little attention paid in the literature to the convergence of these two trends. Between the 2001-02 school year and the 2011-12 school year, the number of students in charter schools more than tripled, growing from 580,000 to well over two million (National Alliance for Public Charter Schools, 2015a). During the same time period, the population of English language learners (ELLs) increased by 14.4%, dramatically outpacing the 3.9% growth rate for the total K-12 population (U.S. Department of Education, NCES, 2014a). Some charter schools have capitalized on their autonomies and developed comprehensive models that serve ELLs well (Garcia & Morales, 2015), but the broader charter school movement has not yet embraced the opportunity afforded by this demographic convergence to design a variety of innovative models and programs that support the success of ELLs. To expand ELLs' access to high-quality educational options, charter school authorizers will need to play a major role.

In 2010 Secretary of Education Arne Duncan challenged the charter school movement to increase the number of ELLs they serve and to develop exemplary models for ELLs that could inform practice in both charter and traditional public schools (Duncan, 2010). To meet this challenge, charter school authorizers have a critical role to play in ensuring that ELLs have equitable access to charter schools, that ELLs are identified and served in accordance with federal civil rights laws, and that the charter schools in their portfolios implement quality research-based programs for ELLs. Despite the potential for charter school authorizers to scale up success for ELLs, ELL-related authorizing practices have heretofore been unexamined in the literature. Without evidence from research, it is not yet clear if charter school authorizers are

strategically focusing on ELLs in their practices, and if so, whether those practices have fostered the development of innovative programs and improved outcomes for ELLs in their portfolios. Thus, to meet an emerging need in the field, this study begins to build the foundation for a new angle in the authorizing literature that focuses explicitly on ELLs.

Background on Authorizers

Each state charter school law defines which public agencies will hold charter schools accountable. As the quality of these laws differs by state, there is wide variation across the nation in statewide authorizing environments (NACSA, 2014). Some states allow only one authorizer to grant charters, while other states have multiple authorizers (U.S. Department of Education, OII, 2007). Types of authorizers also vary by state. According to the National Association for Charter School Authorizers (NACSA, 2013), 90% of authorizers are local school districts (LEAs). Other types of authorizers include state education agencies (SEAs), independent chartering boards (ICBs), institutions of higher education, non-profit organizations, and municipal offices, such as the Mayor's Office in Indianapolis (NACSA, 2010; U.S. Department of Education, OII, 2007; Vergari, 2000, 2001). Authorizers further differ because of how their role is defined by state law, the political climate related to charter schools in the state, and the capacity of the authorizer, which includes financial resources, human resources, and expertise with authorizing practices (Blitz, 2011; Bulkley, 2001; Vergari, 2000). Despite the potentially dated findings in their studies, Bulkley (1999) and Vergari (2000) raised a number of points that shaped the design of this study, including the importance of the external policy environment and of how authorizers choose to define their role within the constraints imposed by the state charter law and other internal and external factors.

Although statewide authorizing environments vary widely, all authorizers can influence the quality of the schools in their portfolios at several points during the life cycle of a charter school, including when they: (1) review applications and grant charters; (2) monitor the performance of existing charter schools; and (3) decide to renew or revoke the charter at the end of the term (Bulkley, 2001; Vergari, 2000, 2001). The research base about authorizing practices is still quite thin, but researchers have speculated that authorizers could serve as a critical policy lever in the charter sector because they have the ability to grant charters only to the most qualified design teams, to set clear and high expectations for performance, and to close charters that do not meet their standards. Moreover, authorizers might have an impact on educational reform more broadly through their efforts to develop and test out innovative accountability systems that utilize multiple measures to evaluate multiple components of school quality (Bulkley, 2001; Hassel &Vergari, 1999; Mead & Rotherham, 2007).

Despite their importance in the charter sector, there is currently only a small body of research about authorizers generally and no studies related specifically to authorizers and ELLs. Many of the authorizer-related studies in the literature were published in 1999 and 2000 when the charter sector was still quite young. These authorizing studies focused largely on accountability and governance issues. For example, some of these researchers explored the tension for authorizers between the two sides of the charter school bargain—increased autonomy in exchange for increased accountability—with "loose" oversight authorizers emphasizing autonomy and the role of the market, while "tight" oversight authorizers favor accountability and adopt roles that are similar to those of traditional school districts (Bulkley, 1999; Gau, 2006; Vergari, 2000).

Most of the more recent studies explored relationships between authorizer type and student achievement. Overall, these studies did not find a significant relationship between authorizer type and achievement, with the exception of a negative result for non-profit authorizers in one study (Carlson, Lavery, & Witte, 2012; Gleason, Clark, Tuttle, & Dwoyer, 2010; Zimmer, Gill, Attridge, & Obenauf, 2014). Although these two groups of studies provide insight into important questions in the field, there are a variety of potential avenues for future inquiries related to authorizing. Given the dramatic growth in charter schools and authorizers over the past fifteen years, more research is needed to understand how authorizing practices vary by authorizer, what conditions are associated with the most effective practices, and how authorizers differentiate their practices for ELLs and other groups. Consequently, there is a need to update the authorizing literature generally and specifically to introduce a new angle focused on ELL-related authorizing practices.

Since those first studies were authored, the National Association of Charter School Authorizers (NACSA)—a professional organization committed to strengthening the quality of charter school authorizing—has developed a set of principles and standards to describe high-quality authorizing practices. Their three core principles are that authorizers should: (1) hold all charter schools to high expectations, (2) provide charter schools with autonomy to design their own path to meet those standards of excellence, and (3) ensure that the rights of students and the public interest are protected (NACSA, 2010). The development of these standards and essential principles are an important step toward improving the quality of authorizing practices, but as they are not empirically based, more research is needed to understand how authorizing practices are being implemented across varied authorizers, which practices are most effective, and what conditions support quality authorizing.

My interest in viewing authorizing practices through an ELL lens was the principal impetus for this study. Researchers and advocates for ELLs have contended that state and district level policymakers should consider ELLs explicitly when developing education policy (Hakuta, 2011; O'Day, 2009). For example, in his seminal *Brown* lecture for the American Educational Research Association, Hakuta (2011) asserted that,

> In the world of standards-based reform, which seeks to align key components such as curriculum, instruction, teacher capacity, assessment, and system support through explicit and coherent standards, issues of ELLs need to be kept in mind and infused into the systemic changes (167).

In a similar fashion, charter school authorizers might consider how they can infuse a focus on ELLs throughout each stage of the authorizing process. As a first step, when authorizers are setting their chartering priorities, they might review their portfolios, identify areas of the district that lack a variety of high-quality options for ELLs, and then stimulate the development of new schools that are designed to build on ELLs' strengths through a Request for Proposals (RFP) process. Reviewers with deep ELL expertise might then review the proposals to ensure that the design teams have the requisite knowledge and capacity to serve ELLs well. At the next stage, as part of their monitoring process, authorizers could rigorously review the quality of instruction for ELLs in existing charter schools and incorporate valid ELL-specific metrics into their performance frameworks. Finally, the performance of ELLs could be considered when renewal decisions are made. In short, at each stage of the authorizing process authorizers could potentially view their authorizing practices through an ELL lens to ensure that ELLs have access to charter schools and that the programs in those schools are high-quality and build on the assets and strengths of ELLs.

Another important motivation for this study is related to the potential of the use of the ELL lens with authorizing practices to reveal larger lessons about accountability systems. As I will discuss in the next chapter, accountability systems under No Child Left Behind (NCLB) pose a number of challenges for ELLs. However, in the same way that many charter schools have designed and implemented innovative instructional programs to support the success of ELLs (Garcia & Morales, 2015), charter school authorizers might also develop innovative performance frameworks that re-imagine accountability policies for ELLs, particularly as states and districts begin to consider alternative approaches to accountability in a post-NCLB policy environment. In their study of charter schools during the first decade of the charter school movement, Hill, Lake, and Celio (2002) suggested that the bottom-up approach to accountability through charter schools had the potential to be more effective than the broad brush of one-size-fits-all, top-down, state and federal accountability systems, which do not take context or variation into account. Consequently, while neither top-down nor bottom-up approaches will improve schools uniformly, authorizers—who set high expectations for charter schools and then allow those schools to develop site-specific strategies to meet those expectations—might be uniquely positioned to develop innovative, data-rich accountability frameworks that are more responsive to local context and variation across schools than are traditional top-down accountability systems.

In short, this study makes a contribution to the existing research base because it fills a gap in the literature by exploring ELL-related authorizing practices, examines the implications of those practices for accountability policies more broadly, and meets an emerging need for authorizers in the field as populations of ELLs and charter school students continue to grow.

Purpose and Research Questions

This study examined how two cross-cutting themes—access and quality—are intertwined within ELL-related authorizing practices. Determining how charter school authorizers can increase ELLs' access to charter schools is a critical first step. Access alone; however, is not sufficient. Even more important is the quality of educational programs for ELLs in charter schools. Access and quality for ELLs in charter schools have become the subject of much debate in the policy world, but there is little empirical evidence to support the claims of either charter school advocates or opponents. Thus, the purpose of this exploratory study was to lay the foundation for future research by examining how charter school authorizers are currently using authorizing practices to provide ELLs with access to high-quality programs in charter schools. The following research questions guided the investigation:

- Are the proportions of ELLs in charter schools and traditional public schools similar in selected urban districts?
    - If the proportions are statistically different, what are some hypotheses to explain the enrollment gap?
    - If there is an enrollment gap, what strategies are authorizers using to increase ELLs' access to high-quality charter schools in their portfolio?
- How are charter school authorizers in selected urban districts considering ELLs when they develop and implement processes related to applications, monitoring, and renewal?
    - How do authorizing practices related to ELLs vary across a range of different authorizers?
    - What factors—related to external influences, internal conditions, or local context—impact authorizing practices related to ELLs?

- What are the implications of existing ELL-related authorizing practices for policy and future research?

Theoretical Framework

The theoretical foundation for this study drew on several themes in the policy literature, each of which facilitated analysis at a different grain size: the advocacy coalition framework (ACF), Honig's (2006) three P's (people, places and policies), and the policy instruments literature. As each of these frameworks has different strengths and limitations, by combining them I aimed to use these tools to draw a complex picture of authorizing practices that illuminated both macro-level external influences and micro-level choices about policy levers within authorizing offices. At the largest grain size, I used the ACF to understand the larger policy ecosystem. The ACF, which embraces a systems-based approach (Easton, 1965; Kast & Rosenzweig, 1972), allowed me to view the broad landscape, including how external factors, overlapping policy systems, and the local context in which the authorizer was situated helped to shape ELL-related authorizing practices (Jenkins-Smith & Sabatier, 1994; Sabatier, 1988; Sabatier & Jenkins-Smith, 1999). To explore activity within the policy subsystem at an intermediate grain size, I utilized Honig's tripartite people, places and policies framework. She emphasized that it is important to analyze the conditions under which policymakers operate, the place—or local context—in which they work, and the tools and processes that they use to develop and implement policies. Finally, to dive more deeply into the policy component of Honig's framework, at the smallest grain size I used the policy instruments literature to describe the range of policy tools that authorizers utilized. Researchers have outlined a useful set of four categories of policy instruments that I also relied upon in my analysis: mandates, markets, accountability, and capacity-building (Hannaway & Woodroffe, 2003; McDonnell & Elmore,

1987). A sketch of my exploratory model appears below in Figure 1, with rectangular shapes denoting components from the ACF (external influences) and circles symbolizing Honig's tripartite framework (factors within the authorizing office).

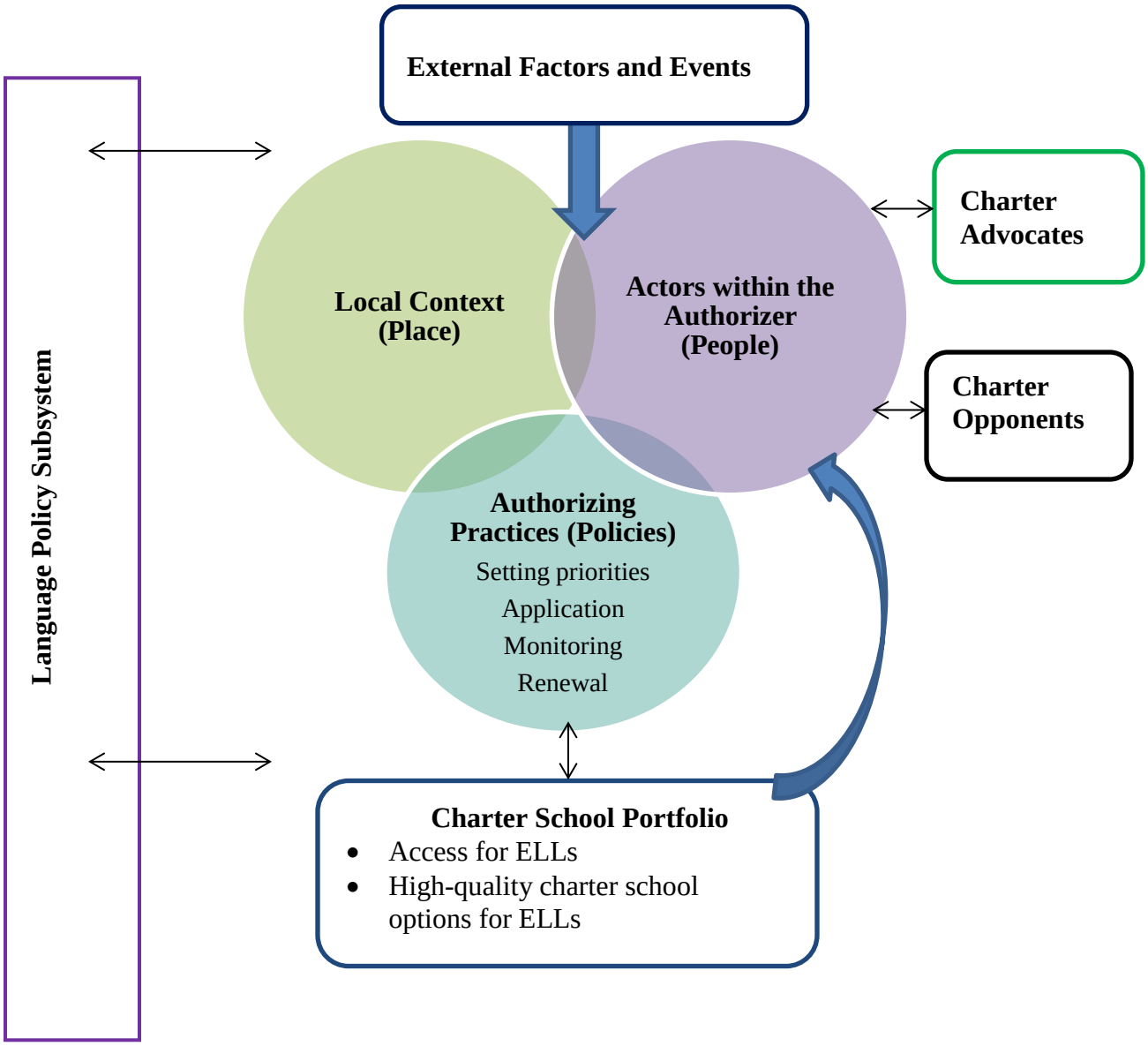

Figure 1: Exploratory model describing factors that influence ELL-related authorizing practices within the charter school policy subsystem.

Advocacy coalition framework. The ACF was originally developed to synthesize top-down theories, such as the stages heuristic, with bottom-up approaches described by implementation researchers who focused on the critical roles played by street-level bureaucrats and other actors in the policy process (Jenkins-Smith & Sabatier, 1994; Sabatier, 1988; Sabatier & Jenkins-Smith, 1999). According to the ACF, policy is not crafted by legislators in Congress through a linear process; instead policy development is a long-term, complex, non-linear process that involves a range of actors, at different levels, who work within overlapping policy subsystems, each of which is embedded within a larger dynamic and interdependent policy system (Jenkins-Smith & Sabatier, 1994; Sabatier, 1988; Sabatier & Jenkins-Smith, 1999). The ACF focuses on the policy subsystem as the unit of analysis, which includes the interaction of the policy problem with different actors and actions within that subsystem (Jenkins-Smith & Sabatier, 1994; Sabatier, 1988; Sabatier & Jenkins-Smith, 1999). Within this framework, policies are: shaped by interactions between the subsystem and external events, influenced by policy-oriented learning within the subsystem, and framed by the constraints and resources of the subsystem's actors (Sabatier & Jenkins-Smith, 1999; Weible, Sabatier, & McQueen, 2009).

Researchers have tested a variety of hypotheses with the ACF, with the most commonly examined being that external factors are necessary, but not sufficient, to explain the development of policies within the subsystem (Weible, Sabatier, & McQueen, 2009). Informed by this hypothesis, I examined how external factors influenced the development of ELL-related practices across a range of authorizers. As ELL-related authorizing practices do not exist in a vacuum, the ACF facilitated my analysis of how authorizing practices are shaped within a complex, interdependent policy ecosystem that includes, among others, influences from: federal civil rights laws and court cases, the state's charter school law, statewide language policy,

coalitions that support and oppose charter schools, and the overlapping language policy subsystem.

Three P's framework: If, as the ACF predicts, external factors are important, but not sufficient to explain variation across authorizers, then further analysis is required to examine the internal factors within authorizing organizations that might account for diverse approaches to ELL-related authorizing practices. To further deepen my analysis of the activity within the charter school policy subsystem, at a smaller grain size than the landscape view provided by the ACF, I took the lead from Mintrom and Vergari (1996), who combined the ACF with the policy entrepreneurship model to describe how educational reformers in Michigan passed the state's charter school law by building coalitions with a diverse set of stakeholders and then exploiting a political opportunity for change created by a school finance crisis.

In a similar fashion, I combined the ACF with Honig's (2006) three P's framework to illuminate both internal and external factors that shape authorizing practices. Honig contends that the most appropriate question for educational policy researchers is not simply "what works," but "what works for whom, where, when, and why?" (p. 2). Thus, it is not simply the implementation of the policy that is essential to examine, but the actors involved in the implementation, the conditions under which the actors operated, the local context in which the policy was implemented, and the tools that policymakers used (Honig, 2006).

Education policy researchers have repeatedly found that top-down policies issued by federal or state agencies are rarely implemented uniformly in the manner that the policymaker intended. In contrast, researchers have described significant variation in implementation across sites, leading them to emphasize the importance of local context and the conditions that support effective policy implementation (Berman & McLaughlin, 1978; Datnow & Park, 2009; Honig,

2009; McLaughlin, 1991; Spillane, Gomez, & Mesler, 2009). Moreover, policy implementation is rarely a unidirectional top-down process. Instead, it is a dynamic, multi-directional, mutually adaptive process that is negotiated by policymakers and implementers, with a variety of actors exercising significant agency in determining how the policy is implemented within a particular context (Datnow & Park, 2009; Honig, 2009). To account for this complexity, I utilized the three P's framework to explore how ELL-related authorizing practices were shaped by the local context in which the authorizer was situated and by the actors within the authorizing office.

Policy instruments. Finally, at the smallest grain size, I used the policy instruments literature to more closely examine the policy component of Honig's (2006) framework. In their classic article, McDonnell and Elmore (1987) outlined four categories of policy instruments: mandates, inducements, capacity-building, and system-changing. When they updated the original article, Hannaway and Woodroffe (2003) described two classes of policy instruments—market-based and accountability and incentive-based—that were more elaborated versions of the inducement and system-changing levers that McDonnell and Elmore initially identified. In the following discussion, I briefly review each policy instrument and its alignment with NACSA's core principles, which were outlined earlier. After providing a brief overview of each tool in this chapter, in the next chapter I illustrate how these policy instruments apply to ELLs and authorizers.

Market-based instruments. Charter schools are one example of a market-based lever. In the early 1990s, researchers and thought leaders, such as Chubb and Moe (1990), began to argue for the power of the market to stimulate the development of high-quality public school choice options. They viewed the bureaucracy of traditional public schools and districts as impediments to reform because educators were reduced to following the dictates of the central office rather

than free to work as professionals on teams, as the effective schools literature recommended (Chubb & Moe, 1990). Instead, Chubb and Moe (1990) wanted to use the power of the market to increase the supply of a variety of high-quality educational options from which parents could choose and then let them vote with their feet. Theoretically, according to the law of supply and demand, charter schools will succeed if they provide options that are attractive to families, but they will be forced to close if parents do not choose these schools because of poor performance or lack of interest in the model. Some charter supporters also believe that, over time, students leaving traditional public schools for charter schools will stimulate reform in low-performing traditional public schools that have not previously faced competition, which will then lead to increased student achievement across the system (Hannaway & Woodroffe, 2003).

Market-based instruments are consistent with NACSA's second principle, which is focused on upholding school autonomy. While market-based levers can be used to spur innovation and the creation of a diverse portfolio of schools, the quality of those schools could potentially be uneven in an unregulated marketplace. Another potential problem with market-based instruments is the classic economic limitation of imperfect information in the marketplace. Villavicencio (2013) pointed out that all parents do not have the perfect information that a free market requires. For example, low-income parents may not have access to all of the information, networks, and resources they need to effectively access and evaluate all of the educational options for their children. If parents of ELLs do not have access to information about charter schools and do not apply, one potential result could be that ELLs do not have equitable access to charter schools in that district.

Mandates. On the other end of the policy instrument spectrum are mandates: rules set by agencies with which the target population is expected to comply (McDonnell & Elmore, 1987).

There is no transfer of resources from the agency to the target population, but resources are required at the agency level because mandates can be expensive to enforce (McDonnell & Elmore, 1987). Federal civil rights laws are one example of mandates.

Mandates are consistent with NACSA's third principle related to protecting students' rights. Using civil rights laws as an example, mandates are appealing policy instruments if uniformity is the aim because all public schools are expected to comply with federal laws related to identifying and serving ELLs. However, mandates do not take into account the differing capacities of schools and districts (McDonnell & Elmore, 1987) or the unique local context in which those schools are situated. For example, as ELLs disproportionately attend chronically failing schools (Lazarin & Ortiz-Licon, 2010), the limited capacity of these schools might prevent them from meeting the requirements of the mandate. In addition, mandates set minimum standards rather than a high bar. Without incentives or technical assistance to build their capacity, it is not likely that schools and districts will be prepared to exceed the low bar of compliance.

Despite the fact that many education policy researchers are pessimistic about the benefits of using mandates, Hehir (2009) viewed the mandates associated with the Individuals with Disabilities Education Act (IDEA) as transformative. According to his research, over the past three decades, implementation of IDEA significantly reduced rates of institutionalization for students with low-incidence disabilities, increased integration of students with disabilities into mainstream classrooms, and improved access for students with disabilities to more rigorous curriculum. Given these findings, I would expect mandates to be most useful in charter schools as a tool to increase access for ELLs and to raise educators' awareness about the importance of

serving this population. However, to increase the quality of ELLs' educational experiences, it is likely that mandates will need to be combined with other policy instruments.

Capacity-building. The third set of policy levers are capacity-building instruments, which are tools that could be used to increase the knowledge, skills, and competence of educators to realize a long-term benefit (McDonnell & Elmore, 1987). There is not a NACSA principle related to this policy lever because authorizers are not typically in the business of building the capacity of low-performing schools. According to the charter bargain, if charter schools do not meet the authorizers' expectations, they should be closed. Consequently, most authorizers—by design—do not have the internal capacity to utilize these levers, which often involve offering professional development, funding instructional coaches, or assisting low-performing schools with the development of a turnaround plan.

Capacity-building can be an effective strategy, as Cohen and Hill (2001) found in their evaluation of math standards in California, but local context is a critical factor in determining the success of these levers. It is important to note that simply providing training does not necessarily result in improved outcomes. Even if all educators are required to attend professional development sessions that will improve their knowledge and skills, Spillane and Jennings (1997) point out that the impact of this training on educators' practice will vary widely from educator to educator because of teachers' knowledge, commitments, and dispositions. Some educators will enthusiastically participate and work hard to apply the new knowledge to their practice, while others, who attend the training only to fulfill a requirement, will not change their practice in any way as a result of their participation (Spillane & Jennings, 1997). While capacity-building levers hold promise for improving outcomes for ELLs in charter schools, I did not expect to see these

tools used by the authorizers in the sample because capacity building is generally not within the purview of most authorizers' authority.

Accountability. The final category of policy instruments that Hannaway and Woodroffe (2003) discussed are accountability-based instruments. Hill, Lake, and Celio (2002) pointed out that multiple types of accountability are integral to the charter school sector, with each type reflecting one of the policy instruments discussed in this section. First, in terms of mandates, authorizers and other government agencies hold charter schools accountable for compliance with federal and state laws. Second, with market-based instruments, families hold charter schools accountable when they vote with their feet. The third type of accountability that applies to charter schools is performance-based accountability, through which authorizers hold charter schools accountable for student outcomes. Performance-based accountability instruments are the most commonly used levers within the authorizer's toolbox and align clearly with NACSA's first principle to hold charter schools to high standards. Within the context of the charter school bargain, authorizers allow charters a great deal of freedom to decide how they will educate young people, and then hold them accountable for their results.

As with mandates, the use of accountability instruments with charter schools assumes the schools have the capacity and knowledge to implement the policies, but only need an incentive to act (Hannaway &Woodroffe, 2003). However, the capacity of schools to improve student outcomes varies widely. Researchers have emphasized that those schools that are most successful when accountability metrics are imposed externally generally have strong organizational capacity and well-developed norms that support internal accountability (Elmore, 2005; Fuhrman, 1999; Newmann, King, & Ringdon, 1997). Simply setting a high bar does not necessarily mean that all schools can reach that standard.

Furthermore, authorizers must also have the capacity to implement performance-based accountability systems. These systems are much more complex than mandates because they require authorizers to develop "defensible measures of performance" that will be used to evaluate the charter schools in their portfolios (Elmore, Abelmann, & Fuhrman, 1996, p. 92). For ELLs, this issue is particularly critical because performance measures that authorizers select must be valid and meaningful for ELLs. I explore this issue in more depth in the next chapter, but while it is a challenge, it is also an opportunity for authorizers to pilot performance frameworks that include valid ELL-specific measures. Lessons learned as authorizers implement these systems can then inform the development of state and district accountability systems more broadly.

In reflecting on the policy instruments literature, my supposition was that authorizers would need to utilize a range of policy instruments to address NACSA's three principles, with accountability levers best suited for the first principle—holding charters to high expectations, market-based tools most appropriate for the autonomy-focused principle, and mandates most effective for the principle related to protecting students' rights. I also expected that, as ACF predicted, the different combinations of these instruments would vary widely based on the authorizer's unique local context and the external factors that influenced their policymaking.

In the remaining chapters I use the exploratory model described in this section to investigate how internal conditions, external factors, and the local context in which the authorizer was situated impacted the design and implementation of ELL-related authorizing practices. In chapter two, I discuss the larger policy context related to authorizing and ELLs and describe how the policy instruments highlighted in this chapter apply to ELLs and authorizers. In chapter three, I review the literature related to access for ELLs to charter schools, achievement

for ELLs, and lessons from the research related to charter schools generally as well as to ELLs in traditional public schools. I continue with a discussion of the research design for the study in chapter four, before concluding with a description of my results in chapter five and a discussion of the implications for research, policy, and practice in chapter six.

Chapter Two: Demographic and Policy Context

In this chapter I discuss the larger demographic and policy contexts related to authorizing and ELLs and describe how the policy instruments highlighted in the previous chapter apply to ELLs and authorizers. According to the ACF, charter school authorizers are situated within dynamic, interdependent systems that are influenced by federal, state, and district policies. To better understand the charter school and ELL-related policies that impact authorizers, in this chapter I briefly describe the populations of ELLs and charter school students, highlight state language policies related to ELLs, review the legal framework that supports federal ELL-related mandates, discuss problematic issues for ELLs under No Child Left Behind—an important accountability lever in educational policy, and then examine how ELLs are referenced in charter school laws at the federal and state levels.

Demographic Context

English language learners. ELLs bring with them a wealth of knowledge and skills that enhance the linguistic and cultural diversity of public schools. ELLs are an incredibly diverse group in terms of the languages they speak, their cultural resources, their prior schooling, and their levels of academic proficiency in English and their home language. Across the United States, ELLs collectively speak more than 400 different languages, with nearly 80 percent being native speakers of Spanish (U.S. Department of Education, OELA, 2008, p. vii). It is important to note that, while some ELLs are recent immigrants, 57% of ELLs were born in the United States (NCELA, 2015, p. 2).

There has been increased attention paid to ELLs over the past decade, in part because of the achievement gap between ELLs and non-ELLs, which disaggregated data from No Child Left Behind has helped to illuminate, in part because of the dramatic growth in the ELL population,

and in part because advocates have raised educators' awareness about the importance of helping ELLs to build on their significant linguistic and cultural assets. In the past, schools and districts in many parts of the country did not serve any ELLs. However, the population of ELLs has been growing rapidly over the past two decades. Between the 2001-02 school year and the 2011-12 school year, while the total K-12 population increased by only 3.9%, the number of ELLs grew by 14.4% (U.S. Department of Education, NCES, 2014a). As of the 2010-11 school year, ELLs represented 10% of public school students in the United States (U.S. Department of Education, NCES, 2014b). As the population of ELLs increases, they are also expanding geographically beyond states—such as California, Texas, and Florida—that have served large populations of ELLs for many years. For example, the population of ELLs in South Carolina grew by more than 500% over the past decade (U.S. Department of Education, NCES, 2014a). As a result of this growth, nearly every state in the nation currently has either a large or a rapidly expanding ELL population.

Charter schools. Since the first charter school opened in Minnesota in 1991, charter schools have expanded rapidly. Forty-three states and the District of Colombia now have charter school laws (National Alliance for Public Charter Schools, 2015a), although the structure and quality of these laws vary widely. During the 2014-15 school year, there were more than 6,700 charter schools in the United States, serving nearly three million students (National Alliance for Public Charter Schools, 2015b). It is important to note that the distribution of charter schools is not uniform across the country. California, Texas, Arizona, and Florida lead the nation—each with well over 500 charter schools—while several states with newer or more restrictive charter laws have fewer than 10 charters statewide (National Alliance for Public Charter Schools, 2015b). In the same way that charter schools are concentrated in several states, they are also

concentrated geographically within states, often in urban areas. New Orleans, for example, is home to 73 of the 105 charter schools in the state of Louisiana (National Alliance for Public Charter Schools, 2015a). As many states with large numbers of charter schools—such as California, Texas, and Florida—also have sizeable ELL populations, it is evident that demographic trends related to the growth of charters and the growth of ELLs have already converged in several states and will soon be converging in many others.

Language Policy

Demographic trends are an important element of the context in which charter school authorizers are situated, but policies related to language, charter schools, and accountability are also critical influences. I examine each of these policies in turn, beginning with a discussion of language policy subsystems.

In the United States there is not an official federal language policy; thus, language policies are often determined at the state level. Statewide language policy subsystems often revolve around issues related to the language of instruction for ELLs. Many researchers and advocates for ELLs argue for additive language policies, which value multilingualism. Supporters of additive approaches assert that ELLs should receive high-quality bilingual education programs that are designed to help them develop strong academic skills in both English and in their home language. This approach purports to benefit ELLs individually by allowing them to build on the assets they bring with them through their home language, while also benefiting the larger public good by increasing the number of citizens with multilingual skills, which are increasingly in demand in the globalized economy of the 21st century (Black & Valenzuela, 2004; Crawford, 2004; Valencia, Valenzuela, Sloan, & Foley, 2004; Valenzuela, 2002). In contrast, proponents of subtractive approaches regard assimilation into an English-

speaking society as the goal for ELLs. Consequently, these advocates view ELLs from a deficit perspective and argue that they should learn English as quickly as possible, rather than focusing on their linguistic skills and knowledge as a resource (Crawford, 2004; Valenzuela, 2002).

Policies related to the language of instruction for ELLs have long been controversial, but the pendulum has swung from federal and state support for bilingual education and more additive approaches in the 1960s and 1970s to movements in the 1980s for English-only instruction, which resulted in the passage of statewide English immersion policies in California, Arizona, Arkansas, and Massachusetts (Crawford, 2004). Currently, state policies related to bilingual instruction vary widely, with seven states requiring instruction for ELLs in their home language, four forbidding languages other than English for instruction, and other states permitting use of the home language, but not requiring it (U.S. Department of Education, 2012, p. 40). As I expected that the language policy subsystem in each state would have some impact on ELL-related authorizing practices, I purposively sampled authorizers from states with both additive and subtractive policies.

