IDEOLOGY, STRATEGIC ACTION FIELDS, AND THE SCHOOL CHOICE AGENDA IN GEORGIA, 1993-2017

by

JAMIE CRAIG ATKINSON

(Under the Direction of Brian W. Dotts)

ABSTRACT

In this dissertation study, the author examines the complex strategic ideological fields and mechanisms impacting educational policy, education reform, and the politics of education in the State of Georgia from 1993 to 2017. Since 1993, the confluence of neoliberal and neoconservative actors have accelerated the creation and growth of charter schools in Georgia. Those efforts by Rightist actors culminated in the attempt of Governor Nathan Deal and the Georgia General Assembly to establish a state-wide charter district called the Opportunity School District. Though the Opportunity School District failed at the ballot, its failure has not impeded the efforts of Rightist actors to further school choice legislation. This study not only examines the strategic action fields and reform coalitions operating within the state to reform education, but also examines the historical and socio-political contexts of educational reform in Georgia.

The author explores the shifting ideological dynamics of the Georgia General Assembly and Governor's Office, and how state legislators have embraced neoliberal and neoconservative education reform initiatives utilizing strategic action field theory to explain educational reform initiatives. Within Georgia, there are individuals, groups, and organizations working within ideological networks and coalitions to steer policy and reform efforts. These socio-political strategic networks, operating at the meso-level, form fields of interdisciplinary and

interdependent coalitions. Field theory helps explain social-political actions linked to the creation of political coalitions and the possible emergence of relatively new field identities. The theoretical and methodological challenges are how one determines the actors, agents, and governance units within the field. The actors and agents are those whose efforts are largely focused on the school choice agenda in Georgia. The author examines the efforts by Governor Nathan Deal and the Georgia General Assembly to establish a state-wide charter-based Opportunity School District as well as the role of conservative think-tanks, venture-philanthropy, religious organizations, and other non-governmental organizations (NGOs), operating within strategic action fields to influence the politics of education and educational policy in the state. This study focuses on the origins of charter legislation and how multiple groups continue to push for school choice.

INDEX WORDS: Ideology, Georgia, Politics of Education, Strategic Action Fields, Charter Schools, School Choice, Education Policy

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by

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DEDICATION

To Lisa, my wife and my pillar of strength, who always knew I was capable of achieving this goal and completely unsurprised with its completion.

To Stacy, my beloved daughter, who is no longer with us, but enriched our lives in so many ways. I wish life had been different for you and you could have shared in this moment with Daddy.

To my Mom and Dad who were always proud of me and always knew I was capable of achieving anything I desired.

To Dr. Ron Butchart who set me on this path, introduced me to an excellent mentor, and convinced this rural, Southern, working-class guy to give it a shot.

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CHAPTER 1

INTRODUCTION AND RESEARCH DESIGN

Throughout Georgia's history, the goals, structures, and aims of education have remained contentious issues. Competing political and socio-cultural ideologies running the spectrum from conservative to progressive have vied for control over the direction of our educational systems. Education is neither immune from politics and ideology, nor can educators and school communities feign neutrality while navigating their consequences. Educators must acknowledge the ideological dualism inherently embedded within our current societal and political systems, interpret this dualism for students, and encourage critical democratic thought at all levels. In Georgia, this situation is complicated by Rightist influence on educational policy, teacher education, and curriculum and instruction. By Rightist, I mean the largely conservative influences found within mainstream Republican ideas, including those free-market adherents within the Democratic Party who often align with Republican thought on certain issues such as education and the economy. This study aims to explore the influence of ideology on the politics of education, educational law and policy, and reform agendas leading to a renegotiation of the purpose and aims of schooling in Georgia.

This study is further informed by several factors: (1) graduate work related to neoliberal and neoconservative ideologies; (2) the growth of charter schools in Georgia; (3) the contentious nature of the politics involved in educational reform; (4) the "increasing involvement of economists in education research," forcing more quantitative data-driven analysis; (5) the marketization and economization of schooling; (6) the conservative influences in curriculum;

and (7) the ten years I spent working in K-12 as a business and science high school teacher (Spring, 2015, p.1). Between the years I spent as a student and my ten years as a teacher, I have witnessed, and was affected by, the numerous educational reforms and policy changes implemented by the Federal Department of Education and the Georgia Department of Education. However, it is only within the last few years did I realize the contentious nature of education policy and how it is constantly infused with political maneuvering and ideology. Exploring the complex nature of educational policy reforms and how those reforms are intricately tied to meso-level ideological and political mechanisms serve as my primary research interest and forms the basis for this study.

Drawing on philosophical, sociological, political, historical, and economic ideas, my aim was to understand the effects of conservative ideologies, non-governmental organizations, conservative think-tanks, and venture philanthropy on Georgia education policy agendas, education law in Georgia, and reform agendas. This critical case study was designed to focus on the history of ideological influences in Georgia politics and on education agendas and to understand the conservative influences on education reform and meso-level policymaking beginning with the first charter school legislation in 1993. The study examined the evolution of Rightist politics and reforms from 1993 up to and including the fallout from the 2016 failed attempt by Governor Nathan Deal and the Georgia General Assembly to establish an Opportunity School District by pushing for an amendment in the Georgia Constitution.

Research Problem and Purpose

As with most research studies, the big questions any researcher aims to address are two-fold – “so what?” and “why does it matter?” With those two questions in mind, this critical case study is centered on Georgia educational policy and reform initiatives which are consistently

impacted by the confluence of neoliberal and neoconservative ideologies. The adherents of neoliberalism and neoconservatism are focused on reworking the aims and structure of education. Wendy Brown (2006) discussed the "problematic of thinking together neoconservatism – a moral-political rationality – and neoliberalism – a market-political rationality that exceeds its peculiarly American instantiation and that does not align with any political persuasion" (Brown, 2006, p. 693). It is with this in mind that the primary impetus of this study is centered on the policy actors, agents, and institutions which enact ideologically-laden influences upon the shaping of educational policy and educational reform initiatives in Georgia. This research is important if educators are to understand the macro- and meso-level policy agendas (that area between the local, or micro-level, and the national, or macro-level) and reform mechanisms affecting public education in the state.

Kenneth Saltman (2014) states "in the last two decades…the meaning and purpose of public education has been radically redefined" with a Rightist agenda situating "the purpose of education to be primarily economic" and with an attitude of American exceptionalism (Saltman, 2014, p. 13). Spring (2015) stated education is going through a period of "economization," represented by the "increasing involvement of economists in education research, the evaluation of the effectiveness of schools and family life according to cost-benefit analysis, and the promotion of school choice in a competitive marketplace" (Spring, 2015, pp. 1-2). The impetus for redefining education in market terms began with the *Powell Memorandum* in 1971 and gained momentum during the Reagan era with the publication of *A Nation at Risk* in 1983. The *Powell Memorandum* called attention to the critique against the American free-market economy emanating from universities paid for by tax dollars. It went further to intimate that "the oppressed business people who have lost all influence should organize and defend themselves

instead of idly sitting by while fundamental freedoms are destroyed by the Marxist onslaught from the media [and] universities" (Chomsky, 2013). *A Nation at Risk* is a report generated by President Reagan's National Commission on Education that argued America was falling behind our global competitors and education must be reformed to increase our competitiveness in the world (National Commission on Education, 1983).

As stated earlier, a remaking of the purpose of schooling seems to be linked to the ideologies of neoliberalism and neoconservatism and the increasing influence of non-governmental organizations on education policy agendas. Kathleen deMarrais (2006) states that there are "four interconnected strategies" hich philanthropists, think-tanks, and other non-governmental actors utilize to advance conservative policy agendas:

> (1) the development of a cadre of conservative youth on college campuses; (2) scholars who can produce ideologically conservative research in clear accessible prose who then 'graduate' into government service; (3) the development of a network of regional and state policy centers to promote policy supportive of their views; and (4) the development of a conservative media to carry this 'knowledge' forward (deMarrais, 2006, p. 201).

While each of those strategies is important, the primary focus of this study engages the network of regional and state policy centers and institutions that operate at the meso-level of governance influencing the Georgia General Assembly, the Governor's Office, and the State Department of Education to engage in Rightist educational policy reforms.

Speaking specifically to Rightist policy fields, this study examines the impact meso-level reform agendas, which often bring together public and private actors in developing educational policy legislation. The result of the current Rightist reform agenda includes: (1) the increase in the number charter schools; (2) overly standardized and narrowed curricula which is often bereft

of critical analyses, especially in science and history; (3) situating schooling as a form of economization designed to fit the specific needs of the market; and (4) a resurgence of segregated school districts with distinct lines based on race and socio-economic status. While educational policy has been influenced at the national level due to the federal government grants, the greatest influence remains at the state level where key conservative policy actors can best influence the nature and direction of schooling. Georgia has become increasingly driven by conservative rhetoric that positions public education as inefficient and failing – a "manufactured crisis" or "hoax" – designed to support the school choice agenda (Berliner & Biddle, 1996; Ravitch, 2014). This crisis rhetoric finds much of its origins in the many non-governmental actors, think-tanks, and venture philanthropies vying for influence with state legislatures. Key non-government actors such as the American Legislative Exchange Council (ALEC) and key members of the State Policy Network (SPN), such as the Georgia Public Policy Foundation, the Georgia Center for Opportunity, and the Foundation for Economic Education, specifically engage with state politicians to influence reforms. State and local governments have the most significant impact on educational policy and it is important to identify how and the extent to which Rightist ideologies have influenced Georgia educational policy and the politics of education. The culmination of forces at work in Georgia and the broader decades-long ideological agenda has set the stage for the contentious battle over school choice legislation since the first charter school legislation in 1993.

The conservative effort to reconstruct education is neither uniform, nor consistent, often creating strange partnerships and paradoxes which add to the confusing discourse and narratives regarding public education policy and education reform movements. An example of how Rightist ideologies create paradoxes include an adherence to the survival-of-the-fittest rules of the market

and the Christian fundamentalist morality that neoconservatives wish to infuse in curriculum and school practices. Market fundamentalist thinking is anything but Christian or moral. In this critical case study, interdisciplinary subjects and research processes (history, sociology, and political science) will be combined to investigate macro- and meso-level socio-political influences on education reform and policymaking. Organizational sociology and institutional theories will further aid in elucidating the conservative shift in state politics and education reform.

Research Design and Methodology

This critical historical case study captures the meso-level organizations, networks, and ideological fields of educational policy reform and reform agendas in Georgia. It is an attempt to investigate and understand the nature of strategic ideological networks, the influence of those networks, and the mechanisms in place which impact education reform agendas and state politics. There are multiple lenses to this research project: (1) critical social science; (2) historical; (3) political; (4) ideological; and (5) qualitative case study. After researching to find an instance where a critical historical case study was conducted in this manner, I located only a few similar. However, those studies were primarily located within the medical research field. While there are numerous examples of critical case studies, the search for critical political-historical case studies did not yield studies similar to this one. With that in mind, it is important to speak to each component separately and discuss why I have combined those components in this manner.

Critical Social Science. A fundamental underlying paradigm that guides much of this research is critical theory and critical social science. As Bentz and Shapiro (1998) state, “critical social science attempts to understand, analyze, criticize, and alter social, economic, cultural,

technological, and psychological structures and phenomena that have features of oppression, domination, exploitation, injustice, and misery" (p. 146). I entered this study with the notion that much of educational policymaking is carried out in an undemocratic process hidden from the public and utilizing crisis language to push reform agendas beneficial to Rightist ideological policy actors. Critical social science is utilized to expose undemocratic governmental processes and "critical scholars are committed to showing how the practices of critical, interpretive, qualitative work can change the world in positive ways" – a vital function for a "free democratic society" (Denzin, 2015, p. 41; Cannella & Salazar Perez, 2015). To understand the phenomenon, it is important to grasp the complete historical and contemporary context.

Bentz and Shapiro state that "critical social science draws on the notion of the dialectic…to analyze both small-scale and large scale phenomena" to look for internal contradictions (Bentz & Shapiro, 1998, p. 148). They further add that "thinking concretely about human and social affairs involves focusing on the contradiction between the prevailing 'official story' [and ideology] and the way things really are" (Bentz & Shapiro, 1998, p. 148). The take away from this explanation is the idea of *immanent critique* – the examining of an institution, organization, government, or other form of conglomerate to see whether it practices what it preaches. If a particular organization makes claims that it is acting in the public interest and in democratic ways, then critical theorists look to examine those claims to determine whether they are justified and/or are made good upon.

Critical work requires the researcher to compare claims against social reality and includes four aspects:

1. *Insider status*: "The researcher approaches social reality not in the impersonal, neutral, and outsider mode with which the researcher might approach the physical

world. The inquirer is inside the same social world s/he studies" (Bentz & Shapiro, 1998, p. 149). I modify this somewhat because I am both an insider and an outsider in this study. I am part of the social world and part of the educational community impacted by educational policymaking; however, I am an outsider to the policymaking process. My role as researcher must be scrutinized and continually negotiated while framing this study and analyzing the data. I must also remain aware that my world, my ontology, and my epistemology, is shaped by certain norms and values and those norms and values influence my perspectives, thus, constituting my subjectivities.

2. *Engagement*: Under this aspect, the researcher approaches social reality as an engaged member of society. The researcher has a vested interest in the conditions of society and the phenomena's impact on society. "The [researcher's] study of society…always has some social agenda built into it," such as social reform, which is why it is important to recognize that "knowledge is never socially neutral" and maintains some normative decisions and perspectives (Bentz & Shapiro, 1998, pp. 149-150).
3. *Cultural specificity*: "The researcher is never a generic human being," but always carries a set of cultural criteria that defines that researcher's perspectives (Bentz & Shapiro, 1998, p. 150). This criterion relates to the researcher's cultural specificity and it impacts the knowledge created and the knowledge from which a researcher is privy due to cultural positioning. Remaining aware of one's positionality and subjectivity is important in critical work. Therefore, I shall remain cognizant of several issues: (1) I come from a white, working-class, and rural background; (2) my

education was privileged with parents who acted as advocates; (3) I come from a conservative family (religious, political, and economic), though I do not define myself as such; (4) I was a high school teacher for ten years working with diverse student populations, often in needs-based or Title I schools; and (5) I now belong to a group of scholars who inherently view situations through a critical lens.

4. *Historical specificity*: A researcher is always embedded within a historical timeframe – a historical situation or period. Even though we may view current events in a contemporary setting, this setting is continuously becoming historical, thus, a researcher must continually be aware of this positioning. All research in some way is the research of phenomena and phenomena is always "systemic, historically specific, internally contradictory, and affected by ideology" (Bentz & Shapiro, 1998, p. 150). I will speak to this a little more when discussing the historical aspects of this case.

I examined multiple theoretical frameworks related to public policy change ultimately deciding on Strategic Action Field Theory developed by Neil Fligstein and Doug McAdam. I bring this up in this section to make a connection between critical social science and organizational sociology. A fundamental aspect of Fligstein and McAdam's work is the idea of fields. Fields are "those fundamental units of collective action in society," and this terminology is utilized in the work of Bourdieu and Wacquant (1992), DiMaggio & Powell (1983), and work associated with fundamental aspects of poststructuralism, which Fligstein and McAdam drew heavily upon for their general theory (Fligstein & McAdam, 2012, p. 9). In Calhoun's (1995) work on critical social theory, he argues for an "expanded notion of critical theory" that includes aspects of the Frankfurt School, especially Habermas' extension of critical theory, the work of Bourdieu, Bourdieu and Wacquant, Foucault, and critical political philosophy (Bentz & Shapiro,

1998, p. 152; Calhoun, 1995). I will attempt to utilize this expanded notion of critical social theory with the social and organizational theories embedded within Strategic Action Field Theory.

The Historical. Case studies are typically designed to research a bounded contemporary issue. However, this study relies on a historical foundation that provides crucial information to understanding neoliberalism and neoconservatism and the influence of those ideologies on educational policy. This case is temporally bound from 1993-2017 and geographically bound in Georgia, thus, includes both historical and contemporary data. Much of the work to gather the data for this project will put to use the skills and strategies of a historian. As John Lewis Gaddis states, "we know the future only by the past we project into it. History in this sense, is all we have" (Gaddis, 2002, p. 3). I particularly adhere to Gaddis' idea of a "historical consciousness," the ability of the researcher to elevate above the historical landscape and to examine how that landscape becomes a representation of our current reality (Gaddis, 2002, p. 7). Kate Rousmaniere (2004) states "historians of education link their historical work with the contemporary education research that they and their colleagues conduct" and that "unlike many fields of history that are focused primarily on the past, the history of education is also integrally related to the present" (p. 35).

Understanding education reform policy cannot be effective unless a researcher conducts a close analysis of the history of school reform connected to it. Rousmaniere states that the "historical and contemporary character of the history of education is the study of the cyclical, and often repetitive, history of school reform" by citing such examples as Tyack and Cuban (1995) who argued that "Americans have historically devised specific educational prescriptions for broad social and economic problems" (Rousmaniere, 2004, p. 35; Tyack & Cuban, 1995).

The questions historians ask are important to this study: What happened? Who was involved? Where? Why did it happen? What was the significance of a particular event? Just as other qualitative researchers rely on theories, historians rely on theories to provide "the explanatory categories" so they may "expand their initial question into an argument" (Rousmaniere, 2004, p. 43). Historical work necessitates a movement away from a "mere chronical of dates" to an analysis of the relationships between events that helps to explain and connect with a theory (Rousmaniere, 2004, p. 43).

When examining historical work from the methodological sense, historians are primarily concerned with historical sources and data that, when examined through particular theoretical lenses, will provide a detailed picture of events. Historians of education "have the capacity for selectivity, simultaneity, and the shifting of scale: [historians] can select from the cacophony of events what they think is really important" (Gaddis, 2002, p. 22). This acknowledgement comes with the understanding that what I may or may not choose to include in this study impacts the reader's perception of the eventual findings. However, as Gaddis writes, "the historian's evidence is always incomplete and [his/her] perspective is always limited" (Gaddis, 2002, p. 26).

The historical implications of this study focus on three main areas of history – intellectual history, political history, and social history. Intellectual history is the history of ideas that can include philosophies and ideologies. This study focuses on political history; the examination of political movements, ideologies, political processes and political maneuverings influencing educational policy. Another pertinent component in this study is social history – the history of social groups in all forms. For this study, the organizational sociology of action fields and advocacy coalitions that play roles in influencing policy is of utmost concern. Once again, to

utilize Gaddis' idea of mapping a landscape of history, this study will hopefully map the linkage between patterns in history with current phenomena in educational policymaking.

The Political and the Ideological. The politics and ideology surrounding education is rarely noticed by individuals outside the sphere of universities and school buildings. An individual can see just how apathetic the general public is regarding the politics of education evidenced by the percentage of voter turnout during local school board elections and for local education bond issues, such as an education special local options sales tax (E-SPLOST). Understanding the political and ideological issues surrounding education policymaking and education reform are highlighted in this study. A continuing issue is the ongoing ignorance of school politics which "has become as American as apple pie" (Boyd, 1987, p. 89; Boyd, 1996; Fusarelli, 2011). Education is the single largest expenditure in state and local governments and few people realize the extent to which K-12 public education affects them personally (Fusarelli, 2011, p. 94). With public education so intricately intertwined in the social, cultural, and political issues of a state, ignoring ideological implications are foolish. Fusarelli notes that "any system that consumes so many resources inevitably produces political [and ideological] behavior" (Fusarelli, 2011, p. 94). Ideological manifestations steer the focus of public policy and politics which affects the nature of schooling.

Resources, curricula, and instruction are primary concerns for K-12 public school administrators. Fundamentally, "education is all about politics, since it involves decisions regarding, 'Who gets what, when, and how?' and represents authoritative forms of values and allocations" (Fusarelli, 2011, p. 94; Lasswell, 1936; Easton, 1965). Educational politics and intertwined ideological influences make for a high stakes game, with often negative consequences for our children, our educators, our schools, and our society (Reyes, & Fusarelli,

1995). In addition, a recent *Education Week* article posed the question, "Education is political. Can Teachers Afford Not to Be?" (Brenneman, 2015). This study indicates that the answer to this questions should be no. According to Brenneman's article, everything is political: "the curriculum is political, standards are political, testing is political, and funding is political" (Brenneman, 2015). Educators have been aware of this but have been wary of getting too involved with the politics out of fear from reprisal or because they have an "ingrained sense of mission" and are "apathetic toward politics" (Benneman, 2015).

Though the study of the politics of education began in earnest during the Civil Rights Movement immediately following the *Brown I* and *Brown II* decisions, it remains relegated to the fringes of scholarly enquiry in colleges of education. The study of politics and political ideologies are primarily situated in Political Science departments with only a few professors and/or courses focusing on this scholarly work. A call to bring more attention to this field was issued by Thomas Eliot in 1959 while he was a professor of political science at Washington University in St. Louis. Eliot stated that the politics and ideological influences of education should be researched by focusing on eight core ideas: (1) structural analysis of district organization, including comparative analysis across districts; (2) behavioral analysis of key players (school boards, superintendents, principals, teachers, and staff); (3) bond referenda (including comparative analysis); (4) state politics of education; (5) federal politics of education; (6) the politics of international and comparative education; (7) the role of the judiciary in education (both state and federal); and (8) the school curriculum and societal values (Eliot, 1959; Fusarelli, 2011).

Researchers who focus on the politics of education and related political ideologies affecting education often draw from multidisciplinary resources such as political science,

sociology, organizational and institutional theories, and public administration. Though this work requires knowledge of multiple fields, there has been reluctance among political scientists to become fully engaged in this research. Thus, most scholars studying this area have originated in colleges of education (Edlefson, 2006, p. 772). Some exceptions are prevalent in the literature such as the work of Chubb and Moe (1990), Howell and Peterson (2006), and Peterson and Hassel (1998) which represent some of the more prominent research from political scientists. The field of studying politics and educational policy is continuing to emerge and grow including important work being conducted by education scholars such as the following: McLendon, Cohen-Vogel, and Wachen (2015); Scott, Lubienski, and DeBray (2015); Gerwitz, Dickson, and Power (2007); Gale (2007); Fusarelli (2009); Cibulka, Fusarelli, and Cooper (2008) and the work of many scholars working with the National Education Policy Center at the University of Colorado, Boulder to name just a few.

Case Study. I utilize the work of Simons (2009), Stake (1995), and Yin (2014) as the primary sources for case study methodology, while acknowledging that other work is no less important. By-and-large, the most cited works on case study methodology appear to be Stake (1995) and Yin (2014). Philosophically, both Stake (1995) and Yin (2014) base their approach to case study on a constructivist paradigm with the claim that truth is relative and that it is dependent on one's perspective. This paradigm recognizes the importance of the subjective human creation of meaning, but doesn't reject outright some notion of objectivity (Baxter & Jack, 2008, p.545). Stake explains that a case study "is the study of the particularity and complexity of a single case, coming to understand its activity within important circumstances" (p. 1). Case studies can be utilized for several reasons to include "the close examination of people, topics, issues, or programs" and to "discover causal links in settings where cause-and-effect relationships are

complicated and not readily known, such as school reform and government policy" (Hays, 2004, p. 218; Yin, 1994, 2014). Hays notes that "generalization is not the goal in case studies, because discovering the uniqueness of each case is the main purpose" (Hays, 2004, p. 218). However, case studies can lead to generalizations if several studies are related to the same phenomena – for example, multiple cases. (Hays, 2004, Stake, 2006).

Stake argues that the "real business of case study" "is particularization, not generalization" because researchers are attempting to "take a particular case and come to know it well" (p. 8). Stake further adds that there is an "emphasis on uniqueness" and that emphasis should be concentrated on "understanding the case itself" (Stake, 1995, p. 8). Yin (2014) states that "doing case study research would be the preferred method," compared to other qualitative methodologies, "in situations where the main research questions are 'how' and 'why' questions" (Simons, 2009, p. 28; Yin, 2014, p. 2). Furthermore, case studies are appropriate when a researcher "has little or no control over behavioral events and the focus of the study is a contemporary phenomenon" (Yin, 2014, p. 2).

Both Stake and Yin argue that case studies can be particularly useful for theoretical elaboration or *analytic generalization*, which is a generalization in which the research attempts to link findings from a particular case to a theory (Stake, 1995; Schwandt, 2007; Yin, 2014). I attempted to make a few generalizations in this study and link those generalizations to Strategic Action Field Theory and to the Advocacy Coalition Framework. Simons (2009) has an expanded definition of case study she defines as:

> *An in-depth exploration from multiple perspectives of the complexity and uniqueness of a particular project, policy, institution, program or system in a real-life context. It is research-based, inclusive of different methods and is evidence led.*

> *The primary purpose is to generate in-depth understanding of a specific topic, program, policy, institution, or system to generate knowledge and/or inform policy development, professional practice, and civil or community action (p. 21).*

I prefer her definition, but would include the aspect of a case being bounded – it must have limits or it becomes untenable.

Beyond the definitional aspects, case study can be categorized into different types. Stake distinguishes three types of case study: intrinsic, instrumental, and collective (Simons, 2009, p. 21). An intrinsic case study begins when a case is studied because the researcher has an intrinsic interest or motivation about the case itself (Simons, 2009, p. 21; Stake, 1995, p. 3). An instrumental case study is begun when a case is chosen to explore a particular issue or research question determined to be possibly beneficial into gaining insight into something else. In other words, an instrumental case study is utilized to learn about a larger, a similar, or a more complex phenomenon. (Stake, 1995; Simons, 2009). Collective case study is where several cases are studied to gain insight into phenomena. Stake writes more on this when discussing multiple case study analysis (Stake, 1995; Stake 2006).

Yin (2014) describes five categories of case study: explanatory, descriptive, illustrative, exploratory, and meta-evaluation (Simons, 2009, p. 21; Yin, 2014). There are fine distinctions to be made with each of Yin's categories that I found somewhat difficult because he embedded the discussion in various places in his overall work. The most important of Yin's categories, in terms of my case study include explanatory and descriptive categories. Yin defines an explanatory case study as "a case study whose purpose is to explain how or why some condition came to be (e.g. how or why some sequence of events occurred or did not occur) (Yin, 2014, p. 238). A descriptive case study is one "whose purpose is to describe a phenomenon (the case) in its real-

world context" (Yin, 2014, p. 238). Simons further classifies case study as theory-led or theory-generated, evaluative, or ethnographic (Simons, 2009, pp. 21-22). This study is a theory-led case study because it will be examined through the theoretical perspectives of critical social science, Strategic Action Field Theory, and the Advocacy Coalition Framework Theory.

There are several strengths to case study research including the following: (1) it allows the complexity of a phenomenon to be studied in-depth and within the socio-political context in which the phenomenon exists; (2) it documents multiple perspectives or viewpoints while demonstrating the influence of key actors and interactions; (3) it aids in a critical analysis of processes and change – the interpretation of the events that take place in the real-life setting; (4) it is flexible and responsive to shifts in focus and makes use of a range of methods; (5) allows the researcher to write a report in accessible language, painting a picture, and/or in writing a narrative that allows the reader to become part of the phenomenon; and (6) case study allows participants to engage in the research process – it provides the opportunity for a co-constructed experience as well as providing the research opportunities for an in-depth reflective approach to understanding the case (Simons, 2009).

There are potential limitations to case studies as well, including: (1) concerns regarding the researcher's subjectivity and role in the case; (2) how inferences are drawn and/or generalizations made especially when utilizing a single-case case study; (3) issues of validity and usefulness of findings; (4) the amount of data that must be processed; and (5) researchers risk producing reports that are overly persuasive (Simon, 2009). The role of the researcher is varied when undertaking qualitative research. Denzin and Lincoln (2011) describe the qualitative researcher as having "multiple gendered images" and as a "bricoleur," a constructor of a qualitative creation, just as a "quilt maker or filmmaker" creating a montage (Denzin & Lincoln,

2011, p. 4). They further add that the "methodological bricoleur is adept at performing a large number of diverse tasks, ranging from interviewing to intensive self-reflection and introspection" (p. 5). Researchers must have a grasp on different ontologies, epistemologies, axiologies, and methodologies and the methods utilized to accumulate pertinent data to construct a qualitative study. For this reason, researchers do have to function in a variety of roles.

Stake (1995) defines the researcher roles in practical terms: as teacher, as advocate, as evaluator, as biographer, story teller, and as interpreter. It is Stake's perspective on the role of research I wish to highlight while also acknowledging Denzin's and Lincoln's perspectives. I particularly want to focus on the case researcher's role as teacher, interpreter, and as advocate. "The intention of research is to inform, to sophisticate, to assist the increase of competence and maturity, to socialize, and to liberate. These are also the responsibilities of the teacher" (Stake, 1995, p. 92). Teachers, and case researchers can also act as advocates. While teachers are carriers and "hewers of learning, advocates, and models of judging," a researcher must practice more restraint in their roles as advocates so as to not appear overly biased (Stake, 1995, p. 93). In the role as advocate, the researcher has an obligation to indicate how the findings of a particular case can be extrapolated and interpreted, how they relate to a larger theoretical situation or a larger phenomenon, how the data could move beyond the bounds of the case, and therefore, convince readers of a particular line of thinking and/or a particular course of action (Stake, 1995).

To be able to function in the role as a teacher and advocate, a researcher also must be able to interpret data and substantiate it against possible alternative perspectives. Utilizing data, the researcher must "recognize and substantiate new meanings" (Stake, 1995, p. 97). Stake lays out additional role choices that can ultimately impact the nature of the data gathering and investigative process. Those roles are best defined by the questions a researcher asks of oneself:

(1) How much to participate personally in the activity of the case? (2) How much to pose as expert and how much comprehension to reveal? (3) Whether to be a neutral observer or an evaluative, critical analyst? (4) How much to try to serve the needs of the anticipated readers? (5) How to provide interpretations about the case? (6) How much to advocate for a position? (7) Whether or not to tell it as story. These are the questions I will continually engage with as I proceed with this study. Each of these questions has a more fundamental aspect that relates to the positionality and subjectivities I bring to this case study. I will have to negotiate my positionality and subjectivity while working on this project and explain, as best I can, to the readers of this study the potential impacts and influence those attributes had on my interpretations. Positionality and subjectivity are deeply intertwined with the role I play as the researcher.

This study utilized multiple sources of data to gain knowledge to aid in strengthening claims of reliability and validity. Patton (2002) discusses three broad kinds of qualitative data: interviews, observations, and documents (p. 4). Ravitch and Mittenfelner-Carl (2016) argue that "while qualitative data collection should be intentional, rigorous, and systematic, it should not be guided by rigid rules and procedures" (p. 145). What is of utmost concern for me is reliability and validity, and for this reason I plan to utilize a range of methods including: document analysis, historical event analysis, archival information, and direct observation of governmental processes. Document analysis and archival information provide the primary sources of data for this study.

Document analysis involves the examination of organizational records, memoranda, official publications and/or reports, correspondence, etc. from key actors, committees, groups, and organizations (Patton, 2002). This study makes use of archival data related to Georgia House and Georgia Senate educational committee meeting notes, minutes, and legislation and

examining the historical events surrounding education reform agendas. Ongoing legislation (e.g., the Opportunity School District) provided the opportunity to directly observe educational reform agendas in action and link education policy maturation to prior legislative agendas. Qualitative case study depends heavily on the interpretive skills of the researcher (Simons, 2009). When analyzing data, certain processes such as coding, categorizing, concept mapping, theme generation and other inductive and deductive processes enables the researcher to organize and make sense of the findings (Patton, 2002; Simon, 2009). Rigor in qualitative research encompasses "a variety of concepts, considerations, and actions" that include: (1) Developing a research design that seeks complexity and contextualization through the structure and strategic sequencing of methods and mapping of research methods on the guiding research questions; (2) Maintaining fidelity to participants, actors, and the phenomena itself, by engaging in inductive research that responds to emerging meanings while being systematic with data collection, analysis, and interpretations; (3) Seeking to understand and represent as complex and contextualized a picture of people, contexts, events, experiences, etc.; and (4) Transparently addressing the processes, challenges, subjectivities, and limitations of the study (Ravitch & Mittenfelner-Carl, 2016, p. 18).

Qualitative research is inherently more holistic and requires a more intuitive grasp of the data. This requires significant dedication from the researcher, a "total immersion in the data" and often includes "puzzling over incidents and observations, exploring alternative interpretations, angles of perception, seeing through different lenses, and lateral thinking" (Simon, 2009). Ravitch and Mittenfelner-Carl (2016) state that "qualitative researchers should make deliberate methodological choices to acknowledge, account for, and approach researcher bias," which they see as criticality, reflexivity, collaboration, and rigor (p. 13). Reading through their explanations,

I find that there are three key ideas that can summarize what Ravitch and Mittenfelner-Carl are alluding to in their explanations – criticality, reflexivity, and validity.

Criticality. Criticality is "the wedding of the ideological and theoretical with the methodological and looks holistically at how theory, methods, process, context (macro and micro), and research identity and positionality intersect with and shape" the qualitative research project (Ravitch & Mittenfelner-Carl, 2016, p. 13). More specifically, it comes with an understanding of power and power relationships surrounding the phenomenon being studied, actors, and the researcher. Critical qualitative research also looks to de-normalize reified social norms and assumptions through investigative practices that ask critical questions about asymmetries and power relationships embedded within the phenomenon. Special attention must be given to who benefits and who is marginalized within society and within the research process. Utilizing critical qualitative methodological practice requires that the researcher be attuned to his/her role(s), being sure that s/he, as researcher and interpreter, is concerned with the accurate representation of the case.

Reflexivity. Researcher reflexivity, broadly defined, is "the systematic assessment of [the researcher's] identity, positionality, and subjectivities. It is an active and ongoing awareness" about the researcher's role that is meant to address the "relational contribution to meaning and interpretation" during the research project (Ravitch & Mittenfelner-Carl, 2016, p. 15). I have included a few of my subjectivities as a researcher earlier in this paper. While admitting that these subjectivities may influence, in some way, my approach to this case study, I must make sure that my study deciphers these subjectivities for the readers of the study. Not only does this address my reflexivity as a form of quality and rigor, it also aids in understanding how I

approached the case in a critical manner, accounting for my subjectivities and my own biases as a researcher.

Validity. Validity in qualitative research – often associated with such terms as authenticity, trustworthiness, and credibility – "refers to the ways that researchers can affirm that their findings are faithful to participants' experiences" and allows the researcher to substantiate and explain the overall phenomena (Ravitch & Mittenfelner-Carl, 2016, p. 187). Validity relates to how a researcher establishes "the warrant for [the researcher's] work; whether it is sound, defensible, coherent, well-grounded, appropriate to the case, and worthy of recognition" (Simon, 2009, p. 127). This topic is a consistent qualitative research discussion because there is some "discomfort with the positivist origins of the concept of validity and its emphasis on objective truth" (Ravitch & Mittenfelner-Carl, 2016, pp. 187-188). Validity requires that qualitative researchers include the accepted concepts for assessing rigor that were discussed above, and including "credibility, transferability, dependability, and confirmability" because these concepts aid the researchers in conceptualizing and planning for aspects of validity.

Credibility has everything to do with the researcher's experience and ability to consider the complexities that arise from patterns in the phenomena. The concept of credibility is related to internal validity (Miles et al., 2014, Simon, 2009; and Yin, 2014). Important questions I must ask as I carry out this study: (1) Do the findings of the study make sense? (2) Are the findings credible to the readers of the study? (3) Does it paint an authentic portrait of the phenomena?

Transferability, and the associated phrase, external validity, is the "way in which qualitative studies can be applicable, or transferable, to broader contexts while still maintaining their context-specific richness" (Ravitch & Mittenfelner-Carl, 2016, p. 189). Basically, I have to determine whether the conclusion of my study may have a larger, generalizable context, which

makes sense based on the theoretical framework I have utilized in the study. Do my conclusions: (1) transfer to other contexts? (2) fit in the overall theoretical framework? (3) extend beyond my generalizations? In other words, how far can my study be generalized? While internal validity must be addressed during the data analysis and interpretation process, external validity must be adhered to from the outset and encompasses the research design and the interpretation of data (Yin, 2014).

"*Dependability* refers to the stability of the data" and is related to the concepts of reliability and auditability (Miles, et al., 2014, Ravitch & Mittenfelner-Carl, 2016, p. 189). Dependability, or reliability, demonstrates that "the operation of the study – such as the data collection procedures – can be repeated, with the same results" (Yin, 2014, p. 46). Dependability can be improved with the use of methods such as "triangulation and sequencing of methods and creating a well-articulated rationale for these choices to confirm that [the researcher] created the appropriate data collection plan given the research questions" (Ravitch & Mittenfelner-Carl, 2016, p. 189).

Finally, *confirmability* is often described as "the qualitative equivalent of the quantitative concept of objectivity," though this is troubled somewhat by the premise of qualitative research that acknowledges the world and knowledge bases as often subjective. The challenge in confirmability is attempting to be true to the idea that the world and knowledge is subjective and constructed, while also providing a grounded approach such that the findings of the study can be confirmed. Confirmability (objectivity) "can be framed as one of relative neutrality and reasonable freedom from unacknowledged researcher biases – also referred to 'external reliability' – at the minimum, explicitness about what biases exist" (Miles, et al, 2014, p. 311). I can accomplish this by describing my study's methods and procedures explicitly including the

sequence of how data was collected, analyzed, and interpreted and by linking conclusions specifically to the data. It also aids confirmability and credibility if competing hypotheses or competing theoretical paradigms can be infused in the study to illustrate rival theories or hypotheses.

There are two primary threats to validity: researcher bias and reactivity. Researcher bias refers to "the selection of data that fit the researcher's existing theory, goals, or preconceptions, and the selection of data that stand out to the researcher (Maxwell, 2013, p. 124). Reactivity refers to the influence of the researcher on the case or any of the actors involved with the phenomena that is being studied by the researcher. In addition, the researcher can also be affected by the case itself. Maxwell states that "it is impossible to deal with [researcher bias] by eliminating the researcher's theories, beliefs, and perceptual lens" (Maxwell, 2013, p. 124). It is important for me to understand how my values and expectations influenced the interpretations and conclusions of the case and expose those possible biases early on for the reader. As Maxwell points out, validity in qualitative research comes down to the integrity of the researcher (Maxwell, 2013).

Goals and Objectives. The overarching goal for this critical historical case study was to investigate the influence of conservative ideologies on the educational reform agendas in Georgia and how those influences are manifested and enacted through meso-level mechanisms and strategic ideological fields. To understand this broad goal, a few related objectives, or research propositions, informed this research and provide a basis for constructing this investigation:

(1) To understand how the Georgia House and Georgia Senate committees on education operate and the membership of those committees over the temporal bounding of this case.

(2) To understand the historical background of the conservative movement with a specific interest in the ideological genealogy of neoliberalism, neoconservatism, and paleoconservatism.

(3) To understand the background, membership, and strategies of the American Legislative Exchange Council and the Georgia affiliates of the State Policy Network.

(4) To understand the multiple venture-philanthropists and think-tanks concerned with and working to influence educational policy specifically as it relates to school choice, charter schooling, privatization, and curriculum.

(5) To understand the influence and impact of corporate media on education policy in Georgia and how the media may serve as a platform for the spread of conservative ideology and/or the rhetoric of crisis and failing schools.

(6) To understand why, at least at some level, conservative organizations wish to transform public education and diminish its traditional public focus.

Research Questions. The goals and objectives listed above led to the following research questions driving this study:

(1) Who are the various ideologically conservative policy actors, policy groups, and policy networks involved in and influencing education policy decisions in Georgia, and why are they specifically targeting certain education policies?

(2) How do conservative policy actors and conservative ideologies influence education policy and policymaking in Georgia, and how do those actors navigate the implementation of those policies?

(3) How do ideologically conservative think-tanks, venture-philanthropists, and non-governmental actors and organizations achieve quasi-policymaking status in Georgia politics and education policy decisions?

This study is conducted in a multiple-part investigation which examines each research question. This study will make use of a relatively new theory, Strategic Action Field Theory, to investigate the meso-level mechanisms operating to influence educational policy in Georgia.

Theoretical Framework

Earlier in this paper I discussed the overarching lens of critical social theory utilized in this case study. I will only touch on it again briefly to include this summation by David Ingram (1990), which I believe reflects the primary critical theoretical intent framing my study:

> *To sum up, critical theory is like other forms of social and political philosophy in that it reflects on the basic meaning of social and political life in order to discover universal standards of evaluation. Its primary aim is not the discovery of statistical patterns enabling the prediction and technical control of social and political processes, but the proffering of critical enlightenment regarding the justness and goodness of social and political institutions. Yet, critical theory also distinguishes itself from social and political philosophy in being ruthlessly realistic and critical about its own philosophical assumptions* (Ingram, 1990, p. xxi).

At this point, I turn the attention to the primary and secondary theories I utilize to make sense of the ideologies affecting education reforms and policymaking while acknowledging that critical theory is always undergirds this analysis: Strategic Action Field Theory and the Advocacy Coalition Framework.

Strategic Action Field Theory (SAFT). SAFT builds on Neil Fligsteins' work originating in the late 1980s and early 1990s when he investigated connections between fields, power, and social skill (Fligstein, 1999, 2009). This theory, primarily an integrated social theory, helps to explain "how stability and change are achieved by social," and I would include political, "actors in circumscribed social arenas" (Fligstein & McAdam, 2012, p. 3). There are three primary components to this theory: strategic action fields, proximate and distal fields, and an account of how embedded social actors seek to manipulate a given field. This theory is not suited for an examination of micro-level events, but is geared toward understanding organizational and institutional fields operating at the macro- and meso-levels.

I particularly appreciate this theory because it is based on work in the areas of "social movement studies, organizational theory, economic sociology, and historical institutionalism in political science" and political sociology (Fligstein & McAdam, 2012, p. 4). SAFT specifically has strengths including its focus in political sociology and organizational theory. "Political sociology focuses centrally on change and stability in the institutions and agencies of the state and their relation to civil society" and being useful in examining "how the state is a set of organizations and how powerful non-state actors take their grievances," issues, and ideological concerns to the state (Fligstein & McAdams, 2012, p. 5). In terms of an organizational theory, SAFT has a focus on the "emergence and spread of formal organizations and the role of the [policy] environment, key actors, and the state in this process" (Fligstein & McAdams, 2012, p. 5). When combined together, these different fields combine to make an amalgamation – a grand systematic theory – of "the ability of actors to engage in successful collective strategic action within constructed social orders" and the terrain within which this action occurs is a "strategic action field" (Fligstein & McAdam, 2012, p. 5).

