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Federal reviewers gave high scores to reforms that were not enacted

By Carolina Journal Staff

RALEIGH — North Carolina education leaders pulled off a surprising win in round two of the Obama administration's "Race to the Top" education reform competition in August, mainly by convincing the U.S. Department of Education that the state had made strides this summer in "ensuring successful conditions for high-performing charters and other innovative schools."



That news comes as a surprise to many in the charter community, who have been fighting a losing battle in the General Assembly to raise or remove the cap on charter schools, and taking school systems to court for withholding funds unlawfully that should have gone to charters.

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In reaction to the Aug. 24 announcement that North Carolina was among the 10 winners, and could receive \$400 million in funding from Washington, North Carolina Alliance for Public Charter Schools President Eddie Goodall said he was "happy to hear of our state's selection to receive federal dollars for all our schools," but added, "We will look at the reviewers' comments and scoring on the charter section with interest, since the state has done nothing to expand successful public charter schools."

That said, after reading North Carolina's application and interviewing the state's top education officials in Washington, Department of Education reviewers apparently believed the state had taken some strides toward openness.

State gets points for nonexistent reforms

An analysis of the state's application, scorecard, and reviewer's comments shows that the single most critical factor in the state's success was the reviewers' belief that changes to law and policy made by the General Assembly and the State Board of Education this summer improved the environment for charter schools.

In the first round, North Carolina finished a disappointing 12th place, having lost more points (16.6) on the charter schools section of the scorecard than any other. Reviewers' notes from that round indicated that the statewide cap of 100 charter schools contributed significantly toward the state's failure to win.

During this summer's legislative session, state education leaders toyed with the idea of raising the cap by at least six schools, but rejected that idea. Instead, State Board of Education Chairman Bill Harrison and Superintendent of Public Instruction June Atkinson lobbied for a bill that would allow local school districts to designate continually low-performing schools "charter-like," granting them greater flexibility and — in theory — increasing the number of "innovative and autonomous" schools favored by Race to the Top reviewers.

The legislation, which was signed into law just in time to be included in North Carolina's revised application for round two, allowed school districts to operate these schools with "the same exclusions from statutes and rules as a charter school." The charter school section of the state's application was rewritten to emphasize the existence of this new authority.

'Charter-lite'

Charter school advocates generally were skeptical of the legislation's value, since the new law would leave charter-like schools under the control the local school board, and that school personnel still would be covered by state tenure laws and salary schedules. Some began to refer derisively to the "charter-like" schools as "charter-lite" schools. Nonetheless, the bill passed with no organized opposition from the charter school community.

North Carolina's final score in round two of the competition was 441.6 out of a possible 500, an increase of 27.6 points over its round one score. Of the winning states only Ohio, with 440.8 points, scored lower. New Jersey was the top scorer to finish out of the money, with a score of 437.8, so the state's margin of victory was a mere 3.8 points.

According to the scorecard released by the Department of Education North Carolina's score on the charter school section increased from round one to round two by 6.2 points, easily the largest point increase of any area and more than enough to put the state in the winners' group. The next best area of improvement between the rounds was for "fully implementing a statewide longitudinal data system," yielding an additional 5.4 points. In no other category on the scorecard did the state pick up as many as 3 points.

Along with its announcement of winners, the Department of Education posted on its website the scorecards of the competing states, along with comments by the reviewers who scored them. The reviewers' comments reveal that most were impressed by North Carolina's argument concerning the charter-like schools, and generally accepted the description of the legislation authorizing them.

However, the comments also show that the reviewers were unaware of some important details in the legislation — such as the local districts' full control of charter-like schools, and that in personnel matters (tenure, salary schedules), they would function no differently than regular district schools.

Reviewers could not evaluate details of law

The reviewers could not have known these details because they were not included in the state's application, and Department of Education rules prohibited reviewers from doing their own research on the states they were reviewing.

With only the information provided by the state in its application to go on, reviewers gave North Carolina 7.2 out of a possible 8 points in the subsection "enabling local school districts to operate other innovative, autonomous public schools."

The application also made no mention of the long and costly legal battles many charter schools have had to wage against local school systems to gain access to local funds they are by law entitled to. Consequently, several reviewers noted approvingly, but erroneously, that North Carolina charter schools receive the same local funding as non-charters, and awarded the state the maximum possible of 8 points for the sub-section "equitably funding charter schools."

North Carolina apparently is not the only state in which such scoring anomalies have been noted. Across the country, criticism from education circles has been aimed at a perceived failure to follow through on the Obama administration's stated priorities, especially support for charter schools.

Typical is the reaction of the Cato Institute's Neal McClusky, who opined that "point allocation was highly subjective ... it's hard to be impressed by the list" of winners. He questioned how sixth-place Maryland, with "one of the most restrictive charter laws in the nation," could have won.

In response to criticisms such as these, Justin Hamilton, a spokesman for the U.S.

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Department of Education, said the scoring system used during the competition was "fair and clear." "We believe Race to the Top has been an unprecedented success in driving reform across the country," Hamilton said. "We're very proud of the level of transparency in the contest."

In response to charges that the Obama administration backed away from its support of charter schools in the competition, he added "Charter schools were one of several criteria ... it wasn't a make-or-break category."



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