Federal ELL-Related Mandates

Mandates for ELLs, in the form of federal laws and court decisions, emerged during the desegregation phase of educational reform, which began with the 1954 *Brown v. Board of Education* decision that found segregated schools to be unconstitutional (Crawford, 2004). The 1964 Civil Rights Act was the most important piece of legislation passed during the desegregation phase. It prohibited discrimination in any program receiving federal funds, including public schools. The national origin clause in the statute protected ELLs against discrimination in public schools (Crawford, 2004). A 1970 memo issued by the Department of Health, Education, and Welfare took this protection one step further by requiring every school

district "to take affirmative steps" to ensure that ELLs had access to the curriculum and were not tracked, on the basis of language proficiency, in a manner that would operate as an "educational dead-end or permanent track" (Crawford, 2004; Pottinger, 1970, p. 1).

Four years later, in *Lau v. Nichols* (1974), the Supreme Court decided that allowing ELLs access to a school, but not providing them with support to help them learn English—the language of instruction—violated the 1964 Civil Rights Act (Crawford, 2004). The justices found that "…there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers and curriculum, for students who do not understand English are effectively foreclosed from any meaningful education" (*Lau v. Nichols*, 1974, p. 414). They further agreed with the guidance in the 1970 memo that it was the responsibility of the school district to provide ELLs with the support they needed to access the curriculum. The 1974 Equal Educational Opportunities Act codified *Lau* and affirmed that states and districts must address the needs of ELLs (Crawford, 2004). Furthermore, this law authorized the Attorney General of the United States to bring suit when a state or school district failed to provide ELLs with services within a reasonable period of time.

A second critical court decision, *Castañeda v. Pickard,* was decided in the U.S. Court of Appeals for the Fifth Circuit in 1981. The justices outlined a three prong approach to determine whether or not ELLs were being appropriately served in districts. Using this approach, the justices ruled that courts should: (1) assess the soundness of the educational theory upon which the district's ELL program was based; (2) determine if the school district provided the practices, resources, and personnel necessary to implement the ELL program; and (3) verify that the district continually evaluated the program to determine if ELLs were able to overcome their

"language barriers" (*Castañeda v. Pickard*, 1981; Crawford, 2004).[1] Although it was not a Supreme Court decision, *Castañeda* has been extremely influential. In fact, when an ELL-related complaint is filed against a school, district or state, the two federal agencies that are responsible for enforcement of civil rights legislation that affect ELLs—the Office for Civil Rights (OCR) at the U.S. Department of Education and the Civil Rights Division of the United States Department of Justice (DOJ)—generally structure their reviews around the three *Castañeda* prongs (Bagdon & McCarthy, 2012; Williams, 1991).

Although ELL-related mandates theoretically ensure that ELLs have access to grade-level curriculum uniformly across the country, there are three potential problems with mandates as policy levers. First, schools and districts have varied levels of ELL-related expertise and capacity to implement the mandate, an issue that McDonnell and Elmore (1987) pointed out in their classic policy instrument article. Second, mandates are expensive to enforce (McDonnell & Elmore, 1987). Given the relatively limited capacity of the resources at the U.S. Department of Education, it is not realistic to assume that the federal Office for Civil Rights can monitor compliance with the ELL mandate in every district in the United States. Third, even districts that are in full compliance with the mandate might not implement high-quality programs for ELLs. Compliance might be a necessary first step that provides a "floor," but districts might not have an incentive to exceed the minimum requirement. For example, a district that hires ELL-certified teachers would satisfy part of the resources prong under *Castañeda*. However, teacher quality is not solely related to certification, but rather involves a more complex evaluation of how teachers plan, use materials, make goals clear to students, provide students with feedback, and reteach when necessary (Cohen, Raudenbush, & Ball, 2003). In a related argument, in their seminal

[1] The phrase "language barriers" is quoted directly from the court's decision. Within *Castañeda's* historical context, this term was widely used. However, it is now associated with a deficit approach for ELLs. When I refer to "language barriers," I am quoting *Castañeda*, consent decrees, or settlement agreements that use this phrase.

article Cohen, Raudenbush, and Ball (2003) contended that a mandate to uniformly distribute resources across districts would not improve student achievement because schools and teachers use the same resources in varied ways, resulting in different impacts on student outcomes. Thus, mandates by themselves are not likely to improve outcomes for ELLs broadly, but they might prove useful if combined with other policy instruments.

Guided by NACSA's third principle related to protecting student and public interests, authorizers must hold charter schools accountable for compliance with federal law, which requires all public schools to identify ELLs and provide them with services that will allow them to access grade-level curriculum. In addition, authorizers must ensure that ELLs have access to charter schools and are not subject to discrimination because of their national origin or language proficiency level in English. Federal laws apply equally to all public schools (including charter schools), but in districts that are under federal civil rights oversight, I suspected that authorizers might be particularly vigilant about compliance. To investigate how civil rights mandates interacted with other policy instruments, I purposively sampled several authorizers that operated within districts or states that were under federal civil rights oversight because of an ELL-related complaint.

Federal Accountability Policies: ELL-Related Concerns

Recognizing the limitations of mandates and of a focus only on access to schools during the desegregation phase, in the 1980s and 1990s policymakers began to shift toward policies focused on outcomes during the standards-based reform movement. Many reformers viewed the standards-based approach as a strategy to level the playing field for underserved students because it would mandate that all students were held to the same high standards (Ravitch, 1995). One important accountability policy, NCLB, was supported by many standards-based reformers.

These reformers were joined by civil rights leaders, who had previously been very active in the desegregation phase of educational reform. Together, reformers and civil rights leaders helped to shape NCLB accountability reporting metrics that required districts to explicitly report outcomes for subgroups and to suffer sanctions if subgroups did not meet expectations for proficiency on statewide tests of academic achievement.

With NCLB, ELL-related legislation also changed dramatically as the Bilingual Education Act, which became Title III of NCLB, was transformed from a focus on bilingual education to an emphasis on English language acquisition. This shift away from instruction in ELLs' home language was not supported by the research, which demonstrated positive impacts for bilingual education programs, particularly those that were long-term and high-quality. For example, the rigorous research studies that were reviewed by the National Literacy Panel on Language-Minority Children and Youth (NLP) revealed that when ELLs were enrolled in bilingual programs in which they continued to develop literacy skills in their home language, they performed better in reading, on average, than did ELLs who received instruction only in English. (August & Shanahan, 2006; August & Shanahan, 2010; Goldenberg & Coleman, 2010). Goldenberg and Coleman (2010) summed up the findings of the existing research when they stated "…the benefits of teaching ELLs to read in their primary language might be one of the strongest findings in the entire field of educational research" (p. 27). Despite the consistent support for bilingual instruction in the research literature, given NCLB's new focus on proficiency in English, many states and districts shifted away from bilingual programs and toward English-only instruction to meet the demands of the new accountability system (Menken & Solorza, 2014). Rather than build on students' strengths and continue to develop their content

knowledge in their home language through bilingual programs, many districts began to view ELLs' developing skills in English as a deficit that had to be remedied.

In addition, under NCLB the funding structure of the former Bilingual Education Act was changed from a system of competitive grants to one based on formula grants. In exchange for this formula funding, all states and districts were expected to help ELLs meet the same high academic standards that were set for all students and to provide them with support as they developed their language proficiency skills in English. For the first time, districts and states were also required to publicly report outcomes for ELLs and were held accountable for their progress in both academic achievement and language proficiency (Goldenberg & Coleman, 2010; U.S. Department of Education, 2012). One positive outcome of NCLB was that the availability of ELL-specific achievement data through NCLB reporting included a wider audience in the conversation about ELLs and shifted the focus of the debate from access to outcomes.

Despite the benefits of greater transparency, NCLB, and accountability levers more broadly, are problematic for ELLs for several reasons. First and foremost, if accountability levers are used to evaluate the success of schools and districts, it is essential that the selected outcomes be valid and meaningful for ELLs. However, standardized statewide assessments are often not valid measures for ELLs, who, by definition, are in the process of developing their English language proficiency skills. These assessments often underestimate ELLs' content knowledge because the tests are measuring students' ability to read in English more than their content knowledge or skills (Abedi, 2004). Moreover, with standardized assessments in English, it is often the case that the assessment was normed for native English speakers, but not for ELLs (Abedi, 2004). Furthermore, if a school uses a dual language or transitional bilingual program, instruction in the content areas may be delivered in the student's home language. In this case, an

assessment in English will not be valid because it does not reflect the language of instruction. To address these concerns about validity, researchers have recommended that educators use multiple sources of data, make decisions based on assessments that are valid and reliable for ELLs, and take into account, as much as possible, assessments of skills in the home language (Echevarria & Hasbrouck, 2009). This is an area in which authorizers have a considerable opportunity to develop performance frameworks with multiple metrics that are valid and meaningful for ELLs.

A second issue for ELLs with NCLB is the definition of the ELL subgroup. States and districts interpret the federal definition of an ELL in varied ways and have developed very different criteria and processes for identifying ELLs. In fact, in their 2012 evaluation of the implementation of federally funded programs for ELLs, the U.S. Department of Education found that the same student could be identified as an ELL in one state, but not in another. The same variation was also found across districts in the same state (U.S. Department of Education, 2012). In addition to inconsistent identification of ELLs across states and districts, while subgroups based on race or gender are stable over time, the composition of the ELL subgroup is constantly in flux, with students exiting as they become proficient in English and newcomers with limited English proficiency entering the subgroup. Thus, it is not surprising that ELLs as a subgroup are not steadily improving on achievement measures because as soon as the higher-performing members of the group master the language necessary to succeed on standardized tests, they exit the ELL subgroup. As a result, this definition obscures the progress of ELLs over time as their language proficiency skills improve. To remedy this issue, the Working Group on ELL Policy and ELL experts recommended a new accountability category for an ever-ELL subgroup—with disaggregated categories for current ELLs, long-term ELLs, and former ELLs who exited the program—which will facilitate the ability of states and districts to track the progress of all

students who were ever classified as ELLs over time and at each language proficiency level (Hopkins, Thompson, Linquanti, Hakuta, & August, 2013; Working Group, 2010). Using the ever-ELL subgroup is another opportunity for authorizers to lead the way in the development of accountability frameworks that are valid for ELLs.

A third ELL-related concern with NCLB is that state assessments that are used for accountability purposes typically do not take into consideration ELLs' level of language proficiency or the amount of time that it takes to attain proficiency. Not surprisingly, proficiency rates for ELLs on state assessments increase as their language proficiency in English increases. In their analysis of one state's data, Cook, Boals, and Lundberg (2011) found that it was not until ELLs reached the fifth language proficiency level (indicating that students are at grade level) that, on average, they surpassed the expected level of academic proficiency on the state assessment in reading. Other researchers have also found that it takes ELLs at least five years to acquire proficiency in academic English and that the rate of acquisition is influenced by the level of proficiency with which students begin, with students at higher levels of proficiency acquiring English more quickly than students who begin at lower levels of proficiency (Cook et al., 2011; Genesee, Lindholm-Leary, Saunders, & Christian, 2006; Hakuta, Butler, & Witt, 2000). As a result, the Working Group on ELL Policy (2010) and ELL experts recommended that states and districts hold ELLs to the same standards that apply to all students, but adjust expectations for ELLs based on their time in the state and their level of English proficiency (Hopkins et al., 2013). Given this advice, authorizers might consider how to best take ELLs' language proficiency levels into account if they incorporate results on statewide achievement tests within their accountability systems.

In short, guided by NACSA's first principle related to maintaining high standards, authorizers have the opportunity to re-imagine accountability systems if they view their work through an ELL lens. In developing their performance frameworks, authorizers might choose to: use multiple measures, as measurement experts recommend (NCME, 1995); collect and analyze data for the ever-ELL subgroup; select outcomes that are valid and meaningful for ELLs and that take ELLs' levels of language proficiency into account; and consider how to incorporate mission-specific metrics into performance frameworks, particularly for schools that focus on ELLs. In shaping their accountability systems, charter school authorizers have substantial flexibility to develop innovative policy levers that demand quality, but also provide charter schools with the freedom to follow a variety of paths toward the authorizer-defined standard of excellence. As the populations of ELLs and charter schools continue to expand concurrently, authorizers might consider how they can take further advantage of their ability to experiment with innovative performance frameworks and then share their lessons learned with leaders in the charter and traditional public school sectors.

Federal Charter Policy Context

To situate the ELL-related authorizing practices that are the focus of this study within the larger charter school policy subsystem, I examined federal and state policies related to ELLs and charter schools. Access is one theme that is intertwined with many of these policies. Although charter school advocates argue that ELLs are served equitably in charter schools (National Alliance for Public Charter Schools, 2014), some researchers and critics have claimed that ELLs are underrepresented in charters (Buckley & Sattin-Bajaj, 2011; Frankenberg, Siegel-Hawley, & Wang, 2011). These concerns about underenrollment have stimulated policy discussions at both the state and federal levels. In fact, two recent federal policy initiatives reflect this concern about

equitable access. First, to remind charter schools that federal civil rights laws apply equally to charter schools and traditional public schools, the Assistant Secretary for Civil Rights at the U.S. Department of Education published a "dear colleague" letter in May 2014 (Lhamon, 2014). She emphasized that charter schools cannot discriminate against ELLs in their criteria for admission and that they must provide parents of ELLs with information about admission in a language they can understand. Further, she pointed out that charter schools are legally required to identify ELLs and provide them with supports that allow them to meaningfully participate in the school's educational programs.

The second federal policy initiative is an attempt by Congress to reauthorize the section of Elementary and Secondary Education Act (ESEA) that is related to charter schools. The House version of the bill, the ''Success and Opportunity through Quality Charter Schools Act,'' passed the U.S. House of Representatives on May 9, 2014 by a vote of 360 to 45. As evidence of the strong bipartisan support for charter schools, 158 Democrats and 202 Republicans voted to pass the bill. The bill also garnered support from a diverse group of organizations, including those that advocate for ELLs and students with disabilities. To encourage congressional members to support the bill, Delia Pompa, senior vice president of the National Council of La Raza wrote, "when too many low-income, minority, and Limited English Proficiency students fall behind their peers, charter schools have a proven record of serving these students and encouraging their long-term success" (Pompa, 2014, p. 1).

At the time of writing, ESEA had not yet been reauthorized. However, it is interesting to note that language in the 2014 Success and Opportunity through Quality Charter Schools Act provided some interesting clues about policy discussions related to charter schools on the federal level and included several explicit references to ELLs and authorizers. For example, in order to

receive federal dollars to support charter schools, states must describe how their charter schools will meet the needs of ELLs. States must also provide assurances that authorizers in the state monitor the charter schools in their portfolio to ensure that all of their schools are recruiting, enrolling, and meeting the needs of ELLs. Moreover, this federal bill requires that charter schools recruit, enroll, and retain ELLs at "rates similar to traditional public schools" (Success, 2014, p. 18). Thus, it appears that explicit attention is being paid to ELLs within charter school policies that are under development at the federal level.

The final component of federal charter policy related to ELLs is the nonregulatory guidance issued by the Charter School Program (CSP) at the U.S. Department of Education. Through several competitive grants, the CSP funds a variety of organizations including: charter school offices at state education agencies, design teams who are starting charter schools, experienced charter management organizations that are interested in scaling up their models, and national organizations that demonstrate leadership in the charter sector. In response to concerns that ELLs are underrepresented in charter schools, some charter school leaders have expressed a desire to hold seats for ELLs in their lottery to ensure that ELLs are guaranteed a minimum number of seats at their school. However, charter schools that receive federally-funded CSP grants are not allowed to set aside seats for particular groups. The federal government, wary of any practices that might be discriminatory, has ruled that any school that receives CSP funds must hold a lottery if the number of applicants exceeds the number of seats available (U.S. Department of Education, CSP, 2014). When they updated their guidance in 2014, the federal government did relent somewhat by allowing charter schools to use weighted lotteries under limited circumstances, but holding seats is still not allowed (U.S. Department of Education, CSP, 2014).

State Charter Policy Context

To further delve into the charter school policy subsystem within which authorizers operate, I searched for explicit references to ELLs in all 44 state charter school laws and in the model law published by the National Alliance for Public Charter Schools (2009). As a result of the political controversy related to the underrepresentation of ELLs in charter schools in New York and Massachusetts, I anticipated that I would see references related to enrollment targets for ELLs in those laws, but I did not expect to see many references beyond those two states. However, I was somewhat surprised by the results of my analysis, which are summarized in Table 1. A more detailed list with state-by-state results is available in Appendix A.

Table 1

References to ELLs in State Charter School Laws

Reference to ELLs	Number of States
No explicit reference.	19
Reference in terms of definitions, disaggregating data, or funding formulas.	14
Requires that the authorizer's RFP asks design teams to develop a plan to serve ELLs.	6
Reference related to access to charter schools.	14
Law explicitly states that charter schools can be designed to serve ELLs and may even encourage it.	6

Note: The total number of references in the table exceeds 44 because several states referenced ELLs in more than one category.

In 19 of the 44 entities with charter school laws, there were not any explicit references to ELLs in the law. Yet in the remaining 25 states, there was at least one, and often multiple references to ELLs in the law. These references fell into four general categories. First, in 14 states, there were limited references to ELLs in a funding formula, in a requirement to disaggregate data by subgroup, or in some type of definition (generally in the definition of the "at-risk" population, which is highly problematic because it assumes a deficit approach for ELLs). In the second category, six states required authorizers to include a section in their RFP that explicitly required design teams to develop a plan to serve ELLs. Third, 14 states included a reference related to enrollment policies or access to charter schools. In most of these states this involved only a statement that charter schools should not discriminate against ELLs in their enrollment policies. However, in New York, Massachusetts, and Connecticut, charter schools were required to hit enrollment targets for ELLs or to develop plans that describe the strategies they would use to recruit and retain ELLs. The final category of references appealed to the affordance that charter schools have to develop models that are explicitly designed to serve ELLs. In six states (Connecticut, Hawaii, Maine, New York, Utah, and Washington), the law stated that charter schools may develop ELL-specific models or went even further to contend that the authorizer should give preference to such models. I did not include the Alliance's model law in the table above, but as in several states, the Alliance includes multiple references to ELLs in their model law: in the definition of "at-risk" students, in the open enrollment definition, and in their language describing disaggregated performance data.

It is interesting to note that two of the six states that encouraged ELL-focused models—Connecticut and New York—also have additive state language policies, which might have contributed to the emphasis on ELLs in the charter school law. For two of the other states in this

group—Maine and Washington—their laws are some of the most recent charter school laws passed in the country, approved in 2011 and 2012 respectively. The inclusion of ELLs in these laws might reflect current policy conversations about ELLs in charter schools, as well as the opportunity that legislators in these states had to learn from the charter school laws that were authored during earlier phases of the charter school movement.

In short, a focus on ELLs—particularly related to issues of access—is emerging as an important concern for policymakers at both the state and federal levels. Informed by the ACF, I examined how ELL-related authorizing practices were shaped by external influences including demographic shifts, statewide language policy, federal civil rights laws, accountability policies, and by state charter school laws that included ELL-specific references.

Chapter Three: Literature Review

In this chapter I briefly review three aspects of the literature related to charter schools and ELLs: concerns about charter schools serving ELLs equitably, achievement for ELLs in charter schools, and components that authorizers might consider as they develop accountability frameworks that measure success for ELLs.

ELLs' Access to Charter Schools

An important goal of the charter school movement is to increase the number of high-quality educational options that are available to students and families. Because charter schools are public schools that are funded with tax dollars, they are not permitted to discriminate when enrolling students (Henig, 2008). As referenced in the last chapter, some researchers have contended that charter schools are not serving ELLs equitably, even though they are required to do so under the 1964 Civil Rights Act and the 1974 Equal Education Opportunities Act (Buckley & Sattin-Bajaj, 2011; Frankenberg, Siegel-Hawley, & Wang, 2011). I am aware of only one peer-reviewed article that directly investigated the claim that ELLs are underrepresented in charter schools. In their 2011 study, Buckley and Sattin-Bajaj examined the enrollment of ELLs in charter schools and traditional public schools in New York City by using publicly available enrollment figures from New York State School Report cards over three years (2005-2008). Using Bayesian models, they compared the percentage of ELLs in each charter school with the district average. They found that most charter schools enrolled a smaller percentage of ELLs than did the district, but noted that there was also some variation, with some charter schools enrolling a similar percentage of ELLs or a greater percentage than the district average (Buckley & Sattin-Bajaj, 2011). To build on Buckley and Sattin-Bajaj's research, in this study I compared the proportion of ELLs in each charter school with the district average, but to account for

variation in proportions of ELLs across neighborhoods within each district in the sample, I also compared the proportion of ELLs in each charter school with the proportion of ELLs in traditional public schools that were located in the same neighborhood.

ELLs' access to charter schools has become the subject of much debate in the policy world, but more research is needed to better understand if ELLs are underrepresented, and if so, why that is the case. There are several hypotheses to explain the underrepresentation of ELLs in some communities. First, critics have accused charter schools of deliberately excluding some students, specifically ELLs and students with disabilities, in order to increase the school's test scores (Buckley & Sattin-Bajaj, 2011). Second, parents of ELLs, particularly those who are recent immigrants, might not be aware that charter schools are a public option in their community, might find the application process difficult to navigate, or might not have access to application materials in a language they can understand (Buckley & Sattin-Bajaj, 2011; Frankenberg et al., 2011). Third, charter schools that lack the expertise and capacity to successfully educate ELLs might not recruit this population aggressively (Garcia & Morales, 2015). Fourth, in working to fulfill their mission to narrow the achievement gap, some mission-driven charter schools may strategically decide to locate their school in predominantly African American neighborhoods, for example, in which there might not be large concentrations of ELLs, but where there is a need for high-quality educational options. As a result of their location, these charter schools will likely reflect the racial and ethnic makeup of the neighborhoods they serve (Henig, 2008; Lazarin & Ortiz-Licon, 2010; National Alliance for Public Charter Schools, 2012).

It is important to point out that in the GAO's 2013 study to determine if charter schools were serving ELLs equitably, the authors were unable to complete their investigation because

enrollment data from the U.S. Department of Education were unreliable or insufficient. Certainly, improving the quality of the available data is a critical first step to help researchers determine if ELLs are equitably served in charter schools. Moreover, as concentrations of ELLs vary across the country, it is likely that the proportion of ELLs served in charter schools also varies widely by state and community. Consequently, further research is necessary—at national, state, and local levels—to examine if ELLs are being equitably served in charter schools across a range of communities. To address this need for additional empirical evidence, I examined whether or not ELLs were underrepresented in my sample districts, if so, why that was the case, and what strategies authorizers had implemented to mitigate any enrollment gaps that existed.

ELLs' Achievement in Charter Schools

It is critical to examine whether or not ELLs have equitable access to charter schools, but perhaps more importantly, researchers must also explore the quality of the educational experiences that ELLs receive in charter schools. The majority of achievement studies that have focused on the effectiveness of charter schools have not analyzed outcomes for ELLs, although more recent studies are disaggregating the results by subgroup more frequently. As one example, the most recent national study conducted by the Center for Research on Education Outcomes (CREDO, 2013) found that ELLs in charter schools gained approximately 43 additional days of learning in reading and 36 additional days in math as compared with their peers in traditional public schools (pp. 37-38). Although this is an encouraging finding, it is important to note that the CREDO researchers did not disaggregate their data by language proficiency level. Consequently, it was not clear that the ELLs in the charter schools were equivalent to the ELLs in traditional public schools. It is possible that ELLs with higher proficiency levels in English

were enrolling in charter schools, while ELLs with lower proficiency levels remained in traditional public schools (Buckley & Sattin-Bajaj, 2011).

While most charter school studies take a dichotomous approach—examining if charter schools are more effective than traditional public schools or not—this type of approach is fraught with problems, particularly when the focus is on ELLs. First and foremost, it is important to keep in mind, as Frankenberg, Siegel-Hawley, and Wang (2011) point out, that charter schools are treated in these efficacy studies as an intervention or a "treatment," but they vary widely in their models and approaches to teaching and learning. In fact, the only commonality that all charter schools share is a commitment to the exchange of autonomy for accountability that Shanker (1988) originally proposed.

Moreover, when examining outcomes for ELLs, as I discussed in the last chapter, it is generally not possible to use statewide achievement tests as a valid measure of ELLs' performance. The use of measures related to reclassification of ELLs can also be problematic. Umansky and Reardon (2014), for example, have cautioned against using reclassification rates as an indicator of effective programs for ELLs. In fact, they found that ELLs in dual immersion and bilingual programs exited later than ELLs in other program models, on average, but achieved at higher rates over the long term on outcomes related to language proficiency in English and in grade-level academic proficiency. Instead, as researchers and measurement experts have suggested, assessments of ELLs' success should be based on multiple measures that are valid and meaningful for ELLs and allow for assessments in the home language as much as possible (Echevarria & Hasbrouck, 2009; NCME, 1995). Developing accountability frameworks that evaluate school quality for ELLs, but go beyond a reliance solely on statewide test scores, is a complex endeavor. However, authorizers are uniquely positioned to develop innovative systems

that hold charter schools to high expectations, in terms of the performance of their ELLs, while also allowing those schools to develop a range of innovative models that serve ELLs well.

Expanding Definitions of Quality for ELLs in Charter Schools: Elements for Authorizers to Consider

The existing research about achievement has predominantly focused on whether or not charter schools are effective rather than *how* or *why* high-performing charter schools work, particularly for ELLs. For authorizers who are interested in developing accountability frameworks that begin to explore multi-faceted definitions of school quality, there is a thin research base about quality programs for ELLs in charter schools to inform their efforts, none of which is peer-reviewed. Although the quality and quantity of the studies focused on ELLs in charter schools is limited, the existing research does provide us with a helpful starting point and clearly illustrates the need for more research in this area. To explore research-based practices that authorizers might consider when they grant charters and monitor the schools in their portfolio, I have drawn on the literature related to charter schools generally and to programs for ELLs in traditional public schools. The results of the literature review suggest that authorizers might consider the following five elements when they grant charters and monitor their performance: a coherent schoolwide model; a focus on language development; building the capacity of all educators to serve ELLs; a data-driven focus on continuous improvement; and family and community engagement (Garcia & Morales, 2015). The literature supporting each of these elements is briefly reviewed in the following section.

Coherent schoolwide model. The first theme is a coherent schoolwide model. When authorizers evaluate proposals for new charters, they could assess the degree to which design

teams considered ELLs when they developed their models and how they integrated research-based practices for ELLs throughout every aspect of their design. This component is consistent with previous studies in the school reform literature that have found positive correlations between student achievement and instructional programs that thoughtfully integrated curriculum, instruction, and assessment (e.g., Newmann, Smith, Allensworth, & Bryk, 2001). In a similar fashion, existing research related to ELLs in traditional public schools has suggested that effective schoolwide or district-level models are comprehensive, coherent, and explicitly consider the needs of ELLs (Goldenberg & Coleman, 2010). In these effective schools and districts, leaders valued the linguistic and cultural diversity of ELLs, set high expectations for language development and academic performance, and then aligned programs, resources, and staff to help ELLs meet those standards (Horowitz et al., 2009; Lucas, Henze & Donato, 1990; Parrish et al., 2006; Williams et al., 2007).

It is important to point out that the ability to design these types of coherent models that consider ELLs from the inception is an important affordance of charter schools. In related research from the charter schools literature, Zimmer and Buddin (2007) found that charter schools were more likely than traditional public schools to develop an educational model that was targeted for a particular student population, in part because they can often draw students from a wider attendance area than can a neighborhood school. If more charter schools took advantage of this affordance, they could potentially design a wide variety of models that thoughtfully consider how to support the success of ELLs.

Another important affordance that charter schools can capitalize upon when developing their models is the flexibility they often have to expand learning time by offering an extended school year, longer school days, and summer school (Lazarin & Ortiz-Licon, 2010). This is

particularly important for ELLs because, as discussed earlier, research has indicated that it takes ELLs at least five years to acquire proficiency in academic English (Cook et al., 2011; Genesee, Lindholm-Leary, Saunders, & Christian, 2006; Hakuta, Butler, & Witt, 2000). By taking advantage of this affordance, charter schools can facilitate the language acquisition process for ELLs by increasing the amount of opportunities they have to produce academic language and receive feedback from interactions with their peers (Gass & Mackey, 2007; Gass & Selinker, 2008; Peregoy & Boyle, 2001). In their study that focused on charter schools generally, Zimmer and Buddin (2007) found that charter schools often extended the school day or school year to increase the amount of instructional time for students. In another charter school study, Therriault, Gandhi, Casasanto, and Carney (2010) found that charter schools extended the school day, but they stressed that the critical difference was not just more time, but how that time was used and organized. In the most successful schools, educators took advantage of longer school days and school years to increase instructional time, to develop structures that embedded a variety of academic supports into the regular school day for struggling students, and to provide teachers with time to review student data and plan collaboratively to meet the needs of students (Therriault et al., 2010).

Focus on language development. The second theme that authorizers might consider when they evaluate charter school proposals is the extent to which the proposed models deliver high-quality instruction for ELLs, but with a "language lens" (University of Colorado, 2011). Combining academic rigor with a focus on language development is critical because ELLs must learn grade-level content at the same time that they develop their language proficiency in English (Short & Fitzsimmons, 2007; Understanding Language Initiative, 2013). As implementation of the Common Core State Standards and Next Generation Science Standards ramps up, ELLs will

be required to navigate complex grade-level texts, to identify and make evidence-based arguments, and to write for a variety of purposes—all tasks that require well-developed skills with academic language in English that many ELLs are still developing. Researchers point out that, because language and content are inextricably intertwined, effective content instruction for ELLs must pay explicit attention to language development to help ELLs learn content *through* language at the same time that they learn *about* language (Fang & Schleppegrell, 2010; Halliday, 1993). To effectively teach language and content concurrently, teachers will need specific training about language development and research-based practices and supports for ELLs. For example, effective teachers might build on ELLs' existing knowledge, strategically use the home language, provide explicit vocabulary instruction, or utilize scaffolding strategies to reduce the language load for ELLs to ensure that they understand the content that is being presented (August & Shanahan, 2006; August & Shanahan, 2010; Coleman & Goldenberg, 2012; Himmel, Short, Richards, & Echevarria, 2009; Understanding Language Initiative, 2013; VanPatten & Williams, 2012). In addition, to build their oral proficiency skills—which are correlated with strong skills in reading comprehension—ELLs will need frequent opportunities to interact with their peers in collaborative discussions involving academic language throughout the school day (August et al., 2009; Himmel et al., 2009).

As noted earlier, the most rigorous studies about the language of instruction for ELLs have demonstrated positive impacts for bilingual education programs (August & Shanahan, 2006; August & Shanahan, 2010; Goldenberg & Coleman, 2010). Consequently, authorizers might encourage their schools to offer bilingual or dual language programs that will enable ELLs to build on the linguistic and cultural knowledge they bring with them and to help them further develop academic language and literacy skills in two languages concurrently. Even in states that

have restrictive language policies, such as California, charter schools might have more flexibility to offer bilingual instruction than do traditional public schools because they might not have to adhere to all state laws. In fact, several charter schools across the country have implemented dual language models, which are in increasing demand as parents recognize the value of these models in preparing students to be global, multilingual citizens (Garcia, 2015).

Depending on the population of ELLs they serve, it may not be feasible for charter schools to offer bilingual or dual language programs for all ELLs. However, charter schools can focus intently on language development whether their model is related to the arts, the sciences, or offers a more traditional college preparatory curriculum. Within a STEM-focused model, for example, charter school educators might help ELLs to build their academic language through explicit vocabulary instruction related to both technical scientific terms and vocabulary associated with disciplinary practices in the sciences (e.g., hypothesis, prediction) (August et al., 2009; Lee & Buxton, 2013). To ensure that science content is comprehensible for ELLs, teachers could scaffold instruction (August et al., 2009; August, Artzi, & Mazrum, 2010) and immerse ELLs in rich and supportive inquiry-based learning experiences (Lee, Quinn, & Valdes, 2013). An inquiry-based approach in science that includes hands-on activities and experiments can be particularly helpful for ELLs because they are engaged with rigorous academic content and the practices of the discipline, but the language load is reduced through the use of experiential learning techniques (Lee, 2005; Lee & Buxton, 2013). In addition, these types of collaborative inquiry-based explorations provide ELLs with authentic opportunities to practice academic language, through interactions with their peers, as they make sense of the scientific principles involved (Lee & Buxton, 2013).