This theory aids the researcher in understanding the macro-level environment by focusing on the meso-level actions between and within organized groups. It is within this arena where "the role of social [and political] actors in producing, reproducing, and transforming their local fields of action" generates the most traction and impacts events at the macro- and micro-levels (Fligstein & McAdam, 2012, p. 7). Fligstein and McAdam identify seven elements to their theory: (1) strategic action fields; (2) identification and establishing incumbents, challengers, and governance units; (3) examining the social skill and the existential functions of the social and how actors utilize those skills and functions; (4) the broader field environment – going beyond the meso-level to examine the macro-level influences; (5) what they describe as impacts on the field such as exogenous shocks, mobilizations, and the onset of contentions; (6) examination of the episodes of contention to determine new directions or new mobilizations; and (7) settlements and redefinitions of a strategic field (Fligstein & McAdams, 2012, pp. 8-9).

Fligstein and McAdams are heavily influenced by Pierre Bourdieu's concepts of habitus, capital, and fields; Anthony Giddens' work centered on structuration; and an extensive list of political scientists and sociologists that have examined institutional theory and network analysis. It is on this point, that Fligstein and McAdam acknowledge that network analysis "has the potential to be a powerful aid to the study of strategic action fields, but only when informed by some broader theory of field dynamics" (p. 30). They state:

> If a field is really an arena in which individuals, groups, or organizations face off to capture some gain…then the underlying logic of fields is not encoded in the structure of the network, but in the cultural conceptions of power, privilege, resources, rules, and so on that shape action within the strategic action field (p. 30).

Since Strategic Action Field Theory is a fairly recent theory in the fields of organizational and institutional sociology and political policy, the challenge for the researcher is to utilize this theory within the bounds of smaller case study. It will be slightly augmented with the Advocacy Coalition Framework (ACF) which has been utilized with educational policy reform movements and education policy analysis. A few examples where the Advocacy Coalition Framework has been utilized are: Ansell et al., 2009; Brecher et al., 2010; DeBray-Pelot, 2007; and Scott et al., 2009. I have included their studies in the list of references at the end of this paper.

Advocacy Coalition Framework Theory. While the ACF Theory could constitute an embedded theory within the overarching theory of SAFT, I am treating it separately because it more aptly examines the networks and networking within organizations and institutions that constitute a strategic action field. My use of the ACF will act to support, rather than replace, SAFT. McLendon and Cohen-Vogel (2008) state that "the Advocacy Coalition Framework (ACF) is a mode of the policy process that focuses on the interactions of competing coalitions within policy subsystems" (p. 96). At the heart of this theory is the idea that advocacy coalitions are groups of policy actors who "attempt to realize a set of shared policy beliefs 'by influencing behavior of multiple governmental institutions over time' and therefore, exist within a policy subsystem" (Sabatier & Jenkins-Smith, 1993, p. 212; Schlager, 1995, p. 245).

There are three core elements to the ACF model: (1) the idea that there are policy subsystems; (2) that there exists a three-tiered belief system, and (3) the existence of advocacy coalitions (Jenkins-Smith & Sabatier, 1994; McLendon & Cohen-Vogel, 2008; Sabatier, 1988; Sabatier & Jenkins-Smith, 1993; Sabatier & Weible, 2007, Weible, Sabatier, & McQueen, 2009). The ACF assumes that there are policy actors, specialists in particular policy matters and policy problems, who coalesce to create a policy subsystem, which I associate with an action field when

relating it to the SAFT. What is crucial here is understanding that "the behavior of actors within subsystems [are] affected by two sets of external factors: stable factors…and dynamic factors (McLendon & Cohen Vogel, 2008, p. 96; Sabatier and Weible, 2007). Stable factors are those "fundamental values and constitutional structures, which influence the constraints and resources of subsystem actors" (McLendon & Cohen-Vogel, 2007, p. 96; Sabatier & Weible, 2007). Dynamic factors include issues of public opinion and socioeconomic conditions, which are prone to significant influence and change, thus contribute to policy change within a particular subsystem.

The second element of the ACF, the three-tiered belief system, will be the greatest contribution to this study. The ACF places considerable emphasis on this assumption. The three-tiered belief mechanism of the theory includes: "deep core beliefs, policy core beliefs, and secondary beliefs" (McLendon & Cohen-Vogel, 2008, p. 96). Deep core beliefs constitute the most stable of the beliefs and, in some ways, provide a supporting mechanism for policy core beliefs and secondary beliefs. Sabatier & Weible (2007) explain that the deep core beliefs involve "very general normative and ontological assumptions about human nature" that infiltrate and disseminate among policy actors and within policy subsystems (p. 194). Policy core beliefs are the direct application of deep core beliefs onto and within a policy subsystem, thus representing the internal belief mechanisms found within a meso-level policy field. Secondary beliefs linger on the periphery, are narrower in scope, and are considerably more susceptible to change. ACF theorists examine how these beliefs, the interaction of these beliefs, along with the interactions of certain beliefs and policy information, coalesce in important ways to create or impact policy change.

To bring the various pieces of the ACF together, policy actors who share certain deep core beliefs and policy motivations, group together in networks (a component the SAFT utilizes) to share resources and strategize within a political subsystem. The policy subsystem is a meso-level (SAFT) policy structure occupied by various advocacy coalitions comprising "members from diverse stakeholder groups, including elected officials, interest group leaders, researchers, journalists, and others from governmental and private organizations" (Jenkins-Smith & Sabatier, 1994; McLendon, Cohen-Vogel, & Wachen, 2015, pp. 96-97).

Another interesting aspect of the connectedness of the SAFT and the ACF is the pathways associated with belief and policy change. Two pathways are described by Sabatier & Jenkins-Smith (1993) as part of the original theory and this has been amended by the ongoing work of Sabatier and Weible (2007). The four pathways for policy change include: (1) policy-oriented learning; (2) shocks external to the policy subsystem (exogenous shocks are an aspect of SAFT); (3) shocks internal to the policy subsystem (referred to as contentions within SAFT); and (4) negotiated agreements (referred to as settlements with SAFT) (McLendon, Cohen-Vogel, and Wachen, 2015, pp. 97-98). While there has been some criticism levied against the ACF pertaining to its failure to address how conflicting individual interests within a coalition may disrupt the policy subsystem (Shlager, 1995; Schlager & Blomquist, 1996), I believe the SAFT aids in silencing this criticism by helping to explain periods of internal contentiousness, new mobilizations, and settlements within the policy subsystem or field (Shlager, 1995; Schlager & Blomquist, 1996).

Significance and Delimitations of the Study

Political tensions and the battle over policy agendas in Georgia state politics is nothing new; however, the political tensions surrounding school reform issues have continued to increase

in recent decades. Increased tensions are directly linked to the idea that education and society are inherently connected; thus, if one controls the ideological direction of educational policy, one can control the ideological direction of society. This idea can be traced back to early policy reformers and the idea of reconstructing society. As such, a renegotiation of the purposes of schooling have taken place as a direct result to the ideologies of neoliberalism and neoconservatism. The significant impact of this study is in the uncovering of the intent and the degree to which conservative political actors and networks are engaged in transforming education to reflect conservative ideological aims within Georgia. This study indicates not only the significance of this process in Georgia, but also the possibility of similar efforts in other states.

While this study offers significant insight into educational policymaking in Georgia and contribute to scholarly work in educational policy circles, there are at least two significant limitations to this study. First, members of non-governmental agencies and venture philanthropies have little to no interest in sharing the often hidden world of policy discourse and strategic planning. Examples include reporters, such as Atlanta's Channel 11 reporter Brenden Keefe attempting to uncover the closed door meetings of the American Legislative Exchange Council and high security, closed-door meetings held by venture philanthropists such as the Koch brothers (PRWatch Editors, 2015; Keefe, 2015; Windsor, 2014).

Second, I anticipate significant problems in trying to identify the ideological intentions among members of the Georgia General Assembly beyond what is explicitly expressed in official government records and statements. In addition, Georgia politicians are typically reluctant to share their associations with the American Legislative Exchange Council and the State Policy Network and organizations may keep secret many of their financial backers. I

worked through these limitations with the aid of in-depth document analysis, media accounts, and narratives of former members of ALEC who have spoken out against the process and who may share critical insights into the inner sanctum of these conservative groups.

Structure of the Dissertation

In Chapter Two, I speak directly to the history of neoliberalism and neoconservatism and how those two ideologies have significantly become more entrenched in the politics of Georgia. Included within this chapter is an examination of how those two ideologies and the reemergence of paleoconservative thought threaten to dismantle public education in the state. This chapter includes a discussion of how the makeup of the Georgia General Assembly has changed over time and educational law and policy has been affected because of those changing dynamics. I complete this chapter with an analysis of the current state of public education in Georgia and potential factors that may affect educational policy in the future.

In Chapter Three, I utilize Strategic Action Field Theory and augment that theory with aspects of the Advocacy Coalition Framework Theory to explain macro- and meso-level educational policy reform agendas and the growth of charter schools within Georgia. Understanding the meso-level structures and mechanisms requires an examination of how venture philanthropists, think-tanks, and non-governmental actors position themselves to influence the politics in Georgia and act as quasi-policymakers. Chapter three ties in current educational reform agendas by examining the rapid growth of charter schools and school privatization. This chapter ends with a discussion of future implications of education policy and education reform within the state.

Chapter Four is an examination of the relevant information tied to the efforts of Governor Nathan Deal and the Georgia General Assembly to pass the Opportunity School District

legislation; the latest efforts pursued by the conservative coalitions mentioned above. I narrow the discussion by focusing on how Georgia is attempting to establish a statewide district of charter schools that disenfranchises and eventually replaces traditional public education in favor charters. This effort has several potential problems that are outlined in this chapter. The history of charter legislation dates by to 1993 under Governor Zell Miller and this chapter will trace that history along with the many groups that influenced this educational policymaking leading to charter school legislation. This chapter will end with a discussion of the future of public education in Georgia, the continued influence of strategic ideological fields and non-governmental actors, and charter schools in the state.

Finally, in Chapter Five, I utilize the prior three chapters as a lens to identify common themes and realities facing public education and discuss the possible implications for both public education and educational policymaking. Special attention will be leveled on how understandings from this research can guide future research and practice to include implications for teacher education.

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CHAPTER TWO

A HISTORY OF IDEOLOGY, POLITICS, AND STATE EDUCATION POLICY SINCE 1993

Writing in 1796, Antoine-Louis-Claude, Comte Destutt de Tracy, a French philosopher, academic, economist, and politician, coined the French term idéologie to describe a science of ideas. Destutt de Tracy's philosophy, influenced by a form of Condillacian sensationalism, roughly rooted in the philosophy of John Locke, argued that ideologies are outgrowths of one's perceptions, memory, judgments, and will (Jefferson, 1817/1970). A product of the French Revolution and a contemporary of Thomas Jefferson, de Tracy's work was eventually published in the United States with the aid of Jefferson. Why is this important? Understanding the historical, political, and philosophical contexts during the period de Tracy was writing, helps explain the significance of how contemporary ideologies are enacted in modern socio-political contexts.

For Tracy, ideology should have been classed a super-science, which ties sociopolitical and economic issues together "through the universal application of its insights into human behavior, 'the greatest of arts, for the success of which all the others must cooperate, that of regulating society in such a way that man finds there the most help and the least possible annoyance from his own kind'" (Jefferson, 1817/1970). Ideology in our modern parlance may be understood as a collection of beliefs, conscious and/or unconscious ideas, motivations – a comprehensive normative vision of what is good or bad and right or wrong – held by an individual, a society, a group, institutions, etc., which are then transmitted through goals, expectations, and policies. What are the current ideologies impacting our society and more specifically education reform in Georgia? Is there one dominant ideology or an amalgamation of

ideologies driving education policymaking in the state? Rightist ideological agendas, including neoliberalism, neoconservatism, and paleoconservatism, have dominated the political scene and educational policymaking since the 1980s. In order to understand the shifting and often confusing aspects of ideological agendas in Georgia and the impacts on education policy, one must delve into the history of Rightist ideological movements. I first discuss the history of the neoliberalism, neoconservatism, and paleoconservatism. I then place those ideas within a broader political-ideological landscape discussing impacts on state-level education policymaking.

A History of Rightist Ideologies

As stated earlier, the dominant ideologies impacting education policymaking in Georgia are neoliberalism, neoconservatism, and paleoconservatism. While neoliberalism maintains adherents from the political Left and the political Right, it is a fundamental ideology adhered to by free-market conservatives and the centrist-Left. Neoconservatism and paleoconservatism are more difficult to discern due to the shifting nature of Rightists ideologies over the last fifty years. Education policymaking has seen a steady shift away from the progressive trends during the presidency of Lyndon Johnson to a steady reconstruction of education centered on Rightist agendas. By far, adherents of neoliberalism have coordinated and implemented the largest educational reforms in Georgia driven by a focus on free-markets, choice, deregulation, competition, efficiency, and standardization. Understanding the impetus for those ideas, mandates an examination into the history of neoliberal collective thought.

Neoliberalism

By far, the dominant ideology impacting education in Georgia is neoliberalism. As David Hursh (2008) states, “neoliberal theory and practices have become so embedded within our economic and political decision making that neoliberalism is rarely explicitly invoked as a

rationale" (p. 35). Hursh further adds that "neoliberalism has become ingrained as the rationale for social and economic policies and, as such, is rarely challenged" (Hursh, 2008, 44). The current neoliberal approach to education utilizes the language of capitalism such as choice, competition, markets, deregulation, standardization, and efficiency as attacks against public institutions generally and public schools specifically. Productivity, competitiveness, efficiency, and marketization have become "the ultimate" ideological framework within which "human actions" are conceived, described by Pierre Bourdieu as the "capitalization of life" (Bourdieu, 1998, 30). Unfortunately, neoliberalism, as an ideological rationality, has become so entrenched it is taken for granted as a foundational ideology in the United States. A facet of critical inquiry is exposing this hegemony.

Neoliberalism includes a spectrum of social, political, and economic phenomena at different levels of complexity, examples of which range from highly abstract ideas to somewhat concrete actions, but are nonetheless committed to the idea that the market should be the fundamental organizing construct for all political, social, and economic decisions (Atkinson, 2017; Down, 2009; Saad-Filho & Johnston, 2005). In terms of education, as Stephen Ball notes, the prevailing discourse produces new subject positions and social relations, and the meaning, force, and effect of this new discourse is framed by "an overbearing, economic, and political context of international competitiveness" (Ball, 2007, p.2). For neoliberals, the capitalist economy and the free-market are the archetype for which all other institutions should be modeled upon, including education.

So what is neoliberalism exactly? David Harvey (2005) defines neoliberalism as "a theory of political-economic practices that proposes that human well-being can best be advanced by liberating entrepreneurial freedoms and skills within an institutional framework characterized

by strong private property rights, free markets, and free trade" (p.2). Furthermore, the role of the state should act to enable and preserve governmental and private networks and institutions that will further neoliberal practices. However, American neoliberalism is somewhat different than European neoliberalism. American neoliberal thought and the American-form of capitalism are rooted in the "doctrines of competition and entrepreneurship" combined with the "rejection of advancing socialist ideas" (Mirowski & Plehwe, 2009; Walpen, 2004a). This "neoliberal thought collective" stems from multiple locations around the world, yet is rooted in a unifying political-economic philosophy, or "market-political" philosophy (Mirowski & Plehwe, 2009, 22; Brown, 2006, 698). Some scholars utilize Foucault's idea of governmentality to speak of neoliberalism as a form of governmental reason and a way of governing the world through market ideology and market discipline (Brown, 2006, 2015; Foucault, 2008, Olsse, Codd, & O'Neill, 2004). While Harvey gives a brief and concise history of neoliberalism, it is rather too generalized. A decidedly more in-depth discussion of the history of neoliberalism can be found in *The Road from Mont Pelerin: The Making of the Neoliberal Thought Collective* by Philip Mirowski and Dieter Plehwe. Their analysis traces neoliberalism back to the Walter Lippmann Colloquium held in Paris in 1938 and The Mont Pèlerin Society begun in 1947.

The Walter Lippman Colloquium was organized by French philosopher Louis Rougier and consisted of twenty-six individuals prominent in business and economic studies. This original neoliberal network created a model from which the Mont Pelerin Society (MPS) was later established by Friedrich Hayek and Wilhelm Ropke. The beginnings of the MPS were not without tensions and the future direction of neoliberal thought was, at times, in question. Regardless, the MPS met in 1947 to develop a set of statements, or aims, to target threats to classical liberalism and capitalism. While the initial statement of ideas, drafted on April 7, 1947,

were not entirely agreed upon, “the neoliberal ten commandments” are an indication of the MPS’s philosophy (Mirowski & Plehwe, 2009, p. 24). Those aims produced language that included the belief that “individual freedom can be preserved only in a society in which an effective competitive market is the main agency for the direction of economic activity,” and thus, can only be fostered through “decentralization of control” and the use of privatized means of production (Mirowski & Plehwe, 2009, 23).

Other language we have come to associate with neoliberal thought includes: 1) the freedom of the consumer and the freedom of the worker to choose as essential to maximizing output and satisfying materialistic desires; 2) Individuals must have rights to plan through initiative and freedom and not be required to adhere to some centralizing use of economic resources; 3) a belief that a decline in competition and free markets would lead to totalitarianism and thus, there should be legal and institutional frameworks in place to preserve a competitive market and decentralize government control; 4) there should be limited government involvement in the life of individuals. However, if the government becomes involved, its primary role is to secure individual liberty and to protect capitalism; and 5) a free society should accept a moral commitment to the values of private action and freedom of choice equal to or more valued than that of collective action (Hartwell, 1995; Mirowski & Plehwe, 2009). Neoliberalism ultimately is an amalgamation of ideas stemming from the Austrian school of economics, the Chicago School of Economics, the Friedburg School of ordoliberalism (Germany) and Fordism – the American social and economic order focused primarily on industrialized, privatized, and standardized mass production and mass consumption. Table 1 provides a summary of the key aspects of neoliberal ideology.

Summary of Key Aspects of Neoliberal Ideology

Historical Notes	Began as a European model of the third way – a balance between classical liberalism and social policy in the late 30s and early 40s; its modern form traced back to the 70s and 80s and the financialization of society; traces roots to German Ordoliberalism
Key People; Influences; and Heroes	Friedrich Hayek; Ludwig von Mises; Ayn Rand; Milton Friedman; members of the Mont Pelerin Society from 1947 forward; Lewis Powell (the Powell Manifesto or Memo); Business Roundtable; Philanthropy Roundtable; Reagan in the U.S. & Thatcher in the U.K.; Austrian School & Chicago School of Economics; George Stigler; Gary Becker
Center of Gravity	Westernized neoliberal ideology – now the dominant version – promotes free enterprise and competition and limited or no state intervention; monetarism; limited government; promotes unfettered capitalism as true social and economic freedom; corporatism; monetarism; globalization; privatization of public interests
Publications; associations; organizations; think-tanks; etc.	The Heritage Foundation; The Cato Institute; Citizens for a Sound Economy; Manhattan Institute for Policy Research; American Enterprise Institute; American Legislative Exchange Council (ALEC); State Policy Network (SPN); Accuracy in Academia; Transnational organizations like the IMF; World Bank; OECD; venture philanthropies; many of the neoliberal principles are found in the neoconservative think tanks and publications; Friedman Foundation for Educational Choice; Specific for Georgia would be the Georgia Public Policy Foundation
Educational Policy Reform Initiatives and/or Influence	Privatize education; high-stakes testing; edubusinesses; Educational Management Organizations (EMOs); standardization; STEM focus; College and Career Academies; school to work; rugged individualism and competition; Choice; Vouchers; Charter schools; accountability, productivity, efficiency; schooling should be about what is best for the global economy and keeping American competitive in the global market

Table 1. A summary of the key aspects of neoliberalism.

Neoconservatism

Neo-conservatism is an interesting conservative variation to study because, as Vaïse (2010) states, "it has no electoral, economic, or religious base; it has never had an uncontested leader; and it has never been represented by any clearly defined organization. It is in no sense a political party" (p. 4). Though neoconservatism is not a political party, the Republican Party is made up of a strong contingent of neoconservative thinkers and strategists. It is "a school of thought, an intellectual outlook, or perhaps a tendency or persuasion, as its godfathers Norman

Podhoretz and Irving Kristol sometimes described it" (Vaïse, 2010, p. 4). Neo-conservatives "yield great power and influence over the broad conservative intellectual movement, and in turn, the Republican Party" (Thompson & Brook, 2010, p. 2). Understanding the philosophical and ideological foundations of neoconservatives is challenging because neoconservatism has changed over the years. Neoconservatives "wish to guide America from the top down", yet neoconservatism is prone to "discontinuity, heterogeneity, and contradiction" and the word itself is "constantly in danger of losing any precise meaning" (Thompson & Brooks, 2010, p. 3; Vaïse, 2010, pp. 5-6). This is due to neoconservative actors who are quite fluid in their thinking, utilizing whatever ideological formation or idea in order to satisfy their ultimate goals.

Fukuyama states that, "the neoconservative legacy is complex and diverse, tracing its roots back to the early 1940s" (Fukuyama, 2006, p. 4). The history of neoconservatism, however interesting, is too long for this paper, so I will concentrate on the current form of neo-conservativism that finds its roots in the 1960s as a counter-movement to the New Left. These neoconservatives are often referred to as second- and third-generation neocons. Since the early 1980s and during Ronald Reagan's first term in the White House, "the neocons have systematically taken over the conservative intellectual movement with remarkable speed, their ideas have come to dominate the Republican Party, and their policies have influenced the administrations" of each Republican President since Reagan (Thompson & Brooks, 2010, p. 17). Second-generation neoconservatism runs roughly from 1968 and the end of President Johnson's administration to roughly around 1995 when Vaïse states that a "new age of neo-conservatism was born" and "became a full-fledged element of the Republican Party, now unambiguously on the right" (Vaïse, 2010, p. 11). Third-generation neo-conservatism makes up the contemporary movement, though I would suggest that we are in a period of transition marked by upheavals in

the Republican Party, a fourth generation marked by internal struggles between the Religious Right, Libertarians, and mainstream neoconservatives, has become more evident with the current divisions in the national Republican Party.

The Neocons of today are a blending of the second- and third-generations who tend to not mind the idea of an interventionist state as long as it serves their ideals of national greatness and American global supremacy. This interventionist belief is manifested in a hawkish stance on the use of military and interventionist foreign policy. They have attached "great importance to military superiority and to the democratic principle: America must be strong and ready to act in the world according to its political and security interests, which sometimes includes help in spreading democracy" or the idea of state building – an American form of imperialism (Vaïse, 2010, pp. 11-12). Democracy and imperialism are quite contradictory, which may contribute to the fragmentation conservative are currently experiencing. Unlike other forms of conservatism, "neoconservatives are guided by a vision of a strong state. This is especially true surrounding issues of knowledge, values, and the body (Apple, 2006, p. 67; Brown, 2006, Saltman, 2000). Saltman argues that the neoconservative form of conservative ideology "is dangerous [and antithetical] to public democracy as it demonstrates a deep distrust of public governance and public deliberation and its demands that citizens pledge their allegiance to unquestionable dogma framed through jingoistic nationalism" (Saltman, 2006, p. 348). The current conceptualization of neoconservatism seems to be united around militarism, corporatism, and nationalism, with a belief that American power can be used for moral purposes – "the open affirmation of moralized state power in the domestic and international sphere" (Brown, 2006, p. 697).

Brown describes neoconservatism as a "moral-political rationality" and, much like other authors' descriptions, (for example, Apple, 2000, 2006; Saltman, 2000, 2006, 2012, 2014) tends

to combine elements of the paleo-conservatism and neo-conservatism together (Brown, 2006). I believe that this becomes problematic when defining the impacts of conservatism on various social, political, and cultural issues. There are five fundamental principles that the current neoconservatives adhere to: 1) a belief in the need for the U.S. to play an active role in the world and to assert and defend an American-led world order that utilizes a neo-Reagan form of foreign policy and military supremacy buttressed by moral righteousness; 2) a connection to Straussian philosophy and the importance of pressing a political realism which argues that to protect U.S. interests and neighboring countries, democracy must be imposed on other countries through regime change – often describing the U.S. as offering a fig leaf of democracy when it is really a mask for imperialism and militarism - some call this hard-line Wilsonianism (Thompson & Brooks, 2010; Vaïse, 2010). 3) the idea of a benevolent empire – *Pax Americana* – or the idea that, by Americans seeking their own security, it brings peace and order to the rest of the world; 4) America should feel free to act unilaterally, which is consistent with a righteous ideology and a belief that global organizations, like the United Nations, are ineffective and illegitimate; and 5) the U.S. needs a massive military to maintain world order and to maintain security for the U.S. and its allies as well as influencing regime change in order to impose this ideology in other countries.

Neocons view Europe as weak and usually promote a hardline Zionism (Vaïse, 2010). For Neocons then, it is not surprising to find that they promote a narrow, standardized, and dogmatic curriculum since education provides the training ground for future neoconservatives. Thus, education requires reform centered on indoctrinating students with a jingoistic allegiance to the state cloaked in a doctrinaire Christian morality, a subservient citizenry willing to follow neoconservative elites operating in authoritative, platonic, roles who determine the future of

America. Neocons believe that civic virtue requires absolute subservience to the state not unlike their unquestionable commitment to God. However, as I alluded to earlier, many scholars tend to blend neoconservatives and paleoconservatives. Though they share many aspects of mainstream conservative ideas, what separates paleoconservatives from neoconservatives has more to do with social and cultural issues and less with foreign policy or military issues.

Summary of Key Aspects of Neoconservatism

Historical Notes	Trace roots back to 30s & 40s; Began to become prominent in the 1960s as a response to the radical left (New Left movement); hawkish/centrist Democrats but turned Republican by the 80s & 90s
Key People; Influences; and Heroes	Irving Kristol; Norman Podhoretz; Daniel Bell; Seymour Lipset; Bill Kristol; David Brooks; John Podhoretz and many others; Alexis de Toqueville; Lionel Trilling; Winston Churchill; Ronald Reagan
Center of Gravity	From the 40s through 60s they were primarily focused on domestic/social policy but as the 60s progressed, shifted to foreign policy issues; by the 90s, primarily focused on social policies; American Exceptionalism; spreading democracy through militarism; strong statists; nationalism
Publications; associations; organizations; think-tanks; etc.	*Weekly Standard*; *Commentary*; *New Republic*; *National Review*; *Wall Street Journal* (editorial pages); *The Public Interest*; *The National Interest*; Fox News; Project for the New American Century (PNAC); American Enterprise Institute (AEI); Heritage Foundation; Hudson Institute; Ethics and Public Policy Center; Center for Security Policy; Committee on the Present Danger; Committee to Expand NATO; Project on Transitional Democracies; Foreign Policy Initiative; Foundation for the Defense of Democracies; influential members are found within the State Policy Network (SPN) and within the American Legislative Exchange Council (ALEC) as well as connected with venture philanthropy
Educational Policy Reform Initiatives and/or Influence	Primarily geared around curriculum and pedagogy; While supporting some ideas of neoliberalism, they are primarily concerned with patriotism; loyalty; nationalism; American Exceptionalism; militarism; non-critical perspectives on history – celebratory history; the idea that a good American will be loyal, patriotic, and fall in line with their foreign policy ideas as well as pro-business fundamentals; English First; high standards and testing in line with neoliberal ideas

Table 2. A summary of the key aspects of neoconservatism.

The Post-Neoconservative Turn: The Alt-Right or Paleoconservatism

If anyone has paid attention to politics in the last few years, the term "Alt-Right" has been utilized considerably to describe groups like the Tea Party, the Christian Right, and some would argue, a turn toward neo-fascist ideas. In actuality, what the United States has been witnessing is a post-neoconservative turn and a resurgence of paleoconservative ideology. Paleoconservatism represents conservative traditionalists and includes an amalgamation of old conservative ideas based on religion, race, class, gender, and other antediluvian cultural norms. The term paleoconservative can be traced back to the 1980s when Pat Buchanan and other leading conservative traditionalists began to critique the new conservatives in the Republican Party. Paleocons believe that the neocons have hijacked true conservatism and transformed it into something else – something markedly different than true conservatism (Francis, 2002). Paleoconservatives are considered to be social and cultural conservatives signifying a brand of conservatism whose roots reach back to the pre-Cold War Era, whose adherents readily accept the label Old Right, and who "represent a conservatism that arose in opposition to FDR's New Deal and Lyndon Johnson's War on Poverty (Scotchie, 1999). However, Francis argues that "paleoconservatism is as new as neoconservatism" and "is an invention of the magazine *Chronicles*" (Francis, 2002, p. 25). *Chronicles* is a magazine dedicated to the paleoconservative outlook on American culture as analyzed by the Rockford Institute.

Paleoconservatism actually arose as a reaction against several trends emerging in the American Right: (1) the bid for dominance by the neocons (the historical dynamics are beyond the focus of this study); (2) the perceived collapse of intellectual, moral, and political thought in the mainstream conservative movement; and (3) the growth of secularism, hedonism, and the carnal and material self-indulgence of the dominant culture, as well as the "proclivity of culture

to be manipulated by media and the political elites" (Francis, 2002, pp. 25-26). Philosophically, the paleo-conservatives are influenced by Edmund Burke and value a rural America situated in old Southern agrarian ideas, states' rights, hierarchical order, nonmaterialism, and traditional cultural and religious groundings embedded within a traditional nuclear family. Economically speaking, paleoconservatives abide by the Austrian school of economics with influences from Friedrich Hayek and Ludwig von Mises (Scotchie, 1999).

Paleoconservatives have a special affinity to the South, due to the long-history of advocating for states' rights, and they admire the "decentralizing tenets of Thomas Jefferson, John Randolph, John C. Calhoun" and Andrew Jackson and they disagree with large-scale industrialization (Scotchie, 1999, p. 2). Much of the paleoconservative viewpoints began to creep into the Republican Party during the George H. W. Bush's presidency and the end of the Cold War. Some of the Paleo's "positions and ideas were smack in the conservative mainstream: privatizing social security; eliminating numerous cabinet positions, including Education, Commerce, Energy, and Transportation; a pro-life stance on abortion; and opposition to affirmative action and quotas" (Scotchie, 1999, p. 6). Major areas where the Old Right and the New Right part company are over issues of immigration, trade, religion, and foreign policy. The paleoconservatives distrust the degree to which the country has generated a huge debt for the purpose of military expenditures as well as the declining moral values of big business, the destruction of small businesses and local commerce in favor of conglomerates, outsourcing of jobs, and the gutting of state-funded infrastructure that supports institutions such as education, transportation, and emergency services (Brown, 2006).

Paleocons look at the neocons as American imperialistic empire builders while they see themselves as keepers of the republic – the keepers of the intentions and institutions of the

founders. Paleocons are scrambling to take back conservatism from the neocons and the neoliberals – they feel like they are the "righteous bulwarks" of conservatism (Brown, 2006, p. 698). Their voices are often swallowed up in the conservative cacophony, but their desire to "re-articulate and police cultural and national borders, the sacred, and the singular through discourses of patriotism, religiosity, and the West" have not been as successful in becoming part of modern conservatism (Brown, 2006, p. 699). However, a new form of conservative populism is beginning to change conservatism in such a way as to pull more paleoconservative ideology into the mainstream. For instance, we have witnessed a resurgence of paleoconservative thought, at least in the last couple of years, as witnessed in the 2016 Presidential debates and in many of the Religious Freedom bills, anti-LGBTQI and transgender legislation, and other socio-cultural debates taking place in various state general assemblies.

It is extremely difficult to decipher the conservative rhetoric and the best way to discern differences between the Old Right (paleos) and the New Right (neocons) is to examine the writings of major figures from both variants. Russell Kirk (1918-1994) was one of the more prolific writers on paleoconservative thought and ideology and developed what he referred to as the Ten Conservative Principles: (1) the conservative believes that there is an enduring moral order; (2) the conservative adheres to custom, convention, and continuity; (3) conservatives believe in what may be called the principle of prescription (things established by immemorial usage, so that the mind of man runneth not to the contrary); (4) conservatives are guided by the principle of prudence; (5) conservatives pay attention to the principle of variety; (6) conservatives are chastened by their principle of imperfectability; (7) conservatives are persuaded that freedom and property are closely linked; (8) conservatives uphold voluntary community, much as they oppose involuntary collectivism; (9) conservatives perceive the need

for prudent restraints upon power and upon human passions; and (10) the thinking conservative understands that permanence and change must be recognized and reconciled in a vigorous society (Kirk, 1993).

Paleoconservative ideological norms have been absorbed into the mainstream conservative movement, which is why it is often difficult to distinguish it from neoconservative ideology. Moreover, I would argue that mainstream conservativism has actually embraced many of the traditionalist views of the Paleos and coopted those views in the contemporary Republican Party. Examples of paleo views that have been coopted include support of the nuclear family, opposition to abortion, opposition to gun control, Christian fundamentalism, opposition to LGBTQI rights, support for capital punishment, and originalist interpretations of the Constitution. Paleos differ in that they often are slightly more sympathetic to environmental concerns than neocons and neoliberals, they are more attuned to rural and poverty issues because of the strong lineage of Southern Agrarianism, they tend to be more anti-consumeristic and anti-materialistic (positions that run counter to neoliberal and neoconservative thought), and have slightly different motives when it comes to education. The paleo-conservatives house within their ranks a vast majority of the Christian Right whose views are often borrowed for strategic and tactical purposes by the Republican Party. Regardless, it is important to discuss the Christian Right separately as they are growing in influence as they battle, in their opinion, against increased secularism that pulls the country away from its Western Christian traditions.

Conservatism, in general, has embraced a new Christian fundamentalism that has been steadily growing since the Reagan Era. “Reagan campaigned on ‘values’ issues such as restricting access to abortion, anti-federalism [states’ rights], the use of vouchers and tax credits for private schooling, and welfare reform. In response to Republican overtures, conservative

Christians organized behind Republican issues and candidates" and this has continued to increase over the last three decades (Myers & Cibulka, 2015, p. 270). The Christian Right, as part of the paleoconservative variant of conservatism, "is animated by two central themes: (1) the attempt to restore to American life the sanctity of family and traditional gender roles and (2) appropriate rules of sexual conduct and belief, both of which are rooted in the conviction that Christian morality has been replaced by secular values" (Myers & Cibulka, 2015, p. 271). In addition to those two central themes, I would include that the Christian Right has become more aggressive in their attacks on scientism. They have increasingly pushed back against medical advances that indicate marijuana and hemp are successful tools to fight many diseases and ailments, they have rejected the scientific consensus over climate change, and they have included many extremist views that adhere to New World Creationism. For this reason, one could argue that there are factions within paleoconservatism.

Beyond the issues of the nuclear family and issues of sexuality and abortion, the Christian Right are less unified as they venture into other peripheral issues. These issues include economics, foreign policy, education, the environment, and taxes. In terms of education, the Christian Right, as part of paleoconservatism, often attack curriculum standards by speaking out against the study of evolution, and the need to push for more Anglo-centric history standards reflecting American exceptionalism, patriotism, and loyalty. The Christian Right and paleoconservative ideology are very much aligned when it comes to schooling, especially in terms of curriculum reform, prayer in school, and Christian-based home schooling. The Christian Right and paleoconservatives instigate many of the educational reform issues and the ascendency of charter schooling, though for different reasons than neoliberals and neoconservatives. The Christian Right remains part of the larger conservative movement and tends to align most readily

with the paleoconservatives or traditionalists. Table 3 below provides a summary of the key aspects of paleoconservatism.

Summary of Key Aspects of Paleoconservatism

Historical Notes	Can trace its roots back to 40s, however, as a term, only came about in the late 70s and 80s as a counter to the 'new' or "neo" conservatives; positioned as against liberalism and the new conservatives
Key People; Influences; and Heroes	Russell Kirk; Pat Buchanan; Samuel T. Francis; Thomas Fleming; Paul Gottfried; Joseph Sobran; Allan C. Carlson; Theodore Pappas; Donald Livingston; look back to the ideas of Edmund Burke, Thomas Jefferson, and John C. Calhoun (his views after 1820); Southern Agrarians; Christian Right; Some aspects of Libertarianism, Tea Party; Constitution Party
Center of Gravity	Anti-federalism; limited government; traditions; non-interventionist military; against the foreign policy of the neocons; against LGBTQ rights; anti-abortion; pro-religion and the linkage of government to religious tenets; against strong neoliberalism but pro-local and small businesses; pro-gun rights; strong discipline and policing; nuclear family is core of society;
Publications; associations; organizations; think-tanks; etc.	*The American Conservative*; *Chronicles*; *The New American*; Abbeville Institute; Rockford Institute; The Russell Kirk Center
Educational Policy Reform Initiatives and/or Influence	Primarily concerned with curriculum and pedagogical issues; cultural issues; non-critical history that values patriotism; prayer in school; disciplined classrooms; against teaching of evolution; tend to have a large group of New Earth Creationists; state and local control of schools and desire the federal government out of schooling; less focused on standardization and testing as neocons and neoliberals though still for it; a focus on fundamentals; English only

Table 3. A summary of the key aspects of paleoconservatism.

The Political-Ideological Landscape of Georgia

While the dominant party in Georgia has changed from Democrat to Republican, the state has historically remained staunchly conservative. During the 1950s and 1960s, Southern Democrats were extremely conservative, segregationist, staunch advocates for states' rights, rooted in agrarian issues, and fundamentally Protestant Christian. Georgia was dominated by the Dixiecrats who, though only an official party for one election cycle, represented the dominant

views of Democrats during this time. Beginning in the 1940s, the national Democratic Party began to fractionalize into Northern Democrats and Southern Democrats and the party platform was heavily contested. By the 1950s, the Republican platform began to shift as well and many conservative southern Democrats began to see the Republican Party sharing more of their interests. In the 1960s, the Civil Rights Movement was in full effect, and many Southern Democrats were angered over President Johnson's visions of a Great Society and more specifically over his civil rights legislation.

In terms of national elections, Georgia began to transition to the now more conservative Republican party. Georgia's state politics remained a dominion of Dixiecrats or Blue Dog Democrats. State politics and party loyalty remained roughly unchanged until the 1990s. While still maintaining the label Democrat, Governors like Joe Frank Harris and Zell Miller began a more conservative turn in Georgia.

The period from the late 1980s through the 1990s ushered in a transformation within state politics and a shifting of party loyalties. By the time Governor Zell Miller left office in 1999, Georgia had begun the transition to a Republican Party-held state. In the table below, I illustrate the governors of Georgia from Joe Frank Harris forward to show the change in party affiliation as well as the overall party dominance in the Georgia General Assembly. I begin with Governor Harris only to illustrate a longer history of transformation in party affiliation. As Table 4 indicates, during Governor Roy Barnes' tenure, the Georgia General Assembly transitioned to Republican control. By the beginning of the 2003 session, the Georgia State Senate was primarily Republican and by 2005 both houses were under Republican control. While this would seem to indicate a switching of party loyalty, it is rather an indication of which party represented the conservative and traditionalist views of Southerners. Conservatism was no longer identified

with the national Democratic Party thus forcing many Southern politicians to switch party affiliations and run as Republicans.

Georgia Governors and Party Affiliation

Term Years	Governor	Party Affiliation	Party Dominance in Georgia General Assembly
1/11/1983 – 1/14/1991	Joe Frank Harris	Democrat	***GA House:*** Democrat Controlled ***GA Senate:*** Democrat Controlled
1/14/1991 – 1/11/1999	Zell Miller	Democrat	***GA House:*** Democrat Controlled ***GA Senate:*** Democrat Controlled
1/11/1999 – 1/13/2003	Roy Barnes	Democrat	***GA House:*** Democrat Controlled (*narrow margin*) ***GA Senate:*** Democrat Controlled (Note: *between the November 2002 election and the start of the 2003 terms, four GA State Senators switched parties from Democrat to Republican*)
1/13/2003 – 1/10/2011	George "Sonny" Perdue	Republican	***GA House:*** 2003-2004 Democrat Controlled 2005-2011 Republican Controlled ***GA Senate:*** Republican Controlled
1/10/2011 – Present	Nathan Deal	Republican	***GA House:*** Republican Controlled ***GA Senate:*** Republican Controlled

Table 4: *Georgia Governors and party affiliation in conjunction with the transformation of the Georgia General Assembly*. Information retrieved from the National Governors Association, Georgia Secretary of State, and the Georgia State Archives.

Table 5 provides another perspective on party affiliation and how party affiliation has changed since Governor Zell Miller's tenure as governor. Table 5 represents the Governors of school choice and the changing party dynamics in the Georgia General Assembly. Since 2005, Georgia

politics have been dominated by the Republican Party, and has become further entrenched in Rightist ideologies despite the changing demographics of the state. The Georgia General Assembly functions in two year terms or sessions. This study begins with the governorship of Zell Miller because this aligns more with the beginning of the charter school and school choice agenda in the state.

Term or Session	Governor	GA State Senate	GA House of Representatives
1991 – 1993	Zell Miller (D)	45 D; 11 R	144 D; 36 R
1993 – 1995		39 D; 17 R	128 D; 52 R
1995 – 1997		36 D; 20 R	114 D; 66 R
1997 – 1999		34 D; 22 R	102 D; 78 R
1999 – 2001	Roy Barnes (D)	34 D; 22 R	102 D; 78 R
2001 – 2003		32 D; 24 R	105 D; 74 R; 1 I
2003 – 2005	Sonny Perdue (R)	26 D; 30 R	107 D; 72 R; 1 I
2005 – 2007		22 D; 34 R	80 D; 99 R; 1 I
2007 – 2009		22 D; 34 R	74 D; 106 R
2009 – 2011		22 D; 34 R	74 D; 105 R; 1 I
2011 – 2013	Nathan Deal (R)	21 D; 35 R	63 D; 116 R; 1 I
2013 – 2015		18 D; 38 R	60 D; 119 R; 1 I
2015 - 2017		18 D; 38 R	62 D; 118 R

Table 5: *Party affiliation in the Georgia State Senate and the Georgia House of Representatives*. ***Note:*** The 2002 election witnessed four senators changing party affiliation to Republican after the election. In 2010, one senator and eight representatives switch party affiliation to Republican after being elected as Democrats. Information retrieved from the Georgia Secretary of State and Georgia State Archives.

Ideology, Party Politics, and Education

Education is a favorite topic for candidates when running for office. Since the publication of *A Nation at Risk* in 1983, the nation and Georgia has seen an uptick in the discourse of education reform. Each governor and each session of the Georgia General Assembly has taken on public education reform in some way. One of the interesting ways in which ideology and educational reform can be examined is through the party platforms of the national parties, which trickle down

into state politics. In recent years, we can also examine third party platforms to see how closely linked they are to mainstream ideological stances. How has the socio-political focus on education changed since the early 1990s to now? To understand how state education policy-making is influenced on ideological grounds, it is crucial to investigate the national party platforms, which I believe, can act as an indicator of state level party thought and ideology. The remainder of this chapter will focus on the party platforms regarding education and education reform and how changes at the national level impacted education policy change in Georgia.