Building the capacity of all educators to serve ELLs. The third theme that authorizers might consider incorporating into their practices is an evaluation of educators' capacity to serve ELLs. As the number of ELLs expands, more general education classrooms include students from diverse linguistic and cultural backgrounds. For example, a recent survey conducted by the Council of Great City Schools revealed that 91.6% of general education teachers in St. Paul, Minnesota have ELLs in their classrooms as do 87.9% of teachers in Wichita (Uro & Barrio, 2013, p. 55). Thus, across the nation, an increasing number of teachers will need to increase their knowledge about language acquisition and effective instructional practices for ELLs, but many of them have not yet received the training they need to serve ELLs well. In fact, in the U.S. Department of Education's (2012) evaluation of Title III districts, 73% of the districts surveyed indicated that the lack of ELL-specific expertise among general education teachers was a "moderate or major challenge" (p. 117).

To meet this need, researchers and advocates for ELLs have recommended that school and district leaders consider how to build the capacity of teachers to serve ELLs and to ensure that all educators are accountable for the success of ELLs (Horowitz et al., 2009; Working Group on ELL Policy, 2010). This recommendation is supported by evidence from traditional public schools in which ELLs were successful. In these effective schools and districts, teachers had strong content knowledge, recognized the assets that ELLs brought with them, were skilled in aligning curriculum and instruction, and grounded their practice in research related to second language acquisition and effective instructional practices for ELLs (Parrish et al., 2006; Short & Fitzsimmons, 2007; University of Colorado, 2011). These schools and districts also built the capacity of their staff by providing all teachers with high-quality job-embedded professional

development that enabled them to implement research-based instructional practices that are effective with ELLs (Horowitz et al., 2009; Lucas, Henze & Donato, 1990; O'Day, 2009).

Strengthening the capacity of charter school educators to serve ELLs could also be connected to another affordance of charter schools. Charter school leaders have the flexibility to hire skilled teachers who have specialized knowledge related to ELLs and language acquisition. In their study of different types of public schools in Boston, Therriault et al. (2010) found that the flexibility charter school leaders had to hire and remove teachers resulted in schools that were staffed by teachers who were committed to the mission of the school and intently focused on student learning. Although Garcia and Morales (2015) note that this flexibility with hiring is an affordance of charter schools, they also point out that it is a practice that could be easily abused. Because it can be challenging to hire highly-qualified teachers who are trained to serve ELLs and who have strong bilingual skills, many high-performing charter schools build the capacity of existing staff by investing heavily in induction models, offering professional development related to teaching ELLs, and providing teachers with time to work collaboratively to review data, reflect on their practice, and modify their instruction to meet the needs of ELLs (Buckley & Sattin-Bajaj, 2011; Cervantes, 2006; Lazarin & Ortiz-Licon, 2010; University of Colorado, 2011).

Data-driven focus on continuous improvement. The fourth theme authorizers might consider when they monitor schools is how their schools use data to drive cycles of continuous improvement. One common finding in the studies focused on ELLs in traditional public schools was that educators in effective districts had frequent access to data from regular assessments of student progress. They used this data to diagnose student needs and then developed personalized learning plans that aligned student needs with appropriate supports and interventions (Cervantes,

2006; Dessof, 2010; Horowitz et al., 2009; Lazarin & Ortiz-Licon, 2010; Parrish et al., 2006; University of Colorado, 2011; Williams et al., 2007). Gathering a variety of data about each student is particularly important with this subgroup because ELLs vary widely in terms of their prior schooling, age, motivation, content knowledge, socioeconomic status, and proficiency in English and their native language (Garcia, 2009). Thus, educators need access to data from multiple measures, which are valid and meaningful for ELLs, to appropriately individualize instruction and provide ELLs' with opportunities to build on their existing strengths and assets (Understanding Language, 2013).

Family and community engagement. The final theme that authorizers should consider when they evaluate proposals and monitor their schools is the extent to which the families of ELLs are engaged. Charter schools should communicate with families in multiple languages, engage organizations in the community, invite parents to volunteer in the school, hire bilingual staff who can communicate with parents, or provide services or learning opportunities for parents at the school (Buckley & Sattin-Bajaj, 2011; Lazarin & Ortiz-Licon, 2010; Orlick, 2013; University of Colorado, 2011). In their study of charter schools more generally, Zimmer and Buddin (2007) found that parental involvement at charter schools was higher than at similar traditional public schools and further, that this increased parental involvement was positively and significantly correlated with student outcomes. Findings from studies conducted in traditional public schools also found that educators in schools and districts in which ELLs were successful aimed to ensure that their schools were culturally and linguistically responsive to ELLs and their families (Buckley & Sattin-Bajaj, 2011; Lazarin & Ortiz-Licon, 2010; Orlick, 2013; University of Colorado, 2011).

While more research related to ELLs in charter schools is necessary to inform the field, for authorizers that are interested in viewing their practices through an ELL lens, the literature reviewed in this chapter highlights several components of quality programs for ELLs that authorizers might consider integrating into their application and monitoring processes in order to scale up the success of ELLs in their portfolios.

Chapter Four: Methods and Data

Research Questions

The purpose for this exploratory study was to build on the existing literature by describing how charter school authorizers are currently using their authorizing practices to provide ELLs with access to charter schools and to ensure that ELLs have access to high-quality programs within those schools. The following research questions guided my investigation:

- Are the proportions of ELLs in charter schools and traditional public schools similar in selected urban districts?
    - If the proportions are statistically different, what are some hypotheses to explain the enrollment gap?
    - If there is an enrollment gap, what strategies are authorizers using to increase ELLs' access to high-quality charter schools in their portfolios?
- How are charter school authorizers in selected urban districts considering ELLs when they develop and implement processes related to applications, monitoring, and renewal?
    - How do authorizing practices related to ELLs vary across a range of different authorizers?
    - What factors—related to external influences, internal conditions, or local context—impact authorizing practices related to ELLs?
    - What are the implications of existing ELL-related authorizing practices for policy and future research?

The null hypothesis for the first broad research question was that the percentages of ELLs would be statistically equal in charter schools and traditional public schools (H_0: $\pi_{1(charter)} = \pi_{2(TPS)}$), while the alternative hypotheses predicted that the percentage of ELLs would be

statistically different ($p < .05$). Qualitative methods were required to respond to the second research question as well as to the subquestions for the first research question. Consequently, there was not be a research hypothesis at the inception of the study for these questions. Instead, the findings emerged through an iterative process as I collected and analyzed the data.

Methods

I used a mixed methods approach to ensure that the methods selected were appropriate to effectively address my research questions. The most appropriate methods for my first question, related to access to charter schools for ELLs, were quantitative, and will be described in more detail later in this section. In contrast, for my second question, which focused more on quality than access, qualitative methods were employed. Specifically, I used a case study approach, with multiple cases, to capture the complexity of authorizing practices, to generate rich and contextualized descriptions of existing practices related to ELLs, and to consider how these practices function within the unique local context that is specific to each authorizer. A multiple-case case study approach facilitated an in-depth exploration of authorizing practices, but also allowed me to compare practices across authorizers more broadly.

Researchers have persuasively argued that qualitative methods generally, and case study approaches specifically, are well suited to exploratory descriptive studies because they allow researchers to illustrate the complexity of a practice within a specific, contemporary, local context (Creswell, 2013; Miles, Huberman, & Saldana, 2014; Peshkin, 1993; Yin, 2009). In the case of this study, analyzing multiple cases allowed me to develop a deep understanding of ELL-related authorizing practices because I was able to draw comparisons across multiple cases and triangulate the findings (Miles et al., 2014). In short, I used qualitative and quantitative methods, each with their own strengths and weaknesses, to answer different questions, but these methods

also complemented each other and allowed me to draw a more comprehensive picture of ELL-related authorizing practices in each urban district.

Site Selection

I purposefully sampled authorizers who were most likely to consider ELLs in their authorizing practices, but who also represented multiple perspectives and varied contexts (Creswell, 2013; Miles et al., 2014). I considered three potential rival explanations in the development of my sample to address Yin's (2009) recommendation for sample selection. First, some authorizers may not focus on ELLs because there are not many ELLs in their existing charter schools. To address this issue, I chose to sample only large urban districts because ELLs are concentrated in those districts. In fact, 24% of all ELLs in the nation are enrolled in the 65 districts that are members of the Council of the Great City Schools (Uro & Barrio, 2013). Using federal data from the National Center for Education Statistics (NCES), I began to select my sample by identifying large urban districts in which total K-12 student enrollment exceeded 35,000 students and in which ELLs were at least 8% of the total student population in the district. Because definitions for classifying ELLs vary across states and districts, I also used U.S. Census data, which is consistent nationwide, as a check on my sample selection. There was a substantial overlap between the districts that appeared on my NCES list and urban areas with large proportions of multilingual speakers (ages 5-17). Thus, the census data helped me to confirm that my sample was not missing any districts that should have been included.

A second rival explanation I attempted to avoid was that the selected authorizers did not have policies focused on ELLs because their overall authorizing practices were not well defined. To address this potential limitation, I recruited only larger authorizers, which NACSA defines as those with portfolios of at least 10 schools. More than half of the authorizers in the nation

authorize only one charter school, while only 97 of 974 authorizers oversee 10 or more charter schools (NACSA, 2013). School districts that authorize one school, but have many other responsibilities, often are not able to invest a great deal of time or energy into developing their authorizing practices. Instead, authorizers with a larger portfolio of schools are likely to focus more on the quality of their authorizing practices because authorizing is their main function. Therefore, I focused on larger authorizers in this study because their authorizing practices were likely to be more fully developed than those of smaller authorizers.

A final rival explanation that I addressed through purposeful sampling is that the sample failed to take authorizer diversity into account. Thus, following Creswell's (2013) maximum variation sampling strategy, I included authorizers from varied regions of the country, different types of authorizers, and authorizers who served ELLs who were culturally and linguistically diverse. To take all of these rival explanations into account, I developed a list of all of the charter school authorizers in the country who met the following four criteria: (1) total K-12 student enrollment in the district exceeded 35,000 students (because ELLs are concentrated in large urban districts); (2) ELLs were at least 8% of the total student population in the district; (3) a charter school law existed in the state; and (4) the authorizer oversaw at least 10 charter schools in the district (NACSA's definition of a larger authorizer).

To identify potential districts, I began with data generated from the National Center for Education Statistics Elementary/Secondary Information System (for total enrollment and ELL enrollment), the National Alliance for Public Charter Schools (for the number of charter schools in each district), and the National Association for Charter School Authorizers and state specific websites (for the number of schools authorized by each authorizer in each district). I also incorporated data from a Council of the Great City Schools report (Uro & Barrio, 2013), which

included ELL-specific data that was provided by districts. To ensure my sample was diverse, I gathered data related to: increase in the number of ELLs and charter schools in the state over the past decade; how the National Alliance for Public Charter Schools rated the state's charter school law in terms of the authorizing environment; how the National Association of Charter School Authorizers rated each authorizer on their *Index of Essential Practices*; statewide language policies; authorizer type; linguistic diversity in the district; and whether or not the district was currently under the supervision of the federal Department of Justice or Office for Civil Rights in response to an ELL-related complaint. This data collection effort yielded 31 potential authorizers that met my criteria. I will not list those authorizers, nor those who agreed to participate in the study, to protect the confidentiality of the respondents.

As part of the process to select authorizers that were diverse in terms of ELL-related authorizing practices, I developed the compliance/quality checklist in Appendix B. The checklist is based on the framework described in the literature review chapter, which illustrates how charter schools can take advantage of their affordances to support success for ELLs (Garcia & Morales, 2015). The components of the framework include: a coherent schoolwide model; a focus on language development; building the capacity of all educators to serve ELLs; a data-driven focus on continuous improvement; and family and community engagement (Garcia & Morales, 2015). The purpose for using this tool was to determine if authorizers varied along a continuum between compliance and quality, and if they did, to ensure that representatives from across the range were included in the sample. Using this tool, I reviewed the request for proposals (RFP) documents that were posted on the websites of each of the 31 authorizers in the larger pool. Seven authorizers did not have a RFP posted on their website, five scored at the high end of the scale (11-14 points out of 14 total points), 10 scored on the low end (1-5 points), and

nine scored in the middle of the range (6-10 points). The authorizers without RFPs on their website were eliminated from the larger pool because the publicly available evidence was not sufficient to conduct a thorough document review.

The final criterion that I added to my sample matrix was political orientation of the state. I classified states as politically liberal if the Gallup poll indicated there was a Democratic advantage in the state and the majority of the state's Congressional seats were held by Democrats (Saad, 2013; U.S. House of Representatives, 2014; U.S. Senate, 2014). States were classified as politically conservative if the Gallup poll indicated there was a Republican advantage in the state and the majority of the state's Congressional seats were held by Republicans. States were classified as battleground states if the party with the advantage in the Gallup poll was different from the party that held the majority of seats in Congress in that state.

To narrow the remaining pool to my target group of eight to 10 authorizers for the sample, I took into account the external factors listed in Table 2, authorizer type, the scores on the compliance/quality checklist, geographic diversity, and the most common languages spoken by ELLs in the district. Selecting a diverse sample was important because I hypothesized that authorizers would be more likely to develop ELL-related authorizing practices if they authorized charter schools in districts in which one or more of the following characteristics applied: the district was located in a politically liberal state; the district was in a state that had additive language policies; the authorizer was a LEA, and thus might be more attuned to local context; there was a large ELL population in the district; and/or the district was under federal civil rights oversight.

Armed with my target list of 10 authorizers, which maximized the diversity in the larger pool, I began to reach out to authorizers to determine if they would be willing to participate in

the study. If one of the target authorizers was not able to participate in the study, I invited another authorizer from the larger list. I continued to invite authorizers to participate until my analytic categories were saturated and new data did not help me to more deeply describe the patterns I had already established through my analysis (Charmaz, 2006; Creswell, 2013). In the end, I reached out to 16 authorizers, 10 of whom generously agreed to participate in the study. Two authorizers did not respond to my multiple attempts to contact them, three were understaffed and did not have the capacity to participate, and one district's research review board denied my request to interview the authorizer. Unfortunately, all of the authorizers that declined because of capacity issues were institutions of higher education; thus, this type of authorizer is not included in the final sample. Table 2 summarizes the characteristics of the authorizers in the sample in the aggregate to prevent individual authorizers from being identifiable. Collectively the sample was varied in terms of geography—ranging from the East Coast to the West Coast—and linguistic diversity. The authorizers oversaw charter schools in districts in which the top five languages spoken by ELLs in each district included Spanish, Chinese, Haitian Creole, Vietnamese, Cantonese, Arabic, Tagalog, Bengali, Korean, Armenian, French, Cape Verdean Creole, Russian, Navajo, Urdu, and Amharic (Uro & Barrio, 2013).

Table 2

Summary of Characteristics for Authorizers in the Sample

Selection factor	Distribution of authorizers in sample
Authorizer type	• 2 authorizers were independent chartering boards (ICB) • 3 authorizers were local education agencies (LEA) • 5 authorizers were state education agencies (SEA)
Proportion of ELL population in district	• in 3 districts ELLs exceeded 21% of the total student population • in 5 districts ELLs were 11-20% of the total student population • in 2 districts ELLs were less than 10% of the total student population
State politics	• 5 districts were located in politically liberal states • 2 districts were located in politically conservative states • 3 districts were located in battleground states
Statewide language policy	• 3 districts were in states with restrictive language policies • 3 districts were in states with additive language policies • 4 districts were in states that allowed bilingual education, but did not require it
Civil rights oversight	• 4 districts were under federal civil rights oversight • 6 districts were not under federal civil rights oversight
Compliance/quality checklist	• 4 authorizers scored in the high range • 3 authorizers scored in the medium range • 3 authorizers scored in the low range

Participants and Informed Consent

This study was approved by the Institutional Review Board at the University of Illinois at Chicago (Appendix C). For each of the authorizers that was invited to participate in the study, I began by emailing the authorizer leader who was listed as the contact on the website for the National Association of Charter School Authorizers. In the email I described the study and requested an opportunity to conduct a 15-minute introductory conversation. If I did not receive a

response to the initial email, I followed up twice by email and once by phone over a 4-week period. In two cases, after I contacted the authorizer leaders, they asked me to obtain permission from the district's research review board, which I then requested. In one case my request was approved and in one case it was denied.

If the authorizer leader responded to one of my contact attempts, I set up a 15-minute introductory conversation at a time that was convenient for him or her. Although this leader was my initial contact, I used snowball sampling, as described by Creswell (2013) to identify the most appropriate authorizer staff members for the in-depth interviews. During the initial call, I described the study and requested that the authorizer's leader, if they were willing, connect me with the one or two staff members who were most knowledgeable about ELLs and authorizing practices. I conducted 11 introductory calls, with one authorizer leader deciding not to participate after the call because of a lack of staff capacity.

I then contacted the recommended staff members, described the study, and obtained informed consent from them if they were willing to participate. In total, I interviewed 15 respondents from 10 different authorizers. If the respondents decided to participate, I assigned them an identification number. This identification number was added to the informed consent document, which was stored in a locked file cabinet. To minimize any disruption the interview might have caused to the respondent's daily routine, the phone interviews were scheduled at times that were convenient for the respondents and were limited to 60 minutes. Interviews were semi-structured. I used the protocol in Appendix D as a starting point, but the questions were tailored for each authorizer based on what I learned about the authorizer during the document review. In addition, I also asked some questions during the interview that were not on the protocol to dig deeper into the informants' responses during our conversations. The interviews

were audiotaped and transcribed. The transcripts were shared with the respondents, generally within one week of the interview. I then drafted case descriptions of each authorizer's ELL-related practices to synthesize what I heard during the interview with what I learned from reviewing documents that were either available on the authorizer's website or that they sent to me after the interview. These case descriptions were also shared with the respondents to ensure that my descriptions were accurate, to identify areas that needed additional clarification, and to determine if there were any misinterpretations on my part.

Data Collection

Five general types of data were collected in this study, the vast majority of which were available through internet and library searches. First, I examined state laws related to both language policy and charter schools. I reviewed all of the existing state charter school laws for references to ELLs to better understand the larger context within the charter school policy subsystem. These laws were generally available on the website of either the state education agency or the state legislature. A summary of the results of my charter law analysis are discussed in chapter 2 and Appendix A. Second, I reviewed documents on the authorizer's website (e.g., RFPs, rubrics, reports, etc.) to learn more about their authorizing practices generally and to ascertain the extent to which they focused explicitly on ELLs. Third, I searched newspaper articles and reviewed state charter school laws for charter school caps to determine how contentious charter schools were in each district. My rationale for including caps was that a cap instituted by the legislature represented a political compromise, which indicated that there was active debate in the state and that support for charter schools was not universal. Fourth, I located publicly available enrollment data to determine if the proportions of ELLs in charter schools and traditional public schools were similar in the urban districts that were part of my study. I used

enrollment data from state education agency websites and from school district or authorizer websites. Finally, after learning all that I could from publicly available documents, I conducted interviews with 1-3 staff members who were employed by 10 different authorizers. The data collected through the interviews and the document review were analyzed using qualitative and quantitative methods, which are described in the data analysis section.

Data Analysis

Quantitative and geospatial analyses. To answer the first research question related to ELLs' access to charter schools, I conducted three sets of analyses. Before describing these analyses, a note about data quality is in order. Although I expected data related to proportions of ELLs in charter and traditional public schools to be readily accessible through state or district websites, I found that the quality of the publicly available data varied widely for the districts in the study. In some cases, the data facilitated a simple and transparent analysis, but in two cases the data were not available on state or district websites. In these two cases, charter schools in the state happened to be classified as LEAs, so I downloaded LEA-level data from the NCES federal dataset. However, that data was dated, with the most recent figures available from 2011-12. In one state in particular this was especially problematic because the number of charter schools in the district had nearly doubled between 2011 and 2015, but data was only available for the charter schools that had existed in 2011. Moreover, the federal dataset provided only LEA-level data and not school-level data for traditional public schools, so I was unable to see the same variation in the distribution of ELLs that I was able to view in the other districts. In addition, I was also hesitant to use the NCES data because the GAO (2013) found a number of problematic issues with federal data related to ELLs in charter schools. As a result of all of these limitations, I was not able to draw a conclusion about access for ELLs within these two districts.

My first set of analyses involved a rough comparison of the proportions of ELLs in charter and traditional public schools within each of the districts in the sample. For each of the eight districts for which I was able to obtain adequate data from district or state sources, I created histograms comparing distributions of the ELL population within charter and traditional public schools. Three examples of these histograms are available in Appendix E. By using histograms to visually represent the data, readers can see at a glance the variation in proportions of ELLs across both the charter and traditional district portfolios. Histograms could also be an effective tool for authorizers because they could easily run these analyses to learn more about the distribution of ELLs in their portfolios, which might then encourage them to take action if the distributions are not equitable.

My second set of analyses involved comparing the proportion of ELLs at each charter school in three of the districts with the average proportion of ELLs at the district and neighborhood levels. I conducted this school-by-school analysis for the three districts for which the highest-quality data was available, but whose histograms also revealed very different patterns: one district in which ELLs were overrepresented (District E); one in which ELLs were underrepresented (District A); and one in which ELLs were equitably represented (District B). To determine if ELLs were underrepresented in charter schools, I calculated a *z*-test for two population proportions to determine if the percentage of ELLs at each charter school differed significantly from the expected percentage of ELLs in traditional public schools (the district average). As described earlier, the null hypothesis predicted that the proportions of ELLs would be statistically equal in charter schools and traditional public schools (H_0: $\pi_{1(\text{charter})} = \pi_{2(\text{TPS})}$), while the alternative hypotheses predicted that the percentage of ELLs would be statistically different ($p < .05$). The equation for the *z*-test was:

$$z = \frac{\hat{\pi}_1 - \hat{\pi}_2}{\sqrt{\hat{\pi}(1-\hat{\pi})(\frac{1}{n_1}+\frac{1}{n_2})}}$$

After I conducted the *z*-test, I analyzed the results to determine if there was a statistically significant difference between the percentage of ELLs in charter schools and in traditional public schools and evaluated the magnitude of the difference based on the absolute value of the *z*-score (Green & Salkind, 2013; King, Rosopa, & Minium, 2011).

Districtwide differences are important to examine, but it is also essential to capture variation across large urban districts. Due to patterns of residential segregation within districts, there may be high concentrations of ELLs in some areas, but low concentrations in other areas. In these cases, the district average might be much higher, or much lower, than the average proportion of ELLs in particular neighborhoods. In neighborhoods with high concentrations of ELLs, a charter school could conceivably serve more ELLs than the district average, but still fall well below the average proportion for the neighborhood.

To account for this variation, I used two different approaches to compare the proportion of ELLs in each charter school with the average proportion of ELLs in the neighborhood. With the simpler method, I used the *z*-test for two population proportions to compare the proportion of ELLs at each charter school with the average proportion of ELLs in similar traditional public schools within the same zip code. Elementary charter schools were compared with traditional elementary schools, middle schools were compared with middle schools, and high schools were compared with other high schools. It was important to compare schools that served similar grades because the majority of ELLs are concentrated in elementary schools. Although ELLs might arrive in U.S. schools at any age, most ELLs were born in the United States (U.S. Department of Education, 2012). Thus, they begin school in preschool, kindergarten or first

grade, develop their language proficiency over time, and then exit out of the ELL population, typically before the end of elementary school. As a result, the proportions of ELLs in elementary schools are often much higher than the proportions in high schools. One potential problem with this type of neighborhood-level comparison is that many charter schools draw their students from across the district, so neighborhood comparisons might not be the most appropriate approach in these cases. However, researchers have found that proximity to their community is important when parents make decisions about schools for their children. For example, Bifulco and Ladd (2007) found that most families who chose charter schools selected a school that was within 10 miles of the neighborhood school that their child would have attended.

I then used a second approach to compare schools at the neighborhood level in case the zip code method might have missed schools that were in the same neighborhood, but in a different zip code. For this approach, I used ArcGIS Geographic Information System software. I uploaded the names and locations of all charter schools and traditional public schools in the district to ArcGIS and geocoded their locations. I then used a location query to identify all of the similar traditional public schools that were within one mile of each charter school, which I labeled the buffer zone. I used the resulting lists of comparison schools to run the *z*-test for two population proportions to determine if the proportions of ELLs at each charter school were similar to the average proportion of ELLs in traditional public schools in the buffer zone. One important limitation is that the data I used for the histograms and school-by-school comparisons is not comparable because it was downloaded from a number of different state or district websites, each of which might have collected and defined their demographic data in different ways. The results of the district-level, zip code, and buffer zone analyses for Districts A, B, and E are available in Appendix F.

The third set of analyses were also conducted with ArcGIS. Some of the respondents in my study hypothesized that the location of the charter schools in their portfolio might help to explain the underrepresentation of ELLs. For example, some respondents mentioned that there might be fewer ELLs in charter schools if those schools were located in either more affluent communities (that might have lower numbers of ELLs), communities with small multilingual populations, or in predominantly African-American communities (particularly if those schools had missions related to serving that community specifically). As I was intrigued by these hypotheses, I decided to use ArcGIS to explore whether or not the location of charter schools could explain some of the enrollment gap in districts in which ELLs were underrepresented. I created three choropleth maps for each district using tract-level U.S Census data related to median income, proportion of multilingual speakers, and percentage of Black residents. I then geocoded the locations of all charter and traditional public schools in the district and superimposed color-coded points representing these schools over the demographic data that was depicted on the census data maps. Although the census data was collected in the same way across the districts by the U.S. Census bureau and is comparable in that regard, the proportions of multilingual and Black residents varied widely across the districts in my sample. Thus, in order to make reasonable comparisons, I divided the data into quintiles and calculated the proportion of charter schools and traditional public schools in each district that were located in communities that were characterized by the bottom two quintiles for income and the top two quintiles for the Black population and for multilingual residents. Then I compared the proportions to determine if charter schools were more or less likely than traditional public schools to be located in communities that were low-income or in which there where large

concentrations of Black or multilingual residents. The results of the geospatial analyses are reported in the next chapter.

Qualitative. I used qualitative methods to address my second research question: How are charter school authorizers in selected urban districts considering ELLs when they develop and implement processes related to applications, monitoring, and renewal? Miles et al. (2014) provided a useful framework for qualitative data analysis that included three components: data condensation, data display, and drawing and verifying conclusions. Although I generally moved through the components in that order, the analysis was a recursive process in which data displays informed both data condensation and drawing conclusions and vice versa. To increase the robustness of my findings, I completed the three steps in the framework for one authorizer, and then used a replication strategy to determine if the findings from the initial case held across the other authorizers or if the initial findings needed to be modified or rejected (Miles et al., 2014; Yin, 2009).

To begin the qualitative analysis process, I uploaded the de-identified interview transcripts and documents from the document review to NVivo. Names of the respondents were removed from transcripts to ensure that the subjects' confidentiality would be maintained. During the first phase of the analysis—data condensation—I developed a set of preliminary codes based on themes from the existing literature. I began with these provisional codes, but then used an inductive and iterative coding process to add new codes as the analysis progressed, while collapsing others into larger categories, allowing themes to develop recursively (Creswell, 2013; Maxwell, 2013; Miles et al., 2014). I also drafted memos throughout the process to explore emerging themes, define codes, make comparisons, describe patterns, and identify gaps in my data collection and analysis (Charmaz, 2006; Emerson, Fretz, & Shaw, 2011; Miles et al., 2014).

These memos were also uploaded to NVivo to allow me to track emerging themes as they developed.

After the first round of coding was completed, I used pattern coding techniques to condense the existing codes still further into broader, more inclusive categories (Miles et al., 2014). I then reviewed the preliminary coding structure with Dr. Morales and shared it with the full committee to identify incomplete coding categories, gaps in reasoning, or key components that might be missing from the analysis. After this discussion, the coding structure was finalized and I recoded all documents according to the final coding structure. The final coding structure is available in Appendix G.

The second phase of the analysis process focused on data displays, which organized and compressed my data in structured displays that helped me make meaning of the data within and across authorizers (Miles et al., 2014). First, I condensed the data related to each authorizer by drafting case descriptions of each authorizer. These descriptions integrated data from documents and interviews into a report that provided a holistic portrayal of each authorizer's ELL-related authorizing practices and situated those practices within the local context in which the authorizer operated. Second, I also used a variety of techniques to examine patterns across authorizers. I reread the case descriptions of the authorizers several times to facilitate cross-case comparisons, ran queries in NVivo, and developed a checklist matrix to condense the data, surface patterns, and examine similarities and differences across authorizers (Charmaz, 2006; Creswell, 2013; Miles et al., 2014; Yin, 2009).

Validity/trustworthiness. The final round of data condensation and displays led to the conclusion drawing and verification component of my analysis process (Miles et al., 2014). I employed four key strategies to strengthen the validity and trustworthiness of my findings. First,

I triangulated data within and across authorizers to ensure that a variety of data, and sources from different authorizers, corroborated the themes I identified (Creswell, 2013; Miles et al., 2014; Yin, 2009). Second, as I explored my data, I continually searched for confirming and disconfirming evidence and considered rival explanations (Creswell, 2013; Miles et al., 2014). Third, I debriefed with my committee members after I developed the preliminary coding structure to provide them with the opportunity to raise questions about my emerging themes, identify gaps in my data collection and analysis, and to provide an external check on my interpretation of the evidence (Creswell, 2013). Finally, through a member checking process, I shared the case descriptions and my draft findings with the authorizers I interviewed to solicit their feedback and identify possible misinterpretations of the data (Creswell, 2003; Maxwell, 2013; Miles et al., 2014; Yin, 2009).

Limitations

There are at least six potential limitations of the methods described in this section. First, with the quantitative component of the study, I was able to determine whether proportions of ELLs were similar to those in traditional public schools in most of the districts in my sample. However, publicly available data did not allow me to further explore whether proportions of ELLs varied across different language proficiency levels. Second, it is important to stress that the findings from this study should not be generalized beyond the authorizers that are in the sample because other authorizers might be quite different from those that I studied. Third, because this is a descriptive, qualitative study, no causal explanations should be inferred. Fourth, the sample did not include authorizers from institutions of higher education or authorizers from non-profit organizations. As these two types constitute 4.4% and 1.7% of all authorizers respectively (NACSA, 2013), their absence is not a significant limitation, but there may be differences

between those types of authorizers and the types that are represented in my sample. Fifth, I emphasized breadth over depth in this study in order to learn more about the broad landscape of ELL-related authorizing practices, but future researchers might pursue strategies that allow them to examine authorizers either more broadly or more deeply. Finally, the interview data is limited because the authorizers self-reported their own practices. Despite these limitations, I believe this exploratory study makes a contribution by introducing a new angle in the literature that focuses specifically on ELL-related authorizing practices. Recommendations for future research that can build on this exploratory study are outlined in the final chapter.

Chapter Five: Results

Research Question 1: Access for ELLs

The discussion of findings in this chapter will be organized by the study's research questions and the theoretical framework, tackling questions of access first and then moving to an analysis of ELL-related authorizing practices. The first research question focused on whether proportions of ELLs were similar in the charter and traditional public schools in my sample.

Quantitative and geospatial findings. Four key findings emerged from the quantitative and geospatial analyses that were employed to investigate the first research question. First, although I expected data related to proportions of ELLs in charter and traditional public schools to be readily accessible through state or district websites, consistent with the results reported by the GAO in their 2013 study, the quality of the publicly available data varied widely for the districts in the study. In some cases, the data facilitated a simple and transparent analysis, but in two cases demographic data related to ELLs were not collected by the authorizer and were not publicly available on the websites of the district or the state. Although federal data was available in these two cases, I decided not to use it because it was quite outdated and because the GAO (2013) identified a number of issues with federal data related to charter schools. Thus, in these two cases, I was not able to draw a conclusion about ELLs' access to charter schools.

The second key finding was that the proportion of ELLs varied widely across both charter and traditional public school portfolios, with some schools serving small proportions of ELLs while others served much larger proportions. In the eight districts in which I was able to conduct an analysis, when compared with ELLs in traditional public schools, ELLs in charter schools were significantly overrepresented in three districts ($p < .05$), significantly underrepresented in four districts ($p < .05$), and equitably represented in one district.

Averages are rough metrics, but viewing the distribution of both charter schools and traditional schools can better illuminate the range and central tendencies of each distribution. Histograms depicting the frequency distributions in three districts from the sample are available in Appendix E to represent the diversity I found. In these three districts, ELLs were underrepresented in one case, overrepresented in another, and equitably represented in the third. In the first case, in District A, charter schools collectively served an average of 12.4% ELLs, while the average proportion of ELLs districtwide was 31.5%. ELLs were more or less normally distributed across traditional public schools, but the distribution was heavily positively skewed for charter schools, indicating that most charters served small proportions of ELLs, with the exception of one significant outlier. In District E, the distributions of both charter and traditional public schools were quite positively skewed—even more so for traditional public schools than for charters—with the vast majority of both types of schools serving small numbers of ELLs. Although ELLs were statistically overrepresented in charter schools, this was largely due to the influence of outliers on the mean. Finally, in District B, proportions of ELLs in both the charter and traditional public school portfolios varied widely, although the distributions had relatively similar shapes in both portfolios. As the histograms in Appendix E depict, the distribution of ELLs across the charter school portfolio was more or less normally distributed. While this pattern was relatively similar to that of traditional public schools, in the traditional portfolio there were more schools with fewer ELLs than was the case for charters.

It is important to note that district B was the only authorizer in the sample that classified students as ever-ELLs and then disaggregated that data to learn more about how patterns differed for exited and non-exited ELLs and for ELLs across language proficiency levels. Forty-six percent of students in charter schools in District B were ever-ELLs, compared with 40% in

traditional public schools. In addition, charter schools and traditional public schools served similar proportions of non-exited ELLs, 30.6% and 30.2% respectively, but ELLs at the lowest language proficiency levels were somewhat underrepresented in charter schools (B4, 2014).

The third key finding related to access was that district averages are also blunt measures because they obscure variation across the district. In large urban districts, ELLs may be disproportionately concentrated in particular neighborhoods rather than being uniformly distributed across the city. To dig deeper into enrollment patterns within the three districts for which the highest quality data was publicly available, I compared the proportion of ELLs at each charter school to the average proportion at similar traditional public schools within a 1-mile buffer zone, within the zip code, and within the district (see Appendix F for school-level results). In these three districts, ELLs were overrepresented in one district (District E), underrepresented in the second (District A), and equitably represented in the third (District B). Table 3 summarizes the results of these analyses.

Table 3

Summary of Quantitative Results

	District			Zip code			Buffer zone		
	Larger	Smaller	Equitable	Larger	Smaller	Equitable	Larger	Smaller	Equitable
A	3.7%	92.6%	3.7%	3.8%	84.6%	11.5%	3.7%	92.6%	3.7%
B	34.0%	38.3%	27.7%	31.6%	36.8%	31.6%	33.3%	36.1%	30.6%
E	26.0%	67.7%	6.3%	13.6%	40.9%	45.5%	17.7%	41.2%	41.2%

Note: This table summarizes the proportion of charter schools that are statistically similar to, or different from, the average proportions of ELLs in traditional public schools when compared at the district, zip code, and buffer zone levels.

The district level results reflect the frequency distributions that are portrayed in Appendix E, with District B's normal frequency distribution translating into relatively equal percentages of

charter schools showing up in the columns depicting charter schools that serve larger proportions of ELLs than the district average, smaller proportions, or equitable proportions. In a similar fashion, the positively skewed distributions for District A and District E are also reflected in the table as the majority of schools in both portfolios fall below the district average.

The patterns at the zip code and buffer levels were somewhat different from those at the district level and provide a more nuanced description of variation across the district. Across all three districts, and particularly in District E, the average proportions of ELLs within the zip codes and buffer zones sometimes differed dramatically from the district averages, with some zip codes serving many more ELLs than the district averages and some serving fewer ELLs.

With the zip code and buffer analyses, for District B, the patterns were similar at the district, zip code, and buffer levels, consistent with the normal shape of the frequency distribution in this district. In District A, the results were also similar at the district, zip code, and buffer levels, although the percentage of charter schools with smaller proportions dropped somewhat at the zip code level because charter schools with small proportions of ELLs were not statistically different from traditional public schools in neighborhoods that served relatively small numbers of ELLs. This pattern continued in District E. While the average proportion of ELLs in the district was 9.6%, the buffer zone averages ranged from 0.0% to 53%, with a large number of schools at the lower end of that range. As charter schools reflected the proportion of ELLs in neighborhood schools more often than the district average, the zip code and buffer summaries are quite different for this district. For example, while only 6.3% of charter schools' ELL populations were statistically equivalent to the average proportion of ELLs at the district level, this was the case for 45.5% of schools when compared to the zip code average. This suggests that neighborhood-level analyses should also be conducted when concentrations of

ELLs vary across the city. However, caution should also be exercised when making neighborhood-level comparisons because many charter schools draw their students from across the district. In these cases, it will be important to determine the most appropriate comparison based on the extent to which the charter school serves the neighborhood or draws students from across the city.

The final set of analyses related to the first research question were geospatial. Some of the respondents in my sample surmised that ELLs might be underrepresented in charter schools because of the location of those schools. For example, one authorizer hypothesized that charter schools in communities with larger concentrations of ELLs might attract more ELLs while schools located in more affluent communities might serve fewer ELLs because ELLs are concentrated in low-income communities (H1, October 31, 2014). In response to these hypotheses, I used data from the U.S. Census to create maps that depicted how locations of charter and traditional public schools varied based on demographic factors related to income, race, and languages spoken at home. To be clear, these maps depicted only locations of charter schools, not proportions of students served. While these analyses are a starting point to determine if location matters, more research is needed to determine if the locations of charter schools are associated with demographic concentrations within their student populations.

After analyzing the maps that I created, my fourth key access finding was that the patterns of locations for charter schools were often quite different from those of traditional public schools. The results of the geospatial analyses are summarized in Table 4. This table illustrates the percentages of charter and traditional public schools that are located in census tracts that fall into the top two quintiles for each demographic variable. The findings were most striking for the income and race variables. In terms of income, charter schools in each of the districts in my

sample were more likely to be located in low-income census tracts than were traditional public schools. In some cases the difference was quite small, but in District C, for example, 75% of charter schools were located in low-income communities, while the same was true for only 53% of traditional public schools. There were similar patterns by race. In all but one of the districts in my sample, there were more charter schools in communities with large concentrations of African Americans than would be expected based on the percentages of traditional public schools in those communities. The pattern was somewhat different for languages spoken by neighborhood residents. In this case, the percentages of charter schools in multilingual communities largely reflected the percentage of traditional public schools in those communities, with proportions that were within five percentage points of those for traditional public schools for seven of the districts in my sample. For the remaining three districts in which the difference was greater than five percent, there were more charter schools in these communities in two districts and fewer in one district.

Table 4

Summary of Geospatial Results

District	Multilingual		African American		Low-income	
	Charter	Traditional	Charter	Traditional	Charter	Traditional
A	55.56	49.15	59.26	55.93	44.44	43.22
B	56.52	54.49	54.35	44.87	47.83	39.74
C	58.77	54.97	50.71	38.10	75.36	53.62
D	64.38	69.05	60.27	46.43	69.86	64.29
E	38.54	38.83	47.92	45.63	46.88	46.60
F	58.21	55.22	38.81	41.04	59.70	40.30
G	60.38	51.60	70.75	51.42	71.70	51.25
H	39.13	40.00	43.48	38.79	60.87	40.61
J	47.17	45.16	67.92	60.22	50.94	45.16
K	36.11	45.05	64.44	46.20	61.67	52.48

Note: This table displays the percentages of charter and traditional public schools that are located in census tracts that fall into the top two quintiles for each demographic variable.

As is clear from the table, overall I did not find that charter schools appeared to be avoiding multilingual, African American, or low-income communities. In fact, when compared with traditional public schools, in five of the districts in my sample, charter schools were more likely to be located in all three types of communities. However, even if charter schools were located in multilingual communities, that fact did not necessarily translate into schools that served large proportions of ELLs. For example, in District A, charter schools were more likely than traditional public schools to be located in multilingual communities, but ELLs were underrepresented in most charter schools when compared with traditional public schools in the same neighborhoods.

In terms of the location of charter schools in multilingual communities, there was one exception to my overall findings that was most striking within one community in District K. Although this pattern was not typical within my geospatial analyses, Figures 2 and 3 depict a pattern that authorizers might want to explicitly examine within their portfolios. Both figures represent charter schools (green points) and traditional public schools (red points) within the same community in District K. The blue box highlights a particular segment of this community. Figure 2, portraying concentrations of multilingual residents, reveals that there are a relatively small number of charter schools within the blue box, as compared with the number of traditional public schools. In contrast to the area within the blue box, most residents are not multilingual in the area to the east of the blue box. Figure 3 maps the same community, but looks instead at proportions of residents who identified as Black or African American. In figure 3, two patterns are visible in the area to the east of the blue box. First, this area is predominantly African American. Second, there are many more charter schools in this area than there are within the multilingual area in the blue box. When combined with the findings from Table 4, which

indicated that charter schools are somewhat less likely to be located in multilingual communities in District K than are traditional public schools (36% v. 45%) and much more likely to be located in African American communities (64% v. 46%), these patterns suggest that in this urban area, mission-driven charter schools may be focused on providing the African American community with a range of options. In cases like these, this type of analysis can help authorizers to identify gaps in their portfolios which they might remedy by prioritizing particular communities or models in their RFPs.

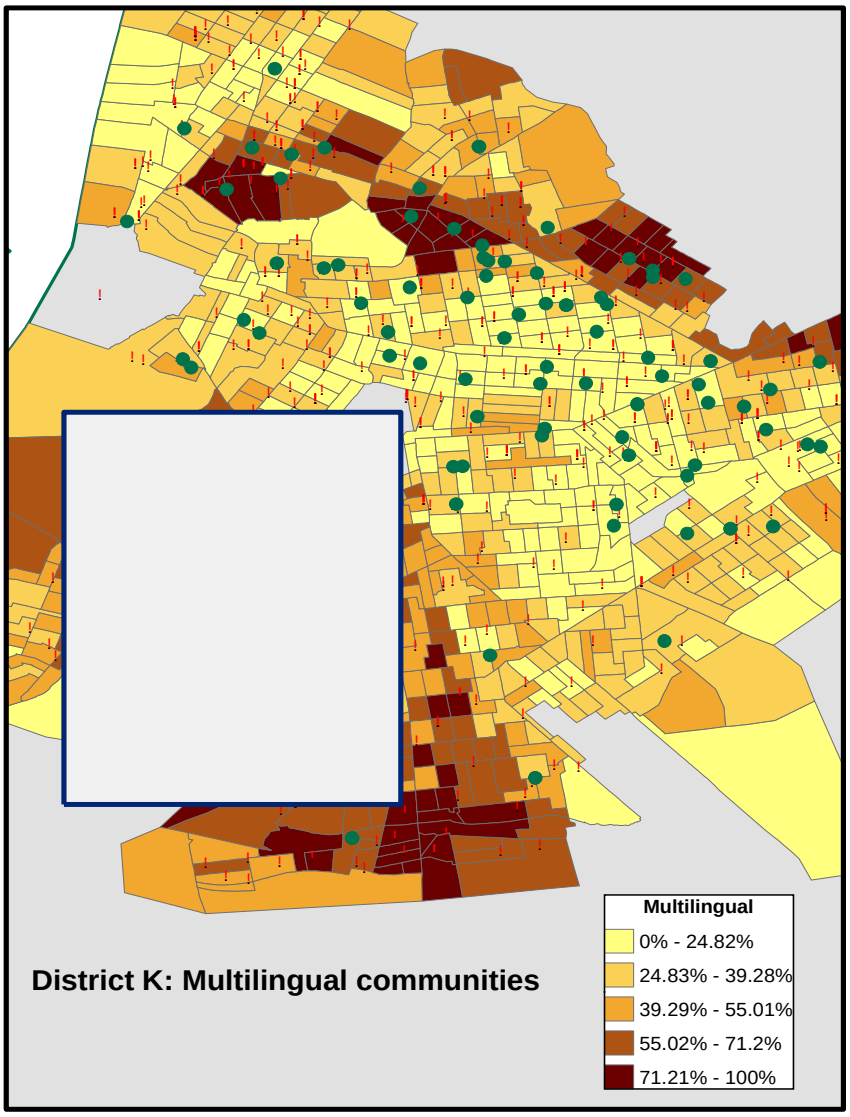

Figure 2: Locations of charter schools (green points) versus traditional public schools (red points) in one community within District K. Geocoded locations of schools were superimposed over census tract data related to the proportion of households in which residents spoke a language other than English. Demographic data was classified into quintiles, with each classification containing equal numbers of census tracts. Census data was from the 2009-2013 American Community Survey 5-Year Estimates dataset, which was downloaded from American Fact Finder (http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml).

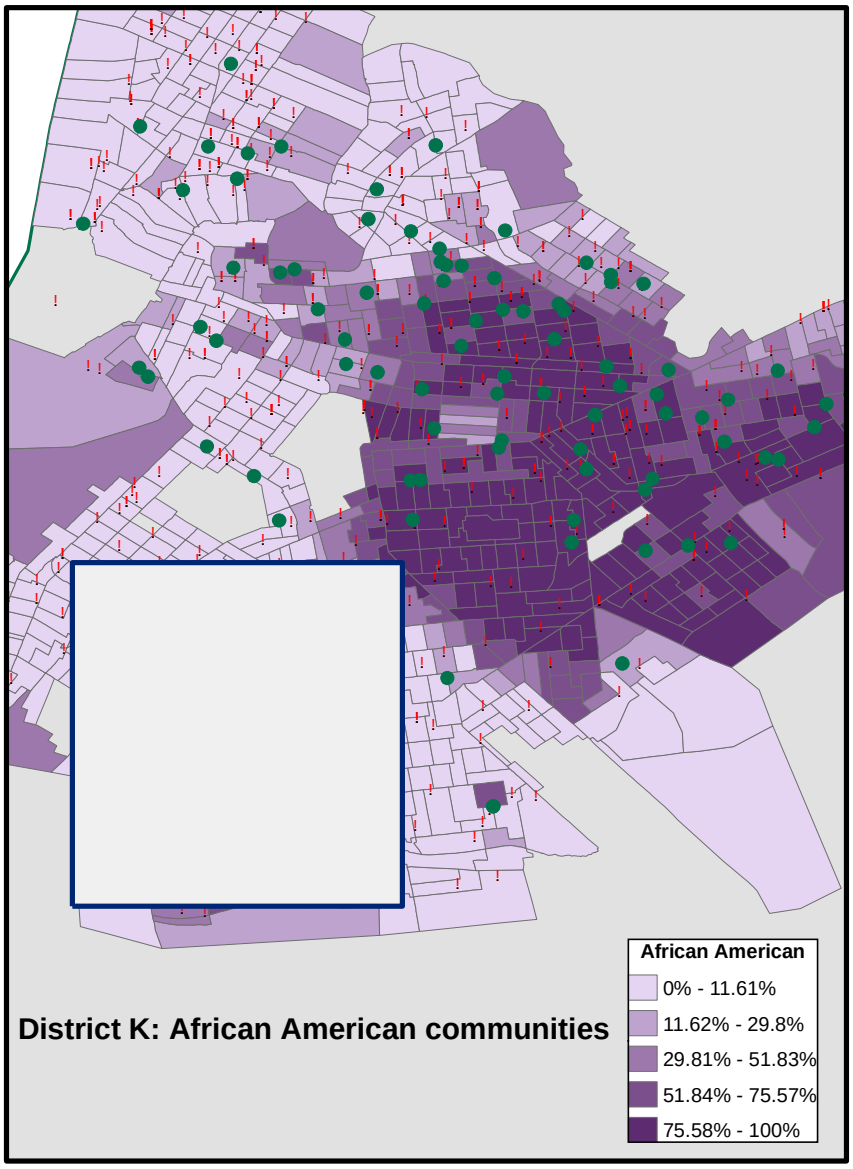

Figure 3: Locations of charter schools (green points) versus traditional public schools (red points) in one community within District K. Geocoded locations of schools were superimposed over census tract data related to the proportion of households in which residents identified as Black or African American. Demographic data was classified into quintiles, with each classification containing equal numbers of census tracts. Census data was from the 2009-2013 American Community Survey 5-Year Estimates dataset, which was downloaded from American Fact Finder (http://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml).

Taken together, the findings from my quantitative and geospatial analyses suggest that language in state and federal policies that compares the average proportion of ELLs at each charter school to the district average for traditional public schools might be too simplistic. Instead authorizers might consider several levels of access-related analysis. They might begin by comparing distributions of ELLs in their portfolio with distributions in the larger district. If possible, they might also disaggregate this data further to learn more about whether distribution patterns differ across both portfolios for ever-ELLs, for exited and non-exited ELLs, and for ELLs at different language proficiency levels. In addition, authorizers might compare the proportions of ELLs in charter schools to the proportion at the neighborhood level as well as to the district average. Finally, they might conduct geospatial analyses to ensure that charter schools are serving communities with large concentrations of multilingual residents. By using multiple methods, authorizers will be able to tell a richer story than is possible by simply comparing average proportions of ELLs in charter and traditional public schools. Furthermore, this type of detailed, multi-level analysis should allow authorizers to identify enrollment gaps for ELLs in their portfolios and then consider how those gaps might be narrowed.

Qualitative findings. After using quantitative and geospatial techniques to determine if ELLs were equitably represented in charter schools, I utilized qualitative methods to explore hypotheses that might explain enrollment gaps that existed as well as strategies that authorizers were using to mitigate those gaps. For those districts in which ELLs were overrepresented in charter schools, there were three hypotheses to explain this overrepresentation. Two of the authorizers reported that the overrepresentation was due largely to chance. One authorizer thought that charter schools with missions focused on multilingualism might attract ELLs disproportionately and there were several such schools within the authorizer's portfolio (F1,

October 28, 2014). Another authorizer surmised that the pattern might be the result of design teams who had strategically established their attendance zones to be inclusive of communities with large populations of ELLs (G1, October 23, 2014). In this state, design teams can propose attendance boundaries specifically for their school. These school-specific boundaries: (1) could be the same as the boundary for the district in which the charter school was located, (2) could include several districts, or (3) could include segments within one or more districts. These policies present an opportunity for design teams who are interested in developing ELL-specific models because they can select a location and an attendance boundary that maximizes the school's ability to serve communities with large concentrations of multilingual residents.

For gaps in the opposite direction, respondents described three sets of hypotheses—related to outreach, mission, and structural elements—to explain why ELLs might be underrepresented in charter schools. In terms of outreach, respondents reported, consistent with the findings from previous research (e.g., Villavicencio, 2013), that families of ELLs might not have accurate and consistent information about charter schools, may not be aware that charter schools are a tuition-free option for their children, or they might not know how to navigate the application processes (C1, September 5, 2014; F2, October 29, 2014). Respondents further noted that the charter schools that were most successful in attracting and retaining ELLs often utilized strategic "boots on the ground campaigns" in which school leaders intentionally reached out to the families of ELLs, connected with community organizations, and provided information about their school in multiple languages. These leaders disseminated multilingual information about their schools widely through a variety of media, including flyers posted in community organizations, announcements at community events, and advertisements placed in foreign language newspapers (A1, May 8, 2014; A2, May 12, 2014; A3, May 21, 2014; F1, October 28,

2014; F2, October 29, 2014). When schools made an effort to be inclusive, one respondent commented, families "…will come and then they will tell other people about the school because they feel safe and they know that their children are safe and they know that their children will learn" (H1, October 31, 2014).

Conversely, respondents reported that when ELLs were underrepresented, they might not have been intentionally recruited or the cultural backgrounds and linguistic skills of the charter school's staff might not have reflected those of the communities in which ELL were concentrated (C1, September 5, 2014; F2, October 29, 2014). A related issue might be a lack of ELL-specific training for charter school staff. If charter school leaders and educators do not have the capacity to serve ELLs, they might not actively recruit them. One respondent explained that this might become cyclical, "if you don't have the students, therefore you don't know [how to serve them]," which could result in a lack of effort to recruit ELLs, thus perpetuating the cycle (A3, May 21, 2014). As a final hypothesis in this category, one authorizer found that the demographic profile of a charter school's first class might influence future demographic trends at the school because of word-of-mouth, sibling preferences, and community perceptions about the students who were served at the school during the first year. If ELLs were not equitably represented in the first class of a charter school, parents of ELLs might not view the school as a feasible option for their child (C1, September 5, 2014).

Another category of hypotheses to explain enrollment gaps was related to the school's mission. Some charter schools have developed models that are designed for secondary students. However, ELLs generally, and particularly those at lower English proficiency levels, tend to be concentrated in elementary schools because ELLs develop their proficiency in English over time

and exit the ELL subgroup (B1, May 9, 2014; B2, May 15, 2014). As a result, ELLs may be underrepresented in charter school portfolios that offer a large number of secondary options.

Charter missions that are specific to a particular subgroup might contribute to both over- and underrepresentation of ELLs. In working to fulfill their mission to narrow the achievement gap, some mission-driven charter schools may strategically decide to locate their school in predominantly African American neighborhoods, for example, in which there might not be large concentrations of ELLs, but where there is a need for high-quality educational options. As a result of their location, these charter schools will likely reflect the racial and ethnic makeup of the neighborhoods they serve (Henig, 2008; Lazarin & Ortiz-Licon, 2010; National Alliance for Public Charter Schools, 2012). If an authorizer's portfolio includes a large number of charter schools that have a mission related to serving the African American community, ELLs might be underrepresented in that portfolio. Conversely, if charter schools have a mission that is explicitly related to ELLs or language acquisition, they might be more likely to attract large numbers of ELLs. For example, seven of the schools in Authorizer F's portfolio in the target district had an explicit focus in their missions on multilingualism, multiculturalism, or on serving culturally and linguistically diverse young people (F5, Charter schools by district, 2014). The authorizer suggested that dual language models might be particularly popular in District F because these charter schools are meeting a need in the community, which has a large population of ELLs (F2, October 29, 2014). This is not to argue that all charter schools should develop dual language models, nor that charter schools should not serve African American students, but rather that it should be the responsibility of the authorizer to regularly review their portfolio to ensure that their schools offer a wide variety of educational options that appeal to many different communities.

A third category of hypotheses to explain enrollment gaps was related to structural elements that tend to be associated with charter schools. One such element was the charter school lottery. Unlike traditional public schools that serve all students in a neighborhood, charter schools often draw students from across a district or from several different districts. As students cannot automatically enroll in charter schools solely because of their residential address, they must formally apply to these schools. If there are more applicants than seats, charter schools generally conduct a lottery in which they randomly select some students to be part of the new cohort, but everyone who applied does not get a seat. Thus, even if the charter school made good faith efforts to recruit ELLs into their pool of potential students, those ELLs may not have been randomly selected during the lottery (A2, May 12, 2014; A3, May 21, 2014; F2, October 29, 2014).

Another structural element that is common to charter schools is a lack of backfill. In their charters, design teams often commit to serve a particular number of students per grade. They open the school with one cohort, and then expand grade by grade, adding a new cohort each year. For example, a 6^{th} to 8^{th} grade school that is designed to serve 150 students will add 50 new 6^{th} graders each year, growing to the full capacity of 150 over three years. In communities in which ELLs might be recent immigrants or in which there is a great deal of mobility, newly arrived ELLs would only be able to enroll in a charter school if they applied for a seat in the initial grade that was offered (A2, May 12, 2014; A3, May 21, 2014).

Typically, charter schools do not accept new students after the initial grade and often do not backfill if students leave for reasons related to grade-level caps and because educators in those schools worked hard with each new cohort to establish the school's culture. Ironically, even in cases in which charter schools focus on ELLs as part of their missions, backfill policies

may result in a perception that charter schools do not equitably serve ELLs. For example, in one high-performing school in Authorizer A's portfolio that has a strong focus on language development, students enter the school as 4-year olds and participate in a full-day pre-school program. Within this model, ELLs have nearly five years of full-day language-rich instruction before they take the statewide assessment for the first time in the spring of third grade. As the language acquisition process generally takes 5-7 years, many ELLs transition out of the subgroup in the early elementary years at this school and new ELLs are not added because of the cap on the number of seats per grade (A3, May 21, 2014). In situations like these, some charter schools have argued that they are actually penalized for supporting ELLs with their language development because the school can no longer count students as ELLs after they exit the subgroup (Decker, 2012).[2]

Given these hypotheses, how did authorizers mitigate enrollment gaps for ELLs? Before delving into a discussion of strategies that authorizers utilized, it is important to point out that regardless of whether ELLs were equitably represented or not in the authorizer's portfolio, many of the authorizers in the study expressed their commitment to serve ELLs and to ensure that they had equitable access to charter schools in the district. To illustrate this commitment, one of the respondents asserted that in District C, "…where a lot of our community speaks a second language…we expect our schools to serve our community, we expect them to open their doors and provide full equity and access to the students of the area, and that certainly includes English learners" (C1, September 5, 2014).

Echoing the first category of hypotheses to explain why ELLs were underrepresented in charter schools, one common strategy authorizers employed was to encourage the charter schools in their portfolios to be more intentional with their outreach to the families of ELLs. For

[2] The school referenced in this article is not authorized by an authorizer in the study sample.

example, District B developed a comprehensive outreach strategy to raise awareness about the choices that were available in the district. There were guides in multiple languages for parents that listed all of the district's options, both charter and non-charter. These guides for parents included information about the performance of each school, the programs that were offered, and the types of services that were provided for ELLs (B2, May 15, 2014). The district also paired the publication of the guide with an active outreach effort (B1, May 9, 2014; B2, May 15, 2014).

To further enhance the outreach efforts of charter schools in their portfolios, at least two of the authorizers in the sample provided their charter schools with lists of ELLs in traditional public schools. This type of information is not generally easily accessible to charter school operators, but it could help charter schools target their recruitment efforts and increase the number of ELLs that they serve (B2, May 15, 2014).

Another authorizer implemented two other strategies that were related to a focus on access from the inception of the charter school cycle. To ensure that ELLs had equitable access to charter school lotteries, the authorizer reviewed the lottery forms for each school to confirm that charter schools were not asking for information that could be used to discriminate against ELLs, such as questions about ELL status or levels of language proficiency (C1, September 5, 2014). This authorizer also limited the founding parent preference to not more than ten percent of each charter school's enrollment to ensure that the children of founding parents—who might not reflect the diversity of the community—did not monopolize too many of the charter school's seats (C4, Authorizing Policy, 2012).

According to several of the respondents, many design teams, who have developed ELL-focused models or who are committed to serving ELLs equitably, have communicated to their authorizers that they would like to serve as many ELLs as possible. To increase the number of

ELLs they can serve, these teams have frequently expressed a desire to set aside seats in their schools that are specifically designated for ELLs. Authorizer B has responded to these requests by allowing some schools to reserve a few seats in the lottery that are explicitly designated for ELLs with lower English language proficiency levels (B1, May 9, 2014; B2, May 15, 2014). Although this could certainly be an effective strategy if it was implemented more broadly, there is an associated policy challenge. As I discussed earlier, charter schools that receive federally-funded Charter Schools Program (CSP) grants are not allowed to set aside seats for particular groups. Thus, although one authorizer in the sample reserved seats for ELLs, other authorizers have chosen not to utilize this strategy because it would make their charter schools ineligible for federal funding.

Authorizers also paid explicit attention to access for ELLs during the monitoring and renewal phases. Two of the authorizers set specific enrollment targets for ELLS, which charter schools must meet. These enrollment targets are incorporated into every stage of the authorizing process. Charter school design teams must address how they will meet these targets in their initial proposals. Then the authorizer monitors the school's enrollment over the course of the charter term, and when renewal decisions are made, determines if the school has met their target. Missing the target will not necessarily lead directly to closure, but the charter school must be able to clearly demonstrate the effort they have expended and the strategies they have implemented to recruit ELLs. To provide a positive incentive for their schools, Authorizer K offered to expand design teams' start-up grants if they met their enrollment targets during their first year of operation (K15, 2014 Charter school application kit).

Other authorizers were not quite as prescriptive, but they did analyze data related to proportions of ELLs in charter schools during their monitoring and renewal phases and required

schools to develop action plans to address gaps if ELLs were not equitably represented (C1, September 5, 2014; C2, September 5, 2014). Finally, as evidence that information about access was also critical at the renewal stage, one respondent described how the authorizer's board considered information about a lack of equitable access and decided to put a hold on the school's renewal,

> …there were 179 students in the school. It's in an area, I'd say, where maybe 40 percent of the city population is African American. Maybe 20 percent of the population is a language minority population. Of the 179 students at the school in that area, they had zero ELL students and only eight African American students, so that, obviously, is a red flag, so that was pulled. What the result of that will be, we'll have to see down the road. If it's a glaring disparity like that, the school board is hesitant to offer a renewal (J1, October 15, 2014).

In short, in response to my first set of research questions, I found that proportions of ELLs in charter schools varied within and across authorizers, that a number of factors—related to outreach, mission, and structure—could contribute to a lack of equitable access for ELLs, and that authorizers are currently implementing a number of different strategies to reduce enrollment gaps for ELLs at each stage of the authorizing process.

Research Question 2: ELL-related Authorizing Practices

My second set of research questions focused on ELL-related authorizing practices. Overall, I found that authorizers varied widely in terms of the extent to which they implemented ELL-related authorizing practices. Moreover, the contexts in which these authorizers operated were also quite diverse, with a variety of internal and external factors interacting to shape the authorizer's practices. This section of the chapter is organized around the three themes in the policy literature that I described in chapter one, each of which will facilitate analysis at a different grain size: the advocacy coalition framework (ACF), Honig's (2009) 3 P's framework (people, places, and policies), and the policy instruments literature. Using these theoretical frameworks to structure the following discussion, I highlight key factors within the external policy ecosystem and the local authorizing environment that influenced the development of ELL-related authorizing practices.

ACF framework: External factors. External factors that shaped ELL-related authorizing practices for the authorizers in the study included statewide language policies, relationships with external organizations, the state's political orientation, the state charter school law, and federal civil rights laws related to ELLs. Each of these categories will be discussed in more detail in this section. The external factors that influenced each authorizer varied, as did the strength of their impact.

Statewide language policies. The language policy subsystem is a complex system, which will not be discussed in great detail here. However, it is important to consider how the language policy subsystem and the charter policy subsystem interact to shape ELL-related authorizing practices. The states in the sample were quite diverse in terms of statewide language policy. Three states had additive policies—supportive of multilingualism—which encouraged or

required districts to provide ELLs with bilingual instruction. Three states had restrictive policies, which required that classroom instruction for ELLs be conducted only in English, and the remaining four authorizers were located in states that allowed, but did not require, bilingual instruction for ELLs. It is also interesting to note that seven of the ten states in the sample, representing all three types of language policies, have adopted or are considering adopting the seal of biliteracy, which is a recognition bestowed upon students who have demonstrated academic proficiency in two languages (Seal of Biliteracy, 2015). This may indicate that states with large proportions of ELLs are increasingly valuing multilingualism and beginning to implement policies that reflect the research supporting bilingual instruction for ELLs.

Charter schools generally have more flexibility than traditional public schools and do not always have to adhere to state laws, including those related to language policies. In the three restrictive states in my sample, charter schools had the flexibility to design bilingual or dual language programs in one state, but not in the other two. Conversely, in one of the three additive states in my sample, charter schools could choose not to implement bilingual programs for their ELLs even though bilingual instruction was required by state law.

I expected that authorizers with more focused ELL-related authorizing practices would be most likely to operate in states with additive policies. However, at least with this sample, more focused ELL-related authorizing practices were not associated with statewide language policy as authorizers with the highest scores on the compliance/quality checklist were located in states with all three types of language policies. More research will be required to determine if this finding holds with a larger sample.

State's political orientation and charter laws. The political climate in which authorizers in the sample were situated covered the range of the political spectrum—as measured by seats

held by Republicans and Democrats in Congress and Gallup's poll of Americans' political identification (Saad, 2013). Five authorizers were located in liberal states, two in conservative states, and three in battleground states. I predicted that authorizers in liberal states would be more likely to implement ELL-related authorizing practices. This was, in fact, the case as three of the four authorizers with the highest marks on the compliance/quality checklist hailed from liberal states, while the fourth was located in a battleground state. Authorizers in liberal states were also more likely than those in conservative states to include ELL-explicit references within their authorizing documents and to use mandates and capacity-building instruments.