Educational issues and policy have increasingly become a major issue in political party discourse. For example, in examining the Republican Party and Democratic Party national platforms from 1984-2016, there was an increased utilization of the words "education" and "educational" and a corresponding increase in the percentage of the platforms' language devoted to education policy (Democratic National Committee, 2012, 2016; Republican National Committee, 2012, 2016; Peters & Woolley, 2017a-n). Utilizing Microsoft Word formatting tools to determine word count and position within the text of the party platform narrative, I found that the two major parties increased the priority (measured by how early and prominent the message on education occurred in party platforms) and the percentage of the actual party message related to education increased on average from 3.5% to 6.5%. Beyond the overall quantitative aspects of education priorities, the education priorities between the major parties differed around priorities and long-term goals. However, the Republican and Democratic Party's messages reflect similar neoliberal ideological language on competition and economic priorities over time, though they differ on the socio-cultural implications.

The Democratic, Republican, and Libertarian Parties have distinctive messages on education which are mirrored by the state affiliate parties. Ideological goals impact Georgia

education policy and it is important to examine the message on education from the national parties to see how it coincides with changes in state educational policy over time. While Appendix A contains a more complete sampling of language from the parties discussed below, I have included examples from the most recent national campaigns for brevity.

Democratic Party Platform on Education. In the party platform for both 2012 and 2016, the discussion on education highlighted the idea that "good education is a right for all Americans," and that the U.S. should build an education system that "out-educates" the rest of the world to secure economic opportunity and competitiveness (DPNC, 2012, p. 1; DPNC, 2016, p. 2). The 2012 platform discussed education often as a means to job-security and the "surest path to the middle class" (DPNC, 2012, p. 5). The messages regarding education are squarely meant to prioritize education as a means to an economic end. In this way, centrist Democrats who control the party often share the neoliberal messaging found within the Republican platforms. However, the difference lies within the remainder of the transmitted message of uplift. The Democratic Party's message, while arguably still somewhat neoliberal in context, still frames education as a form of critical social program as well as a "critical democratic institution" (DPNC, 2012, p. 5). Both the 2012 and 2016 platforms discuss the need for excellence in education rooted in a neoliberal context, which would be produced by the closing of the achievement gap, and raising standards across the states to be able to "compete in the global economy" (DPNC, 2012, p. 6, DPNC, 2016). The Republican Party is not alone in pushing for charter schools as evidenced by this statement in the 2012 Democratic Party platform:

> The Democratic Party understands the importance of turning around struggling public schools. We will continue to strengthen all our schools and work to expand public school

> options for low-income youth, including magnet schools, charter schools, teacher-led schools, and career academies (p. 6).

So the idea of choice, while often criticized in more liberal or progressive circles, can be found within the Democratic Party's own messaging. The message regarding choice and options remained in the platform language in 2016, though tempered somewhat by additional language meant to continue to support public schooling:

> Democrats are committed to providing parents with high-quality public school options and expanding these options for low-income youth. We support democratically governed, great neighborhood public schools and high-quality public charter schools, and we will help them disseminate best practices to other school leaders and educators. Democrats oppose for-profit charter schools focused on making a profit off of public resources. We believe that high-quality public charter schools should provide options for parents, but should not replace or destabilize traditional public schools…. We support increased transparency and accountability for all charter schools (DPNC, 2016, p. 34).

The Democratic Party sends mixed messages on standardization, accountability, and testing. While the language of the party platform clearly indicates the push for excellence, higher levels of accountability, and a curriculum that pushes students, the language in other areas discuss unfair testing practices, the need to individualize, and the opportunity for parents to opt-out of testing. Regardless, it is clear that the idea of global competitiveness and school choice is just as much a pattern within Democrats as it is within Republicans.

Republican and Libertarian Platforms on Education. While the Democratic Party utilizes language coinciding with ideas often attributed to neoliberal ideology, the Republican Party and Libertarian Party take their education message further into the neoliberal realm.

Understanding the Republican and Libertarian ideas on education demands an understanding of neoconservative and paleoconservative thought in order to explicate the conservative socio-cultural message. The Republican Party, and for that matter the Libertarian Party, have both adopted the neoliberal ideological stance on education. For example, the Libertarian Party's platform shows the extent that neoliberalism prefers little to no government interference and a consumeristic model of education. Section 2.9 of their current platform states (with my emphasis on words and phrases):

> Education is best provided by the free market, achieving greater quality, accountability and efficiency with more diversity of choice. Recognizing that the education of children is a parental responsibility, we would restore authority to parents to determine the education of their children, without interference from government. Parents should have control of and responsibility for all funds expended for their children's education (Libertarian Party Platform; 2016).

One will not find a separate platform for neoliberalism adherents just as one will not be able to find a platform for neoconservatives or paleoconservatives. It is in the reading of various publications, examining think tanks associated with each variant, and venture philanthropy support that one will begin to decipher the goals and objectives of the different conservative variants.

The 2012 Republic Party platform speaks on education far more in-depth including several key statements that gives an idea how conservatives view education (I will add emphasis on certain words): (1) "Parents are responsible for the education of their children"; (2) "We do not believe in a one size fits all approach to education and support providing broad education choice to parents at the state and local level"; (3)

"Maintaining American Preeminence requires a world-class system of education with high standards"; (4) "Todays education reform movement calls for accountability at every stage of schooling" (5) "It recognizes the wisdom of the state and local control of our schools, and it wisely sees consumer rights in education – choice – as the most important driving force for renewing our schools"; and (6) "[Education] is the whole range of activities by which families and communities transmit to a younger generation, not just knowledge and skills, but ethical and behavioral norms and traditions. It is the handing over of a personal and cultural identity" (2012 Republic Party Platform, p. 35).

While the above statements definitely speak to cultural conservatism associated with neocons and paleocons, the emphasis is on anti-federalism, choice, consumer rights, accountability, and competition associated with neoliberalism. The Republican Party Platform goes on to state:

> After years of trial and error, we know what does work, what has actually made a difference in student advancement, and what is powering education reform at the local level all across America: accountability on the part of administrators, parents and teachers; higher academic standards; programs that support the development of character and financial literacy; periodic rigorous assessments on the fundamentals, especially math, science, reading, history, and geography; renewed focus on the Constitution and the writings of the Founding Fathers, and an accurate account of American history that celebrates the birth of this great nation; transparency, so parents and the public can discover which schools best serve their pupils; flexibility and freedom to innovate, so schools can adapt to the special needs of their students and hold teachers and administrators responsible for student performance. We

> support the innovations in education reform occurring at the state level based upon proven results. Republican Governors have led in the effort to reform our country's underperforming education system, and we applaud these advancements (2012 Republican Party Platform, p. 35).

Other broad education issues are brought up in the Republican platform that speak specifically to how they will achieve their goals in education but are too numerous to include here.

There again, the preponderance of discourse in conservativism is a reflection of neoliberal ideological thought. Pedagogical and curricula concerns seem to be the primary focus of Neocons and Paleocons. Neoliberals embrace the idea of parental choice, competition between schools and between teachers, the utilization of vouchers to enhance choices to include private schools, religious schools, charter schools, and for-profit schools. "Competition, it is argued, will improve schools and teaching by causing 'failing' schools to close and the best schools to survive and influence other schools" (Spring, 2011, p. 132). Neoliberals admire the school choice and free market ideas of Friedrick Hayek and the voucher system of Milton Friedman. Neoliberalism also fully embraces edubusiness (the edupreneurs) and the opening of the education market: textbook publishers, software, open-source companies, test preparation services, and for-profit school management, such as Educational Management Organizations (EMOs) and Charter Management Organizations (CMOs).

To gauge just how embedded the private industry has become with education and their influence on education policy, one can examine the purpose of the Education Industry Association, "a lobbying group representing 450 for-profit education

management companies, online providers, tutoring services, and other education companies" (Spring, 2011, p. 151). This lobbying group, in conjunction with groups that are part of the State Policy Network (SPN), conservative think tanks, venture philanthropy, and the American Legislative Exchange Council (ALEC) have increasingly influenced education policy reforms that primarily reflect the neoliberal ideological agenda. Of course these reforms are all aided by conservative Governors, conservative members of state legislatures, and other meso-level mechanisms operating to influence Rightist ideological agendas in educational policy reform. Examining Georgia as a critical historical case study can aid in understanding neoliberal and broader conservative ideological influences on educational policies.

Discussion

Since the 1993 passage of the first charter school legislation under Governor Zell Miller, Georgia educational policy has undergone swift change. Most significant is the growth of charter schools culminating with recent legislation, the Opportunity School District, intended to establish a statewide charter school district. So, how has Georgia educational policy shifted since the first charter school legislation? How can this be attributed to ideological leanings within the political parties? What is the end game? Georgia is currently operating a dual educational system thanks to the efforts of Rightist actors both within and outside the government. This dual system has been years in the making, an evolution which began with the first charter school legislation and has now culminated in a complex educational law fully embracing charters, school choice, and the crisis narrative of failing public schools. In Appendix A, I have provided the original charter legislation signed under Governor Zell Miller's tenure. In Appendix D, I have provided the current charter law. When one reads through the entirety of the Official Code of Georgia,

what we now see is this dual system of public education – public charter schools and traditional public education. One can examine the party platforms and the various other Rightist ideological sources illustrating the continued push to enact the ideas of Hayek and Friedman, further disenfranchising traditional forms of public schooling in favor of a menu of school choice options.

At the time of this dissertation study, there are continued efforts in the Georgia General Assembly to extend vouchers, tax-credit scholarships, charter schools, and other school choice related legislation. What is the end game? Only time will tell. This dissertation chapter served several purposes: (1) establish the changing political party demographics in Georgia; (2) elucidate the Rightist agenda for education through the language of the dominant political party platforms; (3) discuss how this Rightist agenda is pushing Georgia education policy in the direction of school choice and charter schools; and (4) provide an overview of the political environment contributing later chapters in this study.

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CHAPTER THREE

STRATEGIC ACTION FIELD THEORY: A MESO-LEVEL INSITUTIONAL THEORY FOR EXAMINING EDUCATION POLICY CHANGE IN GEORGIA

Since 1993, Georgia has witnessed continual change in education policy, especially in terms of the school choice movement and the growth of charter schools. Beginning with Governor Zell Miller and the Georgia General Assembly adopting the first charter school amendment, the ideological impetus for school reform has centered on school choice and a myriad of related topics. Those topics include privatization, vouchers, school choice, alternative teacher certification, charter schools, and tax scholarships. Where do these ideas/concepts come from? Why did Georgia education policy start down this path in the 1990s? What are the ideological roots for the legislation leading to charter schools and school choice? How do strategic ideological actors influence and implement education policy change through fields and institutional networks?

The intricacies of Georgia education policy change forces a researcher to first delve into political culture, sociopolitical theory, organization/institutional theory and analysis, new (neo) institutionalisms, ideological maneuvering and strategy, and the intricate networks of actors involved in educational policy transformations. This chapter explores the various forms of meso-level theoretical analysis which may best be utilized to examine government and non-government actors and their politics in negotiating changes in Georgia education policy. Fligstein and McAdams' (2012) work related to sociopolitical and institutional theory, which they discuss as a "theory of fields," is critical to this examination. While their work constitutes the theoretical foundation of this study, their theory must first be situated within a group of competing contemporary policy theories, and discussed in terms of new institutionalism,

sociological constructions, and political-ideological constructions. Much of this work is positioned at the meso-level and requires an understanding of the dynamics of new institutionalism, institutional theory, and institutional analysis.

This chapter serves a dual purpose: (1) It acts as a literature review of new institutionalism, organizational analysis, and the competing theories of policy change by utilizing two primary sources as a starting point – McLendon, Cohen-Vogel, and Wachen (2015) and Wooten and Hoffman (2016); and (2) It introduces Fligstein and McAdam's (2012) work on general field theory and strategic action fields, which provides the theoretical foundation for this dissertation study and the subsequent chapter related to Georgia's adoption of charters and the growth of the school choice movement. I will first address the importance of meso-level institutional analysis and new institutionalism as a form of organizational analysis. Next, I will address several competing policy theories, stemming from new institutionalism, which may be utilized to explore state educational policy and policymaking. Some of those theories have been utilized in educational policy settings, while others are primarily sociopolitical or socioeconomic theories designed to examine broad societal changes. Strategic action fields not only explains changes in Georgia education policy, but it can be used as a methodological tool for policy analysis.

New Institutionalism(s) and Meso-Level Institutional Analysis

To investigate issues of educational policy change in Georgia, one must grapple with institutional theories and organizational analysis. Institutional theory, or institutional/organizational analysis crosses the boundaries of sociology, organizational psychology, political science, and history. Institutional analysis and the associative theories utilized to conduct extensive organization analysis require a researcher to think broadly and often

look beyond quantitative data in order to connect the macro- and micro-level outcomes stemming from meso-level processes. This section of the chapter requires some definitional explanation before moving forward into the various new institutionalisms and the competing theories on policy change. Throughout the remainder of this chapter, I use a sociological perspective to discuss the terms and theories. As Jepperson and Meyer (2011) note, this sociological perspective is "partly constituted by ideas of emergent properties, and multiple levels of analysis" which have been debated and discussed "throughout the history of the discipline" (Jepperson & Meyer, 2011, p. 54). So, how can analysis be conceived (or perceived) at the macro-, meso-, and micro-levels and why is meso-level analysis important for educational policy changes? In turn, why is an understanding of institutions, institutional analysis, and institutional theory, as described through a sociological lens, significant to a meso-level analysis?

Levels of Analysis

Levels of analysis can take on a variety of different meanings whether the researcher is positioned within the hard sciences (e.g. biology and chemistry) or the social sciences (e.g. sociology, anthropology, and political science). For purposes of this study, I am referring to analysis as utilized by social scientists – specifically sociologists and political scientists. Much of sociology "posits that people are enmeshed in social structures that are out of their control and operating at a level that is above or outside of them" (Fligstein & McAdam, 2012, p. 6). In the social sciences, the various levels of analysis are not mutually exclusive, nor do the three levels I discuss here represent the only levels which may be utilized. For the purposes of discussing educational policy change, the three basic levels of analysis suffice.

Macro-level analysis pertains to national and global level phenomenon and often represents the outcomes of various micro- and meso-level interactions. Within policy and

politics, this is often considered a systemic level of analysis noting the interactions that often occur between states (governments), thus impacting national-level phenomenon. At the macro-level, sociologists and political scientists study interactions among and between social structures, institutions, and societies. At the micro-level of analysis, we find interactions between individuals, small groups, and communities; local school districts and county or parish level events. For this study, meso-level analysis provides the key linkage between the "macrosocial processes and microinteractions," as well as the "relationships between agency and structure" (Fligstein & McAdam, 2012, p. 6; Alexander et al., 1987; Coleman, 1986; Giddens, 1984; Sewell, 1992). Meso-level analysis and its accompanying theories of action imply interactions "between and within organized groups" such that an understanding of "the role of social actors [and their institutional fields or environments] on producing, reproducing, and transforming" their fields so as to impact, influence, and construct (or reconstruct) society (Fligstein & McAdam, 2012, p. 7).

Later in this chapter, meso-level analysis takes on a more nuanced approach – an analysis which specifically focuses on "socially constructed meso-level social orders" examining institutional and organizational actors who are "attuned to and interact with one another on the basis of shared understandings," such as values, beliefs, norms, and or formal/informal rules (Fligstein & McAdam, 2012, p. 9). While meso-level analysis usually refers to a population size which falls between the micro- and macro-levels, such as an organization, it is more specifically designed to reveal connections between the micro- and macro-levels of social structures. This study views state-level government institutions, organizations, non-governmental organizations, lobbying organizations, and philanthropic institutions as meso-level operatives and actors positioned within the institutional environment of educational politics and policy. Since meso-

level analysis is heavily dependent upon an understanding of institutions and organizations and their interactions in society, it is important to elucidate work associated with institutional analysis, and more to the point, gain fundamental perspectives on new institutionalism versus classical (old) institutionalism.

Institutions and Organizational Analysis

In understanding the importance of institutions and meso-level organizational analysis, I first articulate the use of the term institutions in the context of this study. While this term may have various meanings, the term more broadly to refer to socially constructed organizations designed for the purpose of serving the group for which it has been constructed. Institutions may act at any level, including macro-, meso-, or micro-levels, of sociological structuration. Institutions are sociological and political structures and mechanisms of social order, which may govern or influence the behavior of a given socio-political strata. Therefore, institutions may be identified as having a special social purpose, transcending the nascent intentions of the individuals and/or groups who constructed the institution. Those institutions may further be examined in terms of whether they are formal or informal, formally codified through law, regulations, and practices or unofficial, representing ideas and/or ideological ambitions or motivations. With this working understanding of institutions, the question then becomes how a researcher should conduct institutional analysis and utilize institutional theories?

Institutional analysis is an integral part of the social sciences utilized to study the structure and mechanisms of social behavior and whether individuals operating within an institution or organization behave according to informal rules and norms or through codified rules and laws. The problem for researchers in studying institutions and organizations is that there is no widely accepted or agreed upon framework or tool for conducting analyses. The

multiple perspectives and lack of practical tools make it difficult to understand how organizations influence the larger field environment, and more to the point, understanding how researchers critically analyze the societal influence of a particular institution or organization. As I will discuss later in this chapter, the field of institutional analysis also rarely focuses on one institution or organization; for example, education policy researchers must inherently consider a complex web of interacting institutions and organizations constituting a general strategic ideological field. Wageningan University and Research in the Netherlands created a framework (Figure 1, p. 85), which best illustrates how a researcher may think through the broad motives of organizations within institutional analysis. This framework is based on four institutional domains – meaning, association, control and action – which connect to structure a form of social interaction.

Each of the four domains has two sub-domains. In addition, this framework assumes four main functions of institutions within society: (1) Institutions represent possible pathways or aspects, of meaning making in the lives of societal members; (2) Institutions and their associative actors work together to achieve shared social, political, and economic goals and objectives – often from a shared ideological perspective; (3) Institutions have a psychological component often influencing and acting as a control mechanism, a source of power (in a Foucauldian sense), over what individuals, governing bodies, and organizations should or should not do; and (4) Institutions, and their associative actors, continually act to alter societal structures and policy in order to influence social, political, and economic outcomes. Formal and informal institutions are equally important, and often reinforce each other. Institutional analysis often focuses too much on formal rules, such as policies and laws. This framework shows the importance of asking

questions about a wider set of factors that interact to shape the incentives for actors to behave in particular ways.

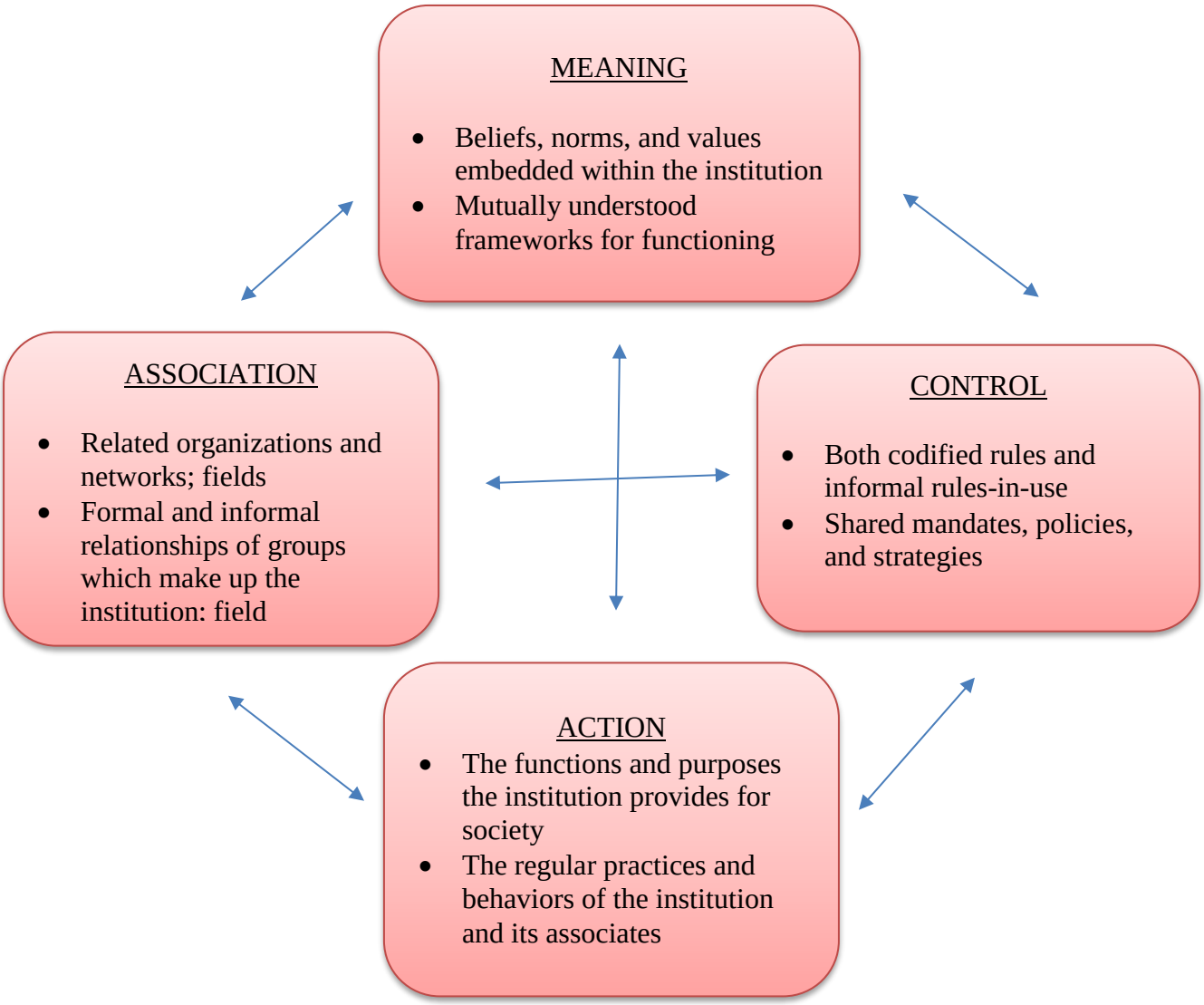

Figure 1: A Model of Institutional Analysis (Wageningan University and Research).

Old intuitionalism and new institutionalism represent the two dominant forms of institutional theory emerging from the scholarship in sociopolitical and economic studies. Old institutionalism is primarily based on the rational-actor model of classical economics and has

steadily lost favor since the late 1980s. New Institutionalism, stemming primarily from the pioneering work of Walter Powell and Paul DiMaggio (e.g. DiMaggio & Powell, 1983; Powell & DiMaggio, 1991), connects and modernizes the political and the economic with the social, rejecting the rigid rational-actor models of old institutionalism (e.g. DiMaggio, 1986, 1988, 1991; DiMaggio & Powell, 1983; Powell, 1991; Powell & DiMaggio, 1991). New Institutionalism theory seeks cognitive and cultural explanations of social and organizational phenomena to understand how institutions survive, and how they must conform to the rules and belief systems prevailing in a particular policy environment and collaborate inter-organizationally (DiMaggio & Powell, 1983; Meyer & Rowan, 1977; Powell & DiMaggio, 1991; Scott, 1995, 2001). In essence, new institutionalism adds a significant sociological flare to the ongoing analysis of institutions and organizations.

The rise of this theoretical perspective has been due, at least in part, to the "disenchantment of social scientists with models of social and organizational action in which relatively autonomous actors are seen as operating with unbounded rationality in order to pursue their own interests" (Meyer & Rowan, 2006, p. 1). Powell's and DiMaggio's (1991) work is a useful resource in differentiating between the old and new institutionalisms (Table 3). Powell and DiMaggio date the birth of new institutionalism to 1977, the year that John Meyer published two seminal papers, "The Effects of Education as an Institution" and "Institutional Organizations: Formal Structure as Myth and Ceremony," which "set out many of the key components of [new] institutional thought" (Powell & DiMaggio, 1991, p. 11).

The new institutionalism focuses primarily on "environments", or "fields", which are roughly "coterminous with the [ideological and strategic] boundaries of industries, professions, and national societies" as well as, for the purpose of this study, philanthropies, political groups

and parties, and both governmental and non-governmental actors (Powell & DiMaggio, 1991, p. 13).

Comparing Old and New Institutionalisms

Characteristics	Old Institutionalism	New Institutionalism
Conflicts of Interest Within & Between Groups	Straightforwardly political in its analysis of group conflict and organizational strategy	Typically downplays conflict of interests within and between organizations; organizations respond to conflicts through highly elaborate administrative structures
Source and Focus of Initial Work in Institutional Studies & The Role of Institutional Structure	Determining the vested interests within organizations as a result of political tradeoffs and alliances and acting through informal institutional structures; coalitions; and cliques	The symbolic role of structure of interorganizational influences based on conformity and shared rationales stressing relationships between field stability, legitimacy, and the power of common understandings
Conceptualization of the Institutional/Organizational Environment; The Locus of Insitutionalism and the Nature of Its Embeddedness into Social Structure	Treats organizations as locally embedded and infused with multiple loyalties of actors informally tied together by interorganizational agreements (a form of cooptation)	Focus is beyond the local examining a broader field or sector of society often coterminous with boundaries of industry, professions, national societies, etc.; Fields become constitutive creating lenses through which actors view the world (norms, values, and beliefs) and the ways in which actors take action
Loci of Action; Organizational Dynamics	Views organizations as both the units that are institutionalized and the key loci of action; Organizations are organic wholes; Preservation of custom precedent with a crystallized character that maintains functional consistency	Institutionalization is occurring at the sectoral or societal levels (fields) and the locus of action resides within interorganization influences; Institutionalization tends to reduce variety overriding attempts at diversity within the field
Key Forms of Cultural or Cognitive Behaviors within Organizations & Institutions; Social Psychology	Theory of Interest Aggregation; Salient cognitive forms are values, norms, beliefs, and attitudes such that organizations become institutionalized when they are infused with value; actors are shaped by norms; newcomers are socialized into the organization; high levels of commitment to shared values; goals are known, but often displaced for practical purpose; focus on policy relevance versus strict adherence to institutional goals and agendas	Views institutionalism as a fundamentally cognitive process where normative obligations enter into social life as facts that actors take into account; While somewhat influenced by norms and values, those norms and values may be peripheral to larger objectives; field members utilize a theory of practical action based on taken-for-granted scripts, rules, routines, habits, and shared schemas;
Goals & Agendas	goals are known, but often displaced for practical purpose; focus on policy relevance versus strict adherence to institutional goals and agendas	goals are at times ambiguous to actors outside of the institutional field, while internally, field actors maintain a disciplinary approach to keeping field members in line

Table 6. Comparing old institutionalism and new institutionalism

New institutionalism posits that institutions operate in an environment, or field, consisting of other institutions. Every institution is influenced by institutional peer pressure, which I discuss later in terms of coercive isomorphism. In addition, organizations operating within an institutional field become institutionalized when they are infused with values, norms, beliefs, and attitudes as ends in themselves (Powell & DiMaggio, 1991, p. 14). In this environment, the main goal of organizations is to survive and gain legitimacy. In order to do so, they need to do more than succeed economically, they need to establish legitimacy within the world of institutions by constructing an organizational field (DiMaggio, 1986, 1988, 1991). However, it is not merely gaining legitimacy in terms of becoming known, it also is working to gain influence over other institutions (proximate and distant fields), making use of normative and coercive isomorphic processes, and the larger field through ideological means. The old adage of "how to win friends and influence people" comes to mind.

In addition to Powell and DiMaggio, Mitchell's (1996) social action neostructuralist framework (Figure 2, page 89) aids in understanding how new institutionalism makes sense of the nature of social action embedded within education policy, politics, ideology and field theory. New institutionalism, which contains aspects of this neostructuralist perspective of social action describing the social bonding, links individuals and small groups into more complex institutional structures (Mitchell, 1996). The neostructuralist perspective also helps explain dynamic shifts that occur as the logic of action shifts from individual and small group actors to broader behavioral expectations thereby constituting a strategic field. The social bonding which takes place create webs of relationships within the field (a network or coalition). In turn, power structures and functional authority are established among the various actors creating formalized mechanics of social control within the field. The idea of power, symbolic interaction, and the

role of ideas found in new institutionalism, and actualized through meso-level environmental structuration, is discussed to some degree by Béland (2010, 2017).

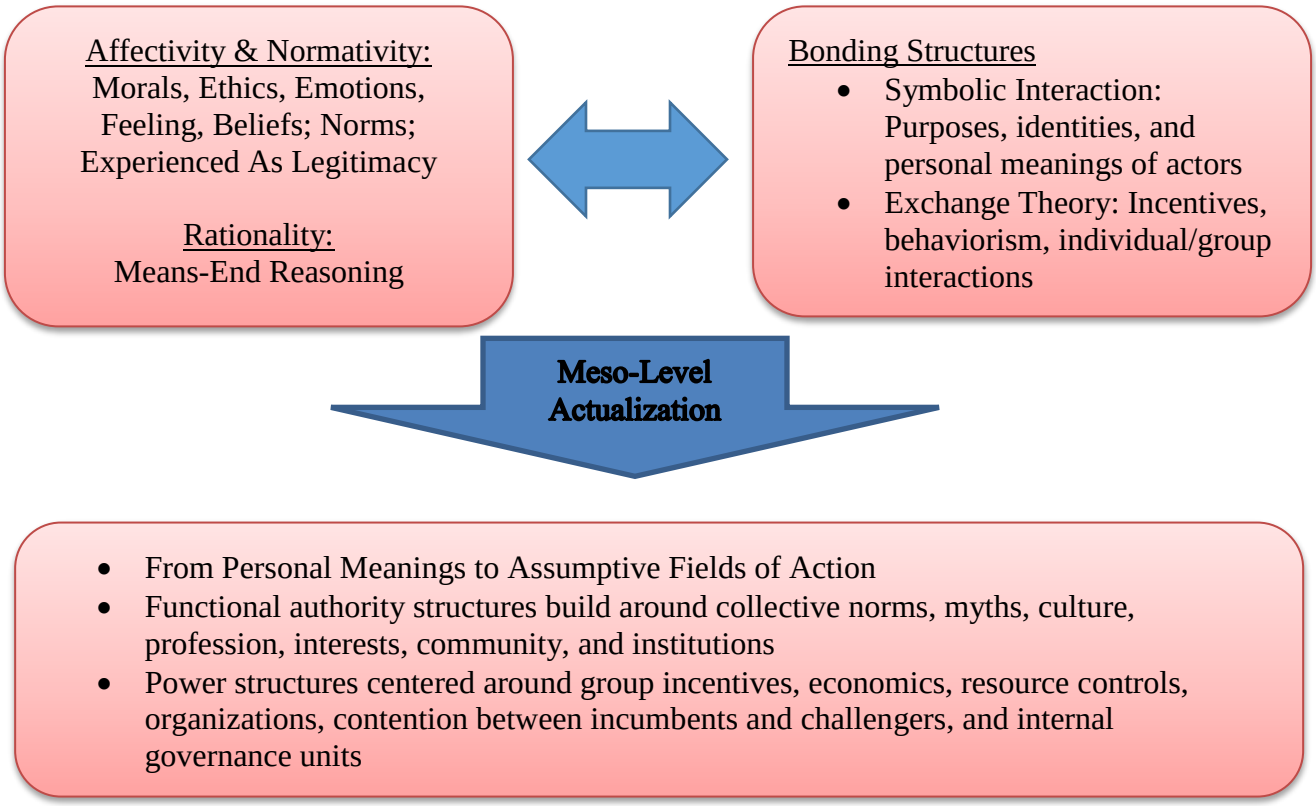

Figure 2. Modified version of Mitchell's Framework of Neostructural Theory Development in the context of meso-level organizational analysis.

Béland states that "because power refers to the capacity to act together in order to shape outcomes, the construction of interests" and to some degree the establishment of identity "is at least partly a collective endeavor that constitutes a major aspect of [the] political mobilization" often seen in institutional field environments (2010, p. 149). His work also acknowledges "the existence of different types of identity, starting with the distinction between personal and collective identities" and how identities may vary through their changing relationship to concrete forms of asymmetrical power relations within sociopolitical environments and social collectives

(Béland, 2017, p. 3). Identities are broad and complex, but they are also meaningful and central to both politics and public policy and an understanding of the nature of assumptive action taking place in strategic fields (Béland, 2017).

Variants of New Institutionalism

New Institutionalism can be broken down further into sub-fields or variants, which are extremely relevant for the purposes of this study. Earlier work such as DiMaggio (1986, 1988, 1991); DiMaggio & Powell (1983); Meyer & Rowan (1977), Meyer and Scott (1983), Jepperson (1991), Powell & DiMaggio (1991), which I have already utilized, and Hall and Taylor (1996), discuss original forms of new institutionalisms. Those earlier works may be contrasted against more recent work, such as Schmidt (2008), Howlett and Ramesh (1998), Howlett et al. (2009), and Lowndes (2010), who discuss the "original" new institutionalisms versus a more discursive and constructivist form – a mature variant of new institutionalism. Hall and Taylor argued that while new institutionalism was gaining ground in the 1990s as a significant advance in institutional theory and organization analysis, it did not "constitute a unified body of thought" and is actually made up of "different analytical approaches" (Hall & Taylor, 1996, p. 936).

Each analytical approach, or sub-field, "seek[s] to elucidate the role that institutions play in the determination of social and political outcomes" (Hall & Taylor, 1996, p. 936). While Hall and Taylor proposed three forms of institutionalism - historical institutionalism, rational choice institutionalism, and sociological institutionalism – later researchers have reorganized those different approaches. For purposes of this research, I utilize the multiple sources mentioned above to gleam four general variants of new institutionalism: (1) Sociological (or Normative) Institutionalism; (2) Rational Choice Institutionalism; (3) Historical Institutionalism; and (4) Constructivist Institutionalism. Each variant has aspects which I believe to be valuable in

explaining meso-level interactions embedded within strategic action fields. What follows is a brief discussion of those four variants, how they fit into meso-level organizational analysis, and a discussion of how utilizing the theory of strategic action fields operate in this larger organizational analysis.

Sociological/Normative Institutionalism

Sociological institutionalism, which may also be referred to as normative institutionalism, is one of the original sub-fields of new institutionalism, though it has matured and is now one of the dominant analytical approaches to understanding organizations and conducting organizational analysis. Sociological institutionalism concerns “the way in which institutions create meaning for individuals, providing important theoretical building blocks for normative institutionalism within political science” (Lowndes, 2010, p. 65). The normative aspect of this sub-field holds that there is a “logic of appropriateness” which guides the actions and behaviors of the actors in an institutional environment or field (March, 1994, p. 57). The logic of appropriateness means that the actions within any institutional environment are "matched to situations by means of rules organized into identities” (March, 1994, pp. 57-58). The norms and values, as well as the formal and informal rules of institutions will shape the actions of those operating within them. The behavior of institutional actors is a reaction to the recognized situation the actors encounter, the identity of the actors in the situation, and the analyses by the actors of the rules that generally govern behavior for in particular situations. However, reactionary behavior may not accurately explain the ideological and/or political maneuverings within a field.

Rational Choice Institutionalism

A competing idea in new institutionalism is rational choice institutionalism. Rational choice institutionalism draws heavily upon rational choice theory – a theory explaining a combination of sociopolitical and economic behaviors – but not exactly identical to it, arising from studies of state and national legislatures (Hall & Taylor, 1996). Proponents of this sub-field argue that political actors' rational choices are constrained, or bounded reality. Thus, actors operating within this field realize their goals can be best achieved through institutions. In other words, institutions are systems of rules and inducements to behavior in which individuals attempt to maximize their own utilities. Both sociological and rational choice institutionalisms are actor-centered institutionalisms. Actor-centered forms of institutionalism assume a greater influence on human behavior stemming from the socio-political environment surrounding people and organizations than from within individual or group based interactions; thus, this perspective of new institutionalism emphasizes the autonomy of political institutions from society in which they exist (Howlett & Ramesh, 2009, pp. 43-44).

Historical Institutionalism

Each variant of institutionalism has a historical aspect, though historical institutionalism may be a stand-alone variant in and of itself. Historical institutionalism actually is an oddity in that it is a "response to a group of theories of politics and structural-functionalism prominent in political science during the 1960s and 1970s" (Hall & Taylor, 1996, p. 937; Steinmo, 1992). Broadly speaking, history matters. This variant of institutionalism is heavily influenced by group conflict theories, which in itself has Neo-Marxist overtones, recognizing the way institutions have structured the polity, institutional environments, and markets over time creating competition, conflict, and contention among rival groups. The paths, agendas, or strategies, designed early on

in the existence of an institutional field tend to be followed throughout the institution's development. Those agendas are based on the pattern of development, both informal (the way things are generally done) and formal (laws, rule sets and institutional interaction). Within that pattern of development, a key concept is path dependency, which is the notion that any set of decisions an institution faces for any given circumstance is limited by the decisions, or actions, the institution has made in the past or by the events the institution has experienced or been exposed to, even though past circumstances may no longer be relevant. In some institutions, this may be a self-perpetuating cycle – actions of one type beget further similar actions.

Historical institutionalism as a theory does not hold that institutional paths will forever be inevitable. Critical junctures, or as I will state later as punctuated events, may allow rapid change at a time of great crisis. Historical institutionalism is critical to this study as a comparative tool; it uses institutional fields to find sequences of social, political, economic behavior and change across time. Charles Tilly (1984), for example, utilized historical institutionalism as a way to examine "big structures, large processes, and [the process of making] huge comparisons" and more recent work by Pierson and Skocpol (2002) utilizes historical institutionalism to explain broader issues within the field of political science. Over time, we can also examine how institutional environments may be socially constructed and manipulated by ideological actors.

Constructivist Institutionalism

The recent trend in new institutionalism and broader organization analysis is a variant referred to as constructivist institutionalism, which pulls heavily on the idea of socially constructed knowledge (Berger & Luckmann, 1966) and the discursive theories of society often found in post-structuralism and post-modern literature. Constructivist institutionalism, as a variant theory, carries with it a definite "ontological distinctiveness" and a general usefulness in

explaining the changes within institutional fields (Hay, 2006, 2011). Constructivist institutionalism brings with it a distinctive discursive aspect, what Schmidt (2008) refers to as a "discursive namic approach," to institutional change. Dodds (2013) discusses the constructivist/discursive variant of new institutionalism and asserts, holding much to Jürgen Habermas' ideas, that political, social, or policy discourses can perform communicative functions in which actors publicly expressing ideas can lead to social change, or coordinating functions (Dodds, 2013; Habermas, 1981). In turn, those ideas and meaning provide a mechanism for multiple actors to achieve consensus on norms and values, thus creating change within a social field.

New Institutionalism and Education Policy Analysis

The pace of state educational policy change and education reform in Georgia has accelerated since 1993. The most prominent policy change in K-12 state education policy is the growth of charter schools and the issue of school choice. In addition, the discussion of vouchers and tax credits (also referred to as tax scholarships) to enable school choice has recently revitalized after facing low public support in the late 1990s. Curriculum standards, such as history and science, are often ideological battlegrounds for nationalistic conservatives eager for a return to celebratory and ethnocentric American history and the Religious Right's resistance to the teaching of evolutionary theory and secular influences. Regardless of the changes occurring in state public education policy, there are histories often linked to particular sociopolitical and/or cultural-ideological formations.

In chapter two of this dissertation, I examined sociopolitical ideologies and discussed the educational policy and philosophy for which they tend to adhere. Emerging from those broad ideological bases are the actors, both state and non-state, operating at the organizational and

institutional level, who influence contemporary education policy in Georgia. Researchers are just beginning to understand how new institutionalism factors into an analysis of state education policy and decision-making. A basic assumption of institutional thinking is that "large institutional complexes [fields] such as education [and state educational policymaking], and the practices they give rise to, are contingent and contested" (Meyer & Rowan, 2006, p. 3). An example of new institutionalism research in the educational policy field is represented by the work of Stephen Ball, along with two colleagues, Carolina Junemann, and Geetha Nambissan (e.g. Ball, 2008a, 2008b, 2009; Ball & Junemann, 2012; Nambissan & Ball, 2010). Ball, Junemann, and Nambissan examined how policy networks have created new institutionalized forms of governance impacting education policy and education reform. Another line of interesting research specifically examines the interplay of power and policy within the institutional networks of neoliberal (corporatized) models of educational reform (Au & Ferrar, 2015). Each of those lines of research examine how networks, new forms of governance, combined with coalitions, have transformed the educational policy field.

Each variant of new institutionalism, mentioned earlier in this chapter, has relevance in discussing changes and influences on state educational policymaking. The reform efforts mentioned above are an "application of a market approach to changing schooling incorporating the new institutionalism" variant known as rational choice institutionalism (Mawhinney, 1993, 1996, p. 31). School choice adherents operating within institutional fields and focused on education reform have argued that "schools would improve if the match between consumer preferences and educational programs were determined through market forces of supply and demand" (Chubb & Moe, 1990; Mawhinney, 1996, p. 32; Fabricant & Fine, 2012; Saltman, 2000, 2014). Along with rational choice institutionalism, we have to consider constructivist

institutionalism and historical institutionalism. The latter shares with rational choice theory the assumption that institutions provide the context in which political actors define their strategies and pursue their goals and interests.

From the constructivist institutional aspect, the institutional environment (or field) aims to reconstruct the notion of schooling and society such that it becomes increasingly meritocratic, standards driven, while offering market options framed by deregulation, outsourcing, consumer choice, and accountability. The constructivist institutionalized theory of educational policy fields connects and overlaps with sociological institutionalism in that the norms and values shared by school choice adherents are fostered through discourse appealing to the masses that change is needed in order to reinvent and reinvigorate education and this change rests on the application of market frameworks. The emergence of market rhetoric in education, and the strategic responses in educational policymaking to these market pressures, raises an interesting problem for researchers focused on education politics and policymaking. Namely, researchers must continually stay ahead of the organizational changes in the educational sector, such as alternative instructional services, and the evaluation of whether those changes are resulting in improved education outcomes.

There is a related issue referred to as isomorphism, which from a sociological perspective, is similar to the relational structure of one organization with those of another, be it the result of imitation or independent development under similar constraints. Isomorphism occurs within institutional environments where rapid change is occurring and includes “coercive, normative, and mimetic processes” (Rowan, 2006, p. 27; DiMaggio & Powell, 1983, pp. 150-156; Hasmath & Hsu, 2014). How do actors, operating through institutional fields and through coercive and normative processes, bring about policy change and education reform? Coercive

isomorphism involves pressures from external and internal organizations within a field or institutional environment which are dependent upon cultural expectations from society (DiMaggio & Powell, 1983).

Organizations have become increasingly homogeneous within given fields and increasingly organized around rituals of conformity to a broader ideological field. Sociological (Normative) isomorphic change is driven by pressures brought about by a number of actors, including professional organizations, advocacy groups, philanthropies, and think-tanks in the process of meaning-making, which include an educational component (DiMaggio & Powell, 1983). One mode is the legitimization inherent in the licensing and credentialing of educational achievement. Another is inter-organizational networks that span organizations. Norms and values developed during the education process eventually are adopted by organizations, which is why it is important in understanding the changing aspects of education and the potential to exacerbate market forces and the school choice movement. There are several competing theories which touch on these various forms of isomorphic change.