As described in chapter two, I also examined all of the state charter laws. References to ELLs within these laws varied dramatically. Laws in two of the states in my sample did not mention ELLs at all. In contrast, there were substantive references in three of the states' laws that included one or more of the following: a requirement that the proportion of ELLs in charter schools reflects the district average for traditional public schools; a statement that explicitly allowed ELL-focused charter school models; and a provision that authorizers' RFPs require design teams to develop plans to serve ELLs. While there were references to ELLs in the other state laws, those references were not substantive because they were not related to ELLs' access to charter schools or to the quality of programs that ELLs receive. These non-substantive references to ELLs were related to funding formulas, non-discrimination policies, and requirements to disaggregate data by subgroup. Substantive references to ELLs in state laws did appear to be an important influence as the authorizers that were located in the three states that included these substantive references all scored in the highest category on the compliance/quality checklist. The fourth high-scoring authorizer was located in a state that did not reference ELLs in

their charter school law, indicating that the law is not the only factor that shapes ELL-related authorizing practices.

Almost all of the authorizers in the sample mentioned that legislation in their respective states was an important influence on their authorizing practices. One respondent remarked that, "the statute, and by extension the regulations that grow from the statute, absolutely do guide our practices. It's truly what dictates a large extent of what we do" (A1, May 8, 2014). The sections of the state charter laws related to authorizers varied in specificity, with some outlining only broad parameters for authorizing activity, while other laws included more specific references related to components of the charter school application, frequency of monitoring, timelines for authorizing decisions, and performance levels that would require authorizers to close charter schools. The provisions in the statutes related to authorizers shaped the parameters within which the authorizer could operate, but the authorizers also exercised a great deal of agency within these parameters.

Collaboration with external organizations. Half of the authorizers in the sample mentioned at least one type of collaboration with an external organization as an important external factor that influenced their ELL-related authorizing practices. Three of the five authorizers referenced collaborating with NACSA in some way, including contracting with NACSA for assistance with their application review process, obtaining technical assistance from NACSA as the authorizer developed their performance framework, or referring to NACSA's model documents when authorizers revised their applications for new charters or renewals. Two of the authorizers partnered with external organizations to offer charter school educators the ELL-specific training that they needed to obtain after agencywide policies were updated. Another authorizer joined an initiative sponsored by an external organization that was designed

to strengthen collaboration between charter and traditional public schools, with some of those collaborative efforts explicitly focused on effective practices for ELLs. As a result of their engagement with this organization, leaders in the charter and traditional public schools sector committed to work together toward three equities across both sectors: equity of opportunity (access to similar per pupil dollars, facilities, and resources), equity of accountability (use of the same performance framework for all schools), and equity of responsibility and access (equitable and open access for all students in all schools). As evidence of the impact of this collaboration on the authorizer, these core principles were incorporated into the charter school authorizing policy and now inform the mission and work of the authorizer generally, as well as specifically with ELLs (B8, 2014; B9, 2012).

In addition to direct relationships with external partners, in at least two of the districts in the sample, external organizations launched initiatives that might indirectly support the authorizer's ELL-related practices. In one district an organization of charter supporters has developed a multilingual campaign to reach out to the families of ELLs in order to raise their awareness of charter school options in the community (K14, 2014). In a second district, a new organization aims to increase the number of high-quality seats for low-income students in charter schools by developing charter school leaders and incubating design teams who will open 25 high-performing charter schools by 2020 that are located in underserved areas of the city. Over time, the work of the organization should complement the work of the authorizer by stimulating the supply of operators in the district, increasing the quality of the proposals that the authorizer receives, and helping new schools launch successfully.

Federal civil rights laws. Another important external factor that surfaced across the sample was compliance with federal civil rights laws that require all public schools to identify

and serve ELLs. Four of the authorizers in the sample operated in districts that were under federal civil rights oversight, but all 10 authorizers referred to civil rights compliance in some way during my interviews or in their authorizing documents. In some cases, authorizers' ELL-related practices focused on civil rights compliance as the end goal, while for others compliance was viewed as the first step on a longer continuum toward the implementation of quality, research-based programs for ELLs. Of the four authorizers with the highest scores on the compliance/quality checklist, two were under civil rights oversight, but the other two were not. This suggests that civil rights oversight, in and of itself, is not sufficient to foster ELL-focused authoring practices. Future research studies might further examine the impact of civil rights oversight by comparing outcomes for ELLs in districts that are under civil rights oversight with outcomes in districts that are not under such supervision.

There were at least two positive outcomes that were referenced by authorizers who operated in districts that were under federal civil rights oversight. First, one authorizer reported that before charter schools were explicitly included in the district's consent decree, the degree of strategic attention that charter schools paid to ELLs varied widely from those who were very "intentional about their programming for their English learners" to those who only became aware of their obligations under federal law when the consent decree was updated (B1, May 9, 2014). Thus, it appears that the consent decree served to raise awareness about the responsibility all charter schools in the district have to serve ELLs. It is important to emphasize that this lack of awareness is not limited to that district. The fact that the Office for Civil Rights at the U.S. Department of Education published a "dear colleague" letter in May 2014 to remind charter schools that federal civil rights laws apply equally to charter schools and traditional public schools (Lhamon, 2014) suggests that authorizers might need to further strengthen their

monitoring efforts to ensure that all charter schools are fulfilling their responsibilities appropriately.

A second interesting outcome was the innovative approach that one authorizer implemented to ensure that charter schools were meeting their responsibilities under federal civil rights law, while also respecting their autonomies. According to this approach, all charter schools in the district must decide if they will follow the district's master plan for ELLs—which was developed to meet the requirements of the district's settlement agreement with the federal Office for Civil Rights—or design their own plan. The master plan document points out that charter schools, as public schools, are responsible for providing ELLs with services, but they are granted more flexibility than are district schools when they develop plans to identify ELLs, propose how those students will be served, and describe how their ELL programs will be evaluated (C11, 2012). Instead of following the requirements outlined within the lengthy and detailed master plan that is required for traditional public schools (C11, 2012), many charter schools have taken advantage of the flexibility offered by the authorizer to design a plan for ELLs that aligns with their school's mission and programs (C1, September 5, 2014; C2, September 5, 2014).

In short, statewide charter and language policies, federal civil rights oversight, collaboration with external organizations, and the state's political orientation appear to have influenced authorizers in the sample; however, as the ACF predicted, none of these factors were sufficient to explain the variation in authorizing practices that I found (Weible, Sabatier, & McQueen, 2009). To develop a deeper understanding of the factors that contributed to variation across the sample, it is also essential to examine how these external factors interacted with a range of different internal factors.

3 P's Framework: Place. While the ACF framework guided my examination of the external factors impacting the charter school policy subsystem, Honig's (2006) tripartite people, places, and policies framework informed my analysis of the conditions under which authorizers operate, the place—or local context—in which they work, and the tools and processes that they use to develop and implement authorizing practices. Honig observed that examining "dimensions of places" can illuminate how and why policy implementation outcomes vary across contexts (p. 18). Thus, to explore how local context might contribute to differences in ELL-related authorizing practices, the study sample was designed to vary across several contextual factors, including: geography, charter climate, authorizer type and capacity, and proportion of ELLs in the target district.

Although I expected that the local political climate toward charter schools in the district might influence ELL-related authorizing practices; that was not the case with this sample. After examining charter-related news stories in each district and the state's policy on charter caps, I found that two of the four authorizers with the highest scores on the compliance/quality checklist were located in districts with the most positive charter climates, while the other two high-scoring authorizers operated in the two districts with the most contentious charter climates. There were, however, two place-based factors that did appear to influence the authorizers in the study: the proportion of ELLs in the district's total student population and the capacity of the authorizer.

Proportion of ELLs. The first place-related factor that was associated with differences in ELL-related authorizing practices across the sample was the size of the ELL population in the focus district. As I anticipated, authorizers in districts with large proportions of ELLs were more likely to mention ELLs explicitly in their authorizing practices and to integrate them throughout key documents, rather than limiting ELL-related references to a "special populations" section. In

one district, ever-ELLs constituted nearly half of the total student population in both charter and traditional public schools. In part because of the district's commitment to equity, and in part because ELLs are a sizeable proportion of the student population in the district, both the authorizer and district leaders have made improving the quality of instruction for ELLs a strategic systemwide priority. By focusing on ELLs explicitly, the authorizer and district leaders believe they can better support success for all students in the district (B2, May 15, 2014).

A respondent from another district highlighted the interaction between the proportion of ELLs in the district, a place-based characteristic, and civil rights oversight, which was an external factor. He welcomed the opportunity afforded by the external oversight to make ELLs a priority in their authorizing practices. He commented,

> …given our geographical location, many of us, even in our [authorizing office], are English learners ourselves. Part of that allows for that true empathy and sympathy of what we want the subgroups to do…and with…some of those other external factors [civil rights oversight] that have been affecting this population, we have put [ELLs] front and center (C2, September 5, 2014).

Thus, the sheer number of ELLs in the districts in the sample appeared to be an important factor that encouraged some authorizers to be more inclusive of ELLs in their practices than was the case for authorizers that worked in communities with smaller proportions of ELLs.

***Authorizer type and capacity*.** There were three types of authorizers represented in the sample: SEAs, LEAs, and ICBs. I hypothesized that LEA authorizers might be more likely to focus on ELLs in their authorizing practices for two reasons: (1) as ELLs are concentrated in urban districts, LEA leaders might prioritize this subpopulation because of ELLs' significant presence in the district; and (2) district leaders might be more likely to interact with community-

based organizations that often advocate for ELLs in urban areas. However, in the sample, this conjecture was not supported because the four authorizers with the highest scores on the compliance/quality checklist represented all three types of authorizers in the sample, suggesting that the overall quality of an authorizer's practices might be more important than the authorizer's type.

While differences in authorizing type did not explain variation in ELL-related authorizing practices, there were differences related to the overall capacity of the authorizer. NACSA has found that authorizers average one-third of a full-time equivalent (FTE) staff member for each charter school in their portfolio (NACSA, 2013). All of the authorizers in my sample fell below that threshold, with some much further below that average than others. After dividing the number of staff in the authorizing office by the number of schools in their portfolio, the ratio for three of the authorizers in the sample was close to the NACSA average—exceeding 0.21; four fell in the 0.11-0.20 range; and the remaining three had very limited capacity with ratios in the 0-0.10 range. The authorizers with the lowest capacity ratio were much less likely to explicitly reference ELLs in their authorizing practices than were those with higher ratios. With so many schools per each staff member at low-capacity authorizers, the information they collected was generally focused on each school's overall performance, rather than being focused on specific subgroups.

The two lowest-capacity authorizers were also located in states with a conservative political orientation. To some extent, the limited capacity of the authorizer might have been a strategic policy choice in these states. As Bulkley (1999) has suggested, conservative policymakers, who often have a preference for limited government and market-based instruments, might have deliberately reduced the scope of the authorizer in order to provide

parents, and the market, with more authority to hold charter schools accountable. One of the respondents from a conservative state highlighted this intersection between capacity and the state's charter law when she remarked,

> …we simply don't have the statutory authority to implement ELL-targeted authorizing practices, or really any sort of targeted authorizing practices. I think that goes to that autonomy piece, which is that in [State D], the statute is very much written from a perspective of autonomy. We certainly implement, I think, high-quality authorizing practices, but there is really no target to ensure certain groups are being serviced, just because we don't have the statutory authority to do that (D1, September 23, 2014).

As none of the authorizers with a high score on the compliance/quality checklist were low-capacity authorizers, this might suggest that a minimum level of capacity—along with support in the state's statute—is necessary for authorizers to implement more focused ELL-related authorizing practices

3 P's Framework: People. For the people component of Honig's (2009) framework, I focused my analysis on the actors within the authorizing office. The debate about charter schools can be so polarized that the humanity and the values of the people involved in the charter sector can sometimes be lost amid all of the political posturing. It was evident in this study that the professionals who work within authorizing offices cared deeply about ensuring that ELLs had equitable access to the charter schools in their portfolios. Within their organizations, authorizers had significant agency to develop authorizing practices that reflected their mission and values. Two important factors related to the people component surfaced from the authorizers in the sample: (1) the authorizer's access to ELL expertise; and (2) their commitment to provide all students—and ELLs specifically—with high-quality educational options.

***Access to ELL expertise*.** If authorizers are interested in viewing their authorizing practices through an ELL lens, it will be essential for them to have access to ELL experts. The authorizers in the sample employed two different strategies when they involved ELL experts. The first strategy, utilized by three of the authorizers, was to hire staff for the authorizing office who had deep ELL-related expertise. The authorizer that used this in-house strategy most effectively was Authorizer B. They recently hired an ELL expert who is dedicated solely to working with charter schools to improve outcomes for ELLs. The impetus to hire the ELL expert was related in part, to a clear need in the field, in part to civil rights oversight in the district, and in part to the authorizer's work with an external organization and an internal advisory group who are focused on ensuring that ELLs have access to a range of high-quality educational options in charter schools. One respondent reflected on the benefits of adding an ELL expert to the authorizing team when she noted,

> Dedicating resources…having a full-time person that is only dedicated to [ELLs], that has that deep expertise has been incredibly important, to say we value this, and know we're going to be able to provide the level of support and oversight that schools need to be successful with someone who really knows their stuff (B2, May 15, 2014).

This authorizer has also cultivated a strong relationship with the district's ELL department (B1, May 9, 2014; B2, May 15, 2014). The ELL expert is an honorary member of the ELL department, participates in their team meetings, and serves as a liaison between the two departments (B1, May 9, 2014; B2, May 15, 2014). This collaboration allows staff from the ELL office to add an ELL lens to authorizing practices as they work collaboratively with staff from the authorizing office to review applications for new schools, participate in interviews with

design teams, and assist with monitoring and oversight for existing schools (B1, May 9, 2014; B2, May 15, 2014).

Perhaps most importantly, the in-house ELL expert is helping to build the ELL-related capacity of both the authorizing office and of charter school educators in the district more broadly. Within the authorizing office, she is taking the lead on developing tools to be used during the monitoring process that incorporate research-based practices for ELLs. For example, she noted that while the ELL program rubric used by the district focuses more on compliance, she wants the tool,

> …to really reflect the quality of instruction. If we're observing an [English language development] block, what kinds of things am I looking for?...When observing in the classroom, are you observing sheltering techniques? Are you observing some element of differentiation for English learners? [Are there opportunities for] student interaction? (B1, May 9, 2014)

Examples of ELL-related indicators in the tool include expectations that: charter schools target underrepresented groups with their recruitment efforts; classroom lessons include language and content objectives and are grade-level appropriate; the English language development model for ELLs is research-based; teachers have received ELL-specific training; and parents of ELLs are engaged in their child's education (B6, 2013).

As the district is under civil rights oversight, one requirement of that external oversight is that all teachers in the district—in both charter schools and traditional public schools—receive specialized training to serve ELLs. To build the capacity of charter school educators, the ELL expert has developed and delivered an extensive training to deepen teachers' knowledge about second language acquisition and to provide them with research-based strategies that they can

implement in their classrooms. The training covers a variety of topics including theoretical frameworks, research-based practices, appropriate assessment for ELLs, culturally-responsive pedagogy, academic language, literacy for ELLs, English language development, and sheltered instruction. In addition, she provided support for trainers and administrators and offered a wide variety of optional professional development opportunities during the course of the year, in which nearly all of the charter schools in the district enthusiastically participated (B1, May 9, 2014). Another respondent reported that this support was greatly appreciated by charter school educators, who were "hungry and anxious" to learn more about how to serve ELLs well (B2, May 15, 2014).

If the authorizers in the sample did not have access to in-house ELL expertise, another common strategy was collaboration between the charter school office and the ELL department at the SEA or LEA. In fact, eight of the 10 authorizers in the sample reported using this strategy. Most of the authorizers who reported such collaboration were dedicated authorizing offices within a SEA or LEA, but both ICBs in the sample also reported collaborating, to some extent, with the ELL office in their SEA. The depth of collaboration varied widely: from communicating with the ELL office about charter schools that served large numbers of ELLs, to involving staff from the ELL office in the application review process, and for three of the authorizers, dedicating one of their staff members to serve as a liaison between the ELL and charter school offices. In the case of Authorizer F, for example, the liaison—who has experience with both ELLs and charter schools—provides the charter school office with internal expertise, facilitates communication between the two divisions, and shares resources from the charter school and ELL offices both internally, within the agency, and externally, with the charter schools in the authorizer's portfolio (F2, October 29, 2014).

The exemplar with this collaboration strategy was Authorizer A, which is a department within a larger agency. One of authorizer's team members serves as a liaison to the ELL office and meets weekly with the director of the ELL office (A2, May 12, 2014; A3, May 21, 2014). When charter school applications are reviewed, the charter school office involves ELL experts from the ELL office to ensure that reviewers with deep ELL expertise can provide an ELL lens during the review process (A1, May 8, 201; A2, May 12, 2014; A3, May 21, 2014). Staff from the ELL office also participate in some monitoring site visits (A1, May 8, 2014; A3, May 21, 2014). Through this partnership, the ELL office supplements the ELL-specific capacity of the authorizing team at key points during the authorizing process. The ELL office also helps to further build the ELL-specific capacity of the authorizing team by providing internal professional development opportunities that enable the authorizing staff to deepen their knowledge of the types of research-based instructional practices they should be looking for during classroom observations and to better understand how language proficiency standards should be integrated into a school's curriculum (A2, May 12, 2014).

Authorizer commitment. A second important people-focused theme that emerged across almost all of the authorizers in the sample was the commitment they demonstrated to improve access and quality for ELLs in their portfolios. For many of the authorizers, this commitment was consistent with their larger agency's initiatives or emanated from the authorizer's leader. For example, one respondent emphasized that their leader had "…really made a push around the ideals of access and equity in charter schools" (A2, May 12, 2014). Even though this commitment was often agencywide, many staff members demonstrated a strong personal commitment to access, quality, and equity for ELLs. One respondent remarked,

> I do think that this office has a particular lean towards access and equity because of the individuals who are employed here…Individuals here have been... special education educators, they've been English language learner educators, they've been classroom teachers. It's really important to members of this office that [charter] schools serve, that they recruit, that they retain all students within their community and serve them well (A1, May 8, 2014).

As an exemplar in this area, Authorizer A further expects that design teams will integrate ELLs throughout their applications and not simply "tack on" superficial references to ELLs as an afterthought (A1, May 8, 2014). In fact, when reviewing applications, Authorizer A is looking for design teams that not only express a commitment to serve all students, but also clearly demonstrate that they have the knowledge and capacity to serve ELLs well (A1, May 8, 2014; A2, May 12, 2014). One respondent emphasized that the authorizer will only grant charters to applicants who were,

> …really clear on the "how" they were going to serve these students. That [ELLs] were fully integrated within the proposal…Our expectation is that they should be able to articulate and understand both serving students who are English language learners and students with special needs. It should be clear in their application whether or not they have the knowledge and capacity to be able to do so. Absolutely under no stretch of the imagination, we wouldn't be interested in chartering a school that didn't know how to serve each and every student that might walk through the door (A1, May 8, 2014).

3 P's Framework: Policies/Authorizing practices. The third and final component of Honig's (2009) framework focuses on practices related to each stage of the authorizing process: developing a mission, setting charter priorities, reviewing applications from design teams,

monitoring existing charter schools, and making renewal decisions. Overall I found that ELL-related authorizing practices varied widely across the authorizers in the sample, with authorizers falling into three general categories. For the first group of authorizers, there was little explicit attention paid to ELLs and there were limited references to ELLs within their authorizing documents. With the second group, there were some explicit references to ELLs, but these references tended to be focused on compliance and were often included within sections of authorizing documents that focused on "special populations." The third group of authorizers, those who scored high on the compliance/quality checklist, integrated multiple references to ELLs throughout their authorizing documents and focused more on quality programs for ELLs. Examples from several authorizers will serve to illustrate promising practices related to mission and values, setting priorities, applications, and monitoring/renewal.

Mission and values. Two authorizers in the sample did not have a mission, but eight of them had missions specific to their offices, even if they were part of larger agencies. Most of these mission statements referenced the goal of creating a portfolio of high-quality educational options. Three authorizers included the dissemination of innovative practices as an important aim and two of the mission statements explicitly declared that authorizing high-quality charter schools was a means to improve the quality of public education more broadly in the district. ELLs were not mentioned specifically in any of the missions.

Three common values emerged across the authorizers. First, transparency was one value that was consistent across most of the authorizers in the sample. For example, one authorizer published a range of documents on their website including guidelines and protocols used by the authorizer during all authorizing phases, all proposals the authorizer has received from design teams, decision letters for design teams, school performance reports, site visit reports, and results

of fiscal audits (Authorizer E website, 2014). Most of the authorizers in the sample did not match this level of transparency, but the majority posted authorizing documents online as well as all of the charter proposals that were received from design teams.

Second, several authorizers in the sample valued choice and autonomy. This was not surprising because charter schools are market-based mechanisms that are designed to increase choices for families; however, the authorizers in the sample interpreted this value for choice in different ways. In one case, the district's authorizing policy declared that they intended to provide families with a variety of high-quality educational opportunities across the district to, "…promote vigorous, healthy competition to stimulate continual improvement in all schools as a means of improving pupil learning outcomes" (C4, Authorizing Policy, 2012). Thus, market-based mechanisms were viewed in this district as a means to improve student achievement districtwide.

For another set of authorizers, markets were not viewed solely as a strategy to improve achievement across the system; instead cultivating a diverse and vibrant portfolio of innovative schools was an important end in itself. One respondent described the diversity they stimulated through their application process,

> "You have some folks who come in specifically saying they want to target the Latino population. We have some folks who come in saying they want to focus on Afrocentric education, dramatics, theatrics, or science. It varies and we never know what we're going to get until those applications actually come through" (E1, September 12, 2014).

In some cases, this receptivity on the part of the authorizer to consider multiple models could be beneficial for ELLs. For example, several charter schools in one district in the sample have established missions related to supporting students' acquisition of multiple languages or to

serving communities in which ELLs and their families are concentrated. One respondent noted that the development of these ELL-focused schools was a result of charter schools' autonomy to design schools that met the needs of the community, rather than the result of an authorizer-initiated priority (G1, October 23, 2014). He emphasized that charter schools "…have the latitude to create whatever goals, dreams, visions, that are specific to the needs in their community, without any interference or involvement from us" (G1, October 23, 2014).

A third common value that was cited by several authorizers was related to high-quality programs in charter schools. References to a value for quality were much more frequent among authorizers who scored high on the compliance/quality checklist than it was for the other authorizers in the sample. Emphasizing one authorizer's commitment to quality, one respondent stressed that "…we made it very clear that we don't want any charter schools—and so has our Board, and so has our superintendent—who are at focus or watch, the two lowest tiers;" instead "…we want quality, high-performing charter schools here in District C" (C2, September 5, 2014). Consequently, in support of their quest for quality, Authorizer C has held all of the charter schools in their portfolio to high expectations and has not hesitated to close charter schools that have failed to meet those standards.

Setting charter priorities. The authorizers' values were infused throughout their authorizing practices, beginning with setting charter priorities. I was somewhat surprised to find that only two of the authorizers in the sample set chartering priorities. Authorizer K was an exemplar with this authorizing practice. The authorizer issues a new application annually, often with multiple rounds each year during which design teams may apply. The authorizer was awarded Charter Schools Program (CSP) funds and thus is able to make subgrants to new charter schools in State K. These subgrants—of at least $500,000—support the work of new charter

leaders during their planning year and during the school's first two years (K15, 2014). Authorizer K uses these dollars, in part, to provide design teams with incentives of up to $250,000 in additional funding if they address two types of priorities, both of which are related to ELLs: (1) meeting enrollment targets for ELLs, and (2) developing models that are "…specifically designed to meet the learning needs and raise the achievement of students who are English language learners" (K1, December 18, 2014; K15, 2014, p. 55). The respondent described how the additional funding available through this design priority is intended to serve as an incentive to encourage more design teams to explicitly consider ELLs as they develop their models (K1, December 18, 2014).

In contrast to this type of top-down approach in which the authorizer defines priorities—and consistent with values focused on choice and autonomy—most of the authorizers in the sample were more interested in receiving a wide variety of proposals and then evaluating those applications based on their merit. For example, one authorizer is committed to ensuring that the charter schools in their portfolio provide families with a range of innovative options that are not available within traditional public schools, but it is also important to the authorizer that these charter schools are supported by and deeply engage their communities (F1, October 28, 2014). As a result of this community-driven focus, the authorizer issues a new application annually, but does not identify priorities for particular types of schools or for specific locations for new charters in the district. This is by design because the authorizer wants innovative ideas for new schools to emerge from the community rather than having the authorizer dictate where new schools should be located or what types of new schools are needed (F1, October 28, 2014). One of the respondents elaborated that,

> …What the [authorizer] supports is the need of the community, so when an application is put together there has to be an incredible amount of community support around that idea… the idea could be STEM, the idea could be dual immersion, the idea could be career readiness...what the [authorizer] focuses on is ensuring that the community is actually behind that particular need (F1, October 28, 2014).

Future research studies might investigate whether ELL-focused models are more common in the portfolios of top-down or bottom-up authorizers and if so, why there is a difference between the two approaches.

Application process. Within the application process, there were two promising practices related to ELLs that emerged from the authorizers in the study. First, six of the ten authorizers involved ELL experts in the application review process to ensure that reviewers with deep ELL expertise could provide an ELL lens during the evaluation process. Second, within the application document itself, four of the ten authorizers integrated references to ELLs throughout the document rather than limiting references to a "special populations" section that tended to focus only on compliance with federal civil rights laws. These four authorizers were also those who had the highest scores on the compliance/quality checklist. Authorizer A emphasized how this integration was a priority of the authorizing office because they wanted ELLs to be reflected in "…a far more cohesive discussion of the school, as it would be experienced by all students, and not actually isolate specific student populations in a particular section" (A1, May 8, 2014). As an example of this practice, Authorizer E's application asked design teams to explicitly consider ELLs in sections related to the school's mission, curriculum, instruction, supports for learning, professional development plans, and performance goals. In addition, all design teams were required to develop recruitment plans that described how school leaders would inform

families of ELLs about the new school and invite them to apply (E8, 2014-15 Application guidelines).

Authorizer K provides us with an exemplary illustration of ELL-related authorizing practices within the application phase. The authorizer leader described how the authorizing team utilizes an integrated approach when they review proposals,

> We want to see how you're attending to the needs of special populations throughout your application. How does your mission connect to those students? Then we should see an educational plan that connects to those students as well…We're looking for that all the way through and your budget should reflect the resources as well; staffing as well as other resources that you are utilizing to support English language learners (K1, December 18, 2014).

Each of the proposals submitted to Authorizer K is reviewed by a panel of internal and external experts that includes a member with ELL-specific expertise (K15, 2014). If the panel determines that the design team should advance in the process after completing their review, they are invited for a capacity interview. During the capacity interview, rather than asking a series of questions, the authorizing team presents the founding board members with a scenario and asks them to role-play how they would deal with a specific problem during a board meeting. In one scenario, a design team that focused on ELLs in their proposal was asked to host a mock public community meeting. The authorizer leader reported that during the capacity interview,

> Unbeknownst to us, not only do they have the principal, the proposed school leader talking, but they have a board member who is right by his or her side who was interpreting. So when they presented this back to us, it was in at least two languages (K1, December 18, 2014).

The respondent further described how these interactive, performance-based interviews are intended to help the authorizer assess the degree to which design teams can demonstrate the knowledge and capacity that will be necessary to operate a high-quality charter school that serves ELLs well (K1, December 18, 2014; K15, 2014). She remarked that these interviews are essential assessment tools because,

> "…we've got to know that this board understands its role and responsibilities in operating the school, its commitment to do the things it said it was going to do in its charter, and specifically how it's going to meet the needs of all of its students, and in particular the special populations" (K1, December 18, 2014).

Monitoring and renewal. Authorizer B offers an illustrative example of promising practices during the monitoring and renewal phases. Authorizer B's oversight of the charter schools in its portfolio is driven by four key goals: (1) ELLs have equitable access to charter schools that are serving them well; (2) ELLs demonstrate growth in English language proficiency; (3) ELLs' growth in academic proficiency is comparable to that of their peers; and (4) the families of ELLs are informed about charter school options (B4, 2014). To achieve these goals, a focus on ELLs is strategically infused throughout the authorizing process and supported by ELL-specific tools. One respondent described how ELLs have been deliberately woven into every stage of the authorizing process,

> We really try to integrate [ELLs] throughout all of the existing systems and structures that we have for authorizing so that it's a strand that runs throughout…[so] there are no surprises…what's in your contract is articulated in the rubric, then [it's] something that you see from day one all the way through your renewal (B2, May 15, 2014).

To ensure that the authorizer's expectations for schools are clear, consistent, and explicit, they have developed an ELL program rubric, which is used throughout the charter school life cycle, from the application phase to renewal. It includes components related to: federal compliance (e.g., identification and placement of ELLs); implementation of a research-based curriculum; professional development; teacher evaluation; and post-exit monitoring of ELLs (B7, 2011). As design teams prepare to open their schools, the authorizer offers ELL-specific workshops to clearly outline the expectations related to ELLs and to ensure that charter school leaders have the support they need to open their schools with high-quality programs for ELLs (B4, 2014). After the charter school's first year, the authorizer visits the school and uses the ELL rubric to provide the school with feedback about the implementation of programs and services for ELLs (B4, 2014).

In subsequent years of the charter, the authorizer gathers both qualitative and quantitative data about the school's progress overall and with ELLs specifically. Schools are evaluated on both authorizer-defined and mission-specific goals. Building on practices recommended by educational researchers, the authorizer's evaluation incorporates multiple measures and generates detailed findings based on evidence (NCME, 1995). Each charter school receives an annual report from the authorizer that reviews their disaggregated data about trends over time in enrollment, attendance, and student performance, which includes outcomes for ELLs related to both academic achievement and language proficiency (B2, May 15, 2014). In addition to student outcome data, the authorizer also gathers and analyzes information through document reviews, interviews with school staff, record checks, and rubrics used during classroom observations and site visits. Classroom observation rubrics are ELL-specific and tailored for particular

instructional purposes including English language development, literacy for ELLs, sheltered instruction, and academic language (B1, May 9, 2014).

After reviewing the qualitative and quantitative data gathered for each school, the authorizer places each school onto one of three tiers: meeting performance expectations (level 1), strategic (level 2), or intensive (level 3). Schools at the strategic and intensive tiers are provided with additional oversight and support. They are required to develop action plans that will help them return to the "meeting expectations" tier. The authorizer's decisions about tiering schools are based on several pieces of evidence rather than on the basis of strict cut-off scores or single measures, but outcomes for ELLs are taken seriously. The ELL quality assurance manager pointed out that a charter

> …could be a very high-performing school, but if their data for English learners is not what we would like it to be, they will get tiered. We tier all of our charter schools for extra support and oversight if they're not getting the outcomes [for ELLs] that we would like (B1, May 9, 2014).

On the other hand, she also noted that even if charter schools were not in full compliance with the ELL-program rubric—because they did not have an English language development block, for example—but they were helping students to develop language, as evidenced by ELLs' growth in language proficiency outcomes, the school would not be penalized as out of compliance because they were clearly "…doing something to teach kids language" (B1, May 9, 2014). Thus, the authorizer thoughtfully considers multiple measures before identifying schools for additional oversight.

When the charter school is up for renewal, school leaders submit a renewal application to the authorizer, which is evaluated along with additional qualitative and quantitative data,

including information gathered from: assessments of ELLs' performance on content and language proficiency standards, organizational sustainability measures, the ELL-specific tools, and site visit reports (B5, 2013). If the school has not improved over time, its charter might be revoked or the school might be closed (B4, 2014). Again, during this authorizing phase data related to programs and outcomes for ELLs are an important component of the decision making process. Authorizer B takes their renewal responsibility seriously and has closed several schools in the past or encouraged them to hand back their charters. In fact, one school returned its charter at the end of the 2013-2014 school year because of concerns related to the performance of their ELLs (B1, May 9, 2014; B2, May 15, 2014).