Now that I have provided some background on new institutionalism and its role in organizational analysis, it is important to discuss several competing theories on policy change originating out of new institutionalist thought. Each theory represents not only the shift between old institutionalism and new institutionalism, it also utilizes aspects of the variants of new institutionalism mentioned earlier to describe how policy change occurs within a broader institutional environment (or field) and, more specifically for this dissertation study, education policy.

Competing Theories of Policy Change

While there has been much research conducted in other sectors utilizing policy and institutional theories (e.g. healthcare and business management), little research has been conducted utilizing meso-level theories and new institutionalisms to examine ideological pressures on state education policy and education reform motives. The study of public policy formation and change in recent years has recognized the "growing influence of the states as important policy actors" (McLendon, Cohen-Vogel, & Wachen, 2015, p. 87). As the pace of national education policy change has accelerated, there should be a corresponding study of state politics and education policy to determine the nature of the government and nongovernment actor influence on the direction of education policy. I will first discuss competing public policy/institutional theories in contrast with strategic action field theory. Next, I will explain the significance of meso-level analysis as it relates to state education policy. There are several theories for public policy change which may be applied to state education policy including: 1) The Multiple-Streams Framework; 2) Advocacy Coalition Theory; 3) Policy Innovation and Diffusion; and 4) Punctuated Equilibrium (Mclendon, Cohen-Vegel, & Wachen, 2015). I will discuss each one in turn, its pros and cons for use in examining Georgia education policy change, and follow up with an explanation of why Strategic Action Field Theory (Fligstein and McAdam, 2012) is best suited as a general theory for this study. The impetus for comparing the various theories stems from previous work conducted by Michael McLendon and Lora-Cohen-Vogel (2008) and their subsequent revised literature in 2015 with the addition of John Wachen. I utilized their study of the various theories with supporting information to determine the suitability for examining the ideological influences on state education policy and change in

Georgia. Finally, I utilize Fligstein and McAdam's field theory to explain the formation of charter networks and the continuing push for school choice and charters in Georgia.

The Multiple-Streams Framework

John Kingdon's multiple streams model (Kingdon, 1984, 1994, 1995) was developed in the 1980s and revised significantly in the 1990s. Kingdon sought to explain policy change at the national level, primarily examining the health and transportation industries. Kingdon's primary concern in developing this framework was to "seek to explain change in the issue agenda…and how and why some issues gain prominence before policy makers and others do not" (McLendon, Cohen-Vogel, & Wachen, 2015, p. 88). Kingdon pondered several questions: "(1) How do subjects [issues] come to officials' attention? (2) How are the alternatives from which they choose generated? (3) How is the governmental agenda set? (4) Why does an idea's time come when it does" (Kingdon, 1984, vii)?

To answer those questions, Kingdon utilized case studies and interviews with national-level policy makers primarily in the domains of transportation and health and "he developed a counter-conventional explanation for the rise of issues on the government's agenda" (McLendon, Cohen-Vogel, & Wachen, 2015, p. 88). There are three distinct features which may be utilized for education policy research. First, Kingdon's framework is useful in elucidating a process of predecision when examining issues of policy formation, which Kingdon refers to as agenda setting (Kingdon, 1984, 1994, 1995). There is a distinction between understanding how issues initially come to be issues and with policy choice carried out through authoritative decision making and implementation. Kingdon, however, is considered to be the first to "theorize on the process resulting in agenda change, rather than describe the factors contributing to agenda status alone" (McLendon, Cohen-Vogel, & Wachen, 2015, p. 89).

The second distinction with Kingdon's framework is its substantial use of institutional theory and organizational analysis as a basis for "conceptualizing change in public policy" and he built upon this knowledge of new institutionalisms view of an "an emerging conception of complex organizations…and the highly contingent nature of decision making in organizations [often] beset by ambiguity" (McLendon, Cohen-Vogel, & Wachen, 2015, p. 89). The final distinction with Kingdon's framework is the portrayal of policy formation and policy change as "preternaturally dynamic" and at the same time, "idiosyncratic" (McLendon, Cohen-Vogel, & Wachen, 2015, p. 88). This model of policy change considers agenda setting to be a fluid event and at times paradoxical, such that Kingdon utilized the phrase "organized anarchy" (Cohen, et al., 1971; Kingdon, 1984, p. 86; Olson, 2001). Cohen, March, and Olsen (1971) state that an organized anarchy signifies,

> an organization which is characterized by problematic preferences, unclear technology, and fluid participation. Such organizations can be viewed for some purposes as collections of choices looking for problems, issues and feelings looking for decision situations in which they might be aired, solutions looking for issues to which they might be an answer, and decision makers looking for work (Cohen, March, & Olsen, 1972, p. 1).

Kingdon's study focuses primarily on macro-level policy events, though it has applicability at the meso-level. For example, his multiple streams framework has been used in some studies in examining educational policy agenda setting, problem definition, and the idea of policy entrepreneurs (e.g. Brown, 2007; Holderness, 1992; Larson, 2004; Leslie & Berdahl, 2008; Leslie & Novak, 2003; Lieberman, 2002; McLendon, 2003a; Milles, 2007; Ness, 2008, 2010; Ness & Mistretta, 2009a, 2009b; Protopsaltis, 2004; Song & Young, 2008; Young, et al, 2010).

In regards to primarily state education policy, several studies have examined K-12 education policy change through the lens of the multiple-streams framework (e.g. McDermott, 2005; Portz, 1996; Stout & Stevens, 2000). However, the multiple-streams framework has been utilized most extensively in examining national-level agenda setting. Kingdon's multiple-streams framework views the federal government as having three separate but concurrent activity flows, which may also come to play at the state-level: (1) the *problem stream* – the conditions that policy makers have chosen to interpret as problems; (2) the *policy stream* – those ideas and/or solutions which policy communities, specialists, lobbyists, etc. have developed over time to address the problems; and (3) the *political stream* – the routine and unplanned changes occurring in the broader political environment, which takes into account public opinion, electoral turnover, interest and advocacy groups, and philanthropic pressures. Kingdon recognized that there are often rapid and unpredictable changes in policy and this moved much of the discussion away from the gradualism and incrementalism which characterized much of the work in public policy until the 1980s.

Kingdon also has made use of the term *policy entrepreneurs*, which is particularly relevant to the current climate in educational policy change. Policy entrepreneurs "may be in or out of government, in elected or in appointed positions, in interest groups or research organizations, [and in philanthropic entities]" (Cohen, 2012, p. 2009; Kingdon, 1995). The defining characteristic of policy entrepreneurs is "their willingness to invest their resources – time, energy, reputation, and…money – in the hope of a future return" stemming from favorable policy directions (Kingdon, 1995, p. 122). There are four elements that are central to policy entrepreneurship: (1) *Displaying social acuity* – this means that the entrepreneurs are well-versed in the sociopolitical context in which they are interacting and demonstrate high levels of social

acuity in understanding others and engaging in policy conversations for the purposes of introducing innovative policy within an existing social order, institutional environment, or field; (2) *Defining problems* – this refers to the act of problem description, which affects how people relate specific problems to their own interests (in this way, the definition of policy problems is always a political act and relates back to the problem stream); (3) *Building teams* – the real strength of policy entrepreneurs in the building of coalitions of like-minded individuals, groups, and organizations offering mutual support in the pursuit of policy change (very similar to the advocacy coalition theory); and (4) *Leading by example* – policy entrepreneurs often take action and do not wait on the slow process of policy change within legislatures, thus they themselves become the societal change agents (Cohen, 2012, pp. 6-7; Kingdon, 1995; Mintrom, 1997, 2000; Mintrom & Norman, 2009; Mintrom & Vergari, 1996; Schneider & Teske, 1992; Schneider, Teske, & Mintrom, 1995).

Advocacy Coalition Theory.

Paul Sabatier and Hank-Jenkins Smith introduced the advocacy coalition framework (ACF) framework in the late 1980s as a policy process and policy change model. Their framework is designed to examine policy subsystems, primarily at the macro- and meso-levels, which are based on the interactions of various advocacy coalitions who may or may not share similar sociopolitical interests. Since its inception as a framework, it has been modified and broadened to include other important additions, which were not included in the original framework (McLendon, Cohen-Vogel, Wachen, 2015, p. 96; Jenkins-Smith & Sabatier, 1993, 1994; Jones & Jenkins-Smith, 2009; Sabatier, 1988; Sabatier & Jenkins-Smith, 1993; Sabatier & Jenkins-Smith, 1999; Sabatier & Weible, 2007; Weible, Sabatier, & McQueen, 2009).

There are several core elements to this framework which include the existence of advocacy coalitions centered upon a three-tiered belief system and operating through policy subsystems. The prime unit of analysis within the ACF model is the policy subsystem organized around a particular policy problem. Policy actors, with special knowledge on public opinion, socioeconomics, and sociopolitical dynamics (otherwise known as interest groups), operate within this subsystem to influence policy change (McLendon, Cohen-Vogel, & Wachen, 2015; Sabatier & Weible, 2007). Those policy actors, in the spirit of normative institutionalism, have shared values, beliefs, and norms. Policy actors within a subsystem often share "general normative and ontological assumptions [regarding] human nature," which is manifested through a "three-tiered hierarchical structure of beliefs: deep core beliefs, policy core beliefs, and secondary beliefs" (McLendon, Cohen-Vogel, & Wachen, 2015, pp. 96-97; Sabatier & Weible, 2007, p. 194).

When policy actors seek out and recruit cooperation from allies, it results in an *advocacy coalition* creating a network of like-minded organizations sharing resources and engaging in collaborative work toward a policy objective. These advocacy coalitions often are diverse in nature including elected officials, interest group leaders, researchers, journalists, governmental and non-governmental actors, philanthropic organizations, and private entities (McLendon, Cohen-Vogel, & Wachen, 2015; Jenkins-Smith & Sabatier, 1994). The purpose of an advocacy coalition is to mobilize resources and information to translate its values, beliefs, and norms (those ontological assumptions) into policy designs. Policy change occurs within a policy subsystem "when coalitions of actors with similar beliefs succeed in translating these beliefs into policies" (McLendon, Cohen-Vogel, & Wachen, 2015, p. 97). There a few distinct features (or pathways) in the ACF connected to the notion of belief and policy change: (1) policy-oriented

learning; (2) shocks external to the policy subsystem; (3) shocks internal to the policy subsystem; and (4) negotiated agreements (Sabatier & Jenkins-Smith, 1993; Sabatier & Weible, 2007).

The utilization of the ACF first found merit with examining national environmental and energy policy, but has since spread to other social, economic, and health policy areas. It has also become a popular framework for understanding international issues and global socioeconomic policy. However, some critics (e.g. Schlager & Blomquist, 1996) have argued that the framework does not adequately address conflicting interests within a coalition or that it does not provide sufficient evidence policy participants with shared beliefs actually do form coalitions and coordinate their behavior (Schlager, 1995). Since the 1990s, the ACF has been increasingly utilized to examine education policy and school reform issues (e.g. Ansell, Reckhow, & Kelly, 2009; Brecher, et al., 2009; DeBray et al., , 2007, 2014; Mintrom & Vergari, 1996; Nambissan & Ball, 2010; Scott, 2015; Scott et al., 2008). According to McLendon, Cohen-Vogel, and Wachen (2015), the ACF along with Policy Innovation and Diffusion combine to make the most studied, tested, and elaborated theories for studying policy change.

Policy Innovation and Diffusion.

Policy Innovation and Diffusion (PID) is an older theory of policy change which primarily emerged from the fields of political science, mass communications, and anthropology. Mintrom and Vergari (1998) note that "political scientists often seem reluctant to discuss the role of ideas in the policymaking process" yet, "much can be learned about an important aspect of politics in the United States – the diffusion of policy innovations – if we are prepared to pay more attention to the social milieu from which policy ideas emerge and gain attention" (p. 126). Jack Walker (1969) first proposed the idea of state policy innovation though considerable methodological innovations to his theory that have extended its potential applicability. Walker documented the

tendencies for particular American states to be “innovation leaders” and “early movers” in the adoption of new policies (Minstrom & Vergari, 1998, p. 127; Walker, 1969). This is particularly poignant when investigating the rise of charter school legislation and policies.

To take a step back, a policy innovation is a policy that is new to an institution, field, or jurisdiction adopting it, without regard to whether that entity actually invented it. Innovation diffusion, then, is “the process by which a public policy or program (an innovation) spreads among the members of a social system, most frequently understood to mean the governments” (Clarke et al., 1999; Dolowitz & Marsh, 1996; McLendon, 2003a, 2003b, McLendon, Cohen-Vogel, & Wachen, 2015, p. 99; Nice, 1994; Samuels & Glantz, 1991). Policy innovation and diffusion can be examined from an intrastate perspective or an interstate perspective, which also indicate two different tracks of policy researchers. A more synthetic approach was adopted by Berry & Berry (1990, 1992, 2014). The internal, or intrastate, determinant perspective suggest that state governments innovate when their political, economic, or social environments are favorable (Gray, 1973, 1994; McLendon, Cohen-Vogel, & Wachen, 2015). The larger, wealthier states, states that experience more electoral competition and higher turnover in political office, and larger, more professionalized legislatures in states containing larger urban areas and more educated citizenries tend to adopt new ideas and innovate faster and influence from other states is negligible (Berry & Berry, 1990; Morgan & Watson, 1991; Walker, 1969).

The interstate diffusion approach views policy innovation as “intrinsically intergovernmental in nature” with policies arising because states “emulate the policy behaviors of their neighbors” or peers (McLendon, Cohen-Vogelm & Wachen, 2015, p. 100; McLendon, 2003b, p. 113). This emulation may be due to proximity, as in states which directly touch and interact, or it may come from states who view another state as fairly representative of their own

constituency. The question that lingers is "why, precisely, policy makers in a given state, might be influenced by the policy choices of those in other states," though the possibilities include gaining economic advantage (or avoiding disadvantage) and/or the process of policy learning (Berry & Berry, 2014; Boehmke & Witmer, 2004; Dye, 1990; Ingle, Cohen-Vogel, & Hughes, 2007; McLendon, Cohen-Vogel, & Wachen, 2015, p. 101; Nicholson-Crotty, 2009; Walker, 1969). Officials tend to feel pressure to enact policies that exist elsewhere because it affects their state's attractiveness compared to others and this cue taking is reduced by the policy learning utilized to figure out if that particular policy is viable for their state (Karch, 2007, p. 55; Mooney, 2001; Simon, 1997). This process also leads to the formulation of "supra-state organizations" such as "networks" and coalitions (Balla, 2001; Cohen-Vogel, et al., 2008; Ingle, et al., 2007, Mintrom & Vergari, 1998, Vergari, 2007). These coalitions of national organizations, philanthropies, think-tanks, and advocacy groups often state their mission to be "the diffusion of information to policy makers" which they enact through the "publishing of reports, hosting conferences, encouraging the professional development organization members, establishing professional networks and coalitions, and creating private-public partnerships" (Karch, 2007; Rich, 2004). Thus, policy entrepreneurs (as discussed in Kingdon's framework and utilized within policy innovation and diffusion) "serve as information conduits and facilitate the [policy] learning and [diffusion] process" (Mintrom & Vergari, 1996).

Much of the use of PID in state educational policy research has focused on the rise of school choice, charters, and other related initiatives and the use of lotteries to fund education (e.g. Berry & Berry, 1990, 1992, 2014; Cohen-Vogel et al., 2008; Cohen-Vogel & Ingle, 2007; Doyle, McLendon, & Hearn, 2010; Hearn & Griswold, 1994; Hearn, McLendon, & Lacy, 2013; Hearn, McLendon, & Mokher, 2008; Ingle et al., 2007; Karch, 2010, LaVenia, Cohen-Vogel, &

Lang, 2011; McLendon, Deaton, & Hearn, 2007; McLendon et al., 2005, 2006; Mintrom, 1997; Mintrom & Vergari, 1998; Mohker & McLendon, 2009; Wong & Langevin, 2006; Wong & Shen, 2002). More and more, the common findings of researchers utilizing PID to investigate state-level education policy change are the ideas of convenience, coalitions, and competition that are valued among the states.

The Punctuated Equilibrium Model

The last of the competing theories is also the least utilized in examining meso-level policy changes. As a matter of fact, I only delve into this theory because of the implications within strategic action field theory. Punctuated equilibrium (PE) originated with biological and paleontology studies focusing on evolutionary theory. The idea originated with Niles Eldredge and Stephen Jay Gould (1972) which challenged the Darwinian model of phyletic gradualism. In the 1990s, this idea transferred to the realm of the social sciences as scholars began to question the long-standing idea of gradualism and incrementalism in societal changes, especially in terms of public policy (Prindle, 2012). Punctuated equilibrium "now stands as one of political science's leading models of policy change, a development attributable largely to the pioneering work of Frank Baumgartner and Bryan Jones" (Baumgartner & Jones, 1991, 1993; Baumgartner & Leech, 1998; McLendon, Cohen-Vogel, & Wachen, 2015, p. 93). If those dates seem familiar it is in the fact that the 1980s and the early 1990s reflect the shift in institutional and organizational analysis represented by the new institutionalism.

Various ideas of policy change can trace its heritage back to this time frame. Baumgartner and Jones primarily examined national level policy change and noticed that after long periods of grid-lock, an episode of abrupt, dramatic change occurred within policy fields (1991, p. 1). The PE model contends that "policies tend to be processed quietly within policy

subsystems, but occasionally attract considerable attention when struggles are played out on the macro-political agenda (McLendon, Cohen-Vogel, & Wachen, 2015, p. 93). There are periods of equilibrium when issues become "captured by a subsystem of policy actors and issue experts and policy monopolies take hold, however, they are often followed by periods of disequilibrium when monopolies are challenged and overthrown, marked by a punctuated event" (McLendon, Cohen-Vogel, & Wachen, 2015, p. 93).

The policy domains which PE has most often been utilized are in public finance and budgeting (e.g. Breunig & Koski, 2012; Breunig, Koski, & Mortensen, 2010; Jordan, 2003; Ryu, 2009; True, Jones, & Baumgartner, 2007). Punctuated Equilibrium has been utilized, especially around 2012 in a flood of research, as a supportive model for the other theories (e.g. Boushey, 2012; John & Bevan, 2012; Larsen & Price, 2012; Wolfe, 2012; Worsham & Stores, 2012). In terms of applying the PE model to educational policy change, there have been few projects and those have focused on adult and child literacy policies, instructional spending, school choice policies, and higher education policy (e.g. Lacireno-Paquet & Holyoke, 2007; Orr-Bement, 2002; Robinson, 2004; Sims & Miskel, 2001, 2003). The PE model has had limited success in the domain of state-level educational policy, though as I will discuss in regards to Strategic Action Fields, it is an important piece of the larger meso-level policy change puzzle.

Strategic Action Field Theory

While examining and comparing different institutional theories for the purpose of analyzing social skill, institutional theory, and actors in the capitalist economy, Neil Fligstein described "inadequacies" in the ways competing institutional theories articulated the "role of social power and actors in the creation of institutions" (Fligstein, 1997, 2001a, 2008a, p. 227, 2013). Though institutional theory and organizational analysis is utilized to examine the extensive and resilient

aspects of our current social structures, it is often divided into variants, which dilutes its predictive and/or explanative potential. Strategic action field theory reorganizes institutional theory into a unified theory of organizations, networks, and actors operating within institutional fields. Of particular importance is how institutional entrepreneurs (or actors) possess social skills, infused with values and beliefs, which translate into institutional arrangements producing an organization field (Fligstein, 1997, p. 398; Fligstein & McAdam, 2012; Goldstone & Useem, 2012). Some social actors "are better at producing desired social outcomes than are others," hence they are referred to as institutional, or policy, entrepreneurs (DiMaggio, 1988; Fligstein, 1997; Kingdon, 1995).These actors have an extremely high level of social capital, or skill.

What is this social skill? It can be defined as the ability to motivate cooperation in other actors by providing those actors with common meanings (shared values and beliefs) and identities (Béland, 2010, 2017) in which actions can be undertaken and justified. Strategic action, therefore, is the attempt by social actors to create and maintain stable social worlds (i.e. organizational fields), often with an ideological underpinning, motive, or schema (Fligstein, 1997, 2001a, 2008a; Fligstein & McAdam, 1995, 2011, 2012). Fligstein, and McAdam eventually derived a unified theory of organizational fields consisting of strategic actors (institutional or policy entrepreneurs) who utilize their substantial social skills and networks to take advantage of certain policy trends brought on through policy innovation and diffusion and punctuated events and who operate within the meso-level to affect policy outcomes (Fligstein and McAdam, 2012). The rest of this section will be utilized to provide a summary of strategic action field theory and its use as a general theory to explain meso-level policy events.

Fligstein and McAdam drew heavily on the work of Bourdieu and Wacquant (e.g. Bourdieu, 1977, 1998; Bourdieu & Wacquant, 1992), Calhoun's work related to Bourdieu

(1993), Giddens (e.g. Giddens, 1979, 1984, 1990), institutional theory and network analysis (e.g. Davis, et al., 1994, 2005; Davis & Greve, 1997; Davis & Marquis, 2005; Davis & McAdam, 2000; DiMaggio, 1986, 1988; DiMaggio & Powell, 1983, 1991; Jepperson, 1991; Lauman & Knoke, 1988; Meyer & Rowan, 1977; Meyer & Scott, 1983; Meyer, Scott, & Deal, 1981; Powell, 1991; Powell & DiMaggio, 1991; Powell et al, 2005; Scott & Meyer, 1983, Uzzi, 1996) and social construction and social movement theory (e.g. Berger & Luckmann, 1967; McAdam & Boudet, 2012; Walder, 2009) the idea of niche in population ecology and organizational identity (e.g. Carroll & Swaminathan, 2006; Hannan & Freeman, 1977, 1984) as well as the elements from the competing theories discussed earlier in this chapter (Fligstein, 2008b; Fligstein & McAdam, 2012). While not discussed in their work, there are elements of Louis Althusser's (2014/1971) work on ideological state apparatuses, which can be thought of as ideological fields.

Bourdieu's concepts of habitus, capital, and fields play a prominent role in understanding how social actions are situated within fields, though he was primarily focused on individual actors as opposed to how collective actors navigate change within a field (Bourdieu, 1977, 1984). However, what is essential is the idea that actors have "position in a field, they come to that field holding some form of capital, and they have their habitus, which gives them a cognitive framework with which to interpret the action of others in the field," yet it "obscures the importance of collective dynamics of fields" (Fligstein & McAdam, 2012, p. 25; Bourdieu, 1998). Fligstein and McAdam view their collective approach as complementary to Bourdieu's theory, such that "collective action, which depends on cooperation, will rely on actors being able to convince others that their view of the problems of the field and the identity they provide for

others in solving those problems work for everyone" (Fligstein, 2008a; Fligstein & McAdam, 2011, 2012, p. 25).

Gidden's work focuses on "the role that preexisting structures and systems of power play in the reproduction of social life" and how those social structures are governed by particular rules and resources (Fligstein, 2008b; Fligstein & McAdam, 2012, p. 26; Giddens, 1979, 1984). Those resources may be both authoritative (i.e. resources that control people) or allocative (i.e. resources that control material objects). Actors work to "produce and reproduce their positions in social structures," or fields, utilizing "rules of the field, forms of capital, and their understandings of the field to make moves (Fligstein & McAdam, 2012, p. 27). Ideas gleamed from institutional theory and organizational analysis (i.e. the new institutionalism) and social movement theory have already been expounded upon earlier in this chapter. An important concept within the corpus of work is "if a [strategic action] field is really an arena in which individuals, groups, and/or organizations face off to capture some gain…then the underlying logic of fields is not encoded in the structure of [any particular] network [or institution], but in the cultural conceptions of power, privilege, resources, rules, and so on that shape action within a strategic action field" (Fligstein & McAdam, 2012, p. 30).

Moving forward, what is needed in the world of state-level educational policy and political studies is an "integrated theory that explains how stability and change are achieved by social actors in circumscribed social arenas" (Fligstein & McAdam, 2012, p. 3). There are three main parts to this unified theory proposed by Fligstein & McAdam: (1) there are meso-level social orders, called strategic action fields, which are the basic structural building block of modern political/organization life; (2) there is a broader institutional environment impacting this meso-level order consisting of proximate or distal fields found both nationally and within the

states, which are organized around strategic action fields; and (3) there are embedded social actors who seek to fashion, manipulate, restructure, and maintain certain policy directions in a given field. While acknowledging fundamental aspects of interest and power in the work of social actors, there is a "complicated blend of material and 'existential' considerations" as well (Fligstein & McAdam, 2012, p. 3). Those existential considerations informs a conception of social skill as the capacity for intersubjective thought and action, which in turn helps shape the provision of meaning, interests, and identity in the service of collective ends operating within the field.

Sociopolitical movement scholars, sociologists, political scientists, and institutional theorists are concerned with how organizations can control policy field environments, how the "rules of the game" are set-up, how the game creates policy winners and losers, and how "collective strategic action" represents a foundational component of modern policy dynamics – a "logic of action" initiated by institutional entrepreneurs wielding advanced social skill as a weapon (Fligstein & McAdam, 2012, p. 4). It is useful to consider fields represent "the emergence, stabilization/institutionalization, and transformation of socially constructed arenas in which embedded actors compete for material and status rewards" by restructuring social, political, and economic policies to benefit their networks (Fligstein, 1997, 2008a, 2013; Fligstein & McAdam, 2011, 2012, p.5). This work blends together aspects of political sociology, economic sociology, and organizational analysis to show how the state is a set of organizations and how powerful nonstate, or nongovernmental actors (policy entrepreneurs), work to influence outcomes by taking their grievances (or desires) to the state in the form of potential policy solutions, thus acting as catalysts for change (e.g. Evans et al, 1985; Fligstein, 2001b, Goldstone, 2004; Laumann & Knoke, 1987; McAdam, 1999; Scott, 2001; Tarrow, 2011).

In terms of state-level education policy, especially with the state of Georgia, scholars have not taken into account collective action, social space, culture, organizations (governmental and nongovernmental), the state, and general policy mobilization efforts into an integrated whole. If education policy researchers look more clearly at "the role of social actors in producing, reproducing, and transforming their local fields of action" then an understanding of the actions which take place between and within organized groups (i.e. strategic action fields) helps elucidate the importance of a mesolevel theory of action. There are seven central elements to Fligstein and McAdam's meso-level theory of fields: (1) Strategic action fields; (2) the existence of incumbents, challengers, and governance units; (3) the use of social skill and the importance of existential functions; (4) the broader field environment; (5) exogenous shocks, mobilization, and the onset of contention; (6) episodes of contention; and (7) settlement (Fligstein & McAdam, 2012, pp. 8-9). Each of these elements will be briefly discussed, but it is important to note that one will find each of these elements in the various competing theories. However, this general theory represents an integrated theory of sociopolitical change.

Strategic Action Fields

Fligstein and McAdam define a strategic action field as

> a constructed meso-level social order in which actors (who can be individual or collective) are attuned to and interact with one another on the basis of shared (which is not to say consensual) understandings about the purposes of the field, relationships to others in the field (including who has power and why), and the rules governing legitimate action in the field. Thus, a stable field is one in which the main actors are able to reproduce themselves and the field over a fairly long period of time (Fligstein, 2008b, 2013; Fligstein & McAdam, 2011, 2012, p. 9).

Within these fields are actors (organizations, government and nongovernment entities, philanthropies, think-tanks, etc.) who may also be made up of smaller strategic action fields representing a "Russian doll" of nested fields which are interdependent and often effect change on each other – the source of change and stability within any field (Fligstein & McAdam, 2012). These structured meso-level social orders have been referred to by other theorists as sectors, organizational fields, games, fields, networks, policy domains, policy systems/subsystems, or markets, but regardless of the name utilized, the many theorists mentioned in this chapter have all come to understand "meso-level [sociopolitical] orders are central to institutional life" (Fligstein & McAdam, 2012, p. 10).

Strategic action fields represent a "socially constructed arena which actors with varying resource endowments vie for advantage" and include several important aspects (Bourdieu & Wacquant, 1992; Embrayer & Johnson, 2008; Fligstein & McAdam, 2012, p. 10; Martin, 2003). The first aspect is that membership in any field is based on some subjective standing rather than objective criteria. Second, the boundaries of strategic action fields do not remain fixed in time, but shift depending on the definition of the situation, and change and stability among competing actors. Finally, fields are constructed over time in line with a set of understandings – mutually shared norms, values, and beliefs (i.e. normative institutionalism) - of its constituent members. Among these constituent members (i.e. the actors within the field), there is a shared understanding of what is going on in the field. There is also a differentiation among the power held or wielded by actors which is generally known among the actors within the field. The rules of the field are known, but fields are "rarely organized around a truly consensual taken-for-granted reality" (Fligstein & McAdam, 2012, p. 11).

Incumbents, Challengers, and Governance Units

The concept of incumbents and challengers have been a staple of social movement theory since the 1970s (Gamson, 1975). The incumbent/challenger distinction holds that there are incumbents, those actors who wield disproportionate influence within a field and whose interests and views tend to be heavily reflected in the dominant organization(s) of the strategic action field. Challengers are those actors who occupy a lower, or lesser, niche within the field, yet maintain enough influence to potentially sway other actors in disrupting the dominant position of the incumbent actors. Within any strategic action field, there are internal governing functions which lay out the rules of the game (e.g. accreditation agencies) and are most heavily influenced by the most powerful incumbents within the field. These internal governance units aid the incumbents of a field in the following ways: (1) overseeing the smooth functioning of the system – they free incumbents from the kind of overall field management and leadership that they necessarily exercised during the emergence of the strategic action field; (2) the very presence of these units serves to legitimate and naturalize the logic and rules of the fields, as well as the norms of the incumbents; and (3) the governance units act as liaisons between the strategic action field and important external fields (Fligstein, 2008b; 2013; Fligstein & McAdam, 2011, 2012).

Social Skill and the Existential Function of the Social

Fligstein and McAdam make use of the "existential function of the social" to position the unique aspect of social skills peculiar to humans (Fligstein & McAdam, 2012, p. 16). While their theory is organic to meso-level constructions, this existential aspect of the social provides a "microfoundation" for actors' strategic action within a field. How is this existential? "The creation of identities, political coalitions, and interests may be motivated by a desire to control

other actors," but the ability to fashion agreements, form coalitions and networks, and enforce roles "requires strategic actors to be able to get outside their own heads, take on the role of the other, and work to fashion shared worlds and identities – strategic action is about control in a given context" (Fligstein, 2008b; Fligstein & McAdam, 2011, 2012, p. 17; Jasper, 2004, 2006). In other words, strategic actors must become adept in social skills in order to read people and environments, frame lines of action, create opportunities for an action, and mobilize other actors in the service of broader conceptions within the field (Fligstein, 2001a; 2008b; 2013; Fligstein & McAdam, 2011, 2012; Jasper, 2004; 2006; Snow & Benford 1988; Snow et al., 1986). In order "to discover, articulate, or appropriate and propagate [i.e. innovation and diffusion] these existential packages is inherently a social skill, one that underscores the…constructed dimension of social action" (Fligstein & McAdam, 2012, p. 17). Strategic action field theory makes use of the cognitive, empathetic, and discursive dimension of social skill and underscores the central point that actors, who undertake strategic action, do so in an intersubjective approach utilizing the perspectives they have developed over time to operate and negotiate the broader field environment. Strategic action is "inextricably linked to the distinctive human capacity and need to fashion shared meanings and identities to ensure viable existential ground for existence" (Fligstein & McAdam, 2012, p. 18).

The Broader Field Environment

While much of the previous work of new institutionalism focused rather narrowly by examining the internal workings of these meso-level orders, often relegating the dynamics as "contained, autonomous worlds," new institutionalism ignores disparities in power and the human capacity to fashion meanings and identities making use of those disparities (Fligstein & McAdam, 2012, p, 18). However, it is important to examine the broader field environment – a complex web of

other fields embedded within each other and including distant and proximate fields. Proximate fields are those most associated with the strategic action field in question, whereas distant fields are those that lack specific ties and are configured by actors such that they have little to no capacity to influence another particular field. There are also dependent and interdependent fields. There are two more distinctions which are more relevant to the course of this study – state versus nonstate fields. As the name would apply, some fields are dependent on others while others, the interdependent fields, act in symbiosis or share power somewhat equally. For the purpose of this study, the primary distinction lies between state and nonstate fields. State actors have most of the formal authority to "intervene in, set rules for, and generally pronounce on the legitimacy and viability of most nonstate fields," thus granting considerable, often "unrivaled potential to affect the stability of most strategic action fields" (Fligstein & McAdam, 2011, 2012, p. 19). Another factor to consider is that states (governments) are often dense collections of fields making the task of deciphering the complex relationships challenging to say the least. Incumbents acting within a strategic action field general rely on the support of allies within governance units and within state fields. Educational policy changes occur primarily at the state level. State-level public policy issues are considered meso-level when examining policy issues as a comparison to local or organization specific (micro-level) or national education policy (macro-level). Thus, examining state fields is most pertinent to this research study.

Exogenous Shocks, Mobilization, and the Onset of Contention

We can think about exogenous shocks much in the same as a punctuated event within punctuated equilibrium theory. The broader field environment is often turbulent and whose equilibrium is often challenged from actors (challengers) looking for a change in direction, or exogenous events related to such things as changes in market conditions. "A significant change in any given

strategic action field is like a stone thrown in a still pond sending ripples outward to all proximate fields," especially those fields that are interdependent (Fligstein, 2008b, 2013; Fligstein & McAdam, 2011, 2012, p. 19). If these shocks are brought on by mobilized and motivated challengers to the incumbents, it may potentially lead to a cascade effect and the onset of contention and field destabilization.

Episodes of Contention

After the onset of contention, the field may enter an extended period, or episode, of contention defined as a "period of emergent, sustained contentious interaction between field actors utilize new and innovative forms of action vis-à-vis one another" (Fligstein & McAdam, 2012, p. 21; McAdam, 2007, p. 253).While contentious, this episode may be the beginnings of innovations which move the field in different, yet more advantageous for other actors and/or for the incorporation of distant field actors into the dominant arena of strategic action. Regardless of the outcome, these periods of contention "contain a shared sense of uncertainty/crisis regarding the rules and power relations governing the field" (Fligstein & McAdam, 2012, p. 21). Episodes may last a short time or extend for decades, but will persist "as long as the shared sense of uncertainty regarding the structure and dominant order of the field" remains; existentially changing the consciousness of the field actors (Fligstein, 2013; Fligstein & McAdam, 2011, 2012, p. 21; McAdam, 2007; McAdam & Boudet, 2012; McAdam & Scott, 2005).

Settlement

Settlement in a field occurs through either "sustained oppositional mobilization or the reassertion of the status quo by incumbents and/or their state allies" (Fligstein & McAdam, 2011, 2012, p. 22). In the case of settlement, the field eventually gravitates toward a new normal – "a new institutional settlement" regarding rules of the field, norms, and priorities – in other words, a new

field consensus about the relative positions of incumbents and challengers (Fligstein, 2008b, 2013; Fligstein & McAdam, 2011, 2012, p. 22; McAdam & Scott, 2005, pp. 18-19; Schneiberg & Soule, 2005, pp. 152-153). If proximate fields (e.g. the charter/school choice movement in the 1990s) are the source of the exogenous shock which set contentious episodes in motion, the proximate fields tend to provide the models for the settlements and the new established norms of the field. Proximate fields and their actors (policy entrepreneurs) are typically seen as a trusted source for new ideas. Those ideas will become infused in what was once thought of an established field, thus, challenging the status quo. Social movements often experience spillover or spin-off movements stemming from proximate fields; organizations appropriate ideas, norms, and values of other fields creating new legitimate forms. Other fields incorporate those forms into established fields, thus creating field variants with new institutionalized practices and rules (Clemens 1993, 1996; DiMaggio, 1991; DiMaggio & Powell, 1983; Fligstein & McAdam, 2012; Meyer & Whitier, 1994; McAdam et al., 2001; Meyer & Rowan 1977). Georgia's state educational policy field challenged and coopted by the neoliberal formulated charter/school choice proximate field, reflects this form of settlement, which began in the early 1990s and has now become the discursive norm.

Strategic Action Field Theory and Georgia Educational Policy

As I mentioned earlier in this chapter, the impetus for K-12 education policy change in Georgia has become increasingly centered on school choice and the charter school movement. School choice and charter schools, as a challenge and/or alternative to the established state-led/state-funded public education field, entered the national spotlight in 1991, when Minnesota passed the first charter school legislation. Charter school legislation quickly diffused during the 1990s and by the early 2000s, legislation existed in all fifty states. The State of Georgia, under the

governorship of Zell Miller, passed their charter legislation in 1993; the narrative of school choice in Georgia has continued to increase since that time. Strategic action field theory offers a potential theoretical and methodological tool for explaining educational policy change and the politics of education in Georgia. Neoliberal and neoconservative (ideological) actors (policy entrepreneurs) have utilized discursive tactics and disaster narratives, to sell the idea of choice and charters to Georgia educational stakeholders, thus creating exogenous shocks to established educational policy, rupturing the state policy field, which has allowed for the diffusion of charter legislation and continued school choice rhetoric.

Strategic Action Field Theory helps explain not only the State of Georgia's embrace of school choice and the charter school movement, it offers a potential meso-level theoretical tool to examine how actors (those policy entrepreneurs) have manipulated an established field and challenged the status quo of public education. There are several aspects in which strategic action fields may be utilized to explain our current state education policy climate: (1) the State of Georgia can be viewed in terms of a series of nested strategic action fields, including state educational policy and politics of education; (2) This strategic action field is made up of incumbents (e.g. public education proponents), challengers (e.g. actors pushing for school choice/charters and other neoliberal/neoconservative formulas), and internal governance units (e.g. accreditation agencies like SACS; department of education; school turnaround programs; state charter agency; and education committees within the Georgia House and Senate); (3) There are attachments to the broader field environment through private-public connections (e.g. the State Policy Network, the American Legislative Exchange Council, philanthropic funding sources, think-tanks, media, etc.); (4) Challengers and actors working through proximate fields utilize disruptive exogenous shocks, via narrative, and contention, pulling upon the existential

functions of the social to initiate policy change; which ultimately leads to and establishes (5) a new settlement whereby school choice/charters are the new status quo.

Fligstein and McAdam view their work as a potential methodological framework to be utilized by other researchers in various social science fields (Fligstein, 2008b; 2013; Fligstein & McAdam, 2012, p. 164). The first research imperative is understanding the clues to field emergence/formation, its maintenance (or reproduction) and potential for contention. It can be thought of in field states: (1) field formation can occur through regulatory actions, new market conditions, though may be more amorphous in nature; (2) a stable field is easier to discern because it is well established, is continually reproduced through internal governance, and has distinctive norms; and (3) fields will eventually experience some form of rupture or crisis – that exogenous shock – which then leads to some form of resettlement. Georgia education policy has already experienced the exogenous shock, which occurred in the early 1990s.

The charter/school choice field and its takeover of the educational policy field is now an established stable field. The remainder of this dissertation study will answer several questions related the school choice/charter action field in Georgia. Some of those questions include: Who were the key actors (external and internal; state and non-state) who instigated and vied for control over the emerging school choice/charter field? What resources – material, political, and ideological – were utilized to bring about changes in the educational policy field? What internal governance units were set-up to aid in field settlement in Georgia? What are the field boundaries and are those boundaries fluid or fairly rigid? Who were the incumbents and challengers during field establishment? How is power defined, manipulated, and channeled within the educational policy field? Does this power structure more closely resemble a coalition/network, or is more

hierarchical in nature? How do, external and non-state actors help to stabilize and maintain (reproduce) the field? How is discourse and narrative utilized to perpetuate field norms?

Defining a field as "being concerned with all of the players who have something at stake simplifies doing field analysis by making it clear who the players are and what the relationships are" in the field (Fligstein & McAdam, 2012, p. 168). Fligstein and McAdam are adamant in the idea that once in place "meso-level social orders that structure our lives offer us anchors as to what to do, when to do it, and, how to do it" (Fligstein & McAdam, 2012, p.178). This is deeply concerning as the now established charter infused educational policy field affects Georgia's educational policy writ large whereby the state educational system must now draw upon (or become victimized by) the rules and norms of the field. How do the rules and norms of the school choice field impact Georgia? That of course is the larger question, which moves beyond the education policy field and toward the sociopolitical and cultural roles and purposes of education.

Conclusion

Fligstein and McAdam's general theory of fields offers the most complete understanding of what is taking place at the meso-level of state education public policy, and more specifically what is occurring at the state-level in regards to school choice and the growth of charters. While there are aspects of other competing policy change theories infused within a general field theory, they all, in some way, fail to address critical components of what is happening in state-level educational policymaking. I suggest that if researchers expand the investigation from state-level policy field changes (the meso-level) to the national-level (macro-level), strategic action field theory would allow the researcher a better understanding of the complex interplay between actors, agents, agendas, and policy change.

For Georgia, the growth of charters and the school choice movement represents a victory for ideologically motivated policy entrepreneurs whose motives do not necessarily include the improvement of education (though those narratives are utilized), but rather, to further establish open-market conditions for a once restricted area neoliberals referred to as state-led education. In terms of meso-level understandings, the ultimate goal of this research is to utilize Georgia as a model that will encourage the expansion of this research focus into other states. This chapter was meant to be the theoretical bridge between the examination of the political environment in Georgia – paving the way for charters – and permanent change in the educational policy field examined in chapter two and chapter four. More specifically, in chapter four, I will utilize the various aspects of strategic action field theory to elucidate the growth of the school choice and the charter school movement from 1993 culminating in Governor Nathan Deal's Administration and the Georgia General Assembly's 2017 attempt at establishing a state-wide charter school district known as the Opportunity School District.

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CHAPTER FOUR

STRATEGIC FIELDS AND THE SCHOOL CHOICE AGENDA IN GEORGIA

Since Governor Zell Miller and the Georgia General Assembly enacted the first charter school legislation during the 1993 session, the Georgia Governor's Office and the Georgia General Assembly has consistently pursued charter schooling and school choice. This chapter is a case study of Georgia's evolving school choice agenda driven by the ideological motivations of philanthropic organizations, government actors, and non-government actors. More recently, Governor Nathan Deal championed the Opportunity School District proposal, which would have provided for a state-wide charter system of underperforming schools. Though this proposal was defeated in a 2016 ballot measure, Governor Deal and the Georgia General Assembly immediately followed with the Georgia First Priority Act.