Within this description of Authorizer B's monitoring process, there was evidence of at least four promising practices. First, the authorizer integrated ELLs throughout the monitoring and renewal processes. One important component of this promising practice was the use of a performance framework—which incorporated several ELL-specific metrics—to guide their authorizing practices, making it clear for charter schools how the authorizer defined quality programming for ELLs and what the expectations were for all students. Second, the authorizer gathered evidence about ELLs' performance using valid and meaningful measures.

Third, the authorizer evaluated the quality of instruction for ELLs in their charter schools. Although many authorizers do not have the capacity to conduct school visits—or believe that classroom-level observations infringe on charter schools' autonomy—these kinds of observations are an essential component of the monitoring process to help authorizers determine if their charter schools are implementing research-based practices that will support ELLs as they learn grade-level content at the same time that they develop their language proficiency in English

(Short & Fitzsimmons, 2007; Understanding Language Initiative, 2013). A respondent in one district described how classroom observations are conducted with an ELL-lens to determine,

> Are they truly providing comprehensible instruction to these students? Sometimes you'll go into a classroom, and there will be one student that speaks Haitian Creole, and you'll see them off in a corner somewhere. Then the teacher's conducting a regular class. That doesn't work, so those are the things that we, of course, work on with them to correct... (J1, October 15, 2014).

As information about how ELLs are integrated into classrooms and how content is made accessible for ELLs can be gleaned most readily from observations, authorizers should consider collecting this type of data to inform their decisions.

Fourth, by utilizing mission-specific metrics the authorizer avoided the "one size fits all" problem with federal and state accountability systems. For charter schools that explicitly include ELLs in their designs, these mission-specific goals are an affordance because the schools can propose measures that are valid for ELLs, are consistent with their mission and programs, and that provide more accurate measures of ELLs' performance than do statewide assessments. For example, dual language schools might include a metric related to the proportion of students who have demonstrated academic proficiency in two or more languages or who have earned the seal of biliteracy (Seal of biliteracy, 2015). Secondary schools might use on-track measures that are highly predictive of high school graduation rates and that have been empirically validated for ELLs (Gwynne, Pareja, Ehrlich, & Allensworth, 2012). However, it is also important to highlight that identifying mission-specific goals that are meaningful for ELLs is a complex process, as one respondent pointed out, "

> Let's say a school said, 'we are going to ensure that students graduate with Spanish language proficiency'…wait a minute, what does it mean to be proficient in Spanish? How do you define that? Then not only how do you define it, but how are you going to measure it? That's the transition we're taking now, where we're really looking at…what does 'to exceed' mean or what does it mean to be 'proficient?' (F1, October 28, 2014).

As authorizers work with charter schools to set ELL-specific goals, they might consider involving ELL experts in these conversations to assist with selecting measures that are valid and meaningful for ELLs (F2, October 29, 2014).

Policy instruments. The final section of this chapter will further explore the policy component of Honig's (2006) framework to examine how the authorizers in the sample used different types of policy instruments to improve access and quality for ELLs. Researchers have identified four important categories of policy instruments: mandates, markets, accountability, and capacity-building (Hannaway & Woodroffe, 2003; McDonnell & Elmore, 1987). The use of the different types of policy instruments varied across the authorizers in the sample, with all four types interacting in intriguing ways, with the advantages of some levers compensating for the disadvantages of others. Throughout the authorizing process, the authorizers in the study used multiple levers to ensure that ELLs had access to charter schools, that charter schools met federal compliance requirements, and most importantly, that charter schools provided ELLs with quality programs.

Based on Bulkley's (1999) previous work and the functions of charter school authorizers, I expected authorizer's references to policy instruments to focus on market-based and accountability-based levers. However, I was surprised to find that, although charter schools are a market-based instrument, these policy levers were mentioned least frequently, while capacity-

building and mandate levers—instruments that are more typically used by traditional public school districts—were referenced the most frequently. This might suggest that authorizers use these types of levers more than might be expected or it could be related to the topic of study, meaning that when authorizers talk about ELLs, they are focused on civil rights compliance. I will briefly illustrate how each of the instruments was used, with examples from the authorizers in the sample. It is interesting to note that those authorizers who scored highest on the compliance/quality checklist were much more likely to reference mandates and capacity-building instruments. In addition, most authorizers discussed the use of several different instruments, with blended uses of policy instruments being much more common than the focused use of one instrument.

Markets. For two authorizers in the sample, markets were clearly their dominant policy instrument. For both of these authorizers, autonomy was highly valued. For example, through their annual request for proposals process, Authorizer G stimulates the development of a marketplace of charter schools that is filled with unique models from which parents can choose. Once schools are approved, the authorizer's focus on autonomy permeates the authorizing process in State G. The respondent described how Authorizer G's approach to authorizing is informed by their value for autonomy.

> … We are very hands-off once the charter's awarded to allow the schools to operate as an independent organization…[Authorizer G] governs the charter schools, monitors their accountability, their financial viability, their academic ratings and performance with their students, but getting into the nitty-gritty of telling them how to conduct their business and what they should and should not be doing on a day-to-day operation, we don't have the authority, the legislative power to do that (G1, October 23, 2014).

On the authorizing continuum that Bulkley (1999) has described, with some authorizers emphasizing autonomy more and some placing a higher value on accountability, the balance for some authorizers in the sample clearly tipped toward the autonomy side of the continuum. For these authorizers, accountability was often important during the monitoring process, but they were also respectful of schools' autonomy. In describing this approach, one respondent commented, "I think that the best way we describe it here is…you have increased autonomy for your accountability. So if you're accountable…as long as you're in line with your mission…we'll pretty much let you do what you need to do" (H1, October 31, 2014). For authorizers at this point on the spectrum, their theory of change is typically that the market and parents should be more responsible for holding schools accountable than should the authorizer (Bulkley, 1999). As a result, these authorizers frequently employ market-based levers to stimulate an educational marketplace that has a wide variety of options. Then they step out of the way and let parents vote with their feet.

Most authorizers used their RFP process as a market-based lever to create a portfolio with a diverse range of options. However, some authorizers also manipulated the market by providing design teams with incentives to develop ELL-focused models. For example, Authorizer K included an ELL-specific design priority in their RFP and then provided a significant financial incentive for successful applicants that addressed this design priority (K1, December 18, 2014). In addition, statewide additive language policies, which existed in three of the states and provided additional funding for bilingual instruction, could also serve as an incentive, particularly for design teams that are already considering bilingual programming as part of their model (F2, October 29, 2014).

Accountability. Accountability levers were the most essential tools in the authorizers' tool boxes. All of the authorizers reported using accountability levers to hold charter schools to high standards. The authorizers in the sample were clear that outcomes drove the authorizing process, but balanced this approach with autonomies to ensure that charter schools had the flexibility to shape their own path toward the authorizer's expectation for excellence according to their own mission, the needs of their student population, and the community they served. Emphasizing this dual focus on autonomy and accountability, one respondent remarked,

> That has been one of the biggest differences I think that I've seen personally, between charter schools and district-run, is that we have a really strong emphasis on student outcomes in charters. We don't really care, in general, how you get there, as long as you are getting outcomes for students…we really are concerned about the output (B1, May 9, 2014).

Many of the authorizers in the sample infused attention to ELLs throughout the accountability levers that were employed at every stage of the authorizing process. To ensure that only high-quality schools were approved at the front-end, the authorizers used a rigorous application process. In many cases, design teams that were granted a charter signed performance contracts that held them accountable for attaining outcomes related to academic performance, operations, financial management, and mission-specific goals, but they also had the flexibility to determine how to achieve those outcomes. During the charter term, most of the authorizers utilized a data-rich monitoring process to identify issues early on and aligned appropriate levels of support or oversight for schools that were not meeting expectations. Finally, at the end of each charter term, when renewal decisions were made, all of the authorizers demonstrated the resolve to close schools if they were not meeting the authorizers' expectations for quality.

Mandates. All of the authorizers reported using mandate levers for three main purposes. First, and most common, was to ensure that all charter schools complied with federal civil rights requirements for ELLs. For many authorizers, references to compliance with federal and state laws appeared in the initial charter school application, in the charter school contract, within the monitoring process, and then again in the renewal application. These mandates appear to have raised charter school educators' awareness of the need to better serve ELLs, but the impact of these mandates on outcomes for ELLs is not yet clear. In some cases, mandates associated with civil rights compliance were discussed as an end in and of themselves, while with other authorizers, compliance was viewed as a first step toward quality programs for ELLs.

For example, one authorizer developed a checklist for schools to ensure that they were in compliance. In addition to serving as a compliance check, this tool was also intended to raise charter schools' awareness of federal requirements and to emphasize the authorizer's expectation that all charter schools must understand their responsibilities to identify and serve ELLs appropriately (E1, September 12, 2014). The ELL checklist is a relatively new tool for the authorizer, so their initial focus will be on compliance. However, after charter schools have met the standards for compliance, the authorizer intends to deepen their review of quality practices for ELLs and incorporate more accountability-based levers. One respondent explained,

> "I find that a lot of times compliance comes up first and then quality second, but having been in the classroom, I'm all about quality…What I'd like to see moving forward…once we get this compliance checklist underway and now schools know that, 'Uh-oh, [Authorizer E] is starting to check up on us. We need to get these things in place,' I really do want to start doing some quality checks. Because it wasn't until we started doing quality checks regarding special education that schools really started to shift and move

> and make a change and make a difference when it came to discipline for students with disabilities…I want to see the same things happen for the ELL populations that they serve or even the ELL populations that they don't yet serve" (E1, September 12, 2014).

A second mandate in several of the districts, which will be discussed in more detail in the next section, required all charter school educators who served ELLs to complete ELL-specific training. This policy lever also doubled as a capacity-building policy instrument. A third type of mandate, for two of the authorizers, was a requirement that charter schools complete recruitment and retention plans to describe the specific strategies they would use to reach out to ELLs and their families. This mandate balanced the market lever in cases where there did not appear to be perfect information in the charter school marketplace for the families of ELLs.

In several cases, mandate levers were blended with accountability-based levers and infused with autonomy. In the example discussed earlier, charter schools in one district had the flexibility to design their own plans to meet the requirements of the settlement agreement that the district signed with the federal Office for Civil Rights. A similar mandate in District B required that all charter schools offer English language development (ELD) instruction, beginning with the 2014-15 school year (B1, May 9, 2014). Even though this was a mandate, charter schools had significant flexibility in implementing the required ELD instruction. For example, charter schools could choose their ELD curriculum and decide how to structure their ELD block (B1, May 9, 2014). The ELL quality assurance manager described how charter schools also had more flexibility with hiring their teachers, with the language of instruction for ELLs, and with the requirements of ELD instruction. She commented,

> In a district-run school it's, "If you have these many students, you must provide this level of programming, and here's your language allocation guidelines to show what that looks

> like, and here's your curriculum to implement." Whereas at a charter it's, "You must do this, but how you get there is up to you." You can choose your curriculum. You can choose how you want to structure that ELD part of your time. They have the same … they have a list of "musts". It's not as long as district-run schools, and we don't tell them the input about how you have to get there (B1, May 9, 2014).

Capacity-building: Although authorizers and traditional school districts share some similarities, one important difference is that, unlike school districts, authorizers are not typically in the business of building the capacity of the schools in their portfolios or providing technical assistance. It was a surprising finding then that capacity building was the second most common instrument cited by the authorizers. Two different types of capacity-building were described by the authorizers in the study. The first—disseminating promising practices from their charter school portfolio—was an indirect approach reported by three authorizers. These authorizers also mentioned the importance of disseminating innovative practices in their mission statements. Authorizer C, for example, is committed to learning from the success of high-performing schools to inform reform efforts districtwide (C4, Authorizing Policy, 2012). Authorizer C learns about promising practices during their annual site visits in schools and through ongoing conversations with school leaders. Authorizer team members then share these practices with the district's Board and with the larger charter school community through Board reports, via a dedicated section of the authorizer's website, by hosting networking events for charter school leaders, and by connecting charter leaders who might need support in a particular area with colleagues who are implementing exemplary practices in that area (C2, September 5, 2014; Authorizer C website, 2014).

Another capacity-building lever that was described by several authorizers was a requirement for all charter school educators who served ELLs to complete ELL-specific training. All of the authorizers who utilized this lever clearly did so as a means by which to improve the quality of instruction for ELLs in charter schools. In District B this policy instrument was combined with both mandate and accountability levers. The training mandate was implemented districtwide—in both charter and traditional public schools—in response to the requirements of federal civil rights oversight. However, as the training was designed to increase charter school educators' knowledge of the language acquisition process and research-based instructional practices for ELLs, this policy lever also functioned as a capacity-building instrument. The mandate and capacity-building aspects of this policy lever were further blended with accountability instruments because charter schools were allowed more flexibility in the delivery of the training than were traditional public schools. In district schools, the teacher training was a standardized professional development series that all educators had to complete, but in charter schools the training was

> "…much more of an outcome-based, skills demonstration…kind of model, and so then charters have the ability to take the curriculum and really integrate that into their existing PD in a way that makes sense to them in their school context. It gets woven more into their fabric and then they have to show completion by demonstrating the mastery of skills on the observation rubric (B2, May 15, 2014).

The authorizer recognized that providing educators with ELL-related knowledge and skills would not necessarily translate into high-quality instruction for ELLs because different educators will incorporate what they learn into their practice in varied ways (Spillane & Jennings, 1997). Consequently, to maximize quality for ELLs, District B enhanced the training mandate with an

accountability lever, which required school leaders to certify that teachers had infused the training into their instructional practice.

In short, the authorizers in the sample made flexible use of an arsenal of policy tools—and blended them in creative ways—to ensure that ELLs had equitable access to a wide variety of educational options, that charter schools were held to a high-quality standard, that educators were trained to serve ELLs, and that there were real consequences for schools that failed to serve ELLs well.

Chapter Six: Implications for Research, Policy and Practice

This exploratory study was a first step toward filling a gap in the literature, but there are multiple opportunities for future research related to ELL-related authorizing practices. In terms of sample size, other researchers might choose to study either larger or smaller samples of authorizers. By surveying a larger group of authorizers, researchers could learn more about ELL-related authorizing practices more broadly. Conversely, qualitative researchers might choose to go deeper and develop a thick description of ELL-related authorizing practices within one authorizing agency.

It is important to stress that while I explored whether or not authorizers considered ELLs in their practices, I did not examine whether or not the presence of ELL-related authorizing practices was associated with improved outcomes for ELLs. In future studies researchers might analyze outcomes for ELLs across authorizers —using valid and meaningful measures—to determine if more focused ELL-related authorizing practices are associated with stronger outcomes for ELLs. Comparisons of outcomes across states may also be possible in the near future as many states are using WIDA's assessments of language proficiency and PARCC and Smarter Balanced assessments of academic achievement, both of which will have Spanish translations of the mathematics assessment.

Future studies may also explore additional factors that I did not consider. For example, while I did not examine the role of charter school boards, these boards also have a key role to play in ensuring that ELLs have access to charter schools and that the programs for ELLs in those schools are high quality. There may also be differences between for-profit charters and non-profit charter schools in terms of both access and quality for ELLs. In addition, while I did not find a strong relationship between language policy and charter school policy in my sample,

other researchers might look more closely at the relationships between those policy subsystems. In short, there are a number of interesting follow-up studies that could be conducted and a range of important research questions to be examined.

Implications for State and Federal Policymakers

In addition to clear implications for authorizers, which will be discussed below, the findings also have several implications for state and federal policymakers. First, state policymakers might revisit their charter school laws. As substantive references in state laws were associated with more focused ELL-related authorizing practices in my sample, legislators might consider incorporating substantive language into their laws that addresses ELLs' access to charter schools and the quality of programs for ELLs in those schools. Second, in states with low-capacity authorizers, policymakers might consider expanding the capacity of authorizers because the study's findings suggest that a minimum level of capacity is necessary for authorizers to focus explicitly on ELLs. Third, federal civil rights officials might further extend the approach used in District C, in which charter schools were expected to meet the key objectives outlined in the settlement agreement, but were allowed some flexibility in determining how to achieve those goals. Fourth, state and federal policymakers might consider allowing charter schools to hold seats that are designated for ELLs in lotteries if other strategies, such as increased outreach, have been implemented, but have not been effective in reducing enrollment gaps. Fifth, states might implement policies that provide authorizers with the flexibility to design innovative accountability frameworks—which include valid measures for ELLs—that can then inform the development of state and district accountability systems in a post-NCLB policy context.

Finally, both state and federal policymakers have begun to incorporate language into legislation that mandates that the proportion of ELLs in individual charter schools reflect the average proportion of ELLs in the district. For example, at the federal level, the House version of the bill, the ‘‘Success and Opportunity through Quality Charter Schools Act,’’ requires that charter schools recruit, enroll, and retain ELLs at "rates similar to traditional public schools" (Success, 2014, p. 18). Although this language appears to support increased access for ELLs, my findings indicate that this type of language may be problematic. I found, for example, that comparisons based solely on averages fail to take into account the wide distribution of ELLs across both charter and traditional public schools. In addition, because charter schools are mission-driven, charters that might be focused on serving the African American community, for example, could be penalized by such a law, even if that school provides a high-quality option in a neighborhood that does not have a large number of ELLs. Thus, instead of comparing the proportion of ELLs at an individual charter school to the average proportion in the larger district, the more appropriate comparison would be between the distribution of ELLs in the portfolios of districts and authorizers. Focusing on the distribution of ELLs, rather than only on the average proportion, would reduce the impact of outliers on the mean and would also provide more flexibility for authorizers that oversee a diverse portfolio of mission-driven schools that are designed to serve different communities. Consequently, states and federal policymakers should consider moving away from setting hard enrollment targets and instead hold authorizers accountable for continually monitoring ELLs’ access to charter schools and taking appropriate steps to mitigate gaps when they exist.

Implications for Authorizers

The findings from this study also have clear implications for authorizers. Overall, I found that several authorizers across the country are implementing focused ELL-related authorizing practices, but these innovative practices do not yet appear to be widespread. Although I deliberately selected the sample to include those authorizers that were most likely to focus on ELLs, only four of the 10 authorizers in the sample have developed focused ELL-related authorizing practices. Based on this finding, I hypothesize that ELL-related authorizing practices might be even less common among authorizers who did not meet the selection criteria, but more research is needed to confirm this supposition.

As the populations of ELLs and charter schools continue to grow concurrently, authorizers will need to pay more explicit attention to ELLs. Recognizing this need, one of the respondents regularly reminds design teams during her application information sessions that "if you think you're not going to get English language learners, think again, you're going to get them" (F1, October 28, 2014). To improve their ELL-related authorizing practices, authorizers will need professional development opportunities to learn more about the language acquisition process, research-based practices for ELLs, measures that are valid and meaningful for ELLs, and authorizing practices that are effective with this population. To provide this support, NACSA might strengthen its expertise in this area, develop technical assistance resources, and highlight exemplary authorizing practices in policy briefs or on their website.

The internal and external factors I identified interacted in different ways across the sample. Each authorizer shaped their practices in unique ways based on their capacity, their values, and the local political and institutional context in which they were situated. In fact, the only characteristic that was consistent across all four of the authorizers with the most focused

ELL-related authorizing practices was their demonstrated commitment to ELLs. This commitment was not related solely to compliance; instead it was connected to the authorizers' core values, which emphasized the importance of high-quality educational options and equity for all students. One respondent summarized the commitment that was common across this group of authorizers when she remarked,

> When we think about core values and Authorizer E's mission, it all ties together because at the end of the day, it's all about ensuring that students are receiving adequate, not just adequate, but really top-notch quality services in a top-notch educational program. If any one of those pieces is missing, in terms of if they're not receiving the ELL services that they require in order to benefit, in order to progress, then we, as an authorizer, haven't done our job (E1, September 12, 2014).

Based on the promising practices I identified in this study, I developed the self-study tool that is described in Appendix H to outline a number of opportunities that authorizers might consider as they reflect on their practices through an ELL lens (full version available at: https://uic.qualtrics.com/SE/?SID=SV_6mKd6CAnvkxGItv). It is important to note that authorizers, and the local contexts in which they operate, are quite diverse. As the practices included in the self-study tool will not be appropriate for all authorizers or for all contexts, authorizers might consider each practice in light of their capacity, their local context, and their mission and values. Thus, the self-study tool should be viewed as a menu of options to consider rather than as a prescription for practices that should be implemented. Using the tool as a guide for reflective conversations, I encourage authorizers to reflect upon their practices with an ELL-lens, to enlist ELL experts to assist with the evaluation of their practices, and to consider how their practices might be improved to better serve the ELLs in their portfolio.

The self-study tool is organized around NACSA's principles and standards. As I reviewed earlier, NACSA's three core principles encourage authorizers to: (1) hold all charter schools to high expectations, (2) provide charter schools with autonomy to design their own path to meet the authorizer's standards, and (3) ensure that the rights of students and the public interest are protected (NACSA, 2010). I found that most of the authorizers in the sample focused on civil rights compliance as the end goal for ELLs (NACSA's third principle), while those with the most developed practices viewed compliance as the first step on a longer continuum toward the implementation of quality, research-based programs for ELLs (NACSA's first principle). To help authorizers expand their focus from compliance to quality, the self-study tool covers six categories of practices, which are aligned with NACSA's principles and standards. These categories include practices related to: the identification of ELLs; ELLs' access to charter schools; the authorizer's capacity and commitment to serve ELLs; evaluating ELL-focused authorizing practices; the application process; and the monitoring and renewal phases of the authorizing process. Each of these categories is described in more detail in the following section.

Identifying ELLs. As authorizers begin to evaluate their ELL-related authorizing practices, an important first step will be to examine the number of ELLs in their portfolio. NACSA (2010) encourages authorizers to publicly report performance data for their charter schools. Although most states and districts publish demographic data about the students in their schools, I found that all authorizers did not count the ELLs in their portfolios. This finding is a discouraging, but important result. To remedy this deficiency, at a bare minimum, SEA should hold all authorizers accountable for collecting demographic data about the students in their charter schools, including the proportions of ELLs served, and making that information publicly available.

Ideally, authorizers could also collect data for ever-ELLs, as researchers recommend, which will facilitate the ability of authorizers to track the progress of all students who were ever classified as ELLs over time and at each language proficiency level (Hopkins, Thompson, Linquanti, Hakuta, & August, 2013; Working Group, 2010). Some charter school leaders have argued that they are penalized by the current federal definition of the ELL subgroup because if they provide ELLs with high-quality language development programs and exit them from the subgroup, those students no longer count as ELLs (Decker, 2012). This makes it appear as if the school does not serve as many ELLs as do traditional public schools, particularly when charter schools have a restricted number of seats per grade and do not add students to existing cohorts. Moving toward the ever-ELL classification will allow authorizers to gather more nuanced information about ELLs and their progress—disaggregated by exit status and language proficiency levels—and will enable charter schools to more clearly document their success with students who started with them as ELLs, but who have since exited the ELL status. In addition, if more states pass legislation requiring charter schools to hit enrollment targets for ELLs, the ever-ELL classification could reduce the perverse incentive that charter schools might have to over-identify ELLs.

Access for ELLs. After ELLs are appropriately identified, the next step is to determine if the ELLs in the authorizer's portfolio are equitably served when compared with ELLs in traditional public schools. NACSA (2010) recommends that charter school authorizers hold their schools accountable for nondiscriminatory enrollment practices and for providing ELLs with services that are required by federal civil rights laws. As part of their regular reflections on their practices, authorizers who oversee several schools in a district might compare the distribution of ELLs across their portfolio with the distribution in the larger district to identify differences in the

overall patterns. In addition, they might map charter school locations and compare the proportion of charter schools and traditional public schools in multilingual communities to determine if there are geographic discrepancies.

If authorizers find that ELLs do not have equitable access, they might employ a number of different strategies to mitigate the enrollment gap. The first step should be to encourage their charter schools to increase outreach to ensure that families of ELLs are aware of the options that exist. Individual charter schools might expand their existing recruitment efforts to incorporate an explicit focus on ELLs, but authorizers also have a role to play in raising awareness in the community on behalf of all of their schools. Outreach efforts should be conducted in multiple languages and in partnership with organizations that are trusted entities in communities with large concentrations of ELLs. To encourage charter schools to enhance their recruitment efforts and to consider developing ELL-focused models, authorizers might provide charter schools with lists of ELLs in the district, allow schools to hold seats for ELLs in the lottery, distribute incentives for charter schools that meet enrollment targets, or add ELL-related priorities to their annual RFP to stimulate the development of charter school options that might be attractive to families of ELLs.

Capacity and commitment to serve ELLs. NACSA (2010) recommends that authorizers have access to expertise in a wide range of areas (e.g., curriculum, assessment, finance, facilities, etc.) and provide their staff with regular professional development. To help authorizers view their practices with an ELL lens, authorizers will need access to ELL-specific knowledge and expertise. Particularly in small authorizing offices, it is not reasonable to expect that staff will have deep ELL-specific expertise. However, depending on the local context in which the authorizer is situated, authorizers could enhance their in-house ELL expertise by

collaborating with the ELL office at the SEA or LEA or by hiring external consultants with the requisite expertise who could lend an ELL lens when applications are reviewed, when mission-specific goals are negotiated, when schools are evaluated during the monitoring process, and when renewal decisions are made.

Most of the authorizers in the study stressed the importance of compliance with federal law, which is a critical first step, but only a few went well beyond compliance to hold the schools in their portfolios to a higher quality standard. Involving ELL experts more deeply in the authorizing process could also help authorizers integrate ELLs into all stages of the authorizing process, develop measures of success for ELLs that are valid and meaningful, and set high expectations for charter schools that demand not only compliance, but also quality programs for ELLs. In addition, collaboration with ELL experts or professional development opportunities could help the authorizing team build their own ELL-specific capacity by increasing their knowledge about research-based practices that support success for ELLs.

Evaluating ELL-related authorizing practices. NACSA (2010) recommends that authorizers regularly evaluate their work against national standards—and against the goals in their mission and strategic plan—and then utilize the feedback from these reflective conversations to improve their practices. Guided by NACSA's standards, authorizers might involve key stakeholders and ELL experts in formative evaluations of their ELL-focused authorizing practices. These formative evaluations should explicitly address evaluation questions related to issues of access and quality for ELLs, such as:

- *Quality practices:* How does the authorizer consider ELLs when it develops and implements authorizing practices related to setting charter priorities, applications, monitoring, and renewal? Are the authorizer's practices effective at supporting

success for ELLs in their charter schools? If not, what practices could be added or improved?

- *Access:* Do ELLs have equitable access to charter schools in the authorizer's portfolio? If not, how might the enrollment gap be narrowed?
- *Parent knowledge*: Are parents of ELLs aware of charter school options and knowledgeable about the application process? If not, what can the authorizer do to increase awareness?

In addition to periodic evaluations of their practices, NACSA (2010) also recommends that authorizers regularly review their portfolios for gaps and then actively cultivate portfolios that meet a range of educational needs in their communities. If authorizers review their portfolios and determine that there are not a sufficient number of high-quality programs for ELLs, they might use the RFP process or incentives to encourage design teams to locate their schools in multilingual communities or to develop models that are explicitly designed to serve ELLs. Only two of the authorizers in my sample utilized this type of top-down approach in which the authorizer defined priorities. An alternative bottom-up approach, for those authorizers who prefer that innovative ideas for new schools emerge from the community, might involve increased outreach to community-based organizations that serve immigrant or multilingual communities to encourage them to consider proposing charter school models that are aligned with their organizational missions.

Application practices. To ensure that only high-quality charter schools are approved at the front-end, a rigorous application process is an important tool for authorizers. Emphasizing the importance of the application process, NACSA (2010) includes setting high standards for design teams in their overarching principle related to high expectations. NACSA then further

elaborates in their application standard, recommending that authorizers: issue an RFP; design an application process that is fair, transparent, and guided by rigorous approval criteria; and grant charters only to design teams who have demonstrated their capacity to lead a successful school through the application and interview process.

When viewing these standards through an ELL lens, six key practices emerge. Four of these practices are associated with the application process before proposals are submitted and two are related to the post-submission decision-making phase. First, within their RFPs, authorizers might consider providing design teams with explicit opportunities to develop an ELL-focused model and to explain how their proposed school would meet the needs of ELLs in a particular community. To be clear, this is not to argue for a particular model, but rather that design teams could develop a range of different models—with a focus on STEM, the arts, multilingualism, or other themes—each of which could integrate research-based practices for ELLs throughout the model. Second, authorizers might require design teams to address issues of access for ELLs in their proposals by describing how they would inform families of ELLs about the new school and invite them to apply. Third, authorizers might include ELL-related prompts throughout the RFP rather than isolating ELL-related references within a "special populations" section. Ideally, these prompts will draw on research-based practices for ELLs, perhaps by asking design teams to describe the instructional supports they will offer ELLs, how they will build the capacity of all educators to serve ELLs, or how they might expand learning time for ELLs. Fourth, authorizers might provide training for design teams to ensure that they understand their ELL-related responsibilities and are prepared to serve ELLs if they are granted a charter.

The two remaining promising practices are related to the decision-making phase. The fifth promising practice is to involve ELL experts in the application review and capacity

interview process to ensure that reviewers with deep ELL expertise can provide an ELL lens when proposals from design teams are evaluated. Finally, in the same way that authorizers might infuse references to ELLs throughout their RFPs, that same principle can be extended to the application evaluation process to ensure that design teams have integrated ELLs throughout their applications, developed comprehensive models to support ELLs, and clearly demonstrated that they have the knowledge and capacity to serve ELLs well.

Monitoring and renewal practices. As part of their first core principle related to high expectations, NACSA (2010) includes maintaining high standards for the schools in authorizers' portfolios and closing them if they fail to meet those standards. To connect this principle to concrete practices, NACSA recommends that authorizers clearly establish performance frameworks, incorporate multiple measures into their comprehensive accountability systems, and protect students' rights. During the monitoring and renewal processes, authorizers should gather information about charter schools' compliance with federal civil rights laws, confirm that there are neither policies nor practices that discriminate against ELLs during the application and enrollment processes, and analyze data related to enrollment of ELLs in their portfolio to ensure that ELLs have equitable access to charter schools. However, to encourage their charter schools to move beyond compliance and toward quality, authorizers should consider ELLs when they develop performance frameworks, design comprehensive accountability systems, and utilize mission-specific metrics. In short, authorizers should monitor for compliance, but authorize for quality.

Authorizers can take advantage of three interrelated opportunities when they design their accountability systems. First, building on practices recommended by NACSA and by educational researchers, they can incorporate multiple measures, some of which are explicitly related to

ELLs, and generate detailed findings about charter schools' performance based on evidence (NACSA, 2010; NCME, 1995). Second, authorizers could allow charter schools to select mission-specific measures on which they will be assessed, some of which might be explicitly related to ELLs. Third, when using both multiple measures and mission-specific metrics, authorizers can lead the field in the design of innovative accountability systems by utilizing metrics that assess the success of ELLs with measures that are valid and meaningful for ELLs. Several authorizers in the sample have embraced these research-based recommendations and, rather than assess all schools on the basis of a single measure, they have gathered both qualitative and quantitative data from multiple sources to generate evidence-based findings about their schools' progress overall and with ELLs specifically.

In short, as both the population of ELLs and the number of charter school students continue to expand, charter school authorizers have an important role to play in ensuring that ELLs have equitable access to charter schools, and further, that those schools provide ELLs with high-quality, research-based programs that build on their assets and skills. Moreover, because authorizers function quite differently from traditional school districts, they are uniquely positioned to develop innovative accountability practices that are responsive to local context and variation across schools. This exploratory study identified a number of authorizers that have implemented promising ELL-related authorizing practices, but also uncovered opportunities for growth. If more authorizers view their practices through an ELL lens, they will be able to move beyond NACSA's third principle—ensuring that the rights of ELLs are protected—and toward deeper implementation of the first principle—holding charter schools to high expectations—in order to scale up the success of ELLs across the charter sector.

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Note: The citations for the primary sources related to the authorizers in the sample have been partially blinded to protect the confidentiality of the authorizer. Revealing the author, the full titles of the documents, or the websites where these documents are located would reveal the identity of the authorizer.