This chapter provides a general history of charter school legislation in the state and an example of how Strategic Action Field Theory can be utilized to explain the growth of charters and the school choice agenda as a culmination of efforts from a network of actors who are intent on shaping the course of education policy within Georgia. This study makes use of document analysis and open source information to illustrate the ideological and financial influences on education policy. This chapter begins with a theoretical orientation on Strategic Action Field (SAF) theory. I will then describe the impetus for the spread of charter schools, indicating how charter schools became a topic within the larger school choice discussion, and a history of charter legislation in Georgia. Data will be provided indicating the growth of charters in the state since 1993 and how Georgia compares to the rest of the states. Finally, this chapter will conclude

with examples of the philanthropic influence, acting through Strategic Fields, working to steer policy within the state.

Strategic Action Fields, Charters, and Choice

Charter schooling and the politics of school choice are part of a broader political and ideological formulation of education, which has shifted the discourse from issues of quality and procedural accountability to student performance, choice, and competition (Kirst, 2007; Bulkley, 2005). Ironically, the emphasis on charters and school choice seems to undemocratically discourage choice and competition by deemphasizing and disenfranchising traditional public schools. The Georgia state government has assumed much more control over local education in the last thirty years, with charters and school choice becoming the primary form of educational reform. This has happened for reasons associated with the number of government and non-government actors working to influence the direction of education in the state.

The politics surrounding school choice and charter schooling is part of a strategic action field made up of a network of actors, who are often loosely affiliated around the idea of choice and privatization, working to steer education policy to their benefit. Much of the discourse on education is ideologically (neoliberalism and neoconservatism) driven and it has become increasingly difficult to determine who is actually in charge of establishing viable educational policy as the actors remain fluid (Epstein, 2004). As such, the “dynamics within the field of public education suggest a state of flux, characterized by ongoing competition, conflict, and change” with a complex field of actors and organizations who are vying over “scarce resources of political influence, money, and control over educational services” (deMarrais & Warshaw, 2014).

Fligstein and McAdam (2011) describe fields as sites of contestation and upheaval such that "fields [are] rarely organized around a truly taken for granted reality" and with a "constant jockeying going on in fields as a result of their contentious nature" (Fligstein & McAdam, 2011, p. 10; deMarrais & Washaw, 2014, p. 7). At the same time, the contentious nature of the field requires actors to have a high level of social capital, or social skill, for the purpose of motivating other actors around common ideological meanings, values, norms, and goals. Strategic action is the attempt to create and maintain stable social worlds (i.e. organizational or strategic fields), often with an ideological underpinning, motive, or schema (Fligstein & McAdam, 2011, 2012). As stated earlier in this dissertation study, Fligstein and McAdam define strategic action fields as

> a constructed meso-level social order in which actors (who can be individual or collective) are attuned to and interact with one another on the basis of shared (which is not to say consensual) understandings about the purposes of the field, relationships to others in the field (including who has power and why), and the rules governing legitimate action within the field. Thus, a stable field is one in which the main actors are able to reproduce themselves and the field over a fairly long period of time (Fligstein & McAdam, 2012, p. 9).

Within these fields are actors, which may include many organizations, government and nongovernment entities, philanthropies, think-tanks, etc. These entities are often made up of even smaller fields representing a "Russian doll" of nested fields which are interdependent, mutually influential, while potentially contentious (Fligstein & McAdam, 2012). While examining the field of state educational policy and charters and school choice, it is necessary to discuss the interactions of incumbents and challengers operating within the field to influence policy while at the same time managing scarce resources.

The concept of incumbents and challengers have been a staple of social movement theory since the 1970s (Gamson, 1975). Incumbents are those actors who wield disproportionate influence within a strategic field and whose interests and views tend to be heavily reflected in dominant organizations. Challengers are those actors who occupy a lesser niche within the field, yet manage to maintain enough influence to potentially sway actors in disrupting, or challenging, the dominant positions of incumbent actors. The dynamics between incumbents and challengers are often centered on the ability to attain and make use of scarce resources (the control and disbursement of resources) for the purpose of influencing the direction and/or the power dynamics of the field.

The dynamic relationship between challengers and incumbents can lead to periods of instability, and in the case of Georgia, lead to policy changes. As noted by deMarrais and Warshaw (2014), "challengers seek to unhinge then reify structures, norms, and reward systems of fields; they tend to draw on collective, strategic action" (p. 7). Furthermore, particular actors, organizations, or nested subgroups of actors and organizations, may lead efforts aiming to "create and maintain stable social worlds by securing the cooperation of others" (Fligstein & McAdam, 2011, p. 14.). Challengers may find in global and national trends the impetus for upsetting field norms. These trends may be of many forms (economic, political, ideological, etc.) and stem from "broad, overarching fields," which then trigger change at the state- or even local-levels, thus creating further incumbent-challenger dynamics (deMarrais & Warshaw, 2014).

Periods of contentiousness among actors may lead to innovations, moving the field in different directions which are more advantageous for other actors. New formations, or new collective identities, occur which include "new alignments of multiple actors and organizations, but also a blending of resources and assets" (Fligstein & McAdam, 2011, p. 15; deMarrais &

Warshaw, 2014, p. 8). These new formations represent periods of settlement through either sustained oppositional mobilization or the reassertion of the status quo by incumbents and/or their allies (Fligstein & McAdam, 2012, p. 22). In the case of settlement, the field eventually gravitates toward a new normal – a new field consensus. SAF theory helps "organize and explain historical and contemporary issues in state-level (meso-level) public education policy," with the domain of state education policy serving as the strategic field centered on charter school legislation and the larger school choice agenda. As stated earlier, the impetus for change often occurs globally and/or nationally, and so it is in the case of Georgia.

The Impetus for Charters and School Choice

The 1990s charter school movement represented an "exogenous shock" in the state (meso-level) education policy environment (Fligstein & McAdam, 2012). The movement positioned charter schools as an innovative trend, which gained traction among a variety of actors and networks (advocacy coalitions) involved in education policy. Charter schools and school choice have become the overarching discourse in Georgia education policymaking, what Bulkley (2005) calls the "all things to all people" educational reform panacea of our day, including a combination of "strange bedfellows," including a multifarious set of political and non-political actors, such as policy-makers, philanthropic organizations, and business interests. Bulkley goes on to state,

> The rhetoric of charter advocates can appeal to people with varied political viewpoints. Free-market conservatives, [the neoliberals], see [charters and school choice] as way to enhance competition in education and a step in the direction of vouchers. Teachers' union leaders such as the late Albert Shanker see them as a way to increase the power of teachers. Cultural conservatives, [the mixture of neoconservatives, paleoconservatives, and the

> Christian Right], hope that they will increase parental control over the values taught in schools their children attend, while those interested in restructuring schools see them as way to further their goals. Moderate democrats, [neoliberal Democrats], hope that charter schools will provide parental choice, competition, and accountability, while avoiding actual privatization through school vouchers (Bulkley, 2005, p. 527).

Understanding the current state of educational policy, which has moved from federal to state conflicts and a matrix of political and non-political actors and networks, requires researchers to travel upstream in order to determine the source of the ideas which gave rise to charter school legislation across the United States and how charter schools have served as the focal point for the privatization movement.

While many attribute the discussion of charter schools to Al Shanker, former president of the American Federation of Teachers, the idea actually originated with Ray Budde, a former educator and principal in Michigan. Budde was teaching educational administration at the University of Massachusetts in the late 1960s and when the Dean of the University of Massachusetts's School of Education decided to reorganize the school, Budde became fascinated with ideas of organizational analysis, institutional theory, and organizational change broadly, but even more so within educational settings (Kolderie, 2005). In 1974, at the Society for General Systems Research, Budde presented a few ideas for the reorganization of school districts in a paper titled *Education by Charter*. However, according to Budde, few people thought the problems in education were significant enough to warrant this level of restructuring (Budde, 1996).

It wasn't until the 1980s that the impetus for change materialized in the 1983 publication of *A Nation at Risk*. When word began to spread about the *At Risk* report and a follow-up report

from the Carnegie Forum on Education and the Economy titled *A Nation Prepared: Teachers for the 21st Century*, Budde revised his paper and had it published in 1988 with the Northeast Regional Lab (Budde, 1988). This time, he did not wait for responses to his paper and forwarded copies of his work to state governments and a variety of educational organizations, including the American Educational Research Association, the American Association of School Administrators, and national teachers groups. Eventually, the idea of charter schools reached mainstream educational discourse through the former president of the American Federation of Teachers, Al Shanker.

In a 1988 address at the National Press Club, Mr. Shanker outlined an idea for a new kind of public school where teachers could experiment with fresh and innovative ways of teaching (Kahlenberg & Potter, 2014). This new school, often viewed as a school within a school, would reinvigorate what he deemed to be the twin promises of education: (1) the promotion of social mobility for working-class students and (2) to increase social cohesion in America's increasingly pluralistic society. Shanker envisioned a model of schooling that would "enable any school or any group of teachers…within a school to develop a proposal for how they could better educate youngsters" and would do so by giving then "a charter to implement that proposal" (Finn, Manno, and Vanourek, 2000, p. 18; Hill, 2006, p. 200).

Shanker built upon Budde's ideas calling for a restructuring of the district at an organizational level, moving from a four-level line-and-staff configuration to a two-level form in which groups of teachers would receive educational charters directly from the school board (Kolderie, 2005). Shanker expanded upon Budde's ideas promoting new schools, which would then be marketed to school choice advocates. In Minnesota, the Citizens League in cooperation with the Minneapolis Foundation, brought in Al Shanker to speak to Minnesota legislators and

business leaders during the 14th annual Itasca Seminar held in October 1988. State legislators picked up the idea of charters and ran with it, though modified from what was Shanker's formulation of Budde's ideas. The original charter provision appeared in the Minnesota Senate's omnibus bill in 1989, but it did not pass. It was attempted again in 1990; however, the Minnesota House of Representatives still refused to pass the legislation. Finally, in 1991, a charter bill authored by State Senator Ember Reichgott Junge (D) and with the backing of State Representatives Ken Nelson (D) and Rebecca "Becky" Kelso (D), passed during the legislative session. However, the charter bill had been significantly altered from the original Senate legislation and from Shanker's framework.

Nelson, Kelso, and Junge were all moderate Democrats, and though many Democrats continue to support charter schools, the current discourse surrounding choice and charters has become hijacked by free-market supporters and turned into a Republican Party mantra. The 1991 Minnesota charter legislation, which can be found in Appendix B, decentralized the organization of schools, which challenged the status quo. In 1992, California followed Minnesota's lead introducing and passing charter school legislation. The passing of charter legislation in those two states represented an exogenous shock to state-level education policy and traditional forms of state controlled public schooling. In 1993, six more states would join the rush to establish charters and school choice, including Georgia. Charter schools as conceptualized by the Minnesota legislation, and followed by other states, is just one approach to school choice.

Charter Schools and School Choice

The idea of school choice and competition is rooted in Friedmanism and the neoliberal ideological formations of choice, free-markets, accountability, and competition. The Freidman Foundation for Education Choice's definition states,

> School choice allows public education funds to follow students to the schools or services that best fit their needs—whether that is to a public school, private school, charter school, home school or any other learning environment parents choose for their kids…. School choice encompasses much more than just school vouchers or charter schools (edChoice, 2018).

While Milton and Rose Friedman primarily promote vouchers and tax-credits as a way of furthering school choice, they list other examples of school choice, representing the current established menu of school choice options including: Education Savings Accounts (ESAs); Vouchers; Tax-Credit Scholarships; Charter Schools; Magnet Schools; Home-Schooling; Online Learning/Online Schools; Inter-/Intra-district School Choice; Town Tuitioning; and customizable learning pathways. While the focus of this case study is the attempt of Governor Deal and the Republican controlled Georgia General Assembly to establish a state-wide charter district, it is significantly connected to school choice in its broadest sense and with a specific attention to charter schools.

A charter school is an independently run public school, which has been granted greater flexibility in its operations, in return for defined parameters of performance. The "charter," which operates largely as a contract, defines those parameters through a performance contract detailing the school's mission, program, students served, performance goals, and methods of assessment, which in turn must be approved by the state charter school commissioning organization or department of education. Charter schools are public schools of choice, meaning that families choose them for their children. They enjoy greater flexibility in that they are free from many conventional regulations, such as many of the Georgia Title 20 requirements, imposed on traditional public schools. As stated earlier, charter schools are accountable for

academic results and for upholding the promises made in their charters. They must demonstrate performance in the areas of academic achievement, financial management, and organizational stability. If a charter school does not meet performance goals, it may be closed (Uncommon Schools, 2018).

As of January 2018, charter school legislation has been enacted in almost every state in the Union. According to the National Alliance for Public Charter Schools' October 2017 Report titled *State Legislative Session Highlights for Public Charter Schools*, there are currently 44 states which have enacted some form of charter school legislation. South Dakota, considered to have not formalized broad charter school legislation, does have a provision for charter schools for Indigenous Americans. Statistics presented by the Education Commission on the States (2018) list the following states which have yet to enact broad charter legislation: Montana, Nebraska, North Dakota, South Dakota, Vermont, and West Virginia. Out of those six states, Montana, Nebraska, and West Virginia have charter school legislation pending for the 2018 legislative session (Education Commission on the States, 2018).

Of the 44 charter and school choice laws throughout the nation, the Center for Education Reform (2018), a rightist organization advocating for school choice, categorizes the states as having either strong or weak charter school choice laws. The Center defines weak charter laws as state statutes that constrict school operations, impose unnecessary administrative policy burdens, and relatively restrict creativity in favor of rule compliance. In other words, weak charter laws fail to deregulate schools sufficiently to allow for experimentation and therefore, they maintain familiarity with traditional public schools. Strong school choice and charter laws do not limit the number of charter schools, allow a more open environment for the number of agencies which may apply for and establish charter schools, encourage new start-up charter operations rather

than relying on conversion charter schools, and are more open to providing automatic waivers from most or all of a state's education laws and regulations.

Ranking of School Choice in the U.S. States

2018 Overall Ranking & Grade	States (Date of First Charter Legislation)	School Choice Grade	Charter Grade
1 – 89.2%	Florida (1996)	95%	B – 82% (8th)
2 – 89.1%	Indiana (2001)	88%	A – 92% (3rd)
3 – 89.0%	Arizona (1994)	95%	A – 92% (2nd)
4 – 80.0%	Nevada (1997)	88%	C – 75% (22nd)
5 – 79.0%	Georgia (1993)	82%	C – 75% (20th)
6 – 77.0%	Washington D. C.(1996)	72%	A – 95% (1st)
7 – 74.1%	Louisiana (1995)	72%	C – 75% (18th)
8 – 74.0%	Oklahoma (1999)	72%	C – 78% (15th)
9 – 73.2%	North Carolina (1996)	72%	C – 78% (13th)
10 – 73.1%	Utah (1998)	62%	C – 78% (14th)
11 – 73.0%	Ohio (1997)	75%	C – 72% (24th)
12 – 72.0%	South Carolina (1996)	62%	B – 82% (11th)
13 – 72.0%	Wisconsin (1993)	78%	C – 75% (17th)
14 – 70.0%	Minnesota (1991)	0%	B – 82% (5th)
15 – 70.0%	Pennsylvania (1997)	0%	C – 72% (25th)
16 – 68.0%	Colorado (1993)	62%	B – 82% (6th)
17 – 68.0%	Massachusetts (1993)	0%	B – 82% (10th)
18 – 68.0%	Michigan (1993)	0%	B – 82% (4th)
19 – 68.0%	New York (1998)	0%	B – 82% (9th)
20 – 68.0%	Texas (1995)	0%	C – 78% (12th)

Table 7. Top twenty states and D.C. as rated on the Parent Power Index for best school systems by the Center for Education Reform, which utilizes information from Friedman Foundation for Education Choice and the National Charter School Laws Ranking 2017 Scorecard (Center for Education Reform, 2017). The overall rank is based on several factors in order of importance: school choice, charter schools, online learning, teacher quality, transparency, pro-choice governor, and parent trigger laws. ***Rank in parenthesis represents overall charter legislation strength compared to other states.***

U.S. Sates Charter Ranking Compared to Choice Ranking

Charter Ranking	State/D.C.	Choice Ranking
1	Washington D.C	6
2	Arizona	3
3	Indiana	2
4	Michigan	18
5	Minnesota	14
6	Colorado	16
7	California	23
8	Florida	1
9	New York	19
10	Massachusetts	17
11	South Carolina	12
12	Texas	20
13	North Carolina	9
14	Utah	10
15	Oklahoma	8
16	Missouri	28
17	Wisconsin	13
18	Louisiana	7
19	Tennessee	25
20	Georgia	5

Table 8. This table provides a different perspective and is based on the ranking of the charter legislation in each state. Data is from the Parent Power Index for best school systems by the Center for Education Reform which utilizes information from the Friedman Foundation for Education Choice and the National Charter School Laws Ranking 2017 Scorecard (Center for Education Reform, 2017).

Table 7 illustrates the current top-twenty ranking of states and District of Columbia, in terms of school choice and charter legislation. Those rankings are based on the Center for Education Reform (CER) Parent Power Index which illustrates what the CER considers pro-

choice and charter state educational policy environments. Table 8 ranks the states and the District of Columbia in terms of the strength of charter school legislation and charter options along with their school choice ranking in the last column. This table merely provides a picture of the impact of charters at the national level. As illustrated in Tables 7 and 8, Georgia is ranked fifth in the strength of school choice options, which includes several factors discussed earlier in this chapter, but ranks twentieth in terms of charters.

Charter Schools and School Choice Legislation in Georgia

Charters have become a "powerful new idea that [has] spread across the country through advocacy by policy entrepreneurs who galvanized an interstate policy issue network" (Kirst, 2007, pp. 184-185; Mintrom, 2000; Mintrom & Vergari, 1997). Georgia's original charter school law became a reality, not during a period of "vigorous debate over education reform," such as was the case in several other states, "but rather during a time when other major educational changes had been enacted" (Bulkley, 2005). Unlike much of the current discourse addressing parent choice and competition, Governor Zell Miller and the Georgia General Assembly were focused primarily on recent issues raised, which had been raised by the passage of the 1985 Quality Basic Education (QBE) Act (Bulkley, 2005; Fleichmann & Pierannunzi, 1991). Governor Zell Miller, learning of the charter school legislation in Minnesota through the National Governors Association, pushed for the first charter school legislation in 1991. Governor Miller's first attempt failed due to lack of support in the Georgia General Assembly, which was primarily due to the sheer number of other educational initiatives he was attempting to push through the General Assembly. However, Governor Miller was determined to see charter legislation pass in the Georgia General Assembly and continued to press for a charter law. In many ways, the original intent of the 1993 charter school legislation was a reaction to the larger

state control of schools implemented under Governor Harris (Wohlstetter, 1994; Wohlstetter, et al., 1995). The 1993 Georgia charter school law states that the legislation will:

> Provide a means whereby local schools may choose to substitute a binding performance contract approved by both state and local boards of education, called a charter, for state and local rules, regulations, policies, and procedures (Bulkley, 2005; 1993 Georgia Code 20-2-255).

The original charter school law, found in Appendix A, had little to do with competition, parental choice, and innovation. Rather, the Georgia General Assembly and Governor Zell Miller viewed the legislation as an incremental step toward providing more local control over schools, deregulation for the purpose of improving school quality.

A preview of the impetus for school choice in Georgia can be found in Governor Miller's 1991 State of the State Address held on January 26, 1991 where he stated that "we have a solid foundation with QBE [the Quality Basic Education Act], but it's a foundation to build on, not stand on" (C-Span, 1991). Immediately following that statement, Governor Miller discussed his major initiatives: Georgia Lottery for Education; voluntary 4-year old Pre-K; extending the Governor's Honors Program; drug education through DARE; a revamp of sex education in schools; literacy, and downsizing of the Georgia Department of Education; transferring teacher certification responsibilities from the Georgia Department of Education to the Professional Standards Commission. With such a list of initiatives, the Georgia General Assembly was expected to show some resistance, which is why the 1991 proposal did not receive much discussion in the 40-day session of the Georgia General Assembly, nor did it receive much attention in 1992. After finally passing in the 1993 legislative session and taking effect in 1994, the 1993 Georgia charter school law set up the ability to convert public schools to charter

schools. Those schools were not schools of choice and "students who were attending a school prior to its conversion to charter status were expected to remain in the school" (Bulkley, 2005).

Another point of interest in this early charter legislation is that it was spearheaded by moderate to conservative Democrats attempting to overcome resistance from Republicans who were responsible for preventing a floor vote on the bill in 1991 and 1992. Keep in mind the Georgia Democrats of the early- to mid-1990s in the Georgia General Assembly were by-and-large conservative and ideologically more in line with Northern Republicans. In our current political climate, Republicans are the primary cheerleaders for charter schools and the school choice agenda. Georgia's approach to charters, while similar to Minnesota's 1991 proposal, did not contain provisions for parental choice. Nonetheless, there were several characteristics in the legislation that Governor Miller and the Georgia General Assembly believed would lead to school improvement, making use of the earlier QBE legislation. The 1993 law included the following purposes: (1) Substantial deregulation of schools through conversion charters, there were no provisions for school choice, and the law decentralized local control; (2) Having fewer restraints on their schools, teachers and local school boards could create innovative mission-driven schools with improved student outcomes; and (3) The resulting improvements would create models for other traditional public schools to follow by mimicking those charters, and leading to an overall improvement in the entire educational system throughout the state. Those ideas were squarely in line with the original thinking of Ray Budde and Al Shanker as discussed earlier in this chapter. Georgia's early charter school laws, which began with the understanding that charter schools would have limited impact on existing public schools, evolved into the broader school choice agenda and the push for a state-wide charter system. Those changes have taken place gradually, but primarily through the influence of non-governmental actors acting

through strategic fields. Before delving into those influences, it is prudent to provide a brief synopsis of the original charter law, found in Table 9 (a complete version is in Appendix A),

The 1993 Georgia Charter School Legislation	
Types of Charter Schools Permitted	Public school conversions
Caps on Schools or Students	No caps
Who can sponsor schools?	Local school boards in conjunction with state department of education
How much deregulation from state requirements?	Broad Waivers
Are charters held accountable to state standards?	Unspecified in the law
Are all of the teachers certified in charters?	Same certifications required as district schools
Core Goals for Charter Schools	Improved Student Outcomes; Charter schools as an impetus for innovation
Common Goals for Public Education	Quality (At this particular time, matched up with expectations from QBE)
Scope of Change Sought	One of many incremental reforms
Primary Mechanism for change	Innovation through deregulation and educators' motivations
Role of Innovation/Diverse Schools	Innovation in all charter schools; No parental choice/no diversity in terms of the type of charter school (all conversion charters)
Autonomy	Autonomy only through deregulation and some school-site/local district control
Accountability	Accountable to communities and districts/accountable through contract and outcomes

Table 9. Various aspects of the 1993 Georgia Charter School Law (1993 Georgia Code 20-2-255).The Georgia Code as it relates to charter schools and the existing public school system has been amended several times since the original charter legislation of 1993. Georgia is currently operating based on the 1998 charter school law and subsequent amendments which can be found in Appendix A (Information from Tables 1 and 2 found in Bulkley, 2005).

and a timeline of various modifications to Georgia's charter legislation from Governor Miller to the present. Since 1993, Georgia's charter school law has been amended several times, including minor changes regarding finance and reporting.

Summary of Changes in Georgia Charter School Legislation

1993	First charter law; applied to only existing public schools converting to charters; one-to-three year charter period; required 2/3 teacher support and 2/3 of parent support; no limits on the number of charter schools; charter approval by local and state boards; included plan for school improvement to meet national and state standards
1995	Changed to simple majority vote for teacher support requirement; charter period extended to 5 years; plan for improvement to meet America 2000 national goals and state education goals
1998	Large scale change in policy (Georgia is still operating off the law passed in 1998 with subsequent amendments); Start-up charters authorized; Blanket exemption from Title 20, State Board rules, local board policies permissible; governing body must be made up of a majority parents of students within the school; plan for improvement to meet state education standards
2000	Change allowing for charter petitioners who have been denied approval by local boards of education may apply to the Georgia State Board of Education; charter schools require to participate in the Georgia State Educational Accountability System
2002	Funding clarifications; Requirement for local board to provide written explanation for petition denials; Initial terms of charter changed to 3-year minimum and a 5-year maximum; Removal of blanket exemption from Title 20 and petitioner must list specific school laws or rules to be waived with the rationale for doing so; State Board given authority to draft petition requirements; the requirement for a majority of parents on governing board removed
2004	Blanket exemption possibility partially restored in legislation; The State Board of Education is directed to create a facilities fund for local charter schools and state chartered special schools to establish a per pupil need-based facilities aid program
2005	Blanket exemption from Title 20, State Board Rules, and Local Board policies fully restored; Charter period increased to a maximum of 10 years; further charter school funding clarified; Provision included for "charter clusters" within school districts and multiple districts; additions to allowable preferential student enrollment policy; annual report requirements
2006	Required that Code Section 20-2-2065 of Title 20 provisions should not preclude the use of computer and internet based instruction for students in a virtual and/or remote setting, in other words virtual charter schools
2007	Allowed for the establishment of system charters (the entire school district is under a charter); Created a Charter Advisory Committee; Provided for transportation and food services funding for start-up charters
2008	A 7-member State Charter School Commission created whose members would be appointed by the State Board of Education upon recommendation of the Governor, Lt. Governor, and Speaker of the House; Commission given full power to authorize charter schools and to make determinations of funding for charters; Allowed current charter school employees to

	participate in the State Health Benefits Program; Established a grant program providing financial incentives for donations to charter schools
2009	Minor language changes impacting QBE state grants; Added commission charter school language for facilities funds; Declared unused public facilities become available for local charter schools
2010	Established a conversion charter process for a high school cluster petition and outlined approval process for petitions; State charter schools or charter systems cannot waive fingerprints and background checks for employees
2011	Changed to indicate charter schools and/or charter systems are subject to individual graduation plan provisions
2012	Language focused on the appropriation of state funds by QBE formula earnings and QBE grants updates
2013	The definition for "charter petitioner" updated; States a charter for a local charter school shall be a three-party agreement between a charter petitioner, a local board of education, and the State Board of Education and the charter petitions shall be a party other than a local board of education; Increased time for petition approval from 60 to 90 days; Updated waiver provisions for public facility usage; Allows for students to attend charter that matriculated from a pre-K program; Changes to process for charter termination
2014	Changed definition for charter schools to Title 20 code section 20-2-2063.2; State board must approve training for the members of the governing board
2015	Charter facilities operation requirements updated; Added definition for "educationally disadvantaged students"; updated enrollment and admissions guidelines; clarified language to indicate a local board shall approve or deny a petition no later than 90 days; charter schools/systems are subject to annual performance evaluations due by November 1st each year; updated language for charter termination
2016	Changed the definition of College and Career Academy and allowed for the creation of capital funding-eligible college and career academies within charter systems and strategic waivers of school system contracts; Requires a financial certification program for charter school leaders and personnel
2017	Added that a charter for a charter system shall include the interventions, sanctions, and loss of governance consequences contained within Title 20 Code Section 20-14-41; Changed initial term of charter from 5 to 6 years; Added requirement for the SBOE and the State Charter Schools Commission to jointly establish a code of principles and standards of high-quality charter school authorizing, to provide for the training of State Board Staff and local board members on those principles and standards, as well as for an annual independent review of local boards for adherence to the principles and standards; Allows locally approved charter schools to petition the State Charter Schools Commission for authorization if the local board of education fails to meet the principles and standards of charter school authorizing established by the State Board of Education and the State Charter School Commission for two consecutive years; Added requirement that local charter schools must certify all data collected for QBE funding purposes, including enrollment data and certified personnel information, prior to a local board of education submitting the data to the State Board of Education; Added requirement for local school systems to distribute to each local charter school the proportionate amount of federal funds for which a school is eligible under each federal program, or to provide in-kind services to the school upon agreement between the parties; additional definitions of "unused facility usage" for state charter schools

Table 10. A summary of the changes to Georgia Charter School Legislation since the initial law in 1993. Information was compiled from the Georgia General Assembly legislation archival database including legislation from the Georgia Senate and Georgia House of Representatives and subsequent legislation passing the legislative session.

Each time the charter law has been amended, it broadened the scope of school choice and increased the number of sponsors or agencies who can establish a charter school. The 1998 amended law allowed for more sponsors of charter schools, including private organizations, religious groups, and other organizations. Before 2007, Georgia's charter schools held individual charters, but an act passed in the 2007 legislative session allowed for the creation of charter systems or charter districts. Another significant year was 2008 witnessing the creating of the Georgia Charter Schools Commission Act that allowed state officials to appoint commission members with the power to approve petitions for the new type of K-12 public school, a commission charter school (deMarrais & Warshaw, 2014). This legislation met with challenges from several school districts who ultimately sued Georgia State School Superintendent Kathy Cox and the Georgia Department of Education, and the charter schools which had been approved by the commission. These actions led to a 2011 Georgia Supreme Court decision which is important for this case study because it provides the opportunity to utilize SAF theory and to specifically discuss key strategic actions, the actors involved, and how resources are utilized as a manipulative tool to be settled upon by incumbents and challengers.

I make use of research conducted by Kathleen deMarrais and Jarrett Warshaw (2014) in their examination of competing networks within Georgia. Table 11 summarizes their findings as part of the SAF operating within Georgia and centered on the charter and school choice agenda. It is important to note that for Georgia, the incumbents represent long-standing "stewards of public education" while the challengers refer to coalitions of neoliberal and neoconservative actors (philanthropists, non-profits, special interest groups, think-tanks, etc.) pushing the school choice agenda. Governance units refer to the Office of Governor, the Georgia General Assembly, the Georgia Department of Education, and the Georgia court system.

Table 11. Key Events Leading to 2011 Charter School Amendment Case

Strategic Actions	Actors & Resources	Results & Resources
Exogenous shock to system – 2008 state legislation created the GA Charter Schools Commission Act which that allowed state officials to appoint commission members with power to approve 'commission charter schools'	Governor and Republican held Georgia General Assembly	
Incumbents: 7 Atlanta school districts challenged the law; sued state school superintendent, the GA DOE, and the GA Charter Schools Commission on constitutional grounds – power to govern schools given to local levels (2008)	The following city and county school districts: Atlanta, Bulloch, Candler, DeKalb, Griffin-Spalding, Gwinnett, and Henry	Governance Unit: Trial court ruled in favor of challengers; upheld constitutionality (2008)
Incumbents: Appealed to the Georgia State Supreme Court	Same school districts	Governance Unit: May 16, 2011 in a 4-to-3 decision, overturned previous court decision taking away Commission's ability to approve charter schools; Chief Justice Carol Hunstein writing the majority opinion
Challengers: GA House of Representatives (Republican) initiated HR 1162 Charter School Amendment to state constitution; passed 2/22/2012 in a 124-48 vote; 3/19/2012 passed in GA Senate with a 40-16 vote (this legislation was tied to ALEC)	Legislators	Act placed on November 2012 ballot for public referendum: Shall the Constitution of Georgia be amended to allow state or local approval of public charter schools upon request of the local community? (yes/no)
Incumbents: October 29, 2012 Plaintiffs Beverly Hedges, Reverend Timothy McDonald filed suit in Fulton County Superior Court alleging preamble language on ballot was 'purposefully misleading'	Beverly Hedges & Rev. Timothy McDonald (ties to NAACP)	February 24, 214 – dismissed with prejudice, foreclosing further legal action

Incumbent Campaign Perspective: Local Control: 'We are not arguing the merits or demerits of charter schools. We're hyst saying that decisions about new schools in a community ought to be made by elected officials who represent those citizens, not a bunch of political appointees in Atlanta who have no idea what's going on in a local school district' (Herb Garrett, Executive Director of Georgia State Superintendents Association) Public Monies: 'I cannot support the creation of a new and costly state bureaucracy that takes away local control of schools and unnecessarily duplicates the good work already being done by local districts, the GA Department of Education, and the State Board of Education' (John Barge, State School Superintendent).	John Barge, State School Superintendent (Republican – who later ran in primaries for governor), Georgia Association of Educational Leaders, Georgia Association of Educators, Georgia Association of School Psychologists, Georgia Music Educators Association, Georgia Parent Teacher Association, Georgia Retired Educators Association, Georgia School Boards Association, Georgia School Superintendents Association, League of Women Voters of Georgia, Legislative Black Caucus of Georgia, NAACP Georgia State Conference, Professional Association of Georgia Educators, and the Southern Education Foundation.	Incumbents raised over $123,000 relying on small donations primarily from public school officials
Challenger Campaign – billboards, website, social media, campaign flyer mailed to households Perspective: Control: 'In essence, it's about control and money from the public school establishment's) standpoint. They want all of the control and none of the money to go anywhere else.' (Mark Peevy,	Internal: Governor Nathan Deal, Georgia legislators, GA Charter Schools Association, Senator Mike Cane, Senator Buddy Carter, Technology Association of Georgia External: Alice Walton ($250,000), charter management organizations and advocacy groups – K12 Inc., VA ($100,000), Charter Schools USA, MI ($25,000), National Heritage Academies, MI ($25,000), Education	Families for Better Public Schools – 'Hope is in your hands' - $492,941 campaign Brighter Georgia – coalition of groups organized by Georgia Charter Schools Association (not required to disclose donor or dollars spent)

Executive Director Families for Better Schools). Choice: 'We must encourage innovation and the pursuit of excellence in our schools…Starting a state-chartered school is not done easily or without lots of hard work, but we need a system that allows for this option. State-chartered schools help students trapped in underperforming schools and aid communities that want to invest in new and imaginative ways of learning for their children.'	Reform Now, ($6,000), Students First/Michelle Rhee ($6,000), Edison Learning, TN ($2,000), National Alliance for Charter Schools, DC ($1,000), Other supporters included Bill and Melinda Gates, Jeff Bezos, Americans for Prosperity (Tea Party).	
		Results: November 6, 2012 – Georgia voters passed amendment with 58% of the vote

Note: This table includes data collected by Kathleen deMarrais and Jarrett Warshaw and subsequently presented at the both the American Educational Research Association, Philadelphia, PA April 2014 and the American Educational Studies Association, Baltimore, MD, October 2013.

As shown in the above table, charter law and education reform in Georgia is situated within a strategic field. It includes situational dynamics centered on the contentious nature between incumbents, challengers, the governance units of the Governor's Office, the Georgia General Assembly, and the Georgia court system. The contentious continues into the present educational reform and state education policy making climate.

State of Charters in Georgia

Georgia charter law continues to increase in complexity after several years of amendments. In Appendix A, I provide the current charter law as a comparison to the basic elements of Georgia's 1993 law shown in Table 7. It is also important to note the level of school choice in Georgia as it currently stands, which is provided in Appendix B. As of the 2016-2017

school term, data compiled by the National Alliance for Public Charter Schools, the Center for Education Reform, and the Friedman Foundation, indicate there are now 83 charter schools (including charter systems) in Georgia, with an estimated 84,400 students enrolled in charter schools. Data provided by the National Charter School Resource Center, a national pro-charter group operated by Safal Partners in Texas with connections to, and funded in part by, the United States Department of Education, indicates that Georgia continues to operate based on its last major charter school act of 1998 (with subsequent amendments and revisions) and that Georgia currently has 158 charter schools with 83,277 students enrolled in those charter schools.

In December 2017, the Georgia Department of Education released a report titled *The Georgia Department of Education's District Flexibility and Charter Schools Division 2017 Annual Report*, which indicates "a charter system is a system that has a performance contract with the State Board of Education granting the system freedom from almost all Title 20 education laws and State Board of Education rules" (p. 4). As of the 2017-2018 school year, there are now 43 charter systems in the state which includes 464 schools, a significant increase from the 37 schools that existed in the 2007-2008 academic year. At the time of the report, the number of students enrolled in those charter systems totaled 356,897. This number does not include individual charter schools that are not part of a charter system.

How charter schools are identified and tracked by various government and non-government agencies often leads to misleading totals for the number of charter schools. Officially, the Georgia Department of Education states that as of 2017, "there [were] 115 charter schools in Georgia, not including schools within charter systems. Of the 115 charter schools, there are 97 start-up charter schools and 18 conversion charter schools" (Georgia Department of Education, 2017). The number of charter schools and their students remains fluid, making it

difficult to obtain an accurate total; however, the following tabulation appears to provide an accurate estimate of the number of charters in the state:

Number of Non-System Charter Schools:	115
Number of Charter Systems:	43
Number of Schools in Charter Systems:	464
Total Number of Charter Schools (2017):	579 (system and non-system)
Estimated Number of Students in Charter Systems:	356,897
Estimated Number of Students in non-system charters:	84,400
Estimated total of Georgia students in charters (2017):	441,297

The statistics above have been based on public school students. Private schools were not considered part of the statistical data. Based on 2016 finalized numbers (Georgia Department of Education, 2016), there were 1,764,215 total students in charter schools. Utilizing the numbers from 2016 and 2017, roughly 25% of Georgia students are attending some form of charter school (individual conversion charter schools, start-up charters, charter system schools, etc.). It is important to note, the 2016 fact sheet from the Georgia Department of Education indicated 558 total charter schools with 572,064 students and the 2017 data indicates more schools (579 schools), yet fewer total students (441,297 students).

The preceding data gives a snapshot of the growing number of charter schools and charter systems in the state. In addition, it is indicative of how the incumbents have been losing the contentious battle for influence in the field of Georgia education policy. Since the first three conversion charter schools began operating in the 1994-1995 school year, the number has significantly grown to 579 charter schools. Along with this rise in the number of charter schools has been the focus on school choice. Prior to 1993, students had two broad choices – public

schools or private schools. Contemporary school choice is more broadly understood and more complex including other programs such as vouchers and tax-credits to name a few. The growth of school choice can be attributed to the ambitions and motivations of well-funded challengers to traditional state education policy operating within strategic fields.

Strategic action fields in Georgia include governmental and non-governmental actors. Non-governmental actors include lobbying organizations (e.g. ALEC and the Georgia SPN affiliates), philanthropies (e.g. Charles G. Koch, Walton Family Foundations, etc.) and advocacy groups/think tanks (e.g. Center for Education Reform, edChoice, Heritage Foundation, Americans for Prosperity, StudentsFirst, etc.) and several Georgia pro-choice/pro-charter organizations (e.g. Georgia Charter Schools Association, Families for Better Public Schools, Georgia Parent Advocacy Network, Brighter Georgia Education Coalition, etc.) who receive funding from philanthropies and/or are tied to national level organizations. While a complete picture of every organization, actor, or group, influencing Georgia state educational policy making is beyond the scope of this study, a few examples are necessary to understand the significant influence from challengers within the strategic field.

The Field of School Choice in Georgia

What started out as an experimental movement to find innovative solutions for education by individual schools in the 1980s and early 1990s has more recently been swept up "by a movement organized to promote an ambitious alternative to public schools" and this movement is anything but conservative (Fabricant & Fine, 2012, p. 19). The charter movement and the larger school choice ideology has significantly "veered to the Right" and has become increasingly emphasized as an alternative to traditional public education, the latter often referred to by neoliberal, libertarian, and neoconservative groups as a state monopoly on education

(Fabricant & Fine, 2012, p. 19). It did not help traditional public education that Chubb and Moe (1990) wrote a book titled *Politics, Markets, and America's Schools,* furthering the abstract idea that state run public schools had become inefficient and required new ways of thinking. The authors assert that the only way to bring about change in the American public schools is through school choice. Chubb and Moe claim choice "has the capacity all by itself to bring about the kind of transformation that, for years, reformers have been seeking to engineer in a myriad other ways" (Chubb & Moe, 1990, p. 217; Patel, 2013, p. 18). Public education is seen as a market opportunity for entrepreneurs (edupreneurs) and business entities.

School choice and charters are the vehicles wherein public dollars can be transferred to private institutions disguised as competitive in facilitating parental choice, competition, and efficiency, while framing parents and students as consumers who simply contribute freely to the market's 'invisible hand.' This thinking, the "confluence of market dynamics, such as public-school choice, and competition with business leader support," has created a situation, or "space, for monetizing public education" (Fabricant & Fine, 2012, p. 28). School choice is enacted through a complex network of strategic actors operating at the meso-level to influence education policy initiatives in state legislatures. Those actors (several are listed later in this chapter), act upon and influence each other and the Georgia legislature, to continually enact legislation favorable to school choice and charter schools.

The process and social skill utilized to steer Georgia down the path of school choice has been extremely effective, so much so that roughly 25% of Georgia students are now educated by charter schools. Once again, strategic action fields are extremely complex and continually in flux as incumbents and challenger battle for dominance over scarce resources and the school choice agenda.

The Strategic Action Field Centered Upon School Choice

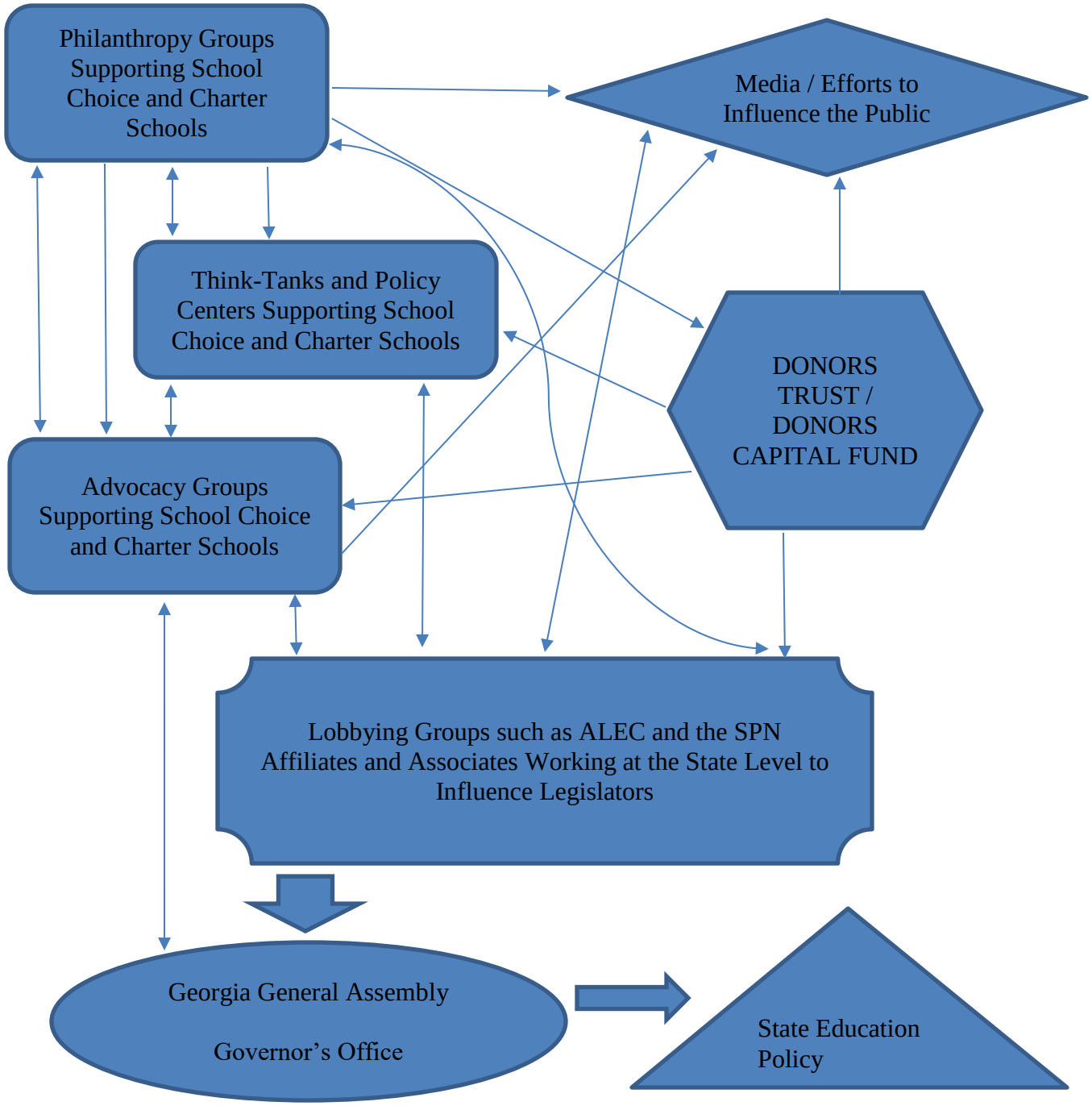

Figure 3. This figure represents the flow of ideas and funds as well as the influences of actors within a strategic action field. This is a general view and does not show specific actors. The double arrows show the flow of ideas (policy and advocacy) and non-financial influences while the single arrows represent the direction of financial support (direct funds for lobbying or direct support of legislators).