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Appendix A
Analysis of State Charter Laws

State	No explicit reference	Reference in terms of definitions, disaggre-gating data, or funding formulas	Reference in terms of open enrollment or recruitment/ retention plans or targets	Requires that RFP asks design teams to develop plan to serve ELLs	Explicitly states that charter schools can be designed to serve ELLs and encourages it
Alabama		√	√	√	
Alaska	√				
Arizona			√		
Arkansas	√				
California		√			
Colorado				√	
Connecticut			√		√
Delaware	√				
District of Colombia	√				
Florida			√		
Georgia	√				
Hawaii		√	√		√
Idaho	√				
Illinois		√			
Indiana	√				
Iowa				√	
Kansas	√				
Louisiana	√				
Maine		√	√		√
Maryland	√				
Massachusetts			√	√	
Michigan	√				
Minnesota	√				
Mississippi		√	√	√	

Missouri		√	√		
Nevada		√			
New Hampshire	√				
New Jersey			√		
New Mexico		√			
New York			√		√
North Carolina		√			
Ohio		√			
Oklahoma			√		
Oregon			√		
Pennsylvania		√	√		
Rhode Island		√			
South Carolina	√				
Tennessee	√				
Texas	√				
Utah					√
Virginia	√				
Washington		√		√	√
Wisconsin	√				
Wyoming	√				
Total	19	14	14	6	6

Appendix B
Compliance/Quality Checklist

	Compliance	**Quality**
Access	□ No mention of access for ELLs in authorizing documents. □ Requires that the charter school's open enrollment policy explicitly includes ELLs.	□ Requires outreach in multiple languages and/or specific strategies to recruit ELLs.
Application	*Application documents contain limited references to ELLs and do not provide design teams with the opportunity to describe an ELL-specific model.*	*Application documents include a number of references to ELLs and provide design teams with multiple opportunities to describe ELL-specific models.*
Explicit mention of ELLs	□ No mention. □ References limited to 1-2 sections (e.g., special pops).	□ Multiple references integrated throughout the application documents.
Opportunity to create ELL-specific model	□ No opportunity to propose or describe a model that focuses on ELLs.	□ Opportunity to identify mission/design elements and explain how proposed school will meet needs of ELLs in a particular community. □ Format of application facilitates development of comprehensive and coherent models that take advantage of affordances, such as expanded learning.
Identification and monitoring of ELLs	□ No mention. □ Requires procedures to identify, place, and exit ELLs that comply with state and federal law. □ Requires that state assessment data is disaggregated for ELLs.	*Documents provide design team with the opportunity to propose:* □ Use of valid measures to frequently monitor the progress of ELLs and make instructional or programmatic changes based on data. □ Use of valid measures for ELLs in performance frameworks or contracts. □ Data disaggregated for ever-ELLs and monitoring beyond exit.
Engaging families and	□ No mention.	□ Requires plan to actively and

communities	□ Requires that the school communicates with parents about essential information related to ELL services in a language they understand.	continually engage families and communities.
Building capacity of educators	□ No mention. □ Requires that teachers of ELLs are certified by the state.	*Documents provide design team with the opportunity to propose:* □ High-quality professional development options to build educators' capacity to serve ELLs. □ Flexibility to hire educators with ELL-specific skills and expertise.
High-quality instruction with "language lens"	□ No mention. □ References limited to "instruction modified to serve needs of ELLs." □ Requires ELLs have access to grade-level content. □ Requires ELLs have access to the full range of programs and supports.	*Documents provide design team with the opportunity to propose:* □ Instruction in ELLs' home language. □ Focus on development of academic language in one or more languages. □ Emphasis on ensuring that grade-level content is comprehensible for ELLs. □ Development of oral proficiency in one or more languages.

Scoring guidelines

Category	**Possible points**	**Description of scoring criteria.**
RFP	0/1	0: There was not a RFP on the website and/or language in the RFP did not meet the standard for scoring a "1." 1: The authorizer issued an RFP that explicitly focused on ELLs (e.g., dual language model priority, prioritizes communities with large numbers of ELLs, etc.).
Access	0/1/2	0: No mention related to access for ELLs. 1: ELLs are explicitly mentioned within a generic open enrollment policy. 2: Recruitment plans/strategies for ELLs are explicitly required.
Explicit mention	0/1/2	0: ELL-related references appear only in funding formulas or mandates to disaggregate data by subgroup. 1: ELL-related references are limited to 1-2 sections of the application (e.g., special populations section). 2: Multiple references to ELLs are integrated throughout the application.
Create model	0/1	0: The application does not provide design teams with an opportunity to develop an ELL-specific model. 1: There is an opportunity to develop an ELL-specific model. This could be

		an implicit opportunity or an explicit invitation.
Identification & monitoring	0/1/2	0: No mention of identification and monitoring ELLs. 1: The application includes references to identifying ELLs (to meet the requirements of federal law) and/or disaggregating data for ELLs. 2: The application provides an opportunity to use valid measures for ELLs and/or disaggregate data for ever-ELLs.
Engaging families	0/1/2	0: No mention of engaging the families of ELLs. 1: The application indicates that the school is required to communicate with parents in their home language. 2: The application invites design teams to develop plans to actively engage the families of ELLs.
Building educator capacity	0/1/2	0: No mention of ELL-specific expertise for teachers. 1: The application indicates that teachers of ELLs must be certified according to state law. 2: The application invites design team to develop plans to offer professional development that enhances educators' capacity to serve ELLs.
High-quality instruction	0/1/2	0: No mention of instruction for ELLs. 1: The application mentions that curriculum and instruction must be modified for ELLs. 2: The language in the application goes beyond a limited requirement that curriculum should be modified by referring to research-based practices (e.g., focus on comprehensible content, English language development programs, opportunities to develop oral proficiency, a focus on developing academic language in English or the home language, etc.).
Total possible: 14 points		

Appendix C
IRB Approval

Approval Notice
Amendment to Research Protocol and/or Consent Document – Expedited Review
UIC Amendment # 1

July 29, 2014

Peggie Garcia
Curriculum and Instruction
4844 West Waveland Ave
Chicago, IL 60641
Phone: (773) 677-3353

RE: **Protocol # 2014-0152**
"Charter School Authorizing Practices that Support Success for English Language Learners in Charter Schools"

Dear Ms. Garcia:

Members of Institutional Review Board (IRB) #2 have reviewed this amendment to your research and/or consent form under expedited procedures for minor changes to previously approved research allowed by Federal regulations [45 CFR 46.110(b)(2)]. The amendment to your research was determined to be acceptable and may now be implemented.

Please note the following information about your approved amendment:

Amendment Approval Date: July 21, 2014
Amendment:
Summary: UIC Amendment #1 (response to modifications) dated July 11, 2014, received July 14, 2014 is an investigator-initiated amendment for the following:

1) Revision of the protocol, Version 2, 6/24/14, from the scope for the pilot to the scope for the full dissertation study; the revised protocol replaces references to the pilot study with references to the larger dissertation study and revised the time references from spring 2014 (for the pilot) to the 2014-2015 academic year (full dissertation study); to modify the quantitative methods that were originally proposed; the Initial Review Application was revised to show changes made, version 4, 1/26/14;

2) increase the number of approved subjects from 6 to 30;

3) change the faculty sponsor from Dr. Superfine to Dr. P. Zitlali Morales. Training is current and a revised Appendix P was included.

4) Revise the consent document. ELL & Authorizers, version 3, 6/25/14, to reflect the above changes

Approved Subject Enrollment #: 30

Performance Site: UIC
Sponsor: None
Research Protocol:

a) Charter School Authorizing Practices that Support Success for English Language Learners in Charter Schools; Version 2, 06/24/2014
Informed Consent:

a) ELLs & Authorizers; Version 3, 06/25/2014

Please note the Review History of this submission:

Receipt Date	Submission Type	Review Process	Review Date	Review Action
07/01/2014	Amendment	Expedited	07/03/2014	Modifications Required
07/14/2014	Response To Modifications	Expedited	07/21/2014	Approved

Please be sure to:

→ **Use only the IRB-approved and stamped consent document enclosed with this letter when enrolling subjects.**

→ Use your research protocol number (2014-0152) on any documents or correspondence with the IRB concerning your research protocol.

→ Review and comply with all requirements on the enclosure,
"**UIC Investigator Responsibilities, Protection of Human Research Subjects**"
(http://tigger.uic.edu/depts/ovcr/research/protocolreview/irb/policies/0924.pdf)

Please note that the UIC IRB #2 has the right to seek additional information, or monitor the conduct of your research and the consent process.

Please be aware that if the scope of work in the grant/project changes, the protocol must be amended and approved by the UIC IRB before the initiation of the change.

We wish you the best as you conduct your research. If you have any questions or need further help, please contact the OPRS at (312) 996-1711 or me at (312) 355-2764. Please send any correspondence about this protocol to OPRS at 203 AOB, M/C 672.

Sincerely,

Betty Mayberry, B.S.
IRB Coordinator, IRB # 2
Office for the Protection of Research Subjects

Enclosure:

Informed Consent Document:
ELLs & Authorizers; Version 3, 06/25/2014

cc: Kimberly Lawless, Curriculum and Instruction, M/C 147
Paola Zitlali Morales, Faculty Sponsor, Curriculum and Instruction, M/C 147

Appendix D
Interview Protocol

Thank you again for taking the time to speak with me.

Before we start, I would like to give you some background on my doctoral research project. I am a graduate student at the University of Illinois at Chicago. For my doctoral research project, I am exploring how charter school authorizers are using authorizing practices and policies to ensure that ELLs have access to a variety of high-quality charter schools and further, that those schools are designed to serve ELLs. I would like to learn more about the policies and practices that are currently in place at XXX authorizer.

I want to assure you that your comments will be strictly confidential. I will not identify you, or your organization, by name.

The interview should take approximately 60 minutes. I would like to tape the interview because it will help me with my analysis. Do I have your permission to tape this interview?

Do you have any questions before we begin?

1. First, please introduce yourself. What is your position and your role at XXX authorizer? How long have you been in this role? Briefly describe your professional background before joining XXX authorizer.

2. **Mission/Values:** What are the central values that inform the work of XXX authorizer? What is the mission of XXX authorizer? In your view, how are the mission, and the values that you described, connected to language and learning in charter schools?

3. **Portfolio/Access:** Describe your existing portfolio and the population of ELLs in your schools (e.g., number of charter schools, ELL population, languages spoken, etc.).
   - How are the schools in your portfolio taking advantage of charter school autonomies to serve ELLs (e.g., expanded learning time, flexibility with hiring, etc.)?
   - Is the proportion of ELLs in charter schools similar to or different from the proportion in traditional public schools? If the proportions are different, what are some hypotheses to explain why that might be the case?

4. **Internal factors**: Describe any internal factors that impact your authorizing practices, particularly as they relate to ELLs (e.g., funding, capacity of authorizer, relationships with internal partners, district politics, etc.)
   - Number of staff?
   - Collaboration with other offices/leaders within LEA/SEA?

5. **External factors:** Describe any external factors that impact your authorizing practices, particularly as they relate to ELLs (e.g., state law, consent decree, interactions with other authorizers or NACSA, etc.).

6. **Local context:** Describe any factors related to the local context of District XX that impact your authorizing practices, particularly as they relate to ELLs (e.g., size of ELL population, politics of local community, interactions with charter school community, relationships with community partners, etc.). How would you characterize the political climate toward charters in District XX? How does that climate impact your authorizing practices?

7. **Set chartering priorities**: As you set your priorities for an upcoming RFP, how do you identify educational needs in your community? Are any of the needs that you have identified in the past related to ELLs?

8. **Application process**: Tell me more about components of the application process that are specifically related to ELLs. Is there anything specific you look for in an application or during a capacity interview that is related to ELLs? Who evaluates the applications from design teams?

9. **Monitoring process/performance framework/annual reports**: Tell me more about aspects of your monitoring process that are specifically related to ELLs (e.g., performance framework, site visits, annual reports, etc.).
   - Can your schools use mission-specific measures? If so, have any established ELL-related mission-specific measures?
   - How do you balance charter school autonomy and accountability in your oversight process?
   - How do you monitor your charter schools with respect to compliance with federal civil rights legislation for ELLs? How do you strike a balance between compliance and quality?
   - What types of feedback or technical assistance authorizers do you offer to charter schools who struggle to serve their ELLs well?

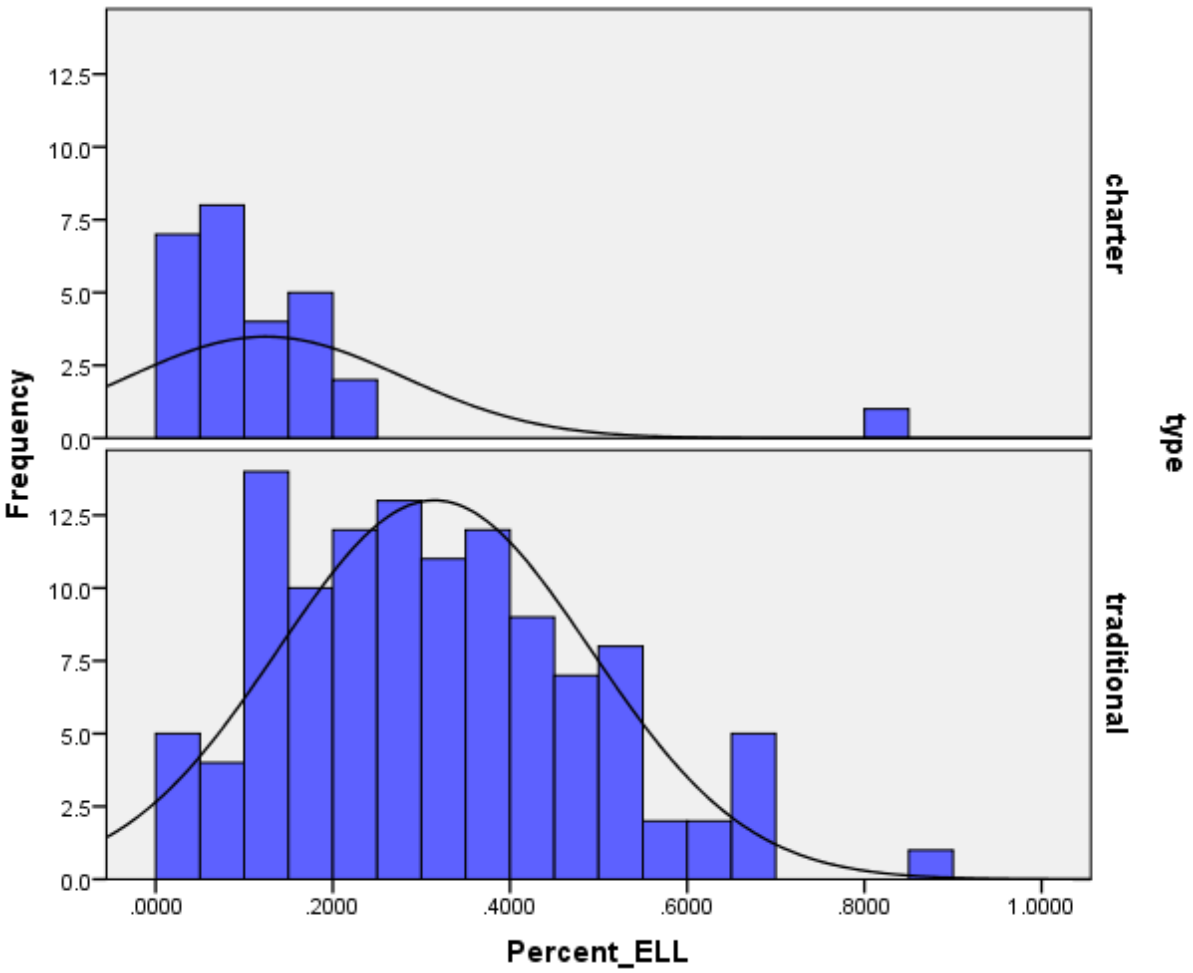
10. **Renewal process**: Tell me more about components of the renewal process that are specifically related to ELLs. Have you ever closed a school, revoked a charter, or failed to renew a charter because of concerns related to the performance of ELLs?

11. **Lessons learned**: What have you learned over time about authorizing practices as they relate to ELLs? Describe any changes you have made over time to better serve ELLs. Are there any lessons learned you would like to share?

12. Are there any questions I should have asked you or is there additional information you would like to share?

Appendix E

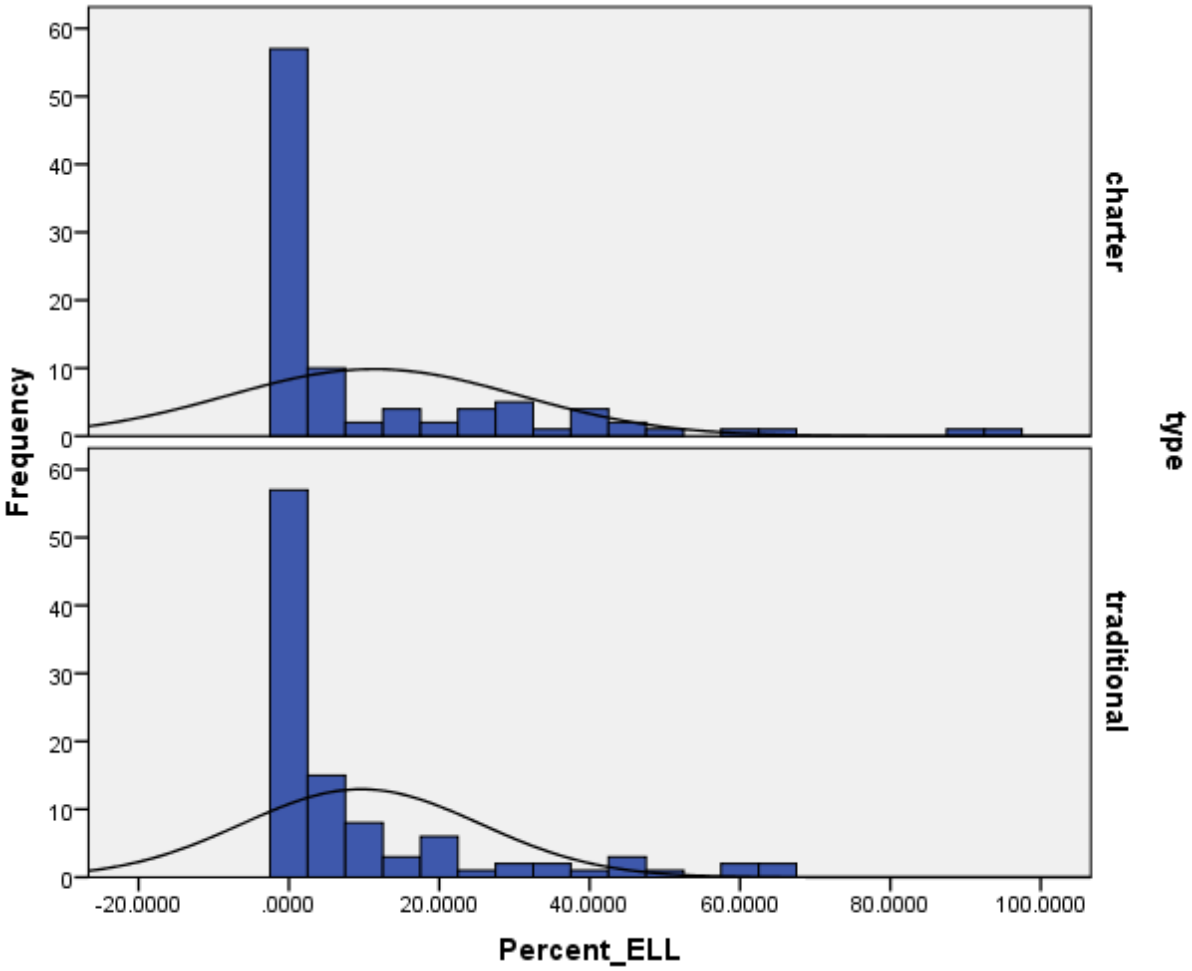
2013-2014 Distributions of ELLs in Charter and Traditional Public Schools in District A



Percent_ELL

type	Mean	N	Std. Deviation	Median	Minimum	Maximum	Skewness	Range
charter	**.124074**	27	.1546117	.068000	.0000	.8170	3.671	.8170
traditional	**.314617**	115	.1762758	.299000	.0050	.8990	.578	.8940
Total	.278387	142	.1875137	.248500	.0000	.8990	.747	.8990

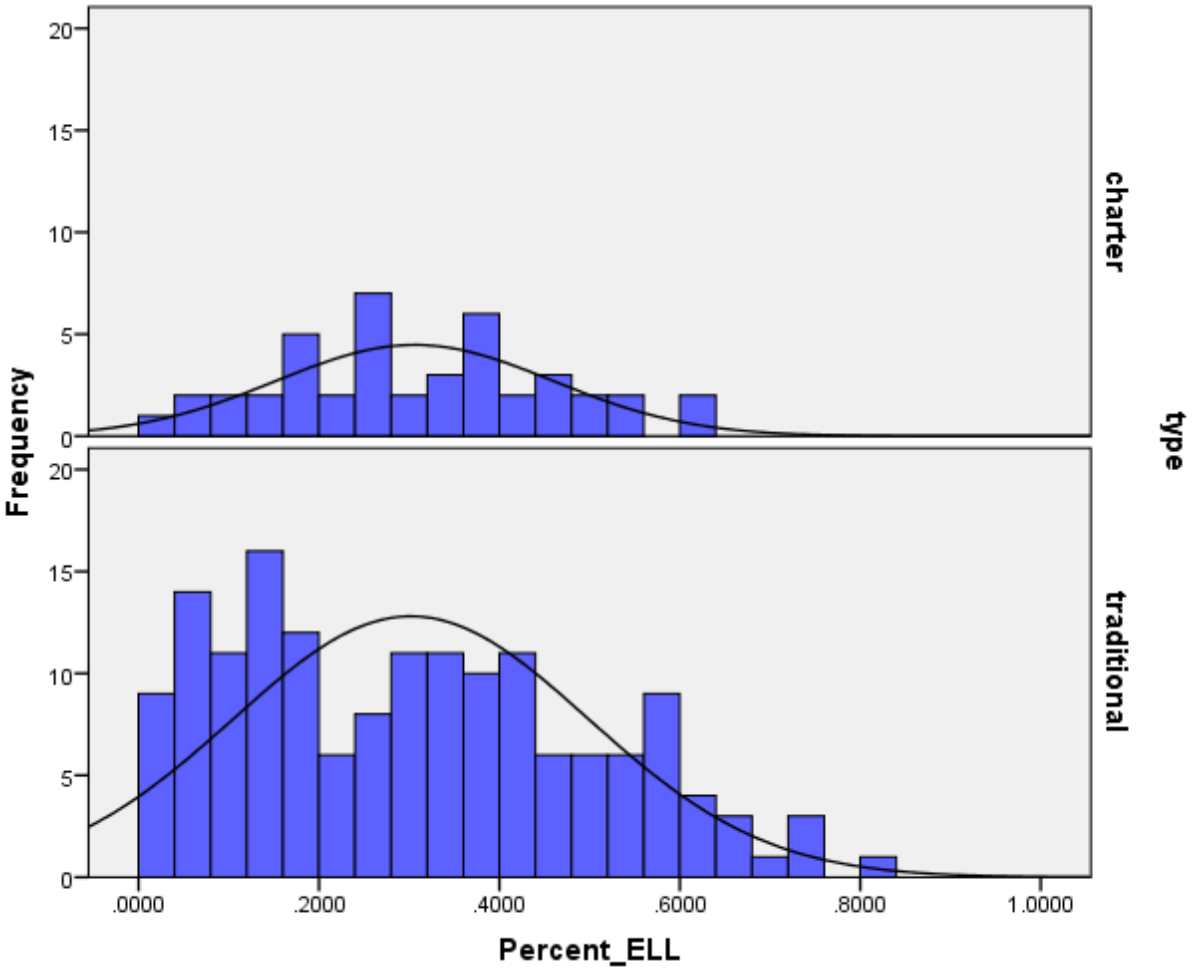
2013 Distributions of ELLs in Charter and Traditional Public Schools in District E



Percent_ELL

type	Mean	N	Std. Deviation	Median	Range	Minimum	Maximum	Skewness
charter	**11.270833**	96	19.4115967	1.000000	93.0000	.0000	93.0000	2.221
traditional	**9.601942**	103	15.8617432	2.000000	66.0000	.0000	66.0000	2.121
Total	10.407035	199	17.6380601	2.000000	93.0000	.0000	93.0000	2.221

2013 Distributions of ELLs in Charter and Traditional Public Schools in District B



Percent_ELL

type	Mean	N	Std. Deviation	Median	Range	Minimum	Maximum	Skewness
charter	**.305831**	43	.1533325	.284337	.6079	.0229	.6307	.204
traditional	**.301791**	158	.1969300	.288024	.8262	.0000	.8262	.416
Total	.302656	201	.1881049	.286747	.8262	.0000	.8262	.391

Appendix F
Results of Quantitative Analysis in Pilot

ELL enrollment in charter schools and traditional public schools in District A.

Charter School	Percentage ELL charter school	Percentage ELL buffer zone	Percentage ELL zip code	Percentage ELL district
School 1	0	24.3* (11.99)	21.1* (11.20)	29.9* (14.55)
School 2	4.9	27.5* (11.54)	33.4* (12.94)	29.9* (13.69)
School 3	1.1	35.1* (12.93)	34.0* (11.84)	29.9* (12.05)
School 4	15.1	25.5* (3.59)	25.5* (3.59)	29.9* (5.81)
School 5	6.5	21.1* (6.56)	21.1* (6.56)	29.9* (9.83)
School 6	6.8	23.6* (10.65)	23.6* (10.65)	29.9* (15.39)
School 7	23.3	30.0 (1.73)	31.4* (2.04)	29.9 (1.74)
School 8	13.2	56.8* (14.23)	60.0* (15.41)	29.9* (6.18)
School 9	6.4	24.9* (7.75)	24.9* (7.75)	29.9* (9.72)
School 10	1.0	24.4* (11.81)	25.6* (12.07)	29.9* (13.97)
School 11	5.6	32.8* (9.37)	34.0* (8.89)	29.9* (8.96)
School 12	4.7	24.4* (4.66)	35.9* (6.58)	29.9* (5.66)
School 13	4.6	32.5* (8.20)	30.0* (7.61)	29.9* (7.69)
School 14	19.2	34.8* (5.48)	35.6* (5.61)	29.9* (4.12)
School 15	0.5	35.5* (10.10)	37.1* (10.34)	29.9* (8.96)
School 16	17.4	32.0* (4.11)	37.6* (5.44)	29.9* (3.64)
School 17	13.6	23.9* (4.20)	n/a	29.9* (6.46)
School 18	10.4	61.6* (14.12)	59.5* (13.97)	29.9* (6.19)
School 19	6.2	51.6* (8.90)	59.5* (11.23)	29.9* (5.48)

School 20	17.7	39.6* (5.24)	43.2* (5.95)	29.9* (3.16)
School 21	6.5	37.4* (12.75)	5.0 (-1.09)	29.9* (11.33)
School 22	81.7	25.9* (-18.60)	36.6* (-15.03)	29.9* (-19.49)
School 23	5.8	28.9* (9.79)	28.9* (9.79)	29.9* (10.49)
School 24	11.2	38.4* (13.78)	42.3* (12.08)	29.9* (10.88)
School 25	8.6	25.4* (5.81)	16.7* (3.24)	29.9* (7.24)
School 26	19.9	30.1* (4.96)	16.1 (-1.93)	29.9* (5.16)
School 27	23.1	28.9* (2.30)	17.6 (-1.73)	29.9* (3.17)

Source: Data obtained from the state education agency website.

- * Statistically significant ($p < .05$).
- n/a: The only other high school in this zip code is a selective enrollment school, so it was not compared to the charter school.
- The percentage of ELLs at each charter school, in the surrounding buffer zone, in the charter school's zip code, and in the district are listed in the columns. The z-scores that were computed are listed in parentheses below the ELL percentage, with z-scores greater than 1.96 or less than -1.96 marked to indicate that they are statistically significant at the specified .05 level. Absolute values of z-scores that exceed 1.96 depict the magnitude of the difference between the two proportions.

ELL enrollment in charter schools and traditional public schools in District B.

Charter School	Percentage ELL charter school	Percentage ELL buffer zone	Percentage ELL zip code	Percentage ELL district
School 1	2.3	11.62* (3.75)	n/a	30.9* (8.12)
School 2	20.6	21.46 (0.19)	16.1 (-1.10)	30.9* (2.17)
School 3	32.7	21.46* (-3.56)	22.2* (-3.24)	30.9 (-0.55)
School 4	17.3	22.20 (1.42)	22.2 (1.42)	30.9* (3.71)
School 5	30.0	21.46 (-1.44)	22.2 (-1.29)	30.9 (0.14)
School 6	18.4	34.08* (4.32)	36.5* (5.03)	30.9* (3.80)
School 7	46.6	41.45 (-1.37)	36.5* (-3.33)	30.9* (-6.11)
School 8	46.5	20.48* (-6.22)	29.0* (-4.17)	30.9* (-3.98)
School 9	16.3	29.55* (5.19)	29.0* (5.11)	30.9* (6.60)
School 10	63.1	46.91* (-6.24)	28.0* (-15.04)	30.9* (-15.37)
School 11	24.7	11.75* (-5.15)	28.0 (1.11)	30.9* (2.07)
School 12	48.1	33.94* (-6.04)	28.0* (-9.32)	30.9* (-8.88)
School 13	8.4	n/a	n/a	30.9* (5.97)
School 14	27.9	n/a	n/a	30.9 (0.82)
School 15	16.8		17.8 (0.58)	30.9* (7.13)
School 16	24.9	57.17* (10.59)	35.7* (4.29)	30.9* (2.91)
School 17	26.9	66.79* (13.53)	47.5* (6.47)	30.9 (1.70)
School 18	26.9	36.89* (3.41)	36.9* (3.41)	30.9 (1.82)
School 19	9.4	n/a	33.5* (5.68)	30.9* (5.22)
School 20	27.3	36.89* (3.83)	33.5* (3.26)	30.9* (2.20)

School 21	19.8	n/a	36.9* (3.67)	30.9* (2.66)
School 22	25.0	n/a	29.5 (0.81)	30.9 (1.07)
School 23	41.0	39.22 (-0.60)	33.5* (-3.12)	30.9* (-4.70)
School 24	34.5	36.89 (0.66)	36.9 (0.66)	30.9 (-1.17)
School 25	36.4	30.89 (-1.11)	30.9 (-1.11)	30.9* (-2.23)
School 26	61.2	n/a	n/a	30.9* (-12.54)
School 27	28.4	15.71* (-4.43)	4.3* (-9.28)	30.9 (1.07)
School 28	5.2	16.06* (4.45)	23.3* (6.30)	30.9* (8.42)
School 29	23.7	2.33* (-10.38)	n/a	30.9* (2.44)
School 30	7.8	18.59* (3.34)	17.1* (2.98)	30.9* (6.15)
School 31	55.0	19.77* (-9.70)	34.8* (-4.69)	30.9* (-5.87)
School 32	47.2	41.81 (-1.52)	15.6* (-9.67)	30.9* (-6.23)
School 33	39.3	11.65* (-13.58)	9.9* (-13.48)	30.9* (-3.92)
School 34	38.6	18.59* (-5.34)	n/a	30.9 (-1.86)
School 35	55.3	n/a	49.2* (-2.03)	30.9* (-9.90)
School 36	32.9	57.17* (6.00)	56.8* (6.10)	30.9* (-0.28)
School 37	29.5	n/a	39.1* (3.29)	30.9 (0.55)
School 38	51.5	57.54 (1.94)	49.2 (-0.77)	30.9* (-8.48)
School 39	37.6	43.90 (1.03)	43.9 (1.03)	30.9* (-2.50)
School 40	27.7	39.52* (3.90)	27.4 (-0.06)	30.9 (1.19)
School 41	9.6	2.33* (-5.35)	n/a	30.9* (10.18)
School 42	15.4	4.15* (-8.02)	5.1* (-6.52)	30.9* (7.10)
School 43	24.2	50.67* (5.09)	47.3* (4.55)	30.9 (1.42)

School 44	36.9	68.02* (8.98)	44.4* (2.19)	30.9* (-2.19)
School 45	42.4	n/a	44.4 (0.53)	30.9* (-3.69)

Source: Data obtained from the district's website.

- * Statistically significant ($p < .05$).
- n/a: There were not any appropriate comparison schools within the buffer zone or zip code.
- The percentage of ELLs at each charter school, in the surrounding buffer zone, in the charter school's zip code, and in the district are listed in the columns. The z-scores that were computed are listed in parentheses below the ELL percentage, with z-scores greater than 1.96 or less than -1.96 marked to indicate that they are statistically significant at the specified .05 level. Absolute values of z-scores that exceed 1.96 depict the magnitude of the difference between the two proportions.

ELL enrollment in charter schools and traditional public schools in District E.

Charter School	**Percentage ELL charter school**	**Percentage ELL buffer zone**	**Percentage ELL zip code**	**Percentage ELL district**
School 1	0	18.87* (8.70)	2.11* (2.68)	9.6* (5.75)
School 2	3	18.87* (4.16)	18.79* (4.11)	9.6* (2.23)
School 3	14	23.03* (3.01)	18.79 (1.67)	9.6* (-2.12)
School 4	3	14.71* (7.03)	18.79* (8.26)	9.6* (4.71)
School 5	3	18.87* (6.94)	18.79* (6.77)	9.6* (3.78)
School 6	1	2.11 (1.33)	n/a	9.6* (5.91)
School 7	32	14.71* (-7.71)	43.0* (2.80)	9.6* (-12.71)
School 8	0	1.76* (3.49)	2.19* (3.90)	9.6* (8.19)
School 9	0	0.74 (1.75)	1.01* (2.05)	9.6* (6.39)
School 10	0	n/a	1.35* (2.20)	9.6* (5.90)
School 11	4	1.98* (-2.79)	2.19* (-2.44)	9.6* (4.06)
School 12	1	1.42 (0.53)	2.19 (1.21)	9.6* (4.26)
School 13	2	1.88 (-0.11)	0.87 (-0.96)	9.6* (3.16)
School 14	2	1.28 (-0.49)	0.87 (-0.75)	9.6 (1.94)
School 15	0	0.41 (1.50)	0.46 (1.60)	9.6* (7.36)
School 16	0	0.26 (0.81)	0.46 (1.08)	9.6* (4.94)
School 17	0	0.41 (1.61)	0.46 (1.73)	9.6* (7.93)
School 18	0	0.18 (0.76)	0.37 (1.09)	9.6* (5.56)
School 19	0	0.21 (0.73)	0.37 (0.98)	9.6* (5.00)
School 20	0	0.53 (1.80)	0.46 (1.69)	9.6* (7.75)

School 21	0	n/a	0.13 (0.44)	9.6* (5.52)
School 22	0	0.06 (-1.11)	0.08 (0.38)	9.6* (6.02)
School 23	3	29.96* (9.85)	n/a	9.6* (3.83)
School 24	3	0.00 * (-6.03)	0.00* (-3.91)	9.6* (4.35)
School 25	0	0.55 * (2.05)	0.88* (2.59)	9.6* (8.64)
School 26	0	0.79 (1.41)	n/a	9.6* (4.96)
School 27	0	1.03 (1.55)	0.88 (1.42)	9.6* (4.75)
School 28	0	1.33 (1.30)	0.88 (1.05)	9.6* (3.51)
School 29	1	0.00 * (-2.64)	0.00* (-2.25)	9.6* (3.99)
School 30	25	n/a	n/a	9.6* (-5.09)
School 31	88	45.48* (-16.19)	46.64* (-16.15)	9.6* (-51.53)
School 32	46	n/a	n/a	9.6* (-12.74)
School 33	30	44.32* (3.58)	46.64* (4.13)	9.6* (-8.41)
School 34	2	25.44* (9.96)	31.02* (11.46)	9.6* (4.72)
School 35	33	37.79* (2.11)	46.64* (5.99)	9.6* (-17.86)
School 36	61	n/a	n/a	9.6* (-27.48)
School 37	66	50.32* (-5.50)	46.64* (-6.76)	9.6* (-33.18)
School 38	93	n/a	n/a	9.6* (-104.94)
School 39	0	37.79* (10.93)	46.64* (13.09)	9.6* (4.51)
School 40	13	37.79* (3.76)	46.64* (4.96)	9.6 (-0.82)
School 41	38	31.02* (-2.46)	31.02* (-2.46)	9.6* (-16.34)
School 42	20	32.22* (4.87)	31.02* (4.37)	9.6* (-6.70)
School 43	27	46.64* (5.85)	46.64* (5.85)	9.6* (-8.69)

School 44	6	53.00* (9.47)	46.64* (8.22)	9.6 (1.20)
School 45	2	5.60* (2.97)	6.93* (3.29)	9.6* (5.15)
School 46	0	6.93* (5.32)	6.93* (5.32)	9.6* (6.25)
School 47	1	4.39* (3.23)	6.93* (4.25)	9.6* (5.75)
School 48	4	5.47 (1.11)	6.93 (1.65)	9.6* (3.49)
School 49	25	5.47* (-10.64)	6.93* (-5.92)	9.6* (-9.13)
School 50	1	5.03* (3.01)	6.93* (3.63)	9.6* (4.76)
School 51	2	4.39* (2.19)	6.93* (3.27)	9.6* (5.09)
School 52	6	23.25* (7.74)	6.93 (0.50)	9.6* (2.46)
School 53	0	5.37* (5.14)	5.03* (4.98)	9.6* (6.84)
School 54	0	5.95* (7.63)	5.03* (7.00)	9.6* (9.65)
School 55	1	5.03* (3.14)	5.03* (3.14)	9.6* (4.97)
School 56	14	3.07* (-3.87)	3.07* (-3.87)	9.6 (-1.32)
School 57	0	0.41 (1.16)	0.19 (0.56)	9.6* (5.69)
School 58	0	0.14 (-0.40)	0.14 (0.53)	9.6* (6.25)
School 59	0	0.41 (0.68)	0.15 (0.87)	9.6* (7.11)
School 60	0	0.53 (1.27)	0.15 (0.67)	9.6* (5.47)
School 61	0	n/a	0.14 (0.54)	9.6* (6.26)
School 62	0	0.53 (1.05)	0.15 (0.56)	9.6* (4.53)
School 63	0	0.20 (0.58)	0.15 (0.50)	9.6* (4.11)
School 64	0	0.14 (-0.63)	0.14 (0.46)	9.6* (3.49)
School 65	1	n/a	1.07 (0.09)	9.6* (5.01)
School 66	2	n/a	0.00* (-3.78)	9.6* (4.90)

School 67	1	1.65 (0.83)	1.02 (0.03)	9.6* (4.88)
School 68	1	1.13 (0.14)	1.07 (0.08)	9.6* (3.93)
School 69	0	n/a	n/a	9.6* (2.84)
School 70	0	0.14 (-0.63)	0.14 (0.46)	9.6* (5.41)
School 71	0	1.07 (1.91)	0.14 (0.49)	9.6* (5.79)
School 72	1	1.30 (0.60)	1.02 (0.04)	9.6* (7.04)
School 73	0	n/a	0.14 (0.86)	9.6* (10.10)
School 74	0	1.07 (1.87)	1.07 (1.87)	9.6* (5.67)
School 75	2	1.15 (-1.38)	1.02 (-1.78)	9.6* (5.15)
School 76	0	1.65* (2.63)	1.02* (2.06)	9.6* (6.39)
School 77	1	0.95 (-0.07)	1.02 (0.02)	9.6* (3.80)
School 78	40	44.52* (1.90)	34.41* (-2.43)	9.6* (-21.97)
School 79	0	30.25* (7.11)	34.41* (7.85)	9.6* (3.43)
School 80	1	28.99* (11.21)	34.41* (12.84)	9.6* (5.27)
School 81	9	17.82* (4.11)	34.41* (10.17)	9.6 (0.39)
School 82	1	17.82* (7.14)	34.41* (11.49)	9.6* (4.70)
School 83	42	43.86 (0.44)	34.41 (-1.86)	9.6* (-12.58)
School 84	46	25.84* (-6.90)	14.85* (-11.10)	9.6* (-19.64)
School 85	10	9.69 (-0.14)	14.85 (1.80)	9.6 (-0.18)
School 86	6	30.25* (11.55)	34.41* (13.41)	9.6* (2.76)
School 87	0	25.84* (6.39)	34.41* (7.85)	9.6* (3.43)
School 88	30	16.59* (-4.69)	34.41 (1.53)	9.6* (-11.40)
School 89	28	16.59* (-4.14)	34.41* (2.32)	9.6* (-10.73)

School 90	52	30.25* (-7.05)	34.41* (-5.79)	9.6* (-22.56)
School 91	40	28.36* (-3.72)	34.41 (-1.74)	9.6* (-15.17)
School 92	27	40.76* (4.13)	34.41* (2.31)	9.6* (-8.66)
School 93	2	14.85* (5.47)	14.85* (5.47)	9.6* (3.87)
School 94	19	20.93 (0.59)	14.85 (-1.55)	9.6* (-4.61)
School 95	28	40.76 * (4.45)	34.41* (2.32)	9.6* (-10.77)
School 96	16	8.98* (-3.04)	14.85 (-0.50)	9.6* (-3.73)

Source: Data obtained from the authorizer's website.

- * Statistically significant ($p < .05$).
- n/a: There were not any appropriate comparison schools within the buffer zone or zip code.
- The percentage of ELLs at each charter school, in the surrounding buffer zone, in the charter school's zip code, and in the district are listed in the columns. The z-scores that were computed are listed in parentheses below the ELL percentage, with z-scores greater than 1.96 or less than -1.96 marked to indicate that they are statistically significant at the specified .05 level. Absolute values of z-scores that exceed 1.96 depict the magnitude of the difference between the two proportions.

Appendix G
Coding Structure

Category	Codes	Description
Access for ELLs	ELLs in portfolio	References to proportion of ELLs in the authorizer's portfolio.
	Hypotheses about gap	Discussion of hypotheses that might explain why ELLs are under- or overrepresented in charter schools (as compared with the proportion of ELLs in traditional public schools).
	Strategies to increase number of ELLs	Discussion of strategies the authorizer uses to increase the number of ELLs in their portfolio. These strategies may be used at any stage of the authorizing process.
Authorizer: people	Capacity	References to overall capacity of authorizer, such as number of staff and strengths/experience of team members. *Note:* ELL-specific capacity should be coded separately.
	ELL-specific expertise	References to ELL-specific expertise of authorizing staff and/or strategies they use to enhance their ELL-specific capacity (e.g., collaboration with ELL office). *Note:* This code should refer only to the authorizer and not to the ELL-specific capacity of the charter schools in their portfolio.
	Collaboration	References to collaborating with other offices (internally or externally) or with external experts or organizations.
	Commitment	References to staff members' commitment to ensure that ELLs have equitable access to charter schools and that the programs for ELLs in those schools are high quality. This code includes statements indicating that the authorizer will not approve/renew schools if design teams cannot demonstrate the capacity to serve ELLs well.
	Respondent	References to the respondent's position at the authorizer as well as any discussion of their prior experience.
Authorizer: place	Authorizer type	References to authorizer type (SEA, LEA, ICB) or to relationship of authorizing office to other political entities that are also involved in authorizing decisions.
	Authorizer's portfolio	Discussion of the schools in the authorizer's portfolio, including the number of schools, descriptions of diversity of the ELL population in charter schools (e.g., languages spoken, newcomers, etc.), the communities served, charter schools' awareness of their responsibility to serve ELLs, and whether any schools have a mission specifically related to ELLs or multilingualism.

	Agency-wide policies	In cases when the authorizing office is part of a larger organization, this code references larger agency-wide policies, such as the organization's mission statement, strategic plans, or school choice policies.
	ELLs in district	References to proportion of ELLs and/or ELL population in the target district. *Note:* This code differs from the code in the access category because it references ELLs in all public schools in the district, not just in charter schools.
	Local organizations/ context	References to community organizations, initiatives, or unique local characteristics of the target district.
	Political climate	References to the political climate towards charters in the target district or the state.
Authorizing practices	Mission/values • Autonomy • Quality • Choice/ Options	References to the mission and values of the authorizing office. Use subcodes for specific references to autonomy and quality. *Note:* This does not include the values of the respondent.
	Set chartering priorities	Discussion about whether the authorizer sets priorities for new schools, and if so, how they make decisions about which locations or types of schools to prioritize.
	Application	References to application phase, including application document/RFP, evaluation of applications, capacity interviews, and contracts.
	Monitoring	References to monitoring phase, including data that is collected during the charter term, use of a performance framework, site visits, and annual reports. This code also includes references to schools being tiered by the authorizer during the monitoring process as well as to any interventions for struggling schools.
	Renewal	References to renewal phase, including application document, data that is collected, and the process for making renewal decisions.
Cross-cutting themes	Data use	References to the use of data in the authorizing process, which might include the types of data collected, disaggregation of data, or the use of multiple measures.
	Explicit attention to ELLs • Special pops • Integrated	Indicates that the authorizer pays explicit attention to ELLs within key documents or during phases of the authorizing process.
	Differentiation	Discussion of how the authorizer differentiates their authorizing practices. This might include references to tiering schools or to the use of mission-specific metrics to evaluate

		charter schools.
	Community need	References to how charter schools are meeting, or should meet, a need in the community.
External factors	State laws/policies	Discussion of how the state's charter law, or other statewide laws and policies, impact the authorizing process.
	External organizations	Discussion of how external organizations influence authorizing practices (e.g., NACSA, Gates Foundation, U.S. Department of Education).
	Federal civil rights oversight	Discussion of how federal civil rights laws/policies and/or oversight influence authorizing practices, including references to consent decrees and settlement agreements.
Language policy/ ideology	State language policy	References to statewide laws or policies related to multilingualism, language(s) of instruction, or supports for ELLs. This code also includes certification for teachers of ELLs if specialized training is required by the state.
	Additive	In connection with statewide policy specifically or programs in charter schools more generally, references to: building on ELLs' strengths, benefits of multilingualism, dual language models, and/or instruction/support in a language other than English.
	Restrictive	In connection with statewide policy specifically or programs in charter schools more generally, references to: English-only instruction, a deficit approach, and/or the marginalization of non-English languages or non-standard English dialects.
Policy instruments	Accountability	References to authorizing policies or practices that are related to accountability for student success. Examples of policies might include, adopting performance management frameworks, closing low-performing schools, and/or establishing high expectations, but allowing schools the flexibility to determine how to meet that standard.
	Capacity-building	References to authorizing policies or practices that are related to building the capacity of the authorizer internally or of the charter schools in their portfolio. These practices might include: raising design teams' awareness of their responsibilities to serve ELLs, disseminating best practices, requiring teachers of ELLs to receive specialized training, or providing coaching/training related to effective instruction for ELLs.
	Mandates	References to authorizing policies or practices that are related to compliance with rules. The goal is uniformity across all schools, meeting a minimum standard, but not expecting excellence. Examples might be ensuring that schools are not discriminating against ELLs in their admissions process or that they are distributing home language surveys. These policies are generally not related to the quality of programs for ELLs.
	Market-based	References to authorizing policies or practices that are related

		to increasing autonomy, competition, and choice. Examples might be policies that encourage innovation, stimulate a marketplace of options, increase autonomy, and/or reduce regulations.

Appendix H
Scaling up Success for English Language Learners in Charter Schools: A Self-Study Tool for Authorizers

Introduction

The population of English language learners (ELLs) and the number of charter school students have both been increasing rapidly over the past two decades, yet there has been surprisingly little attention paid to the convergence of these two trends. Between the 2001-02 school year and the 2011-12 school year, the number of students in charter schools more than tripled, growing from 580,000 to well over two million (National Alliance for Public Charter Schools, 2014). During the same time period, the population of English language learners (ELLs) increased by 14.4%, dramatically outpacing the 3.9% growth rate for the total K-12 population (U.S. Department of Education, NCES, 2014). Some charter schools have capitalized on their autonomies and developed comprehensive models that serve ELLs well (Garcia & Morales, 2015), but the broader charter school movement has not yet fully embraced the opportunity afforded by this demographic convergence to design a variety of innovative models and programs that support the success of ELLs. To expand ELLs' access to high-quality educational options, charter school authorizers will need to play a major role.

To investigate how authorizers are implementing ELL-related authorizing practices, Garcia (2015) conducted a qualitative study to explore these practices in 10 urban school districts. She identified a number of authorizers that have implemented promising ELL-related authorizing practices, but also uncovered opportunities for growth. Those authorizers that viewed their practices through an ELL lens developed comprehensive accountability systems that considered ELLs at every stage of the authorizing process. These authorizers did not merely ask their charter schools to comply with federal civil rights laws; instead they expected them to implement high-quality programs for ELLs. Garcia concluded that if more authorizers viewed their practices through an ELL lens, they would be able to move beyond compliance and toward deeper implementation of quality programs in order to scale up the success of ELLs across the charter sector. To encourage more authorizers to view their practices through an ELL lens, and to meet an emerging need in the field, this self-study tool—which builds on Garcia's (2015) findings—outlines a number of opportunities for authorizers to consider when they reflect on their practices.

Organization of the Tool

This tool is grounded in the existing, albeit limited, research related to ELL-related authorizing practices and was inspired by rubrics developed by Rhim and O'Neill (2012) that were focused on students with disabilities. The tool is organized around the principles and standards that the National Association of Charter School Authorizers (NACSA) has developed to describe high-quality authorizing practices (NACSA, 2010). NACSA's three core principles encourage authorizers to: (1) hold all charter schools to high expectations, (2) provide charter schools with autonomy to design their own path to meet the authorizer's standards, and (3) ensure that the rights of students and the public interest are protected (NACSA, 2010). If viewed through an ELL lens, these essential principles can guide the development of authorizing practices that provide ELLs with equitable access to charter schools and ensure that programs for ELLs in those schools are research-based, high-quality, and build on the assets and strengths of ELLs. The research base related to ELL-related authorizing practices is still evolving; however, Garcia (2015) found that most of the authorizers in her study focused on civil rights compliance

as the end goal for ELLs (NACSA's third principle), while those with the most developed practices viewed compliance as the first step on a longer continuum toward the implementation of quality, research-based programs for ELLs (NACSA's first principle).

To expand the focus of authorizing practices from compliance to quality, this tool has been developed to guide authorizers as they engage in reflective conversations about their ELL-related authorizing practices. The tool covers six categories of practices, which are aligned with NACSA's principles and standards. The categories include practices related to: the identification of ELLs; ELLs' access to charter schools; the authorizer's capacity and commitment to serve ELLs; evaluating ELL-related authorizing practices; the application process; and the monitoring and renewal phases of the authorizing process. A full list of practices appears in the Appendix of this document and within the online self-study tool. Each section of the online tool presents a list of ELL-related authorizing practices related to one of the six categories. Authorizers are asked to consider the extent to which their agency currently implements each practice, the degree to which those practices are a priority for their agency, and whether they have evidence to document implementation of each practice. The online tool also provides suggestions for further reading related to that topic and highlights how each category aligns with NACSA's principles and standards.

It is important to note that authorizers, and the local contexts in which they operate, are quite diverse. As a result, all of the practices on the tool will not be appropriate for all authorizers or for all contexts. Thus, this tool provides authorizers with a menu of options to consider rather than a prescription for practices that should be implemented.

Use of the Tool

The purpose of the tool is to guide reflective conversations about ELL-related authorizing practices, through which authorizers thoughtfully consider how they can improve the quality of their practices given the constraints and opportunities offered by their local context. Ideally, formative feedback that emerges from the conversations guided by the tool will inform the authorizer's efforts to improve their ELL-related authorizing practices and to scale up the success of ELLs across their portfolios.

- *Link to online tool*: https://uic.qualtrics.com/SE/?SID=SV_6mKd6CAnvkxGItv

- *Recommended audience*: It would be ideal to involve decision makers, ELL experts, and several members of the authorizing team in the conversations around this tool, including the authorizer's leader, staff members, and ELL experts with whom the authorizer frequently collaborates (who might work within the authorizing office or externally).

  Given the size of the authorizer staff and other competing priorities, the authorizer leader may choose to have one conversation about the tool (or sections of the tool that are most relevant) that involves the entire authorizing team. Alternatively, the leader may choose to have a series of conversations over several weeks, each focused on a different category within the tool. If the authorizing team is large, the leader may also break the team into smaller groups and ask each group to be responsible for a section of the tool. After completing the first round of internal self-study, as a next step it may be appropriate to engage others in the conversation, including educators and leaders from the charter

school sector, advocates for ELLs, or leaders from community-based organizations that serve multilingual communities in the district or the state.

- *Process*: The tool is designed to be one source of information that can guide formative conversations about ELL-related authorizing practices, but it should be supplemented with other types of documentation. While detailed suggestions for using the tool appear below, these are only recommendations. Each authorizer leader should decide upon the process that will work best for her/his team. Ideally, each person who participates in the conversation will complete the tool and bring their individual report (which is available at the conclusion of the survey) to the scheduled meeting, along with evidence that supports their responses. The meetings might be led by the authorizer leader or by an external facilitator. Ideally, the authorizing team can discuss the tool over several weeks, tackling one category at a time. During the meetings, participants can begin by sharing their evaluations of the extent to which the authorizer currently implements each practice in a particular category, along with their supporting evidence. These conversations should be inclusive of all participants and be grounded in evidence that documents existing practices. After each participant has shared his/her responses, the group should be prepared to come to a consensus about the ratings for the extent of implementation and the available evidence for each practice within one category. Questions to guide the conversations around each practice might include the following:
    - To what extent do we implement this practice?
        - If we implement it fully or partially, what evidence do we have to document this practice? Is it working well? Is there anything we should do to improve our implementation of this practice?
        - If we do not yet implement this practice, is this a practice we could consider implementing, given our mission, statutory authority, local context, and capacity?

  Then, after coming to consensus about the ratings for all of the practices within the category, the authorizer leader or facilitator could summarize the strengths and opportunities related to the authorizer's ELL-related authorizing practices in that particular category. S/he could then solicit the group's feedback about that summary, revising it if appropriate in response to participants' comments. After agreeing upon an overall assessment of the authorizer's existing practices, the authorizing team might then turn to a discussion of the priorities for practices within that particular category. The authorizer leader or facilitator might open this conversation by asking each participant to share her/his priority for each item, along with a rationale. After everyone has contributed to the discussion, questions to guide the next part of the conversation might include:
    - After evaluating our ELL-related authorizing practices in this category, are there any gaps that we notice in our practices? How can we best focus our efforts to move from "not yet" to "partially" or from "partially" to "fully" implementing some of these practices?
        - If there are opportunities for improvement, which practices might we prioritize to better serve ELLs, given our mission, local context, capacity, statutory authority, and available resources?

- If all of the practices are currently fully implemented, are there other practices that are not on this tool, related to this category, that we might consider implementing?

After the team comes to consensus about the priorities for their agency, they can discuss the action plan for improving the practice(s) in that category, including assigning an owner to the task, who will develop a timeline and a plan that outlines next steps. Then, the team can proceed with their discussion of the next category of ELL-related authorizing practices.

All of these conversations will vary by authorizer, with each team deciding on a structure and process that is appropriate for their context. Regardless of the process, the goal should be to use the tool to guide reflective conversations about ELL-related authorizing practices that can help authorizers formatively evaluate their current practices and consider how to improve those practices in order to ensure that ELLs have equitable access to the charter schools in their portfolios and that those schools also offer a range of high-quality programs that support the success of ELLs.

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Tool Appendix
ELL-related Authorizing Practices

Category	NACSA alignment	NACSA practice viewed through ELL lens
Identifying ELLs	Standard 4: Oversight; Public reporting substandard	Authorizers gather data about the number of ELLs that are enrolled in the charter schools in their portfolio and make this information publicly available.
		Advanced: Authorizers gather data about ever-ELLs in their portfolio, with data disaggregated by exit status and language proficiency level.
Access for ELLs	Principle 3: Protect student and public interests	Authorizers ensure that the charter schools in their portfolios welcome families of ELLs and do not discriminate against ELLs in their application, lottery, or enrollment policies or practices.
		Authorizers require design teams to develop recruitment plans for ELLs during the application phase and then gather data about ELLs' access to charter schools during the monitoring phase.
	Standard 4: Oversight; Protecting student rights substandard	On an annual basis, authorizers compare the distribution patterns of ELLs in charter and traditional public schools as well as average proportions in both portfolios. *Advanced:* Authorizers compare proportions of ever-ELLs, exited and non-exited ELLs, and ELLs at varied levels of English language proficiency across both portfolios.
		On an annual basis, authorizers map charter school locations and compare the proportion of charter schools and traditional public schools in multilingual communities to determine if there are geographic discrepancies.
		If authorizers identify enrollment gaps for ELLs, they implement a variety of strategies to mitigate those gaps.
Capacity and commitment to serve ELLs	Standard 1: Agency commitment; Financial resources substandard	Authorizers have adequate capacity and resources to develop and implement ELL-related authorizing practices.
	Standard 1: Agency commitment; Human resources substandard	The authorizing office has access to ELL expertise, either within the office, via consulting arrangements, or through collaboration with the ELL office at the SEA or LEA.
		The authorizing office provides its staff with high-quality, ongoing professional development to ensure authorizers are aware of their ELL-related responsibilities under federal civil rights laws and increase their knowledge about research-based practices that support ELLs.
Evaluating ELL-related authorizing practices	Standard 1: Agency commitment; Planning substandard	When authorizers evaluate their work, they explicitly include evaluation questions related to access and quality for ELLs in their portfolios.
	Principle 1:	*Advanced*: Authorizers regularly evaluate their portfolio to determine

	Maintain high standards	if ELLs have equitable access to charters and it there are a range of high-quality programs for ELLs. If there not a sufficient number of options, the authorizer uses the RFP process and/or incentives to encourage design teams to locate their schools in multilingual communities and/or to develop models that are explicitly designed to serve ELLs. *Or* Authorizers encourage community-based organizations to develop ELL-specific charter school models that meet the needs of the communities they serve.
Application	Standard 2: Application process; Fair, transparent procedures substandard	Authorizers provide training for design teams to ensure that they understand their responsibilities related to identifying and serving ELLs.
	Standard 2: Application process; Rigorous approval criteria substandard	Authorizers require design teams to develop plans to recruit and retain ELLs as part of their application or contract.
		Within the RFP, the authorizer provides design teams with an implicit or explicit opportunity to develop an ELL-related model.
		Authorizers integrate explicit references to ELLs throughout the RFP that reflect research-based practices that support the success of ELLs.
	Standard 2: Application process; Rigorous decision making substandard	When evaluating applications, charter school authorizers involve ELL experts in the review process.
		When evaluating applications, authorizers ensure that design teams have integrated ELLs throughout their model and that they have demonstrated the knowledge and capacity to serve ELLs well.
Monitoring and renewal	Principle 3: Protect student and public interests Standard 4: Oversight; Protecting student rights substandard	Authorizers monitor the charter schools in their portfolios to ensure that there are neither policies nor practices that discriminate against ELLs.
		Authorizers monitor the charter schools in their portfolios for compliance with federal civil rights laws related to ELLs.
		Authorizers analyze data related to enrollment of ELLs in their portfolio and their charter schools' recruitment plans during the monitoring phase.
	Principle 1: Maintain high standards Standard 3: Performance contracting Standard 4: Oversight; Performance	Authorizers develop comprehensive accountability systems with multiple measures, some of which are explicitly related to ELLs.
		When authorizers assess the success of ELLs within the charter school in their portfolios, they do so with measures that are valid and meaningful for ELLs.

	evaluation substandard Standard 5: Renewal	Authorizers allow charter schools in their portfolios to use mission specific measures, some of which might be explicitly related to ELLs.

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EDUCATION

University of Illinois, Chicago
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Master of Urban Planning and Policy, International Development, 2003

University of Georgia, Athens
Master of Education, Gifted and Creative Education, 1994

University of Pennsylvania
Master of Arts, U.S. History, 1991

University of Massachusetts, Amherst
Bachelor of Arts, Social Thought and Political Economy (summa cum laude), 1990

PROFESSIONAL EXPERIENCE

University of Illinois, Chicago (UIC), ***University Fellow*****,** 2014-present.

- *Dissertation research*: Conducted mixed methods study that explored the policies that charter school authorizers have implemented to support the success of ELLs. Strengthened applied research skills, including literature review, research design, document review, interviewing respondents, and generating evidence-based findings through the analysis of qualitative, quantitative, and geospatial data. Developed a self-study tool to support authorizers as they reflect on their ELL-related authorizing practices.
- *PRAIRIE Group intern*: Work collaboratively with the co-director on two program evaluations for the Office of Language and Cultural Education in Chicago Public Schools and for the Pilsen Education Task Force. Collect and analyze qualitative data, develop logic models, draw evidence-based conclusions about program implementation, and write reports to clearly present findings to clients.
- *Office of the Vice Provost for Planning and Programs*: Work with a small team, led by the vice provost, to draft UIC's accreditation report for the Higher Learning Commission.

University of Illinois, Chicago (UIC), ***Research Assistant, Project Coordinator, and Curriculum Developer*****,** 2012-2015.

- Served as project manager for Improving Formative Assessment to Support Teaching in Algebra, a project funded by the National Science Foundation (NSF) to improve the quality of teaching and learning in algebra.

- Developed online curriculum and trained teachers to integrate web-based Geographic Information Systems tools into their social studies instruction as part of an NSF-funded project.
- Conducted research on best practices related to undergraduate student success nationally and facilitated collaboration with external partners to share best practices in Chicago through the Chicago Collaborative for Undergraduate Success, a project funded by an anonymous foundation.
- Supported internal review committee co-chairs with planning, communication, and drafting project documents as they led a rigorous review of seven student support units at UIC, which culminated in a final report for the provost.

American Institutes for Research and Learning Point Associates*, Senior Consultant,* 2004-06, 2008-2012.
Learning Point Associates merged with American Institutes for Research in 2010.
Developed and coordinated professional development and technical assistance activities for centers funded by the U.S. Department of Education, such as the National Charter School Resource Center and the Regional Education Laboratory Midwest. Led the technical assistance portfolio for the National Charter School Resource Center, an important goal of which was to better prepare charter school educators to serve English language learners. Authored publications that were designed to help practitioners and policymakers better understand research, policy initiatives, and best practices on topics related to English language learners, high school improvement, innovation in education, and charter schools. Worked collaboratively with small teams from state education agencies and nonprofit organizations to write strong grant proposals for a variety of funding opportunities, including the Race to the Top and Investing in Innovation competitions. Staffed several task forces for the Illinois State Board of Education and contributed to the development of the task force recommendations that were shared with the governor and the legislature.

Chicago Public Schools, *Teacher,* 1992-93, 1995-98, 1999-2002, 2006-08.
Taught a variety of different courses in social studies, sheltered social studies, English as a second language, and Spanish for students in grades 7–12. Researched and developed a primary source based curriculum designed to help students improve their critical thinking and creative problem solving skills in the social sciences. Developed deep expertise in serving urban students and in differentiating curriculum to meet the needs of culturally diverse gifted students and English language learners. Awarded four grants from local foundations: to expand the resources available to students in the classroom, to involve students with political campaigns and public policy projects, and to develop a mentoring program between high school students at a magnet school and fifth graders at an urban elementary school.

U.S. Department of Education, *Presidential Management Fellow,* 2003–2004.
Served as project co-coordinator for implementation of the Secretary's High School Initiative. Worked with a small team to develop content and tools for seven regional high school summits that engaged teams from state education agencies in designing statewide

plans for high school reform. Served as project officer for the Center for State Scholars and several Smaller Learning Communities grants.

Yibin Teachers College, Peace Corps China, *Teacher Trainer,* 1998–1999.
Taught postsecondary courses in oral and written English and modeled exemplary pedagogical practices for students who were training to become English teachers. Created English resources for students. Participated in a variety of activities to further cross-cultural understanding between China and the United States.

PROFESSIONAL CREDENTIALS

Certified by the State of Illinois to teach History, ESL and Spanish for grades 6-12.

Trained in the Sheltered Instruction Observation Protocol, Rassias Method, Future Problem Solving, and Shared Inquiry approaches.

PUBLICATIONS

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PRESENTATIONS

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TECHNOLOGY

Microsoft: Word, Excel, PowerPoint
Qualitative: NVivo
Quantitative and Geospatial: SPSS, ArcGIS