Strategic actors come and go in the field depending on availability or lack of financial resources and shifts in policy priorities. In Georgia, the actors operating within the strategic action field are numerous (advocacy groups, philanthropic organizations, think-tanks, etc.) and driven my dogmatic ideological formations. While there are dominant actors who control the broader (national) field environment, various state-level advocacy groups and think-tanks provide the policy initiatives and policy statements which guide lawmakers in pushing the school choice agenda.

Those advocacy groups and think-tanks are connected to legislators through lobbying groups like ALEC and ALEC's Education Task Force, the affiliate organizations of the State Policy Network, and the field dynamics are funded by similarly aligned philanthropic organizations. Georgia legislators affiliated with ALEC and the SPN provide voice within the Georgia General Assembly generally, and the various committees and subcommittees charged with governing state education policy specifically. Basically, there is a "conservative labyrinth" of funding, media, and policy initiatives guiding the actors within this action field as crudely illustrated in Figure 3(deMarrais, 2006, p. 216). Two of the major actors affecting education policy initiatives in Georgia include ALEC and the SPN. The interactions in the field illustrate a sharing of ideas, the channeling of money from philanthropic sources to policy actors who can influence policy change, and groups advocating for change utilizing the media to garner public support.

ALEC and the SPN

Georgia General Assembly members and the governor are heavily influenced by two organizations – the American Legislative Exchange Council (ALEC) and the Georgia affiliates of the State Policy Network (SPN). Both organizations are consistently lobbying on the behalf of

neoliberal and neoconservative actors. Unfortunately, since the Supreme Court's decision in *Citizens United v. Federal Election Commission* establishing political spending as a form of protected speech, it has become increasingly difficult to determine precisely the number of actors and who are those actors. Those actors are often hidden to the public thanks to the efforts of the Donors Trust Fund (a large philanthropic clearing house), which Andy Kroll referred to in a 2013 *Mother Jones* article as the "dark money ATM of the conservative movement" (Kroll, 2013). According to ALEC's website, they describe themselves as "America's largest nonpartisan, voluntary membership organization of state legislators dedicated to the principles of limited government, free markets and federalism" (American Legislative Exchange Council, 2018).

More than 2,000 predominantly conservative state lawmakers from around the country are in ALEC combined with representatives of corporations, think-tanks, and philanthropic interests all with the intent of drafting model bills to push through state legislatures (Underwood & Mead, 2012). This is not surprising considering ALEC was founded in Chicago in 1973 as the Conservative Caucus of State Legislators (Bishop, 2008). ALEC has aggressively promoted ways to privatize public education, promote school choice, and create private-public partnerships in education. Most of the work on education is generated in one of ALEC's eleven different Task Forces called the Task Force on Education and Workforce development, though some educational fiscal matters are brought up in other groups within ALEC.

ALEC influences state educational policy through an annual conference where Georgia State Legislators, who are members of ALEC, meet with representatives from various corporations, think-tanks, and philanthropies pushing the school choice agenda. ALEC states the purpose of the Task Force on Education and Workforce Development "is to promote excellence

in the nation's educational system, to advance reforms through parental choice, to support efficiency, accountability, and transparency in all educational institutions, and to ensure America's youth are given the opportunity to succeed" (American Legislative Exchange Council, 2018). Each task force is co-chaired by individuals from both the private and public sectors.

ALEC's Task Force on Education is currently co-chaired by Senator Howard Stephenson, a Republican from Utah, and Tom Bolvin, the Senior Director of Government Affairs at K12 Incorporated. K12 is one of the leading online school platforms in the nation promoting virtual schooling (virtual charters), homeschooling, and the broader school choice movement. It has become increasingly difficult to track the number of Georgia politicians who are either members of ALEC, are loosely affiliated with, or who have been influenced by ALEC in some way. Georgia Governor Nathan Deal is an alumnus of ALEC and there are many members of the Georgia General Assembly who are current members. Two of those Georgia legislators include current ALEC Georgia state chairs, GA State Representative Matt Dollar (R), who wields considerable influence as a member of the GA House Appropriations Committee and GA State Senator Steve Gooch (R) who serves as the secretary of the GA Senate Appropriations Committee. Georgia members of ALEC's Task force on Education include State Representatives David Casas (R), Jan Jones (R), Howard R. Maxwell (R), and State Senator Fran Miller (R). ALEC wields tremendous influence in Georgia due to the current Republican controlled state House, Senate, and governor's office, revealing its ideological leanings.

Since the mid-1990s, charter school legislation and the school choice agenda have been constructed by ALEC in the form of templates, or model bills, circulated throughout the nation and co-written by corporate CEOs and lawyers along with legislators. ALEC formulates proposed bills, and members take those bills to their respective legislating bodies, they modify

them with their own state-specific language, and then work to pass the model bills through the legislature. A recent *Media Matters* article explains how ALEC is "quietly influencing education reform in Georgia" by active pressuring state leaders to take up their model legislation (Media Matters, 2018). In particular, *Media Matters* notes how Georgia media groups are not focusing on the degree of influence ALEC actually has on state lawmakers, especially in regards to education policymaking.

Members of the Georgia General Assembly who are also members of ALEC, have pushed through bills and amendments to the 1998 Charter School Act essentially creating a "state-controlled board with the power to establish and fund charters schools" despite local opposition (Media Matters, 2018). One example is Georgia House Resolution 1162, which was introduced during the 2011-2012 session. This Resolution authorizes Georgia's General Assembly to create and fund state charter schools, referred to as "special schools," that operate under the terms set by the State Board of Education (Georgia HR 1162, 2012). This Georgia House bill mirrored ALEC's model bill for charter school legislation.

Another bill based on ALEC's template language was Georgia House Bill 797, introduced during the same session, established a state-level commission with the authority to establish charter schools (Georgia HB 797, 2012). Georgia's HB 797, contains particular clauses which are identical to ALEC's Next Generation Charter Schools Act model legislation. Both ALEC's model bill and the Georgia House legislation require the Charter Commission be made up of seven members appointed by the Governor, Lt. Governor, and the Georgia Secretary of State, and that "start-up funds necessary to establish and operate the commission may be received by the State Board of Education in addition to such other funds as may be appropriated

by the General Assembly" (Georgia HB 797, 2012; ALEC, 2007). This legislation was referred to earlier in the chapter (see Table 11).

In a 2016 article published by the *Center for Media and Democracy*, an investigation uncovered 172 ALEC influenced bills which had been voted on in 42 states around the country in 2015 (Fischer & Peters, 2016; Center for Media and Democracy, 2015). One example of ALEC influenced bills was the Special Needs Scholarship Program Act, which now exists as one of Georgia's school choice options. Georgia had similar legislation meant to provide parents of special needs students greater flexibility in choices for schools, but in 2015, Georgia adopted ALEC's version to align language to other school choice options. Another ALEC model bill became reality with Georgia's Qualified Education Expense Tax Credit, adopted in 2008, which is a voucher-type program allowing parents to receive a "tax-credit scholarship" meant to help public school students attend private schools.

More recently, groups like ALEC, which were formed as 501(c)(3) organizations under the United States Tax Code, have run into problems due to their lobbying activities. The 501(c)(3) code does not allow for direct lobbying of legislatures. For this reason, increasing numbers of lobbying and advocacy groups have filed as 501(c)(4) organizations with the IRS as social welfare organizations which can directly lobby. In 2014, ALEC created a 501(c)(4) organization, called the Jeffersonian Project, which allows for a continuation of their direct lobbying efforts in the Georgia General Assembly and to disseminate their message to the larger public without fear of audit. Most of this information was uncovered through documents leaked to the U.K-based news organization, *The Guardian*, which included a memo from ALEC's former attorney about the necessity to establish a 501(c)(4) and for the board members of that organization to be directly chosen by ALEC (ALEC, 2013, pp. 13-17; NPR, 2013).

ALEC is by no means the only non-governmental actor influencing educational policymaking in the Georgia General Assembly, but it has been one of the more effective actors. Its sister organization, the State Policy Network (SPN), is extremely active in pushing ALEC model legislation in the state legislature. The SPN is a network of conservative state lobbying organizations and think-tanks which work to promote neoliberal and neoconservative agendas. In Georgia, the SPN currently has two affiliate groups and one associate group (State Policy Network, 2018). The two affiliate groups are the Georgia Public Policy Foundation and the Georgia Center for Opportunity. The associate group is the Foundation for Economic Education. The Georgia Public Policy Foundation and the Georgia Center for Opportunity are the primary organizations supporting ALEC's efforts in the state. The Georgia Public Policy Foundation was established in 1991 and focuses on a number of issues, including education. The Georgia Public Policy Foundation affirms,

> Our mission is to improve the lives of Georgians through public policies that enhance economic opportunity and freedom. We believe good public policy is based upon fact, an understanding of sound economic principles and the core principles of our free enterprise system—economic freedom, limited government, personal responsibility, individual initiative, respect for private property and the rule of law (Georgia Public Policy Foundation, 2018).

In terms of education, the Georgia Public Policy Foundation is currently pushing for broader school choice options including vouchers, tax credits, charter schools (utilizing the National Alliance for Public Charter Schools model found in Appendix C), and education savings accounts. The Georgia Public Policy Foundation is not only aligned with ALEC, it is also the unofficial state version of The Heritage Foundation. The Georgia Public Policy Foundation and

the Heritage Foundation receive funds from a number of conservative philanthropic foundations (e.g. Walton and Koch) discussed later in this chapter.

The Georgia Center for Opportunity, founded in 1990, is more focused on education policy matters in Georgia. There are several initiatives for which the Georgia Center for Opportunity lobbies including school choice, employment and welfare reform (often tied together with educational initiatives), and initiatives promoting traditional family lifestyles (intact homes with heterosexual couples). This organization's description and mission are outlined below:

> Georgia Center for Opportunity (GCO) is independent, non-partisan, and solutions-focused. Our team is dedicated to creating opportunities for a quality education, fulfilling work, and a healthy family life for all Georgians. To achieve our mission, we research ways to help remove barriers to opportunity in each of these pathways, promote our solutions to policymakers and the public, and help effective and innovative social enterprises deliver results in their communities. Our ultimate goal is to see every Georgian who is willing to seize the opportunities presented to them living a life that can be characterized as truly flourishing. Our work is focused on three primary impact areas: education, employment and family formation. Thriving communities are built by rewarding virtues that lead to liberty, self-sufficiency, and earned success (Georgia Center for Opportunity, 2018).

Both the Georgia Public Policy Foundation and the Georgia Center for Opportunity further the narrative of school choice in the state. They promote the same language that ALEC utilizes in their model bills on education and position education as another sector within the economic market. ALEC the Georgia SPN affiliates provide the lobbying components within the strategic action field focused on school choice. However, those organizations require a great deal of

funding to be able to operate and lobby state legislators, which is provided from a network of philanthropies who advocate for school choice. Those organizations also require platforms to spread their message in the media emanating from the policy positions of think-tanks and school choice advocacy groups.

Philanthropies and School Choice Advocacy

The list of philanthropies and school choice advocacy groups working to influence state legislators and provide money to ALEC and SPN affiliates are too extensive to include in this dissertation study. However, it is important to recognize the main actors which contribute to strategic action centered upon school choice initiatives. Hess and Henig (2015) state, "contemporary philanthropy plays an outsized role in schooling and school reform," so much so that a new term has been coined to describe it: "edu-philanthropy" (p. 1). Philanthropic dollars are utilized in a strategic manner to promote school choice and other conservative agendas within state legislatures. According to Kathleen deMarrais (2006), philanthropies do this in several ways:

> (1) the development of a cadre of conservative youth on college campuses, (2) scholars who can produce ideologically conservative research in clear accessible prose who then "graduate" into government service, (3) the development of a network of conservative regional and state policy centers to promote policy supportive of their views [e.g. the SPN affiliates and associates], and (4) the development of a conservative media to carry this 'knowledge' forward (deMarrais, 2006, p. 201).

Through advisement of the Philanthropic Roundtable, a national organization founded in 1987 to serve the interests of large national philanthropic organizations and foundations, and utilizing the investment fund aspects of the Donors Trust/Donors Capital Fund, philanthropic dollars are

funneled (and to some degree laundered because of its "dark" nature) to strategic partners to promote the school choice agenda at the state-level.

This funding coordination is the economic backbone for the school choice strategic action field operating within the state of Georgia. This process is examined at great length in Jane Mayer's (2016) work *Dark Money: The Hidden History of the Billionaires behind the Rise of the Radical Right*. Mayer describes the complex web of political and issue spending organizations, the 501(c)(4) and 501(c)(6) organizations, as well as the traditional think-tanks, academic, and policy groups operating as 501(c)(3) organizations, who channel money through the investment groups to fund Rightist policy agendas (Mayer, 2016).

Each education policy change in the state of Georgia has been "championed and partially funded by private philanthropic foundations," even if those funds were funneled through other organizations (Tompkins-Stange, 2016, p. 2). In addition, philanthropic organizations often earmark their funds for specific forms of educational reform advocacy. This level of funding puts the incumbents, those stewards of traditional public education who often rely on scarce monetary resource to promote public education, at a fiscal disadvantage. For example, some organizations spend substantial funds to focus specific targets like teacher quality, such as the Bill and Melinda Gates Foundation and the Milken Family Foundation (Rekhow & Tompkins-Stange, 2015). Regardless, there are prominent philanthropic foundations that provide the bulk of funding for school choice and education reform lobbying initiatives. They are driven by the idea that "schools are like business, and failures in schooling can be fixed by applying efficient and effective business practices" and only "foundations are able to achieve positive policy outcomes in manner that is far more efficient than the bureaucratic state" (Cuban, 2015, p. 148; Tompkins-

Stange, 2016, p. 7). Contemporary school choice reforms expand social efficiency models developed in the early twentieth century to new levels.

As part of her 2005 keynote address at the annual meeting of the American Educational Studies Association, Kathleen deMarrais (2006) identified seven philanthropic organizations which had given the most money to educational initiatives promoting school choice, conservative university programs, and other right-wing lobbying groups. Those seven philanthropic organizations included the Walton Family Foundation, Lynde and Harry Bradley, Richard and Helen DeVos Foundation, Scaife Foundation, Smith Richardson, F. M. Kirby Foundation, and the John M. Olin Foundation (deMarrais, 2006, p. 208). The John M. Olin Foundation closed its doors in 2005. In addition, Tompkins-Stange has identified the Bill and Melinda Gates Foundation, the Eli and Edythe Broad Foundation, the W.K. Kellogg Foundation, and the Ford Foundation as major philanthropic organizations focused on educational reform (Tompkins-Stange, 2016). The Walton Family Foundation has been the most active in pressing for K-12 charter schooling and the overall school choice agenda.

The money that these philanthropies pour into school choice reform is considerable. For example, in January 2016, the Walton Family Foundation announced it was pledging $1 billion to school advocacy over a five year period (Strauss, 2016). Some of this money was utilized to sponsor the media campaign which promoted and advocated for the Opportunity School District ballot measure in 2016. Pam Vogel (2016) conducted research on the network of philanthropic organizations, think-tanks, and advocacy groups in order to discern the larger web of influence in state-level education policymaking. She published this work through *Media Matters for America* illustrating how complex the web of funding, advocacy, and lobbying can become. Listed below are just a few of the philanthropic actors and advocacy organizations that influence educational

choice in Georgia. I make use of her work as well as descriptions from the various organizations' websites and the Foundation Directory Online in order to provide a brief synopsis of the major players acting through the school choice strategic action field. ALEC and the Georgia affiliates of the SPN were discussed earlier in the chapter.

The Walton Family Foundations. In terms of philanthropic dollars, the Waltons pour millions into educational institutions and organizations which advocate for school choice and charters. Philanthropic dollars usually comes in the form of grants to other organizations and actors who can directly influence or advocate for school choice within Georgia. The Walton Family Foundations are major contributors to the school choice agenda in the state of Georgia representing just one source of direct funding. They not only provide financial backing for ALEC, the SPN, and Donors Trust/Donors Capital Fund, they also work directly within the state to promote school choice (Vogel, 2016). According to their own website, the Walton Family has contributed $1.3 billion directly to K-12 educational efforts in various states and tout how their contributions have funded a quarter of the nearly 7,000 charter schools around the country (Walton Family Foundation, 2018). In 2016 alone, they invested $190 million to K-12, Inc. in various states. The Walton's promote school choice through the use of vouchers, tax scholarships, educational savings accounts (ESAs), and charter schooling. According to their 2020 K-12 Strategic Action Plan, major recipients for Walton funds are, and will be, the KIPP Schools (a large charter operator in Georgia), the Alliance for School Choice, the Charter School Growth Fund, Georgia Charter Schools Association, Teach for America, and other pro-charter groups in the state. The Charter School Growth Fund is a venture capital fund which has funded nearly $200 million worth of grants to start-up charters and school choice programs since its inception in 2006.

The Walton Family Foundation, from 2004-2015, contributed $6,900,171 in the form of grants to the Georgia Charters School Association. Based on the average grant size, the amount is well over $8 million at the time of this study. The Waltons have granted funds ($255,000 total in 2012 and 2013) to the Georgia Public Policy Foundation (state affiliate of the SPN and ties to the Heritage Foundation) which directly lobbies for school choice. Their funding has been focused on 13 counties in Georgia which usually incorporate larger urban centers. As of 2015 in Fulton County, the Waltons have issued over 80 grants to 34 recipients totaling over $14 million. Approximately 90% of their funding related to education has been focused on the counties of Fulton and Gwinnett for the purpose of directly funding charter schools (primarily KIPP) and Georgia Charter Schools Association.

In addition to large philanthropies like the Walton Family Foundation, the list of advocacy groups influencing Georgia educational policy making is extensive. For the purpose of brevity and to provide some sense of the influence, I have included just a few. Some of these organizations are state affiliates of national organizations while others are only operating within Georgia. Regardless, advocacy groups and think tanks provide not only lobbying and philanthropic resources for the school choice agenda, they also provide policy briefs and resources that are propagated through media to influence the general public.

Georgia Charter Schools Association. The Georgia Charter Schools Association (GCSA) is a Georgia non-profit, 501(c)(3) corporation and the membership organization for Georgia's charter school operators and petitioners, established in 2001. They advocate for, foster and support charter public schools, charter districts, and charter school support networks throughout Georgia. The GCSA have been heavily involved in charter school legislation and work closely with the Georgia Governor's Office and the Georgia General Assembly. They receive large amounts of

funding from multiple sources including the Waltons, the Marcus Foundation, and the Community Foundation for Greater Atlanta. The Marcus Foundation was started by Bernie Marcus, co-founder of Home Depot and the Community Foundation for Greater Atlanta is a grant making organization that unites philanthropies with nonprofits. From 2012 to 2015, the GCSA received $3,128,758 from the Walton Family Foundation, $2,048,834 from the Marcus Foundation, and $667,000 from the Community Foundation for Greater Atlanta.

Families for Better Public Schools. The Families for Better Public Schools is a pro-charter/pro-school choice group which has been deeply involved in campaigning for charters and school choice legislation in the state. This group influences the general public through media campaigns and by directly lobbying state legislators advocating for school choice. This organization has received major funding from Alice Walton (Walton Family) totaling over $600,000, K12 Inc. totaling over $300,000, StudentsFirst totaling over $250,000, and Charter Schools USA totaling $50,000. Most of those organizations have ties back to larger philanthropies such as the Waltons, the Kochs, and the Richard and Betsy DeVos Family, or to large corporations looking to privatize education and provide educational services.

Georgia Affiliates of the Policy Innovators in Education (PIE) Network. The PIE is a network membership organization of 48 state-level "education reform organizations [operating] in 31 states and the District of Columbia," which encompasses a number of corporate reform and pro-privatization groups with right-wing funding connections. The network draws on policy research and advocacy support from national organizations to assist its state members. PIE Network lists the Center on Reinventing Public Education and the Thomas B. Fordham Institute as policy partners, and 50CAN, the Black Alliance for Educational Options (BAEO), the Foundation for Excellence in Education, Parent Revolution, StudentsFirst, and Stand for Children as advocacy

partners (Policy Innovators in Education Network, 2018; Vogel, 2016).There are two Georgia organizations affiliated with the PIE Network: GeorgiaCAN and the Georgia Partnership for Excellence in Education. GeorgiaCAN is mutually associated with the national organization 50CAN, which advocates for pro-voucher and free-market education policies across the country, and PIE. Funding for GeorgiaCAN is funneled through 50CAN and PIE which is then utilized for advocacy and lobbying efforts.

The Georgia Partnership for Excellence in Education creates policy guidelines, which is then utilized to lobby legislators and present to school districts across the state. They receive significant funding from multiple sources including their top two grant providers, the Robert W. Woodruff Foundation (over $9 million from 2014-2016) and the Joseph B. Whitehead Foundation ($2.1 million from 2014-2016). Both the Robert W. Woodruff Foundation and Joseph B. Whitehead Foundation maintain a particular focus on education investing in institutional priorities of the state's private colleges, public research universities and grants for public K-12 education, specifically public charter schools in the metro Atlanta area.

School Choice, Charters, and Georgia's Opportunity School District

What started out as an experimental movement to find innovative solutions for education by individual schools in the 1980s and early 1990s has more recently been swept up "by a movement organized to promote an ambitious alternative to public schools" and this movement is anything but conservative (Fabricant & Fine, 2012, p. 19). The charter movement and the larger school choice ideology has significantly "veered to the Right" and has become increasingly emphasized as an alternative to traditional public education, the latter often referred to by neoliberal, libertarian, and neoconservative groups as a state monopoly on education (Fabricant & Fine, 2012, p. 19). It did not help traditional public education that Chubb and Moe

(1990) published a book titled *Politics, Markets, and America's Schools,* furthering the abstract idea that state run public schools had become inefficient and required new ways of thinking. The authors assert that the only way to bring about change in the American public schools is through school choice. Chubb and Moe claim choice "has the capacity all by itself to bring about the kind of transformation that, for years, reformers have been seeking to engineer in a myriad other ways" (Chubb & Moe, 1990, p. 217; Patel, 2013, p. 18). Public education is seen as a market opportunity for entrepreneurs (edupreneurs) and business entities. School choice and charters are the vehicles wherein public dollars can be transferred to private institutions disguised as competitive in facilitating parental choice, competition, and efficiency, while framing parents and students as consumers who simply contribute freely to the market's 'invisible hand.' This thinking, the "confluence of market dynamics, such as public-school choice, and competition with business leader support," has created a situation, or "space, for monetizing public education" (Fabricant & Fine, 2012, p. 28).

Georgia charter school law is a direct decedent of the model charter legislation pushed by ALEC's Education Task Force and the state affiliates of the State Policy Network, as influenced by conservative think tanks, advocacy groups, and activist philanthropies, often times with little to no change in the wording of the model bill. Similar wording can be found in the current charter law for Georgia and in the Next Generation Charter School model bill promoted by ALEC in 2016. While unsuccessful on the 2016 ballot, the Opportunity School District was one example of a combined initiative of ALEC and the SPN to promote a state-wide charter district made up of failing public schools as defined by Georgia State Board of Education utilizing the College and Career Readiness Performance Index.

In the 2015-2016 session of the Georgia General Assembly, the Georgia Senate passed S.B. 133 establishing a constitutional amendment to the Georgia Education Code – Title 20 known as Amendment 1, which was to be voted on by Georgia voters. Much like the proposed Charter Amendment Act discussed earlier in this chapter, this Amendment was brought before the voters as a ballot measure in the November 2016 election cycle. While the voters of Georgia voted it down, it still represented a dramatic attempt by conservative legislators to firmly establish charter schools as a prominent fixture in the state. This legislation found its origins within ALEC's model bill mill. The proposed constitutional amendment continued the Rightist narrative of failing public schools and attempted to utilize this abstract discourse to promote a state-wide charter district made up of failing public schools, transferring schools from local district control to centralized state control by a state charter district chair, who would not have answered to the Georgia Department of Education or to the State Board of Education. Over time, this process would have gradually brought in more and more public schools into the charter fold.

Governor Nathan Deal promoted the idea of a state-wide charter district modeled upon similar measures in Louisiana (The Recovery School District) and Tennessee (The Achievement School District), each of which utilized the abstract language of failing schools to promote charter school districts and eventually the increased use of Educational Management Organizations (EMOs) and/or Charter Management Organizations (CMOs). Just as Governor Zell Miller learned about charters through the National Governors Association (NGA), so too was Governor Nathan Deal, an alumnus of ALEC, fascinated by charter district programs. Governor Deal went to both states to see how the various charter districts worked and eventually modeled his proposed plan on Tennessee's despite that program's lack of success (Tagami,

2016). In addition to transferring control of public schools to this state-wide charter district, the proposed legislation also called for the potential replacement of school leadership and staff.

Deal's efforts represented a two-pronged approach to replacing public schools with a charter system. First, transfer public schools into a charter district which disenfranchises local boards of education. Second, replace school administration, teachers, and staff with pro-charter personnel or have the school completely administered by an Education Management Organization (EMO) or Charter Management Organization (CMO) whereby public school funds are funneled into the operating budgets of private educational management corporations such as KIPP, Mosaica, and Insight, with KIPP being the largest operator in Georgia. Public schools with publicly funded facilities would then be controlled by private enterprises utilizing public funds to operate. (This study does not get into the fact that the measurement utilized to designate a failing school could be considered as flawed because it is based on standardized testing and adequate yearly progress.)

Governor Deal brought his ideas before members of the Georgia General Assembly and the bill was sponsored by State Senators Butch Miller (R) from Gainesville, Lindsey Tippins (R) from Marietta, Rick Jeffares (R) from McDonough, Freddie Powell Sims (D) from Dawson (the sole Democrat sponsor, though from a fairly conservative district), Brandon Beach (R) from Alpharetta, and Jeff Mullis (R) from Chickamauga (Georgia S.B. 133). The Republican members who supported the Opportunity School District legislation were heavily influenced by their association with the Georgia Republican Caucus, by Georgia Senator Steve Gooch, an ALEC state chair, and by Governor Deal. In general, the Republican members (who control both houses of the Georgia General Assembly) are prominent supporters of the larger school choice agenda.

One of the most striking aspects of the ballot measure in 2016 was the language utilized on the ballot. The ballot measure was framed with somewhat misleading language with examples below pulled from the actual ballot measure (Ballotpedia, 2016) and S.B. 133 (Georgia S. B. 133):

Ballot Title:

> Provides greater flexibility and state accountability to fix failing schools through increasing community involvement.

Ballot Question:

> Shall the Constitution of Georgia be amended to allow the state to intervene in chronically failing public schools in order to improve student performance?

Ballot Summary:

> This proposal authorizes the General Assembly to provide for the creation of an Opportunity School District and authorizes the state to assume the supervision, management, and operation of failing public elementary and secondary schools, including the power to receive, control, and expend appropriated funds for such purposes. It amends Article VIII, Section V of the Georgia Constitution by adding a new Paragraph VIII. A copy of this entire proposed amendment is on file in the office of the judge of the probate court and is available for public inspection

Constitutional Language:

> Paragraph VIII. Opportunity School District. Notwithstanding the provisions of Paragraph II of this section, the General Assembly may provide by general law for the creation of an Opportunity School District and authorize the state to assume the supervision, management, and operation of public elementary and

> secondary schools which have been determined to be failing through any governance model allowed by law. Such authorization shall include the power to receive, control, and expend state, federal, and local funds appropriated for schools under the current or prior supervision, management, or operation of the Opportunity School District, all in the manner provided by and in accordance with general law.

There was significant opposition to Governor Deal's efforts mounted by such groups as the Georgia Association of Educators, the Georgia Parent Teacher Association, the NAACP Georgia State Conference, Professional Association of Georgia Educators, the Legislative Black Caucus of Georgia, the Georgia Association of Educational Leaders, and many others.

While this attempt to create a state-wide charter district was unsuccessful, it did not prevent Governor Nathan Deal and the Georgia General Assembly from actively pursuing other avenues to label schools as chronically failing, opening the door for future actions compatible with the overall charter movement. What appears to be a possible back-door approach for an eventual state charter district is the First Priorities Act passed in 2017 as a response to the failed Opportunity School Initiative. The First Priority Act, originating with Georgia House Bill 338, took effect in July of 2017. The First Priority Act has similar language found in ALEC's School Turnaround and Leadership Development Act and both the First Priority Act and ALEC's model bill can be found in Appendix E. Georgia's First Priority Act did not require voter approval because it was not established as a Constitutional Amendment. However, this act added language to Title 20 of the Official Code of Georgia broadening the school of school choice and state charter possibilities. This legislation would apply to all schools in the state, and if a school fails to improve, it allows the state to take-over the school and convert it into a public charter. Hence,

this approach allows the state to convert and create more charters, though in a much more indirect approach than the Opportunity School District would have allowed.

Discussion

From the onset, the focus of this case study included several aspects of the school choice agenda of Rightist actors operating within Georgia through a strategic action field. As Fligstein and McAdam (2011) suggest, strategic action fields are typically embedded both within and outside of governmental systems and "when they interact in a larger political, social, or economic field…[those systems] become a strategic action field" (p. 6). Since the early 1990s and Governor Zell Miller's first charter legislation (Appendix A), Georgia has steadily been consumed by the discourse of failing schools and attacks by Rightist philanthropies, think-tanks, and others working to secure the school choice agenda in the state. This work is being conducted through an intricate web, or network of actors, operating within a strategic action field and as part of a larger charter school movement which has been played out at the national and global level, "where issues of privatization, deregulation, and competition inform policies and stewardship of funds" (deMarrais & Warshaw, 2014).

Charter schools are now a permanent fixture of the educational system of Georgia, with more charter schools and school choice options being added each year. The state has moved beyond conversion charters and is witnessing the growth of start-up charters, charter districts, and the attempts to create a state-wide charter system bent on hijacking public schools for the purpose of transitioning to a larger state charter system. Though Governor Nathan Deal's and the Georgia General Assembly's attempt at creating the Opportunity School District failed, the First Priority Act (Appendix E) passed in 2017 may be another incremental step toward a state-wide charter system under the guise of school turnaround legislation. Charter law in the state has

become increasing complex (Appendix D) and has created a parallel educational system siphoning tax dollars away from traditional public schools.

Ultimately, school choice advocates wish to convert each state into a free-market version of education whereby parents have a selection, or menu, of school choice options ranging from privately operated schools, charter schools (public and privately operated), and homeschooling while also disenfranchising traditional schools. As the education system becomes fragmented, funded sources are drying up and traditional schools are having to compete for less tax-dollars. Those tax-dollars have to be replaced and the K-12 system may find its path similar to higher education who often require fiscal subsidization from private donor funds coming from sources such as the Kochs and the Waltons. Georgia's educational law has also become increasingly complex making it difficult to discern for the public and increasingly difficult for local districts to navigate. Charter schools, school choice, and the larger privatization efforts of large corporate donors and advocacy groups encourage a parallel educational system which further exacerbates the disenfranchisement of traditional public school systems in favor of the overall economization of education in the spirit of Friedmanism.

This case study focused on one aspect of the "Russian doll" property of strategic action fields – the state level interactions related to school choice and charter schools. The analysis included the large scale utilization of philanthropic activity and advocacy to steer Georgia education policy in the direction of choice and charter schools. In this study, I made use of deMarrais and Warshaw's (2014) interpretation of Fligstein and McAdam's (2012) general theory of strategic fields to identify the incumbents (those actors advocating for traditional public education) and the challengers (the philanthropists and advocacy groups promoting charters and school choice). As discussed in this study and consistent with strategic action field theory,

"challengers may utilize social skill to rally and organize advocates" around the notion of choice (deMarrais & Warshaw, 2014, p. 22). Much of the impetus for educational policy change in Georgia is situated around ideological conflicts and competition for scarce resources. Challengers have gained such significant ground in Georgia, that they may have displaced the incumbents – a role reversal.

The Georgia government has acted as the agent for this change empowering the challengers to set the narrative for education reform. Georgia is in the midst of a field re-stabilization – a new settlement – favoring the former challengers who now seem primed to take over the role of incumbents. As Georgia progresses further into the 21st century, education will more-than-likely continue in patterns of shocks, destabilizations, and new settlements. For the time being, the Rightist agenda in Georgia seems to be winning the battle for control over the future of education.

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CHAPTER FIVE

CONCLUSIONS

This dissertation study was designed to examine the ideological influences on state-level educational policy reform in Georgia, operating through strategic action fields, since the first charter school legislation enacted in 1993 by Zell Miller. This research was conducted as a historical case study and focused on three primary themes: (1) the ideological nature of the current education reform agenda in Georgia; (2) how strategic action fields, centered on the school choice agenda, operates institutionally at the meso-level to impact state education policy; and (3) how a complex, interconnected web of government and non-government actors, incumbents and challengers, existing within strategic fields and operating under a Rightist ideological framework, work to direct and influence education policy within Georgia.

To understand these broad goals, a few related objectives, or specific research propositions, informed this research and provide a basis for constructing this investigation: (1) to understand the historical background of the conservative movement with a specific interest in the ideological genealogy of neoliberalism, neoconservatism, and paleoconservatism; (2) to understand influence and strategies of the American Legislative Exchange Council and the Georgia affiliates of the State Policy Network; (3) to understand the multiple actors (venture-philanthropists and advocacy groups) concerned with and working to influence educational policy specifically as it relates to school choice, charter schooling, privatization, and curriculum; (4) to understand the influence and impact of corporate media on education policy in Georgia and how the media may serve as a platform for the spread of conservative ideology and/or the rhetoric of crisis and failing schools; and (6) to understand why, at least at some level,

conservative organizations wish to transform public education and diminish its traditional public focus.

The goals and objectives listed above led to the following research questions driving this study:

(1) Who are the various ideologically conservative policy actors, policy groups, and policy networks involved in and influencing education policy decisions in Georgia, and why are they specifically targeting certain education policies?

(2) How do conservative policy actors and conservative ideologies influence education policy and policymaking in Georgia, and how do those actors navigate the implementation of those policies?

(3) How do ideologically conservative think-tanks, venture-philanthropists, and non-governmental actors and organizations achieve quasi-policymaking status in Georgia politics and education policy decisions?

I believe this study has specifically illustrated how Rightist actors, actors entrenched within neoliberal and neoconservative ideological circles, operate within strategic action fields in order to influence state educational policymaking. Utilizing SAF theory, Rightist actors who represent the challengers, those actors pushing the school choice agenda and the growth of charters compete with the incumbents, those stewards of traditional public education, within the strategic field of Georgia state educational policy. Philanthropists, such as the Walton Family and advocacy groups such as the Georgia Charter Schools Commission, work with and alongside lobbying groups, such as ALEC and the Georgia Public Policy Foundation, to enact legislative changes favoring school choice policies. The money that has poured into the state has exponentially outpaced the money the incumbents are able to garner to support the traditional

public educational system. With such a tidal wave of funding, the implications for Georgia seem to favor an increased presence of charter schools and an expansion of school choice options with little effective resistance from incumbents.

Implications for Georgia

There seem to be two broad implications that come from this dissertation examination: (1) since 1993, school choice has become and continues to be the dominant state-level education policy narrative and the current state-level education policy pathway for the Governor and the Georgia General Assembly, and (2) a complex web of interconnected organizations, both governmental and non-governmental, are working through a meso-level strategic action field coalescing around school choice and the disenfranchisement of traditional state public education. To understand how this direction in education policy has occurred required an examination of the political control exercised in the Georgia General Assembly and how party affiliation, and attitudes on education, have changed over time.

In chapter two, I examined how Georgia has remained a staunchly conservative state, regardless of which party has controlled the Georgia General Assembly. Charter schooling legislation was first championed by Zell Miller and fellow conservative Democrats in the early 1990s. While control of the Georgia Legislature has shifted to the Republicans, the ideology has remained conservative and more specifically neoliberal. With Republicans (Conservatives) in control of both houses of the Georgia General Assembly and the Governor's Office, Rightist actors who champion the school choice agenda will meet with little resistance in pushing for the advancement of school choice legislation.

Chapter three examined the various institutional and public policy change theories which help to explain the meso-level dynamics occurring at the state-level. Strategic action field theory,

though more general than the other theories examined, provides the best general explanation for the complex nature of actors, both those acting as challengers and those acting as incumbents, who are influencing education policy changes within Georgia. Those actors operate with the state level field of educational policy with the contentiousness centered on the advancement of school choice or the support for the traditional public educational system. Chapter four discussed how non-government actors (e.g. philanthropies, think-tanks, advocacy groups, lobbying organizations, etc.) work within strategic fields utilizing strategic action (policy influence and funding) to lobby and persuade Georgia legislators to continue the course of educational policy decisions in the direction of the school choice agenda. Those actors are influential due to the millions of dollars of philanthropic support channeled to groups such as the Georgia Charter School Association, Georgia Partnership for Excellence in Education, the Georgia Public Policy Foundation, and other advocacy and lobbying groups. The Walton Family Foundation alone contributes millions primarily to charter schools and groups that advocate for school choice.

The Governor's Office and the Georgia General Assembly have made clear their intentions since the first charter school legislation passed in 1993 – Georgia legislators fully embrace school choice as part of a larger Rightist ideological agenda for the state. As discussed in Chapter Four, school choice is the dominant educational policy narrative weaving its way through the Georgia General Assembly and its various committees on education. This agenda favor private entities over public entities and charter schools over the traditional public education system. Those narratives are propagated by strategic actors working to influence Georgia legislators through such lobbying organizations as ALEC and the SPN. At the time of this dissertation, amendments to the charter school law are making their way through the Georgia House and the Georgia Senate. The First Priority Act took effect in 2017 and is utilizing school

turnaround as a vehicle to promote charter school districts and independent charter schools. Though the Opportunity School District proposal failed in 2016, the First Priority Act has become the back-door approach to achieve the same goal – a state-wide charter district, which will continue to disenfranchise and displace traditional public education, or at the very least, continue the path to a dual educational system within the state.

The mechanism which drives much of the school choice agenda is Georgia occurs at the meso-level through a complex system of associated and/or affiliated organizations – a strategic action field. Actors within this strategic action field work to fund school choice advocacy, create policy briefs promoting school choice as an alternative to traditional public schools utilizing the narrative of failing public schools, propogates that message to the general public playing on the fears and expectations of parents and guardians who want what is best for their children, and lobbies members of the Georgia General Assembly, both directly and indirectly, vis-a-vis public-private partnerships housed within the American Legislative Exchange Council Task Force on Education. Since the mid-1990s, school choice and charters have been the direction of educational policy for the state, which is directly related to the Rightist ideological agendas of choice, competition, efficiency, standardization, and economization or privatization – the free-market approach to education. Over time, Georgia has created several school choice pathways to include homeschooling options, charter schools (conversion, start-up, independent, and district charters) with some of those operated by charter management organizations, the Georgia Special Needs Scholarship Program (a voucher-type program), and the Georgia Qualified Education Expense Tax Credit (a tax scholarship program).

Georgia legislators are consistently utilizing education legislation drafted from the model legislation proposed by ALEC through their Task Force on Education. The Opportunity School

District proposal made use of ALEC's Next Generation Charter School Law model bill and the current manifestation of school reform and turnaround in Georgia, the First Priority Act, utilizes language from ALEC's model bill the School Turnaround and Leadership Development Act. ALEC, along with its sister organization, the SPN, consistently influence and steer education reform legislation centered upon school choice ideas, through direct lobbying efforts and through indirect pressure on Republican members of the state legislature.

The Republican members control which legislation will be heard, and thus, legislation regarding education is consistently steered in the direction of charters and broadly toward aspects of school choice. There are fiscal implications resulting from the school choice agenda such as public (taxpayer) funds increasingly diverted away from traditional public schools and toward charter school operations and charter start-ups. In addition, public funding is utilized in the formation and operation of independent commissions responsible for overseeing school turnaround measures and charter school formation. School choice options and charter schools create a hybridized, dual educational system, increasing for the dismantling over time of a traditional public school system. Until the political and ideological demographics of the Georgia General Assembly change, the school choice agenda will continue to dominate the discourse, the policy narrative, and the direction of educational policy.

Public education advocates, the incumbents, are faced with the monumental task of resisting and/or challenging the dominant narrative of school choice as an alternative to failing public schools. This task is challenging because of the amount of money and lobbying efforts of those on the political Right to perpetuate the notion of failing public schools and the advocacy of school choice actors operating within strategic action fields. This would indicate the need for a grass roots effort mobilizing many of the same processes school choice advocates use to

perpetuate their message. Public school advocates and critical social justice scholars must team up to create their own action fields. Possibilities include working through colleges of education, the Scholars Strategy Network, and the creation of advocacy groups focused on social justice and education. Within colleges of education, special attention must be brought to bear on the ideological formations contributing to the school choice narratives as well as the counter-points to those narratives offered by competing ideological positions. Neoliberals and neoconservatives have worked extremely hard over the last thirty years to spread the gospel of school choice and quietly built coalitions including large philanthropic donors. Scholars and community activists should examine possibilities for utilizing the same strategies to push back against the school choice narrative. That task is monumental because it requires an army dedicated to tracking state educational policy, the legislative agenda, and proposed bills working through the Georgia General Assembly, and funding sources to provide a countering mechanism to ALEC and the SPN.

Potential for Future Research

My dissertation study offers a few broad possibilities for further research. One possibility includes further research regarding strategic actions fields, the ideological motivations for school choice, and the history of state-level education policy. A potential also exists in connecting meso-level and macro-level institutional theory – the connections between state-level and national-level policy directions. This research should first be expanded to include other states to determine if strategic action fields are working in the same capacity in those states and to what degree do governmental and non-governmental actors influence educational reform initiatives. It would necessitate an understanding of who the challengers, incumbents, and governance units are in other states. Education reform initiatives seem to be initiated by some exogenous shock

which then permeates through various states. For example, not only should research be conducted on the influence of strategic action fields, it should be conducted to examine the interstate influences. Strategic action fields operate at the state-level to influence policy, but then those ideas, as well the lessons learned in trying to implement those ideas, cross state lines and further influence other state legislatures.

A multi-state examination should be conducted which not only links the governmental and non-governmental actors operating within the strategic action field together and between the states, it should also include the mechanisms driving state education policy in those states as comparisons. Governor Zell Miller was deeply influenced by policy actions in Minnesota and Governor Nathan Deal has been influenced by charter policy in Tennessee and Louisiana. There are multiple reasons for these influences, which are not only ideological connections, but also connections with various types of actors operating within a strategic action field. Further research should be conducted to probe those connections. Along with the ideological connections and school choice issues associated with strategic action fields, an in-depth investigation into the history of state-level education policy decisions should occur. This type of research is more complex and requires tracking trends in both national-level (macro-level) policy and state-level (meso-level) policy. An extension to this research could include a comparative education approach examining similar trends globally in such countries as the United Kingdom and Australia.

While this case study examined school choice in Georgia primarily focusing on the growth of charters, specific reform initiatives should be specifically examined in greater detail to determine its ideological/political foundation, the formulation of particular legislative language, the sponsorship, and the legislative proponents' and opponents' discussion on the legislation. For

example, research on the Opportunity School District should include not only connections with similar legislation in other states and Governor Nathan Deal's decision to pursue this course, but also researching the pathway from idea to actual legislation and the government and non-government actors who mounted opposition. This form of research will allow public education advocates to understand the state-level policymaking process and formulate possible ways in which to counter the incessant drive of the school choice agenda by state policymakers and non-governmental actors working to influence those policymakers.

The next direction for my research will be to conduct a more specific historical examination of the actual legislation for Georgia's charter law. Then compare the changes occurring at the same time frame for other states as well as with national charter school policy, specifically from a regional standpoint. Additionally, this form of research does not need to be disseminated solely within the academic community. This work should be utilized in policy briefs, op-eds, and media to inform citizens how education policy is being formulated by the challengers in coordination with the General Assembly. The public should be made aware of how much corporate and philanthropic support is being funneled into the school choice agenda and what non-governmental actors are working to influence state-level education policy through meso-level field interactions.

APPENDIX A

1991 GEORGIA CHARTER LAW

ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1993

1993 Vol. 1 -- Page: 1440

Sequential Number: 303

Short Title: EDUCATION -- GRANTS FOR EDUCATIONAL PROGRAMS; CHARTER SCHOOL STATUS; TERMS OF CHARTER.
Intent: Code Section 20-2-255 Enacted.
Law Number: No. 551
Origin: (Senate Bill No. 74).
Type: AN ACT

Full Title: To amend Part 9 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to grants for educational programs, so as to provide for legislative intent; to provide for definitions; to provide for petitions for charter school status and their review and approval; to provide for criteria and procedures for charter schools and petitions therefor; to provide for petition resubmissions and for technical assistance relating thereto; to provide for terms of the charter and for charter renewals; to provide for reports; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1. Part 9 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to grants for educational programs, is amended by adding at the end a new Code section to read as follows:

"20-2-255. (a) It is the intent of the General Assembly that this Code section provide a means whereby local schools may choose to substitute a binding performance based contract approved by both state and local boards of education, called a charter, for state and local rules, regulations, policies, and procedures and the applicability of the other provisions of this title.

(b) For purposes of this Code section, the term:

- (1) `Charter' means a performance based contract between the state board, a local board of education, and a local school, the terms of which are approved by the local board of education and by the state board for an initial three-year period. Each performance based contract will exempt a school from state and local rules, regulations, policies, and procedures and from the provisions of this title according to the terms of the contract.
- (2) `Charter school' means a school that is operating under the terms of a charter granted by the state board.
- (3) `Local board' means a county or independent board of education exercising control and management of a local school system pursuant to Article VIII, Section V of the Constitution.

- (4) `Local school' means a public school in Georgia which is under the management and control of a local board.
- (5) `Petition' means a proposal to enter into a performance based contract between the state board and a local school whereby the local school obtains charter school status.
- (6) `State board' means the State Board of Education.

(c) Any local school may petition the state board for charter school status in accordance with a schedule approved by the state board. Such petitions must:

- (1) Be approved by the local board of education;
- (2) Be freely agreed to by over two-thirds of the faculty and instructional staff members by secret ballot at the school initiating the petition;
- (3) Be agreed to by over two-thirds of the parents present at a meeting called for the purpose of deciding whether to initiate the petition;
- (4) Describe a plan for school improvement that addresses how the school proposes to work toward improving student learning and meeting the national and state education goals;
- (5) Outline proposed performance criteria that will be used during the initial three-year period of the charter to measure progress of the school in improving student learning and in meeting the national and state education goals;
- (6) Describe how the faculty, instructional staff, and parents of students enrolled in the school will be involved in developing the petition, developing and implementing the improvement plan, and identifying performance criteria; and
- (7) Describe how the concerns of faculty, instructional staff, and parents of students enrolled in the school will be solicited and addressed in evaluating the effectiveness of the improvement plan.

(d) The state board is authorized and directed to establish criteria and procedures for charter schools. Each year, the state board must review petitions for charter school status received from local schools. The state board is directed to approve such petitions and to grant charter school status to local schools whose petitions, in the opinion of the state board:

- (1) Provide a plan for improvement at the school level for improving student learning and for meeting the national and state education goals;
- (2) Include a set of performance based objectives and student outcome based objectives for the term of the charter and the means for measuring those objectives on at least a yearly basis;
- (3) Include an agreement to provide a yearly report to parents, the community, the local board, and the state board which indicates the progress made by the charter school in the previous year in meeting the performance objectives; and
- (4) Include a proposal to directly and substantially involve the parents of students enrolled in the school as well as the faculty, instructional staff, and the broader community in the process of creating the petition and in carrying out the terms of the charter.

(e) The state board may allow local schools to resubmit petitions for charter school status if the original petition was, in the opinion of the state board, deficient in one or more respects. The Department of Education is authorized and directed to provide technical assistance to the faculty and instructional staff of local schools in the creation or modification of these petitions.

(f) The state board will include in the terms of each charter:

- (1) A mechanism for declaring the charter null and void if over two-thirds of the faculty and instructional staff of the school request the state board to withdraw the charter or if, at any time, in the opinion of the state board, the school enjoying charter school status fails to fulfill the terms of the charter;
- (2) Clear performance based and student outcome based objectives and the means to measure those objectives on at least a yearly basis;
- (3) A mechanism for updating the terms of each charter, agreed to by all parties and subject to the approval of over two-thirds of the faculty and instructional staff, based upon the yearly progress reports given the state board by the charter school;
- (4) A provision that the expenditure controls contained in Code Section 20-2-167 may be relaxed only for those direct instructional expenditures actually made by each charter school for the students of that school; and
- (5) A provision to exempt the school from state rules, regulations, policies, and procedures and from other provisions of this title, unless otherwise specified.

(g) Any request for petition to obtain charter school status sent by a local school to a local school board shall be forwarded by the local school board to the State Board of Education. If a local school board disapproves a local school's request for petition, the local school board must inform the faculty of the local school of the reasons for such disapproval, and a copy of these reasons must be forwarded to the state board. The state board may, at its discretion, request a hearing to receive further information from the local school board and the local school faculty.

(h) The state board is authorized to renew charters on a one-year or multiyear basis, not to exceed three years, for local schools after the initial three-year period, provided all parties to the original charter approve such renewal with a vote of over two-thirds of the faculty and instructional staff.

(i) The state board will report to the General Assembly each year on the status of the charter school program."

Section 2. This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

Section 3. All laws and parts of laws in conflict with this Act are repealed.

Approval Date: Approved April 19, 1993.

APPENDIX B

MINNESOTA'S 1991 CHARTER LAW

Laws of Minnesota 1991, Chapter 265, Article 9, Section 3
Referring to "Outcome-Based Schools"

Chapter 265, Article, 9, Sec. 3. [120.064] [OUTCOME-BASED SCHOOLS.]

Subdivision 1. [PURPOSES.]

The purpose of this section is to:
(1) improve pupil learning;
(2) increase learning opportunities for pupils;
(3) encourage the use of different and innovative teaching methods;
(4) require the measurement of learning outcomes and create different and innovative forms of measuring outcomes;
(5) establish new forms of accountability for schools; or
(6) create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site.

Subdivision. 2. [APPLICABILITY.]

This section applies only to outcome-based schools formed and operated under this section.

Subdivision. 3. [SPONSOR.]

(a) A school board may sponsor an outcome-based school.
(b) A school board may authorize a maximum of two outcome-based schools. No more than a total of eight outcome-based schools may be authorized. The state board of education shall advise potential sponsors when the maximum number of outcome-based schools has been authorized.

Subdivision. 4. [FORMATION OF SCHOOL.]

(a) A sponsor may authorize one or more licensed teachers under section 215.182, subdivision 2, to form and operate an outcome-based school subject to approval by the state board of education. The teachers shall organize and operate a school as a cooperative under chapter 308A or nonprofit corporation under chapter 317A.
(b) Before a teacher may begin to form and operate a school, the sponsor must file an affidavit with the state board of education stating its intent to authorize an outcome-based school. The affidavit must state the terms and conditions under which the sponsor would authorize an outcome-based school. The state board must approve or disapprove the sponsor's proposed authorization within 30 days of receipt of the affidavit. Failure to obtain state board approval precludes a sponsor from authorizing the outcome-based school that was the subject of the affidavit.
(c) The teachers authorized to organize and operate a school shall hold an election for members of the school's board of directors. All staff members employed at the school and all parents of children enrolled in the school may participate in the election. Licensed teachers employed at the school must be a majority of the members of the board of directors.

(d) The sponsor's authorization for an outcome-based school shall be in the form of a written contract signed by the sponsor and the board of directors of the outcome-based school.

Subdivision. 5. [CONTRACT.]

The contract for an outcome-based school shall be in writing and contain at least the following:
(1) a description of a program that carries out one or more of the purposes in subdivision 1;
(2) specific outcomes pupils are to achieve under subdivision 10;
(3) admission policies and procedures;
(4) management and administration of the school;
(5) requirements and procedures for program and financial audits;
(6) how the school will comply with subdivisions 8, 13, 15, and 21;
(7) assumption of liability by the outcome-based school;
(8) types and amounts of insurance coverage to be obtained by the outcome-based school; and
(9) the term of the contract which may be up to three years.

Subdivision. 6. [ADVISORY COMMITTEE.]

(a) The state board of education shall appoint an advisory committee comprised of ten members. At least two members shall be African American, two members shall be American Indian, two members shall be Asian Pacific American, and two members shall be Hispanic. One of each of the two members shall reside within the seven-county metropolitan area and one shall reside within Minnesota but outside of the seven-county metropolitan area. In addition, at least one of each of the two members shall be a parent of a child in any of the grades kindergarten through 12. As least five of the ten members shall have family incomes that would make them eligible for free or reduced school lunches.
(b) Each sponsor listed in subdivision 3 shall request the advisory committee to review and make recommendations about a proposal it receives from an individual or organization that is predominately Caucasian to establish an outcome-based school in which one-half or more of the pupils are expected to be non-Caucasian.
(c) Each sponsor listed in subdivision 3 may request the advisory committee to review and make recommendations about a proposal it receives from an individual or organization that is predominately non-Caucasian if requested to do so by the individual or organization.

Subdivision. 7. [EXEMPTION FROM STATUTES AND RULES.]

Except as provided in this section, an outcome-based school is exempt from all statutes and rules applicable to a school board or school district, although it may elect to comply with one or more provisions of statutes or rules.

Subdivision. 8. [REQUIREMENTS.]

(a) An outcome-based school shall meet the same health and safety requirements required of a school district.
(b) The school must be located in Minnesota. Its specific location may not be prescribed or limited by a sponsor or other authority except a zoning authority.

(c) The school must be nonsectarian in its programs, admission policies, employment practices, and all other operations. A sponsor may not authorize an outcome-based school or program that is affiliated with a nonpublic sectarian school or a religious institution.
(d) The primary focus of the school must be to provide a comprehensive program of instruction for at least one grade or age group from five through 18 years of age. Instruction may be provided to people younger than five years and older than 18 years of age.
(e) The school may not charge tuition.
(f) The school is subject to and shall comply with chapter 363 and section 126.21.
(g) The school is subject to and shall comply with the pupil fair dismissal act, sections 127.26 to 127.39, and the Minnesota public school fee law, sections 120.71 to 120.76.
(h) The school is subject to the same financial audits, audit procedures, and audit requirements as a school district. The audit must be consistent with the requirements of sections 121.901 to 121.917, except to the extent deviations are necessary because of the program at the school. The department of education, state auditor, or legislative auditor may conduct financial, program, or compliance audits.
(i) The school is a school district for the purposes of tort liability under chapter 466.

Subdivision. 9. [ADMISSION REQUIREMENTS.]

The school may limit admission to:
(1) pupils within an age group or grade level;
(2) people who are eligible to participate in the high school graduation incentives program under section 126.22;
(3) pupils who have a specific affinity for the school's teaching methods, the school's learning philosophy, or a subject such as mathematics, science, fine arts, performing arts, or a foreign language; or
(4) residents of a specific geographic area if the percentage of the population of non-Caucasian people in the geographic area is greater than the percentage of the non-Caucasian population in the congressional district in which the geographic area is located, as long as the school reflects the racial and ethnic diversity of that area. The school shall enroll an eligible pupil who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, pupils shall be accepted by lot. The school may not limit admission to pupils on the basis of intellectual ability, measures of achievement or aptitude, or athletic ability.

Subdivision. 10. [PUPIL PERFORMANCE.]

An outcome-based school must design its programs to at least meet the outcomes adopted by the state board of education. In the absence of state board requirements, the school must meet the outcomes contained in the contract with the sponsor. The achievement levels of the outcomes contained in the contract may exceed the achievement levels of any outcomes adopted by the state board.

Subdivision. 11. [EMPLOYMENT AND OTHER OPERATING MATTERS.]

The school's board of directors shall employ and contract with necessary teachers, as defined by section 125.03, subdivision 1, who hold valid licenses to perform the particular service for which they are employed in the school. The board may employ necessary employees who are not required to hold teaching licenses to perform duties other than teaching and may contract for other services. The board may discharge teachers and nonlicensed employees. The board of directors also shall decide matters related to the operation of the school, including budgeting, curriculum and operating procedures.

Subdivision. 12. [HANDICAPPED PUPILS.]

The school must comply with sections 120.03 and 120.17 and rules relating to the education of handicapped pupils as though it were a school district.

Subdivision. 13. [LENGTH OF SCHOOL YEAR.]

An outcome-based school shall provide instruction each year for at least the number of days required by section 120.101, subdivision 5. It may provide instruction throughout the year according to sections 120.59 to 120.67 or 121.585.

Subdivision. 14. [REPORTS.]

An outcome-based school must report at least annually to its sponsor and the state board of education the information required by the sponsor or the state board. The reports are public data under chapter 13.

Subdivision. 15. [TRANSPORTATION.]

Transportation for pupils enrolled at a school shall be provided by the district in which the school is located, according to sections 120.062, subdivision 9, and 123.39, subdivision 6, for a pupil residing in the same district in which the outcome-based school is located. Transportation may be provided by the district in which the school is located, according to sections 120.062, subdivision 9, and 123.39, subdivision 6, for a pupil residing in a different district.

Subdivision. 16. [LEASED SPACE.]

The school may lease space from a board eligible to be a sponsor or other public or private nonprofit nonsectarian organization.

Subdivision. 17. [INITIAL COSTS.]

A sponsor may authorize a school before the applicant has secured its space, equipment, facilities, and personnel if the applicant indicates the authority is necessary for it to raise working capital. A sponsor may not authorize a school before the state board of education has approved the authorization.

Subdivision. 18. [DISSEMINATE INFORMATION.]

The department of education must disseminate information to the public, directly and through sponsors, on how to form and operate an outcome-based school and how to utilize the offerings of an outcome-based school.

Subdivision. 19. [LEAVE TO TEACH IN A SCHOOL.]

If a teacher employed by a school district makes a written request for an extended leave of absence to teach at an outcome-based school, the school district must grant the leave. The school district must grant a leave for any number of years requested by the teacher, and must extend the leave at the teacher's request. The school district may require that the request for a leave or extension of leave be made up to 90 days before the teacher would otherwise have to report for duty. Except as otherwise provided in this subdivision and except for section 125.60, subdivision 6a, the leave is governed by section 125.60, including, but not limited to, reinstatement, notice of intention to return, seniority, salary, and insurance. During a leave, the teacher may continue to aggregate benefits and credits in the teachers' retirement association account by paying both the employer and employee contributions based upon the annual salary of the teacher for the last full pay period before the leave began. The retirement association may impose reasonable requirements to efficiently administer this subdivision.

Subdivision. 20. [COLLECTIVE BARGAINING.]

Employees of the board of directors of the school may, if otherwise eligible, organize under chapter 179A and comply with its provisions. The board of directors of the school is a public employer, for the purposes of chapter 179A, upon formation of one or more bargaining units at the school. Bargaining units at the school are separate from any other units.

Subdivision. 21. [CAUSES FOR NONRENEWAL OR TERMINATION.]

(a) The duration of the contract with a sponsor shall be for the term contained in the contract according to subdivision 5. The sponsor, subject to state board of education approval, may or may not renew a contract at the end of the term for any ground listed in paragraph
(b). A sponsor or the state board may unilaterally terminate a contract during the term of the contract for any ground listed in paragraph
(c). At least 60 days before not renewing or terminating a contract, the sponsor, or the state board if the state board is acting to terminate a contract, shall notify the board of directors of the school of the proposed action in writing. The notice shall state the grounds for the proposed action in reasonable detail and that the school's board of directors may request in writing an informal hearing before the sponsor or the state board within 14 days of receiving notice of nonrenewal or termination of the contract. Failure by the board of directors to make a written request for a hearing within the 14 day period shall be treated as acquiescence to the proposed action. Upon receiving a timely written request for a hearing, the sponsor or the state board shall give reasonable notice to the school's board of directors of the hearing date. The sponsor or the state board shall conduct an informal hearing before taking final action. The sponsor shall take final action to renew or not renew a contract by the last day of classes in the school year.
(d) A contract may be terminated or not renewed upon any of the following grounds:

(1) failure to meet the requirements for pupil performance contained in the contract;
(2) failure to meet generally accepted standards of fiscal management;
(3) for violations of law; or
(4) other good cause shown.

If a contract is terminated or not renewed, the school shall be dissolved according to the applicable provisions of chapter 308A or 317A.

Subdivision. 22. [PUPIL ENROLLMENT.]

If a contract is not renewed or is terminated according to subdivision 21, a pupil who attended the school, siblings of the pupil, or another pupil who resides in the same place as the pupil may enroll in the resident district or may submit an application to a nonresident district according to section 120.062 at any time. Applications and notices required by section 120.062 shall be processed and provided in a prompt manner. The application and notice deadlines in section 120.062 do not apply under these circumstances.

Subdivision. 23. [GENERAL AUTHORITY.]

The board of directors of an outcome-based school may sue and be sued. The board may not levy taxes or issue bonds.

Subdivision. 24. [IMMUNITY.]

The state board of education, members of the state board, a sponsor, members of the board of a sponsor in their official capacity, and employees of a sponsor are immune from civil or criminal liability with respect to all activities related to an outcome-based school they approve or sponsor. The board of directors shall obtain at least the amount of and types of insurance required by the contract, according to subdivision 5.

APPENDIX C

NATIONAL ALLIANCE FOR PUBLIC CHARTER SCHOOLS – MODEL LAW COMPONENT SUGGESTIONS

**NATIONAL ALLIANCE FOR PUBLIC CHARTER SCHOOLS –
MODEL LAW COMPONENT SUGGESTIONS**

Many of the comparisons and rankings of the strength of charter school laws in the states are based on what the National Alliance for Public Charter Schools suggests is an ideal charter school law. This appendix states the 21 components of such a model law which are specifically drawn from the National Alliance's *A New Model Law for Supporting the Growth of High-Quality Public Charter Schools: Second Edition.*

1. **No Caps** on the growth of charter schools in a state.

2. **A Variety of Charter Schools Allowed**, including new startups and public school conversions.

3. **Multiple Authorizers Available**, including non-school board authorizers, to which charter applicants may directly apply.

4. **Authorizer and Overall Program Accountability System Required**, whereby all authorizers must affirm interest to become an authorizer (except for a legislatively created state charter school commission) and participate in an authorizer reporting program based on objective data, as overseen by some state-level entity with the power to sanction.

5. **Adequate Authorizer Funding**, including provisions for guaranteed funding from the state or authorizer fees and public accountability for such expenditures.

6. **Transparent Charter Application**, **Review, and Decision-making Processes**, including comprehensive academic, operational, and governance application requirements, with such applications reviewed and acted on following professional authorizer standards.

7. **Performance-Based Charter Contracts Required**, with such contracts created as separate post-application documents between authorizers and charter schools detailing academic performance expectations, operational performance expectations, and school and authorizer rights and duties.

8. **Comprehensive Charter School Monitoring and Data Collection Processes** so that all authorizers can verify charter school compliance with applicable law and their performance-based contracts.

9. **Clear Processes for Renewal, Nonrenewal, and Revocation Decisions**, including school closure and dissolution procedures to be used by all authorizers.

10. **Transparency Regarding Educational Service Providers**, provided there is a clear performance contract between an independent charter school board and the service provider and there are no conflicts of interest between the two entities.

11. **Fiscally and Legally Autonomous Schools with Independent Charter School Boards**, whereby charter schools are created as autonomous entities with their boards having most of the powers granted to traditional school boards.

12. **Clear Student Enrollment and Lottery Procedures**, which must be followed by all charter schools.

13. **Automatic Exemptions from Many State and District Laws and Regulations**, except for those covering health, safety, civil rights, student accountability, employee criminal history checks, open meetings, freedom of information requirements, and generally accepted accounting principles.

14. **Automatic Collective Bargaining Exemption**, whereby charter schools are exempt from any outside collective bargaining agreements, while not interfering with laws and other applicable rules protecting the rights of employees to organize and be free from discrimination.

15. **Multi-school Charter Contract and/or Multi-charter Contract Boards Allowed**, whereby an independent charter school board may oversee multiple schools linked under a single charter contract or may hold multiple charter contracts.

16. **Extracurricular and Interscholastic Activities Eligibility and Access**, whereby (a) charter school students and employees are eligible for state- and district-sponsored interscholastic leagues, competitions, awards, scholarships, and recognition programs to the same extent as district public school students and employees; and (b) students at charter schools that do not provide extracurricular and interscholastic activities have access to those activities at district public schools for a fee via a mutual agreement.

17. **Clear Identification of Special Education Responsibilities**, including clarity on which entity is the local education agency responsible for such services and how such services are to be funded (especially for low-incident, high-cost cases).

18. **Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding**, flowing to the school in a timely fashion and in the same amount as district schools following eligibility criteria similar to all other public schools.

19. **Equitable Access to Capital Funding and Facilities**, including multiple provisions such as facilities funding, access to public space, access to financing tools, and other supports.

20. **Access to Relevant Employee Retirement Systems**, with the option to participate in a similar manner as all other public schools.

21. **Full-Time Virtual Charter School Provisions**, including specific provisions regarding authorizing structure, enrollment criteria, enrollment levels, accountability for performance, funding levels based on costs, and performance-based funding.

SO WHERE DOES GEORGIA FALL IN THESE 21 CATERGORIES?

According to the National Alliance on Public Charter Schools, Georgia meets the following components of the model law: 1, 2, 3, 8, 9, 10, 15.

Because Georgia only satisfies seven out of the twenty-one possible components, Georgia is ranked between 20^{th} – 25^{th} on strong charter laws (depending on the ranking organization), and though the state legislature is pushing for stronger charter laws, it is currently lagging other states.

APPENDIX D

CURRENT GEORGIA CHARTER SCHOOL LAW
(Current as of the 2017 Legislative Session)

O.C.G.A. TITLE 20 Chapter 2 Article 31
CHARTER SCHOOLS

This article shall be known and may be cited as the "Charter Schools Act of 1998." Code 1981, § 20-2-2060, enacted by Ga. L. 1998, p. 1080, § 3.

§ 20-2-2061. Legislative Intent

It is the intent of the General Assembly to increase student achievement through academic and organizational innovation by encouraging local school systems to utilize the flexibility of a performance based contract called a charter.

§ 20-2-2062. Definitions

As used in this article, the term:

(1) "Charter" means a performance based contract between a local board and a charter petitioner, the terms of which are approved by the local board and by the state board in the case of a local charter school, between the state board and a charter petitioner, the terms of which are approved by the state board in the case of a state chartered special school, or between a local board and the state board, the terms of which are approved by the state board in the case of a charter system. By entering into a charter, a charter petitioner and local board shall be deemed to have agreed to be bound to all the provisions of this article as if such terms were set forth in the charter.
(1.1) "Charter attendance zone" means all or any portion of the local school system in which the charter school is located and may include all or any portion of other local school systems if the charter school is jointly authorized pursuant to subsection (c) of Code Section 20-2-2063.
(2) "Charter petitioner" means a local school, local board of education, private individual, private organization, or state or local public entity that submits or initiates a petition for a charter. The term "charter petitioner" does not include home study programs or schools, sectarian schools, religious schools, private for profit schools, private educational institutions not established, operated, or governed by the State of Georgia, or existing private schools. On and after July 1, 2013, a charter for a local charter school, if approved, shall be a three-party agreement between a charter petitioner, a local board of education, and the State Board of Education, and the charter petitioner for such local charter school shall be a party other than the local board of education.
(3) "Charter school" means a public school that is operating under the terms of a charter.
(3.1) "Charter system" means a local school system that is operating under the terms of a charter pursuant to Code Section 20-2-2063.2.
(4) "Conversion charter school" means a charter school that existed as a local school prior to becoming a charter school.
(4.1) "Educationally disadvantaged students" means all or a subset of the following: students who are economically disadvantaged, students with disabilities, limited English proficient students, neglected or delinquent students, and homeless students, as each such

subset is defined by the State Board of Education in accordance with federal education guidelines and regulations.
(5) "Faculty and instructional staff members" means all certificated personnel assigned to the school on a full-time basis and all paraprofessionals assigned to the school on a full-time basis. The term "paraprofessional" shall have the same meaning as set out in Code Section 20-2-204.
(5.1) "Governing council" means a school level council of parents, teachers, administrators, and others who are involved in school level governance within a charter system.
(5.2) "High school cluster" means a high school and all of the middle and elementary schools which contain students who matriculate to such high school. The schools in a high school cluster may include charter schools, local schools, or a combination of both.
(6) "Local board" means a county or independent board of education exercising control and management of a local school system pursuant to Article VIII, Section V, Paragraph II of the Constitution.
(7) "Local charter school" means a conversion charter school or start-up charter school that is operating under the terms of a charter between the charter petitioner and the local board.
(8) "Local revenue" means local taxes budgeted for school purposes in excess of the local five mill share, combined with any applicable equalization grant and budgeted revenues from any of the following: investment earnings, unrestricted donations, and the sale of surplus property; but exclusive of revenue from bonds issued for capital projects, revenue to pay debt service on such bonds and local option sales tax for capital projects. Nothing in this paragraph shall be construed to prevent a local board from including a local charter school in projects specified in the ballot language of a local option sales tax or bond referendum.
(9) "Local school" means a public school in Georgia that is under the management and control of a local board.
(10) "Local school system" means the system of public schools established and maintained by a local board within its limits pursuant to Article VIII, Section V, Paragraph I of the Constitution.
(11) "Petition" means a proposal to establish a charter school or a charter system.
(12) "QBE formula earnings" means funds earned for the Quality Basic Education Formula pursuant to Code Section 20-2-161, including the portion of such funds that are calculated as the local five mill share in accordance with Code Section 20-2-164.
(12.1) "School level governance" means decision-making authority in personnel decisions, financial decisions, curriculum and instruction, resource allocation, establishing and monitoring the achievement of school improvement goals, and school operations.
(13) "Special school" means a school whose creation is authorized pursuant to Article VIII, Section V, Paragraph VII of the Constitution.
(14) "Start-up charter school" means a charter school that did not exist as a local school prior to becoming a charter school.
(15) "State board" means the State Board of Education.

(16) "State chartered special school" means a charter school created as a special school that is operating under the terms of a charter between the charter petitioner and the state board.
(17) "System charter school" means a school within a charter system.

§ 20-2-2063. Charter petitions

(a) The State Board of Education shall promulgate rules, regulations, policies, and procedures to govern the contents of a charter petition.
(b) The State Board of Education shall establish rules, regulations, policies, and procedures to provide for the receipt of charter petitions from a group of two or more local schools as a single charter petitioner to convert to conversion charter school status. An existing conversion charter school may join as part of a group charter petition, and if such group charter petition is approved, the new charter shall supersede the conversion charter school's previous charter. A group charter petition may be comprised of all the schools in a high school cluster as such term is defined in Code Section 20-2-2062.
(c) The State Board of Education shall establish rules, regulations, policies, and procedures to provide for charter petitions from two or more local school systems to jointly authorize a local charter school.
(d) The State Board of Education shall establish rules, regulations, policies, and procedures to provide for a charter petition from a local school system to establish a charter system. Such rules, regulations, policies, and procedures shall require that a charter petition and the charter contain an explanation of the structure, rights, and responsibilities of the principal, governing council, and local board of education of the system charter school, with an objective of maximizing school level governance and the involvement of parents, teachers, and community members in such governance

§ 20-2-2063.1. Charter Advisory Committee established; members; duties

(a) The state board shall establish a Charter Advisory Committee to review charter petitions for compliance with established standards of the state board, to make recommendations to the state board on charter policy, and to provide recommendations to the state board regarding charter petitions. The committee shall be composed of nine members as follows:
(1) Three members appointed by the chairperson of the state board;
(2) Three members appointed by the Lieutenant Governor; and
(3) Three members appointed by the Speaker of the House of Representatives.
All members shall serve at the pleasure of their respective appointing officials. The committee shall elect a chairperson from among its membership.
(b) The committee shall conduct itself in accordance with any rules and guidelines established by the state board with regard to timeframes, procedures, and protocol.
(c) The committee shall be authorized to request clarifying information from a charter petitioner and to receive input from interested parties on a charter petition.
(d) The committee shall:
(1) Make recommendations to the state board of approval or denial on each charter petition and shall specify the reasons for such recommendations;
(2) Periodically make recommendations to the state board regarding charter policy; and

(3) Make recommendations to the state board on the disbursement of planning grants for charter systems, if funds are made available.

(e) The committee shall be authorized to enter into contracts, subject to available funding, with one or more consultants to assist the committee in its duties and if directed to do so by the committee, to do the following:

(1) Assist charter petitioners in the drafting of their petitions;

(2) Assist charter petitioners in the design and implementation of innovative education programs and school level governance based on research, model programs, or other credible information;

(3) Monitor and assist charter schools and charter systems; and

(4) Perform any other functions related to the support of the committee.

(f) The committee shall work in cooperation with the Office of Charter School Compliance, as established pursuant to Code Section 20-2-2069.

(g) The members of the committee shall receive no compensation for their services but shall be reimbursed for actual and necessary expenses incurred by them in carrying out their duties.

(h) The committee shall be assigned to the Department of Education for administrative purposes only, as prescribed in Code Section 50-4-3.

§ 20-2-2063.2. Charter systems

(a) The state board shall be authorized to enter into a charter with a local board to establish a local school system as a charter system.

(b) A local board seeking to create a charter system must submit a petition to the state board. Prior to submitting such petition, the local board shall:

(1) Adopt a resolution approving the proposed charter system petition;

(2) Conduct at least two public hearings and provide notice of the hearings in the same manner as other legal notices of the local board; and

(3) Send a notice to each principal within the local school system of the hearings with instructions that each school shall distribute the notice to faculty and instructional staff members and to the parent or guardian of each student enrolled in the school.

The local board may revise its proposed charter system petition, upon resolution, as a result of testimony at the public hearings or for other purposes.

(c) Prior to approval or denial of a charter petition for a charter system, the state board shall receive and give all due consideration to the recommendation and input from the Charter Advisory Committee established in Code Section 20-2-2063.1. The state board shall approve the charter if the state board finds, after receiving input from the Charter Advisory Committee, that the petition complies with the rules, regulations, policies, and procedures promulgated pursuant to Code Section 20-2-2063 and the provisions of this title, is in the public interest, and promotes school level governance. A charter for a charter system shall include the interventions, sanctions, and loss of governance consequences contained in Code Section 20-14-41.

(d) All schools within an approved charter system shall be system charter schools except as otherwise provided in subsections (f) and (g) of this Code section.

(e)

(1) Subject to appropriations by the General Assembly or other available funding, the state board, after receiving input and recommendations from the Charter Advisory

Committee, shall disburse planning grants to local school systems which desire to become charter systems. Such grants will be disbursed in accordance with any applicable guidelines, policies, and requirements established by the state board.

(2) Subject to specific appropriations by the General Assembly for this purpose, the state board shall disburse implementation grants in the amount of $125,000.00 or such other amount as determined by the state board to each charter system. The state board shall be authorized to approve up to five petitions for charter systems during fiscal year 2008, and may approve up to a maximum number of petitions in following years as may be established pursuant to board rules and as subject to availability of funding for implementation grants.

(f) A system charter school shall not be precluded from petitioning to become a conversion charter school, in accordance with Code Section 20-2-2064, not subject to the terms of the system charter. In the event a system charter school becomes a conversion charter school, the system charter shall be amended to reflect that such school is no longer bound by the system charter.

(g) An existing conversion or start-up charter school within a local school system which is petitioning to become a charter system shall have the option of continuing under its own existing charter, not subject to the terms of the system charter, or of terminating its existing charter, upon agreement by the local board and state board, and becoming subject to the system charter as a charter system school.

§ 20-2-2063.3. Code of principles and standards for charter school authorizers

(a) The State Board of Education and the State Charter Schools Commission shall jointly establish a code of principles and standards of charter school authorizing to guide local boards of education, the state board, and the State Charter Schools Commission in meeting high-quality authorizing practices. The principles and standards established by the state board and the State Charter Schools Commission shall include:

(1) Maintaining high standards for approving charter petitions;

(2) Establishing high academic, financial, and operational performance standards for charter schools;

(3) Annually monitoring, evaluating, and reporting charter school progress in meeting academic, financial, and operational performance standards;

(4) Upholding charter school autonomy in school governance, instructional program implementation, personnel, and budgeting;

(5) Protecting students and holding charter schools accountable for their obligations to all students; and

(6) Protecting the public interest and holding charter schools accountable for their obligations of governance, management, and oversight of public funds.

(b)

(1) The State Board of Education shall provide for the annual review of local boards of education by an independent party for adherence to the principles and standards of charter school authorizing practices adopted by the state board pursuant to subsection (a) of this Code section. The State Board of Education shall ensure that any independent party reviewing local boards of education pursuant to this paragraph has a demonstrated history of evaluating charter school authorizers for quality authorizing practices.

(2) A charter school authorized by a local board of education that fails to meet the principles and standards of charter school authorizing on its annual evaluation for two consecutive years may petition to transfer its charter authorization to the State Charter Schools Commission.

(3) In its discretion, the State Charter Schools Commission may approve a charter school petitioning for authorization pursuant to paragraph (2) of this subsection for an initial charter term of up to five years if, based on the charter school's prior performance, it is likely to meet the commission's comprehensive performance framework if approved. If the State Charter Schools Commission approves the transfer of a petitioning charter school to its jurisdiction, the local board shall terminate the existing charter pursuant to the terms of the charter and a new charter shall be established between the charter school and the State Charter Schools Commission. If the State Charter Schools Commission declines to authorize the charter school, the charter school shall continue to operate under the terms of its charter with the local board of education. The requirements of Code Section 20-2-2085 shall not apply to local charter schools petitioning for authorization to the State Charter Schools Commission pursuant to paragraph (2) of this subsection. On and after July 1, 2017, the terms of any charter entered into or renewed between a local board and a local charter school shall include a provision for termination if the local board fails to meet the principles and standards of charter school authorizing on its annual evaluation for two consecutive years.

(c) The State Charter Schools Commission shall ensure that its adherence to the principles and standards of charter school authorizing practices is annually reviewed by an independent body that has a demonstrated history of evaluating charter school authorizers for quality authorizing practices.

(d) The State Board of Education shall provide for or approve training for its staff and local board of education members on the principles and standards of charter school authorizers. The State Board of Education may incorporate training on the principles and standards into the training programs for staff and local board of education members adopted pursuant to Code Section 20-2-230. The annual evaluation of local boards of education for adherence to the principles and standards of charter school authorizing conducted pursuant to this Code section shall detail the participation of the local board of education in training on the principles and standards of charter school authorizers.

§ 20-2-2064. Approval or denial of petition

(a) A charter petitioner seeking to create a conversion charter school must submit a petition to the local board of the local school system in which the proposed charter school will be located. The local board must by a majority vote approve or deny a petition no later than 90 days after its submission unless the petitioner requests an extension; provided, however, that a denial of a petition by a local board shall not preclude the submission to the local board of a revised petition that addresses deficiencies cited in the denial; and provided, further, that the local board shall not act upon a petition for a conversion charter school, including, but not limited to, a conversion charter for a high school cluster, until such petition:

(1)

(A) Has been freely agreed to, by secret ballot, by a majority of the faculty and instructional staff members of the petitioning local school at a public meeting

called with two weeks' advance notice for the purpose of deciding whether to submit the petition to the local board for its approval; and

(B) Has been freely agreed to, by secret ballot, by a majority of the parents or guardians of students enrolled in the petitioning local school present at a public meeting called with two weeks' advance notice for the purpose of deciding whether to submit the petition to the local board for its approval; or

(2) If for a high school cluster, has been approved by a majority of the school councils in the high school cluster and has been freely agreed to, by secret ballot, by at least 60 percent of the combined vote of the faculty and instructional staff members of the high school cluster and the parents or guardians of students who reside in the attendance zone of such high school cluster present at a public meeting called with two weeks' advance notice for the purpose of deciding whether to submit the petition to the local board for its approval. Each school council within the high school cluster shall appoint two representatives to a committee that shall conduct the vote.

This subsection shall not apply to a system charter school petitioning to be a conversion charter school.

(b) A charter petitioner seeking to create a start-up charter school must submit a petition to the local board of the local school system in which the proposed charter school will be located. The local board must by a majority vote approve or deny a petition no later than 90 days after its submission unless the petitioner requests an extension. A denial of a petition by a local board shall not preclude the submission to the local board of a revised petition that addresses deficiencies cited in the denial.

(c) A system charter school's school council or governing council, as applicable, may petition to become a conversion charter school. The petition shall be submitted to the local board of the charter system in which the school is located. The local board must by a majority vote approve or deny a petition no later than 90 days after its submission unless the petitioner requests an extension; provided, however, that a denial of a petition by a local board shall not preclude the submission to the local board of a revised petition that addresses deficiencies cited in the denial.

(d) A local board shall approve a petition that complies with the rules, regulations, policies, and procedures promulgated in accordance with Code Section 20-2-2063 and the provisions of this title and is in the public interest. If a local board denies a petition, it must within 60 days specifically state the reasons for the denial, list all deficiencies with respect to Code Section 20-2-2063, and provide a written statement of the denial to the charter petitioner and the state board.

(e) The state board or the Charter Advisory Committee, if directed by the state board to do so, may mediate between the local board and a charter petitioner whose petition was denied to assist in resolving issues which led to denial of the petition by the local board.

§ 20-2-2064.1. Review of charter by state board; charters for state chartered special schools

(a) Prior to approval or denial of a charter petition under this Code section, the state board shall receive and give all due consideration to the recommendation and input from the Charter Advisory Committee established in Code Section 20-2-2063.1.

(b) The state board shall approve the charter of a charter petitioner if the petition has been approved by the local board of the local school system in which the proposed charter school will be located and the state board finds, after receiving input from the Charter Advisory Committee,

that the petition complies with the rules, regulations, policies, and procedures promulgated in accordance with Code Section 20-2-2063 and the provisions of this title and is in the public interest. If the state board denies a petition, it must within 60 days specifically state the reasons for the denial, list all deficiencies with regard to Code Section 20-2-2063, and provide a written statement of the denial to the charter petitioner and to the local board.
(c) No application for a state chartered special school may be made to the state board by a petitioner for a conversion charter school that has been denied by a local board. Upon denial of a petition for a start-up charter school by a local board and upon application to the state board by the petitioner, the state board shall approve the charter of a start-up charter petitioner for a state chartered special school if the state board finds, after receiving input from the Charter Advisory Committee, that such petition meets the requirements set forth in Code Section 20-2-2063 and the provisions of this title, and is in the public interest.

§ 20-2-2065. Waiver of provisions of this title; requirements for operating; control and management

(a) Except as provided in this article or in a charter, a charter school, or for charter systems, each school within the system, shall not be subject to the provisions of this title or any state or local rule, regulation, policy, or procedure relating to schools within an applicable school system regardless of whether such rule, regulation, policy, or procedure is established by the local board, the state board, or the Department of Education; provided, however, that the state board may establish rules, regulations, policies, or procedures consistent with this article relating to charter schools. A waiver granted pursuant to this Code section for a charter system shall apply to each system charter school within the system. In exchange for such a waiver, the charter school agrees to meet or exceed the performance based goals included in the charter and approved by the local board or, for the charter system, the system agrees to meet or exceed the system-wide performance based goals included in the charter and approved by the state board, including but not limited to raising student achievement. For a charter system, the charter shall delineate the performance based goals that the system and each school will be expected to meet as well as the criteria by which a system charter may be revoked in addition to those contained in Code Section 20-2-2068.
(b) In determining whether to approve a charter petition or renew an existing charter, the local board and state board shall ensure that a charter school, or for charter systems, each school within the system, shall be:

(1) A public, nonsectarian, nonreligious, nonprofit school that is not home based, provided that a charter school's nonprofit status shall not prevent the school from contracting for the services of a for profit entity and that nothing in this Code section shall preclude the use of computer and Internet based instruction for students in a virtual or remote setting;
(2) Subject to the control and management of the local board of the local school system in which the charter school is located, as provided in the charter and in a manner consistent with the Constitution, if a local charter school;
(3) Subject to the supervision of the state board, as provided in the charter and in a manner consistent with the Constitution, if a state chartered special school;

(4) Organized and operated as a nonprofit corporation under the laws of this state; provided, however, that this paragraph shall not apply to any charter petitioner that is a local school, local school system, or state or local public entity;
(5) Subject to all federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; and the prevention of unlawful conduct; provided, however, that if:
(A) A facility used for a charter school is owned or operated by any state agency or entity, and such facility or equipment purchased or used by the facility meets the safety standards of the state agency or entity that owns or operates such facility; or
(B) A facility used for a charter school is owned by a local educational agency and operated utilizing standards of a state agency or entity, and such facility or equipment purchased or used by the facility meets the safety standards of the state agency or entity with respect to structural soundness and sufficient maintenance, the facility or equipment or both shall be deemed to meet the safety requirements of this paragraph; provided, further, that in no event shall the state agency or entity or local educational agency owner or operator of a charter school with such facility or equipment be disqualified from eligibility for state grants or for federal grants awarded pursuant to state regulations due to such facility or equipment;
(6) Subject to all laws relating to unlawful conduct in or near a public school;
(7) Subject to an annual financial audit conducted by the state auditor or, if specified in the charter, by an independent certified public accountant licensed in this state; provided, however, that a separate audit shall not be required for a charter school if the charter school is included in the local school system audit conducted by the state auditor pursuant to Code Section 50-6-6;
(8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such provisions shall apply with respect to charter schools whose charters are granted or renewed on or after July 1, 2000;
(9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;
(10) Subject to the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133;
(11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of quiet reflection;
(12) Subject to the provisions of Code Section 20-2-210 relating to annual performance evaluations;
(13) Subject to the provisions of Code Section 20-2-211.1 relating to fingerprint and criminal background checks; and
(14) Subject to the provisions of subsection (c) of Code Section 20-2-327 relating to individual graduation plans.

§ 20-2-2066. Admission, enrollment, and withdrawal of students

(a) A local charter school shall enroll students in the following manner:

(1) (A) A start-up charter school shall enroll any student who resides in the attendance zone specified in the charter and who submits a timely application as specified in the charter unless the number of applications exceeds the capacity of a program, class, grade level, or building. Except for educationally disadvantaged students who may be provided an increased chance of admission through a weighted lottery if permitted by the school's charter, all such applicants shall have an equal chance of being admitted through a random selection process unless otherwise prohibited by law; provided, however, that a start-up charter school may give enrollment preference to applicants in any one or more of the following categories in the order of priority specified in the charter:

(i) A sibling of a student enrolled in the start-up charter school;

(ii) A sibling of a student enrolled in another local school designated in the charter;

(iii) A student whose parent or guardian is a member of the governing board of the start-up charter school or is a full-time teacher, professional, or other employee at the start-up charter school;

(iv) Students matriculating from a local school designated in the charter; and

(v) Children who matriculate from a pre-kindergarten program which is associated with the school, including, but not limited to, programs which share common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school.

(B) A conversion charter school shall enroll any student who resides in the attendance zone specified in the charter and who submits a timely application as specified in the charter. If the number of applying students who reside in the attendance zone does not exceed the capacity as specified in the charter, additional students shall be enrolled based on a random selection process, except for educationally disadvantaged students who may be provided an increased chance of admission through a weighted lottery if permitted by the school's charter; provided, however, that a conversion charter school may give enrollment preference to applicants in any one or more of the following categories in the order of priority specified in the charter:

(i) A sibling of a student enrolled in the conversion charter school or in any school in the high school cluster;

(ii) A student whose parent or guardian is a member of the governing board of the conversion charter school or is a full-time teacher, professional, or other employee at the conversion charter school;

(iii) Students who were enrolled in the local school prior to its becoming a conversion charter school;

(iv) Students who reside in the attendance zone specified in the charter; and

(v) Children who matriculate from a pre-kindergarten program which is associated with the school, including, but not limited to, programs which share common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school; and

(2) A student who resides outside the school system in which the local charter school is located may not enroll in that local charter school except pursuant to a contractual agreement between the local boards of the school system in which the student resides and the school system in which the local charter school is located. Unless otherwise provided

in such contractual agreement, a local charter school may give enrollment preference to a sibling of a nonresident student currently enrolled in the local charter school.

(b) A state chartered special school shall enroll any student who resides in the attendance zone specified in the charter and who submits a timely application as specified in the charter unless the number of applications exceeds the capacity of a program, class, grade level, or building. The period of time during which an application for enrollment may be submitted shall be specified in the charter. Except for educationally disadvantaged students who may be provided an increased chance of admission through a weighted lottery if permitted by the school's charter, all such applicants shall have an equal chance of being admitted through a random selection process unless otherwise prohibited by law; provided, however, that a state chartered special school may give enrollment preference to applicants in any one or more of the following categories in the order of priority specified in the charter:

(1) A sibling of a student enrolled in the state chartered special school;

(2) A sibling of a student enrolled in another local school designated in the charter;

(3) A student whose parent or guardian is a member of the governing board of the state chartered special school or is a full-time teacher, professional, or other employee at the state chartered special school;

(4) Students matriculating from a local school designated in the charter; and

(5) Children who matriculate from a pre-kindergarten program which is associated with the state chartered special school, including, but not limited to, programs which share common facilities or campuses with the school or programs which have established a partnership or cooperative efforts with the school.

(b.1) A charter system shall enroll students in its system charter schools per the terms of the charter and in accordance with state board rules.

(c) A charter school shall not discriminate on any basis that would be illegal if used by a school system.

(d) A student may withdraw without penalty from a charter school at any time and enroll in a local school in the school system in which such student resides as may be provided for by the policies of the local board. A student who is suspended or expelled from a charter school as a result of a disciplinary action taken by a charter school shall be entitled to enroll in a local school within the local school system in which the student resides, if, under the disciplinary policy of the local school system, such student would not have been subject to suspension or expulsion for the conduct which gave rise to the suspension or expulsion. In such instances, the local board shall not be required to independently verify the nature or occurrence of the applicable conduct or any evidence relating thereto.

§ 20-2-2067. Reprisals by local boards or school system employees prohibited

A local board of education or a school system employee who has control over personnel actions shall not take unlawful reprisal against another employee of the school system because such other employee is directly or indirectly involved with a petition to establish a charter school. A local board of education or a school system employee shall not take unlawful reprisal against an educational program of any school or school system because a petition to establish a charter school proposes the conversion of such educational program to a charter school. As used in this Code section, the term "unlawful reprisal" means an action taken by a local board of education or a school system employee as a direct result of a lawful petition to establish a charter school

which action is adverse to another employee and which is not lawfully taken in response to any action or behavior of such employee or is adverse to an educational program of the school or the school system and:

(1) With respect to such other employee, results in one or more of the following:
(A) Disciplinary or corrective action;
(B) Transfer or reassignment, whether temporary or permanent;
(C) Suspension, demotion, or dismissal;
(D) An unfavorable performance evaluation;
(E) A reduction in pay, benefits, or awards;
(F) Elimination of the employee's position without a reduction in force by reason of lack of moneys or work; or
(G) Other significant changes in duties or responsibilities that are inconsistent with the employee's salary or employment classification; or

(2) With respect to an educational program, results in one or more of the following:
(A) Suspension or termination of the educational program;
(B) Transfer or reassignment of the educational program to a less favorable department;
(C) Relocation of the educational program to a less favorable site within the school or school system; or
(D) Significant reduction or termination of funding for the educational program, unless necessitated by unfunded mandates from federal or state decisions which result in a significant reduction in funds available to the local board of education and which result in a proportionate loss of funding for all schools in the system.

§ 20-2-2067.1. Amendment of terms of charter for charter school; initial term of charter; annual report

(a) The terms of a charter for a local charter school may be amended during the term of the charter upon the approval of the local board, the state board, and the charter school. The terms of a charter for a state chartered special school may be amended during the term of the charter upon the approval of the state board and the charter school. The terms of a charter for a charter system may be amended during the term of the charter upon approval of the state board and the local board.

(b) The initial term of a charter, except for a charter system or a local charter school that has transferred its authorization to the State Charter Schools Commission pursuant to subsection (b) of Code Section 20-2-2063.3, shall be for a minimum of five years, unless the petitioner shall request a shorter period of time, and shall not exceed ten years. The local board and the state board, in accordance with Code Section 20-2-2064.1 and subject to the provisions of Code Section 20-2-2063.3, may renew a local charter, upon the request of the charter school, for the period of time specified in the request, not to exceed ten years. The state board may renew a state chartered special school, upon the request of the school, for the period of time specified in the request, not to exceed ten years. The initial term of a charter for a charter system shall not exceed six years. The state board may renew the charter of a charter system, upon the request of the local board, for the period of time specified in the request, not to exceed ten years.

(c) Each start-up and conversion charter school and each charter system shall submit an annual report outlining the previous year's progress to the authorizing local board or state board, as

appropriate; to parents and guardians of students enrolled in the school, or, for a charter system, to parents and guardians of students enrolled in school within the local school system; and to the Department of Education no later than November 1 of each year. The report submitted by a charter system shall include, but not limited to, data on all of its system charter schools. The report shall contain, but is not limited to:

(1) An indication of progress toward the goals as included in the charter;

(2) Academic data for the previous year, including state academic accountability data, such as standardized test scores;

(3) Unaudited financial statements for the fiscal year ending on June 30, provided that audited statements will be forwarded to the local board and state board upon completion;

(4) Updated contact information for the school and the administrator, and for charter systems, each system charter school and its respective administrator;

(5) Proof of current nonprofit status, if applicable;

(6) Any other supplemental information that the charter school or charter system chooses to include or that the state board requests that demonstrates that school or system's success; and

(7) For charter systems:

(A) A description of:

(i) The actual authority exercised by governing councils with regard to each of the components of school level governance listed in paragraph (12.1) of Code Section 20-2-2062;

(ii) Training received by governing councils and school administrators; and

(iii) Steps, if any, the charter system plans to take to increase school level governance in the future;

(B) An itemization of initiatives being supported with the additional funding received by the charter system pursuant to Code Section 20-2-165.1 and how those funds have promoted school level governance or improved student achievement;

(C) A comparison of actual performance versus the performance based goals for the charter system set forth in the charter pursuant to Code Section 20-2-2065;

(D) The name and contact information of an employee of the charter system that can facilitate communications between the Office of Charter School Compliance and the chairpersons of the governing councils in the charter system; and

(E) An on-site external evaluation of the charter system at least once every five years, as determined by the state board.

§ 20-2-2068. Termination of a charter

(a) The state board may terminate a charter under the following circumstances:

(1)

(A) If a majority of the parents or guardians of students enrolled at the charter school vote by a majority vote to request the termination of its charter at a public meeting called with two weeks' advance notice and for the purpose of deciding whether to request the state board to declare the charter null and void; or

(B) If a majority of the faculty and instructional staff employed at the charter school vote by a majority vote to request the termination of its charter at a public

meeting called with two weeks' advance notice and for the purpose of deciding whether to request the state board to declare the charter null and void. This paragraph shall not apply to system charter schools;

(2) If, after providing reasonable notice to the charter school or charter system, as applicable, and an opportunity for a hearing, the state board finds through its own audit or through other means:

(A) A failure to comply with any recommendation or direction of the state board with respect to Code Section 20-14-41;

(B) A failure to adhere to any material term of the charter, including but not limited to the performance goals set forth in the charter;

(C) For a charter system, a failure to promote school level governance as required by the charter;

(D) A failure to meet generally accepted standards of fiscal management;

(E) A violation of applicable federal, state, or local laws or court orders;

(F) The existence of competent substantial evidence that the continued operation of the charter school or charter system would be contrary to the best interests of the students or the community; or

(G) A failure to comply with any provision of Code Section 20-2-2065; or

(3) Upon the written request of a local board for termination of a charter for a local charter school located within its school system if, prior to making such request, the local board provided reasonable notice to the charter school and an opportunity for a hearing, and determined the existence of any of the grounds described in paragraph (2) of this Code section.

(b) For a system charter school, if the school council or governing council, as applicable, at such school within the charter system requests that:

(1) The system charter be terminated; or

(2) The system charter be amended with respect to such system charter school, the state board, after providing reasonable notice to the charter system and the system charter school, shall conduct a hearing. Based on the findings of the hearing, the state board may enter into negotiations with the charter system to amend the charter to address the concerns of the requesting system charter school. If negotiations fail and the state board finds good cause, the state board shall be authorized to terminate the system charter or to amend the system charter with respect to the requesting system charter school; provided, however, that the local board shall be authorized to terminate the system charter if it is unwilling to accept the amendments to such charter by the state board. The term "good cause" includes but is not limited to a local board's failure to comply with its obligations and duties under the system charter, state board rules, or other applicable law, or other good cause as determined in the sole discretion of the state board.

§ 20-2-2068.1. Charter school funding

(a) A local charter school shall be included in the allotment of QBE formula earnings, applicable QBE grants, applicable non-QBE state grants, and applicable federal grants to the local school system in which the local charter school is located under Article 6 of this chapter. The local board and the state board shall treat a conversion charter school no less favorably than other local schools located within the applicable local school system unless otherwise provided by law. The

local board and the state board shall treat a start-up charter school no less favorably than other local schools within the applicable local system with respect to the provision of funds for instruction, school administration, transportation, food services, and, where feasible, building programs.

(b) QBE formula earnings, applicable QBE grants, applicable non-QBE state grants, and applicable federal grants earned by a local charter school shall be distributed to the local charter school by the local board; provided, however, that state equalization grant earnings shall be distributed as provided in subsection (c) of this Code section. QBE formula earnings shall include the salary portion of direct instructional costs, the adjustment for training and experience, the nonsalary portion of direct instructional costs, and earnings for psychologists and school social workers, school administration, facility maintenance and operation, media centers, additional days of instruction in accordance with Code Section 20-2-184.1, and staff development. The local charter school shall report enrolled students in a manner consistent with Code Section 20-2-160; provided, however, that a local charter school shall certify that all data are correct, including enrollment data and certified personnel information, prior to a local board of education submitting any such data to the state board for purposes of funding.

(c) In addition to the earnings set out in subsection (b) of this Code section, local revenue shall be allocated to a local charter school on the same basis as for any local school in the local school system. In the case of a start-up charter school, local revenue earnings shall be calculated as follows:

(1) Determine the total amount of state and local five mill share funds earned by students enrolled in the local start-up charter school as calculated by the Quality Basic Education Formula pursuant to Part 4 of Article 6 of this chapter including any funds for psychologists and school social workers but excluding 5 percent of system-wide funds for central administration and excluding any categorical grants not applicable to the charter school;

(2) Determine the total amount of state and local five mill share funds earned by all students in the public schools of the local school system, including any charter schools that receive local revenue, as calculated by the Quality Basic Education Formula but excluding categorical grants and other non-QBE formula grants;

(3) Divide the amount obtained in paragraph (1) of this subsection by the amount obtained in paragraph (2) of this subsection; and

(4) Multiply the quotient obtained in paragraph (3) of this subsection by the school system's local revenue.The product obtained in paragraph (4) of this subsection shall be the amount of local funds to be distributed to the local start-up charter school by the local board; provided, however, that nothing in this subsection shall preclude a charter petitioner and a local board of education from specifying in the charter a greater amount of local funds to be provided by the local board to the local start-up charter school if agreed upon by all parties to the charter. Local funds so earned shall be distributed to the local start-up charter school by the local board. Where feasible and where services are provided, funds for construction projects shall also be distributed to the local start-up charter school as earned. In all other fiscal matters, including applicable federal allotments, the local board shall treat the local start-up charter school no less favorably than other local schools located within the applicable school system and shall calculate and distribute the funding for the start-up charter school on the basis of its actual or projected enrollment in the current school year according to an enrollment counting

procedure or projection method stipulated in the terms of the charter. The Department of Education shall implement procedures that ensure that each local charter school receives from its local school system the proportionate amount of federal funds for which such local charter school is eligible under each federal program, including but not limited to funds earned pursuant to Title I, Title II, and Title III of the federal Elementary and Secondary Education Act and pursuant to the federal Individuals with Disabilities Education Act. The local school system shall distribute funds to a local start up charter school; provided, however, that by agreement between the local school system and the local start up charter school, the proportionate amount of federal funds for which the local start up charter school is eligible may be provided through the provision of in kind services by the local school system. Local charter schools shall use any federal funds received pursuant to this subsection for the purposes of the federal program for which they were earned.

(c.1) The adjustments in each program for training and experience used in calculating the start-up charter school's QBE formula earnings shall be calculated in the same manner as for any local school within the local school system; provided, however, that the adjustments in each program for training and experience used in calculating the start-up charter school's QBE formula earnings shall not be less than one-half of the comparable percentages for the local school system in which the charter school is located.

(c.2) For newly approved local charter schools, including charter renewals, the local board of education may retain an amount of the charter school's per pupil share of state and local funding not to exceed 3 percent of the total funds earned by the charter school to reimburse the local school system for administrative services actually provided to the charter school.

(c.3) Each local board of education that has one or more local charter schools shall publish in a prominent location on its website the calculation of earnings to each local charter school made pursuant to subsections (a), (b), and (c) of this Code section, including federal funds received by each local charter school. Such calculations shall be published as soon as practicable prior to the distribution of funds to the local charter school by the local board and shall be updated upon receipt of any additional federal funds received pursuant to state reallocation of federal funds and distributed to local charter schools. Such calculations may be published in conjunction with the financial and transparency information required to be published by local boards of education pursuant to Part 3A of Article 2 of Chapter 14 of Title 20. In the event that the Department of Education makes such calculations available on its website, a local board of education may post a link in a prominent location on its website to the Department of Education's web page which contains such calculations to comply with this subsection.

(d)

(1) Effective July 1, 2012, except as otherwise provided in paragraph (2) of this subsection, the department shall pay to each state chartered special school through appropriation of state funds an amount equal to the sum of:

(A)

(i) QBE formula earnings and QBE grants earned by the state chartered special school based on the school's enrollment, school profile, and student characteristics. For purposes of this subparagraph, the term "QBE formula earnings" means funds earned for the Quality Basic Education Formula pursuant to Code Section 20-2-161, including the portion of such funds that are calculated in accordance with Code Section 20-2-164. QBE

formula earnings shall include the salary portion of direct instructional costs, the adjustment for training and experience, the nonsalary portion of direct instructional costs, and earnings for psychologists and school social workers, school administration, facility maintenance and operation, media centers, additional days of instruction in accordance with Code Section 20-2-184.1, and staff development, as determined by the department; and

(ii) A proportional share of earned state categorical grants, non-QBE state grants, transportation grants, school nutrition grants, and all other state grants, except state equalization grants, as determined by the department;

(B) The average amount of the total revenues less federal revenues less state revenues other than equalization grants per full-time equivalent for the lowest five school systems ranked by assessed valuation per weighted full-time equivalent count, as determined by the department; and

(C) The state-wide average total capital revenue per full-time equivalent, as determined by the department.

(2) In the event that a state chartered special school offers virtual instruction:

(A) The amount of funds received pursuant to subparagraph (B) of paragraph (1) of this subsection shall be equal to two-thirds of such calculated amount; provided, however, that this two-thirds amount may be increased by any amount up to the originally calculated amount in the discretion of the department if relevant factors warrant such increase; and

(B) The department may reduce the amount of funds received pursuant to subparagraph (C) of paragraph (1) of this subsection in proportion to the amount of virtual instruction provided and based on factors that affect the cost of providing instruction.

(3) For purposes of this subsection, the terms:

(A) "Assessed valuation" is defined as 40 percent of the equalized adjusted property tax digest reduced by the amount calculated pursuant to subsection (g) of Code Section 20-2-164.

(B) "Assessed valuation per weighted full-time equivalent count" is defined as the assessed valuation for the most recent year available divided by the weighted full-time equivalent count for the year of the digest.

(4) The department may withhold up to 3 percent of the amount determined pursuant to paragraphs (1) and (2) of this subsection for each state chartered special school for use in administering the duties required pursuant to this article with respect to state chartered special schools; provided, however, that any amount withheld pursuant to this subsection shall be spent solely on expenses incurred by the department in performing the duties required by this article with respect to state chartered special schools.

(5) No deduction shall be made to any state funding which a local school system is otherwise authorized to receive pursuant to this chapter as a direct result or consequence of the enrollment in a state chartered special school of a specific student or students who reside in the geographical area of the local school system.

(6) Funding for state chartered special schools pursuant to this subsection shall be subject to appropriations by the General Assembly and such schools shall be treated consistently with all other public schools in this state, pursuant to the respective statutory funding formulas and grants.

(7) The local board shall not be responsible for the fiscal management, accounting, or oversight of the state chartered special school. The state chartered special school shall report enrolled students in a manner consistent with Code Section 20-2-160. Any data required to be reported by the state chartered special school shall be submitted directly by the school to the appropriate state agency. Where feasible, the state board shall treat a state chartered special school no less favorably than other public schools within the state with respect to the provision of funds for transportation and building programs.

(e) The state board may require a local referendum of the qualified voters in the local school system in which the state chartered special school will be located. Such referendum shall be held at the next regularly scheduled general election or as may otherwise be authorized at an earlier date by the local board or boards of education affected. Such referendum shall be held for the purpose of deciding whether the local board of education shall provide funds from school tax levies to support such state chartered special school or incur bonded indebtedness to support such state chartered special school or both. The ballot question shall be approved by the state board.

(f) The local board shall treat a state chartered special school for which the use of funds from local bonded indebtedness and local school tax levies has been approved by qualified voters in the system in accordance with subsection (e) of this Code section no less favorably than other public schools located within the applicable school system.

(g) The local board shall not distribute funds from local bond indebtedness and local school tax levies to a state chartered special school unless such use has been approved by qualified voters in accordance with subsection (e) of this Code section.

(h) For system charter schools, funds including federal, state, and local revenue shall be distributed to each such school by the charter system in a manner and in such amounts as are provided in the terms of the charter with an objective of maximizing spending at the school level.

§ 20-2-2068.2. Facilities grants for charter schools; purposes for which grants may be used; upkeep of charter school property; availability of unused facilities

(a) From moneys specifically appropriated for such purpose, the state board shall disburse facilities grants for local charter schools, state chartered special schools, and state charter schools as defined in Code Section 20-2-2081 for the purpose of providing facility funding more comparable to traditional public schools in this state.

(b) A charter school or state charter school may receive facilities grants if the charter school or state charter school has received final approval from the State Charter Schools Commission or from the state board for operation during that fiscal year.

(c) A charter school's or state charter school's governing body may use facilities grants for the following purposes:

(1) Purchase of real property;

(2) Construction of school facilities, including initial and additional equipment and furnishings;

(3) Purchase, lease-purchase, or lease of permanent or relocatable school facilities;

(4) Purchase of vehicles to transport students to and from the charter school or state charter school; and

(5) Renovation, repair, and maintenance of school facilities that the school owns or is purchasing through a lease-purchase or long-term lease of three years or longer.

(d) The Department of Education shall specify procedures for submitting and approving grant requests under this Code section and for documenting expenditures.

(e) Local boards are required to renovate, repair, and maintain the school facilities of charter schools in the local school system to the same extent as other public schools in the local school system if the local board owns the charter school facility, unless otherwise agreed upon by the petitioner and the local board in the charter. Subject to appropriations by the General Assembly, the state board shall disburse annual facilities grants to eligible applicants in an amount of $100,000.00 or such other amount as determined by the state board. In the event that in any fiscal year sufficient funds are not appropriated to all eligible applicants or available to make the full amount of grants to all eligible applicants, the grant award to each eligible applicant may be determined on a competitive basis by the State Board of Education. Eligible applicants may receive one or more annual grants. Nothing in this Code section shall preclude the State Board of Education from administering or continuing any other facilities grant program for charter schools.

(f)

(1) Prior to disbursing facilities grants, the Department of Education shall ensure that the governing board of the local charter school and the local board shall enter into a written agreement that includes a provision for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the local board in the event the local charter school terminates operations.

(2) Prior to disbursing facilities grants, the Department of Education shall ensure that the governing board of the state chartered special school and the state board shall enter into a written agreement that includes a provision for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the state board in the event the state chartered special school terminates operations.

(3) Prior to disbursing facilities grants, the Department of Education shall ensure that the governing board of the state charter school and the State Charter Schools Commission shall enter into a written agreement that includes a provision for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the State Charter Schools Commission in the event the state charter school terminates operations.

(g) The reversion of property in accordance with subsection (f) of this Code section is subject to the complete satisfaction of all lawful liens or encumbrances.

(h)

(1) As used in this subsection, the term "unused facilities" means real property of a local board of education, including educational facilities, as defined in Code Section 20-2-260, which have not been used by the local board of education for the previous two years and which are not included in the local school system's five-year educational facilities plan.

(2) Each local board of education shall make its unused facilities available to local charter schools. The terms of the use of such a facility by the charter school shall be subject to negotiation between the board and the local charter school and shall be memorialized as a separate agreement. A local charter school that is allowed to use such a facility under such an agreement shall not sell or dispose of any interest in such property without the written permission of the local board. A local charter school may not be

charged a rental or leasing fee for the existing facility or for property normally used by the public school which became the local charter school. A local charter school that receives property from a local board may not sell or dispose of such property without the written permission of the local board.

(3) Prior to denying the use by a local charter school of an unused facility, the local charter school shall have the right to a hearing before the local board of education in accordance with Code Section 20-2-1160, including the right to appeal an adverse local board decision.

(i) No municipality, county, or other local political subdivision of this state may require the nonprofit corporation that holds the charter for a charter school that has passed the Department of Education facility inspection and holds a valid certificate of occupancy to obtain any other licensure to operate the school, including, but not limited to, a business license, professional license, or occupational tax certificate; provided, however, that any for profit vendor of the charter school shall be subject to any applicable local requirements relating to doing business in this state. Charter schools shall only be subject to the zoning, planning, and building permitting requirements that apply to traditional public schools when constructing or renovating a facility; provided, however, that the location of a charter school site shall be in conformity with existing county or city comprehensive land use plans, if applicable, or existing land use patterns in the area, which requirement shall not be waived by the State Board of Education.

§ 20-2-2069. Office of Charter School Compliance

There is established within the Department of Education an Office of Charter School Compliance, the responsibilities of which shall be to:

(1) Prepare charter school and charter system guidelines to be approved by the state board;

(2) Distribute charter school and charter system petition information to inquiring parties;

(3) Process all charter school and charter system petitions and coordinate with the Charter Advisory Committee established pursuant to Code Section 20-2-2063.1 to facilitate its review and recommendations to the state board;

(4) Administer any state or federal charter school implementation grant program;

(5) Contract with an independent party to evaluate the performance of charter schools and charter systems, as such performance relates to fulfilling the terms of their charters; and

(6) Compile information necessary to produce the annual report required by Code Section 20-2-2070.

§ 20-2-2070. Annual report to General Assembly

The state board shall report to the General Assembly no later than December 31 of each year on the status of the charter school program.

§ 20-2-2071. Validity of charters in effect on July 1, 1998

Any charter which was granted pursuant to Code Section 20-2-255 and is in effect on July 1, 1998, shall continue to be valid until such charter expires according to its terms.

§ 20-2-2072. Training for governing board members

The members of the governing board of the nonprofit organization of each charter school shall participate in initial training for boards of newly approved charter schools and annual training thereafter, conducted or approved by the state board. The state board shall provide for or approve such initial and annual training. For charter schools that are college and career academies, as defined in subsection (b) of Code Section 20-4-37, the state board shall provide or approve such training in conjunction with the Technical College System of Georgia. The training shall include, but not be limited to, best practices on school governance, the constitutional and statutory requirements relating to public records and meetings, and the requirements of applicable statutes and rules and regulations. The training shall also include two to three hours annually regarding sound fiscal management and monitoring the implementation of the budget in accordance with state laws and regulations which includes the following elements:

(1) Board developed policies to ensure sound fiscal management, including but not limited to: balanced budget requirements, spending level authorizations and permissions, deficit spending restrictions, establishment of special funds, and reserve maintenance requirements;
(2) Holding the principal, or its equivalent, accountable for the implementation of the budget in a manner consistent with the school's strategic plan;
(3) Establishing through policy, the level of spending beyond the budget for which the school leader must seek board approval;
(4) Monitoring the school's audits, monthly financial reports, and additional financial reports needed to make informed decisions and to ensure execution of the budget in a manner consistent with the strategic plan and strategic goals of the school;
(5) Reviewing and addressing annually audited financial records and audit findings, with a goal of proactively preventing audit exceptions;
(6) Addressing fiscal matters in a manner consistent with state law, sound business practice, and ethical principles regarding conflicts of interest; and
(7) Operating in a manner such that the board's financial decisions and actions do not provide unfair financial or other opportunistic advantages to any member of the governance board, their family members, associates, or individual constituents.

§ 20-2-2073. Charter schools financial management certification program

The State Board of Education shall establish a charter schools financial management certification program for charter school leaders and personnel who are responsible for the school's budget, accounting, payroll processing, purchasing, and ensuring the school's financial policies are in line with state and federal laws and best practices.

§ 20-2-2074. Simultaneous service of certain officers prohibited

The principal, or its equivalent, for a charter school shall not serve simultaneously as the chief financial officer, or its equivalent, for the charter school.

O.C.G.A. TITLE 20 Chapter 2 Article 31A
STATE CHARTER SCHOOLS

§ 20-2-2080. Legislative findings and intent

(a) The General Assembly finds that:
(1) State charter schools can serve as a complement to the educational opportunities provided by local boards of education in the state's system of public education; and
(2) State charter schools do not supplant public schools operated by local boards of education but provide options to enhance public educational opportunities.
(b) It is the intent of the General Assembly that there be established a state-level commission under the authority of the State Board of Education whose primary focus is the development and support of state charter schools in order to better meet the growing and diverse needs of students in this state and to further ensure that state charter schools of the highest academic quality are approved and supported throughout the state in an efficient manner

§ 20-2-2081. Definitions

As used in this article, the term:
(1) "Attendance zone" means all or a portion of a local school system, one or more local school systems or portions thereof, or all local school systems in this state.
(2) "Commission" means the State Charter Schools Commission established pursuant to Code Section 20-2-2082.
(3) "Department" means the state Department of Education.
(4) "Governing board" means the governing board of the nonprofit organization which is the charter petitioner for a state charter school and which is the same as the governing board of the state charter school which is involved in school-level governance of the state charter school.
(5) "State charter school" means a school authorized by the commission pursuant to this article whose creation is authorized as a special school pursuant to Article VIII, Section V, Paragraph VII of the Constitution. A state charter school shall be a public school. The definitions set forth in Code Section 20-2-2062 shall be applicable to this article.

§ 20-2-2082. State Charter Schools Commission; members; operations

(a) The State Charter Schools Commission is established as a state-level authorizing entity working in collaboration with the Department of Education under the authority of the State Board of Education. Start-up funds necessary to establish and operate the commission may be received by the State Board of Education in addition to such other funds as may be appropriated by the General Assembly. The department shall assist in securing federal and other institutional grant funds to establish the commission.
(b) The commission shall be appointed by the State Board of Education and shall be composed of a total of seven members and made up of three appointees recommended by the Governor, two appointees recommended by the President of the Senate, and two appointees recommended by the Speaker of the House of Representatives. The Governor, the President of the Senate, and

the Speaker of the House of Representatives shall each recommend a list of no fewer than two nominees for each appointment to the commission. The appointments shall be made as soon as feasible but no later than the first regular meeting of the State Board of Education in February, 2013. Each member shall serve a term of two years; provided, however, that, for the purpose of providing staggered terms, of the initial appointments, three members shall be appointed to one-year terms and four members shall be appointed to two-year terms as determined by the State Board of Education. Thereafter, each appointee shall serve a two-year term unless the State Board of Education, after review and upon recommendation by the initial recommending authority, extends the appointment. If a vacancy occurs on the commission, it shall be filled by the State Board of Education from a recommendation by the appropriate authority according to the procedure set forth in this subsection. The members of the commission shall annually vote to appoint a chairperson and a vice chairperson from among its membership. Each member of the commission shall hold a bachelor's degree or higher, and the commission should include a group of diverse individuals representative of Georgia's school population, to the extent possible, with respect to race, sex, and geography who have experience in finance, administration, law, and education.

(c) The commission is encouraged to convene its first meeting no later than March 1, 2013, and thereafter shall meet at least bimonthly at the call of the chairperson or upon the request of four members of the commission. Four members of the commission shall constitute a quorum.

(d) The commission shall determine the manner in which it reviews state charter school petitions and may, in its discretion, use existing department personnel to conduct such review.

(e) The members of the commission shall not be compensated for their services on the commission but may be reimbursed for per diem and travel expenses in the same manner as provided for in Code Section 45-7-21.

(f) No commission member shall solicit or accept any gift, favor, loan, contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing that commission member in the discharge of his or her duties as a commission member.

§ 20-2-2083. Powers and duties of commission

(a) The commission shall have the power to:

(1) Approve or deny petitions for state charter schools and renew, nonrenew, or terminate state charter school petitions in accordance with rules and regulations established pursuant to this article. At its discretion, the commission may preliminarily approve a petition for a state charter school before the petitioner has secured space, equipment, or personnel, if the petitioner indicates such preliminary approval is necessary for it to raise working capital. The State Board of Education shall review and may overrule the approval or renewal of a state charter school by the commission within 60 days of such decision by the commission upon a majority vote of the members of the state board; and

(2) Conduct facility and curriculum reviews of state charter schools.

(b) The commission shall have the following duties:

(1) Review petitions for state charter schools and assist in the establishment of state charter schools throughout this state. The commission shall ensure that all charters for state charter schools are consistent with state education goals;
(2) Develop, promote, and disseminate best practices for state charter schools in order to ensure that high-quality schools are developed and encouraged. At a minimum, the best practices shall encourage the development and replication of academically and financially proven state charter school programs;
(3) Develop, promote, and require high standards of accountability for state charter schools. The commission shall ensure that each state charter school participates in the state's education accountability system. If a state charter school falls short of performance measures included in the approved charter, the commission shall report such shortcomings to the Department of Education;
(4) Monitor and annually review and evaluate the academic and financial performance, including revenues and expenditures, of state charter schools and hold the schools accountable for their performance pursuant to the charter and to the provisions of this article. The commission shall also review the citizenship and immigration status of each individual that works at a state charter school and aggregate the information by school on an annual basis. The commission's duties to monitor the state charter school shall not constitute the basis for a private cause of action;
(5) Direct state charter schools and persons seeking to establish state charter schools to sources of private funding and support;
(6) Actively seek, with the assistance of the department, supplemental revenue from federal grant funds, institutional grant funds, and philanthropic organizations. The commission may receive and expend gifts, grants, and donations of any kind from any public or private entity to carry out the purposes of this article;
(7) Review and recommend to the General Assembly any necessary revisions to statutory requirements regarding standards and accountability for state charter schools;
(8) Act as liaison for state charter schools in cooperating with local boards of education that may choose to allow state charter schools to utilize excess space within school facilities;
(9) Encourage collaboration with municipalities, counties, consolidated governments, universities or colleges of the board of regents, technical institutions of the Technical College System of Georgia, and regional educational service agencies;
(10) Meet the needs of state charter schools and local school systems by uniformly administering high-quality state charter schools, thereby removing administrative burdens from the local school systems;
(11) Assist state charter schools in negotiating and contracting with local boards of education that choose to provide certain administrative or transportation services to the state charter schools on a contractual basis;
(12) Provide for or approve initial training for boards of newly approved state charter schools and annual training thereafter, as determined by the commission, for members of state charter school governing boards. For charter schools that are college and career academies, as defined in subsection (b) of Code Section 20-4-37, the commission shall provide or approve such training in conjunction with the Technical College System of Georgia. The training shall include, but not be limited to, best practices on school governance, the constitutional and statutory requirements relating to public records and

meetings, and the requirements of applicable statutes and rules and regulations. The training shall also include two to three hours annually regarding sound fiscal management and monitoring the implementation of the budget in accordance with state laws and regulations which includes the following elements:

(A) Board developed policies to ensure sound fiscal management, including but not limited to: balanced budget requirements, spending level authorizations and permissions, deficit spending restrictions, establishment of special funds, and reserve maintenance requirements;

(B) Holding the principal, or its equivalent, accountable for the implementation of the budget in a manner consistent with the school's strategic plan;

(C) Establishing through policy, the level of spending beyond the budget for which the school leader must seek board approval;

(D) Monitoring the school's audits, monthly financial reports, and additional financial reports needed to make informed decisions and to ensure execution of the budget in a manner consistent with the strategic plan and strategic goals of the school;

(E) Reviewing and addressing annually audited financial records and audit findings, with a goal of proactively preventing audit exceptions;

(F) Addressing fiscal matters in a manner consistent with state law, sound business practice, and ethical principles regarding conflicts of interest; and

(G) Operating in a manner such that the board's financial decisions and actions do not provide unfair financial or other opportunistic advantages to any member of the governance board, their family members, associates, or individual constituents; and

(13) Establish a charter schools financial management certification program for state charter school leaders and personnel who are responsible for the school's budget, accounting, payroll processing, purchasing, and ensuring the school's financial policies are in line with state and federal laws and best practices.

(c)

(1) The commission shall establish rules and regulations requiring each state charter school to provide adequate notice of its enrollment procedures, including any provision for the use of a random selection process where all applicants have an equal chance of being admitted in the event that the number of applications to enroll in the school exceeds the capacity of the program, grade, or school.

(2) The commission shall provide adequate notice to local boards of education and to the public regarding meetings to be held by the commission. Such notice shall include the charter petitions to be discussed and acted upon. Such notice shall be provided in accordance with Chapter 14 of Title 50, relating to open and public meetings.

§ 20-2-2084. Petition for charter schools; requirements of school; governing board membership; annual training; simultaneous service prohibited

(a) Petitions submitted to the commission shall be subject to rules and regulations established pursuant to this article.

(b) The commission shall be authorized to approve a petition for a state charter school that meets the following requirements:

(1) Has a state-wide attendance zone; or

(2) (A) Has a defined attendance zone; and

(B) Demonstrates that it has special characteristics, such as a special population, a special curriculum, or some other feature or features which enhance educational opportunities, which may include the demonstration of a need to enroll students across multiple communities or an alternative delivery system; provided, however, that the petitioner shall demonstrate a reasonable justification for any proposed special curriculum that has a narrow or limited focus.

(c)

(1) For petitions for state charter schools with a state-wide attendance zone, the petitioner shall submit such petition to the commission and concurrently to the local board of education in which the school is proposed to be located for information purposes; provided, however, that this shall not apply to a proposed state charter school which will solely provide virtual instruction.

(2) For petitions for state charter schools with a defined attendance zone, the petitioner shall concurrently submit such petition to the commission, to the local board of education in which the school is proposed to be located, and to each local school system from which the proposed school plans to enroll students. The commission shall not act on a petition unless the local board of education in which the school is proposed to be located denies the petition; provided, however, that such local board shall approve or deny the petition no later than 90 days after its submission, as required pursuant to subsection (b) of Code Section 20-2-2064, unless the petitioner requested an extension. Failure to approve or deny such petition by such local board, in violation of Code Section 20-2-2064, shall be deemed a denial for purposes of this paragraph. A local board that has denied a petition for a state charter school shall be permitted to present to the commission in writing or in person the reasons for denial and the deficiencies in such petition resulting in such denial.

(3) The commission may take into consideration any support or opposition by the local board of education or local boards of education on the start-up charter school petition when it votes to approve or deny a corresponding state charter school petition.

(d) A state charter school shall:

(1) Seek highly qualified, properly trained teachers and other qualified personnel for such schools; provided, however, that such schools shall give preference to hiring an individual who is a citizen or national of the United States over another individual who is not a citizen or national of the United States if the two individuals are equally qualified, unless a teacher is a foreign exchange teacher; provided, however, that prior to hiring an individual other than a citizen or national of the United States or a protected individual as defined in 8 U.S.C. Section 1324b, the school shall receive approval by the commission and demonstrate that qualified teachers and other personnel were sought but not available in such area which warrants hiring an individual other than a citizen or national of the United States or a protected individual as defined in 8 U.S.C. Section 1324b, unless a teacher is a foreign exchange teacher; provided, further, that the commission and the state charter school shall not construe this paragraph in a manner in violation of 8 U.S.C. Section 1324b or other provisions of law; and

(2) Give preference in contracting and purchasing of services and materials to businesses incorporated under the laws of this state or qualified to do business within this state and

having a regularly maintained and established place of business within this state, so long as such businesses are otherwise similarly situated and qualified as compared to a business from out of state.

(e)

(1) The members of the governing board for the state charter school shall meet the following qualifications:

(A) Must be a United States citizen;

(B) Must be a resident of Georgia; and

(C) Must not be an employee of the state charter school.

(2) No member of the governing board of the state charter school shall:

(A) Act in his or her official capacity in any matter where he or she, his or her immediate family member, or a business organization in which he or she has an interest has a material financial interest that would reasonably be expected to impair his or her objectivity or independence of judgment;

(B) Solicit or accept or knowingly allow his or her immediate family member or a business organization in which he or she has an interest to solicit or accept any gift, favor, loan, political contribution, service, promise of future employment, or other thing of value based upon an understanding that the gift, favor, loan, contribution, service, promise, or other thing of value was given or offered for the purpose of influencing that board member in the discharge of his or her duties as a board member;

(C) Use, or knowingly allow to be used, his or her position or any information not generally available to the members of the public which he or she receives or acquires in the course of and by reason of his or her position for the purpose of securing financial gain for himself or herself, his or her immediate family member, or any business organization with which he or she is associated; or

(D) Be an officer or serve on the board of directors of any organization that sells goods or services to that state charter school.

As used in this paragraph, the term "immediate family member" means a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent.

(f) The members of the governing board of each state charter school shall participate in initial training for boards of newly approved state charter schools and annual training thereafter conducted or approved by the commission pursuant to paragraph (12) of subsection (b) of Code Section 20-2-2083.

(f.1) The principal, or its equivalent, for a state charter school shall not serve simultaneously as the chief financial officer, or its equivalent, for the state charter school.

(g) An individual that works at a state charter school or an individual that has administrative oversight at a state charter school shall not serve on the board of directors of an organization that sells goods or services to such state charter school.

§ 20-2-2084.1. Education of incarcerated children and youth

A state charter school shall be authorized, upon the approval of the commission, to enter into a contract with the Department of Juvenile Justice or the Department of Corrections to operate a school and deliver education services to school age children or youth incarcerated within any facility of the Department of Corrections or incarcerated within or committed to the Department

of Juvenile Justice. Any children or youth receiving education services through a state charter school in such manner shall be considered students enrolled in and attending the state charter school for purposes of funding pursuant to Code Section 20-2-2089.

§ 20-2-2085. Petitions by existing charter schools

A petition may be submitted pursuant to this Code section by an existing charter school approved by a local board of education or the State Board of Education provided that the obligations of its charter with the local board of education or State Board of Education will expire prior to entering into a new charter with the commission. Upon the existing charter school's request, a local board of education or the State Board of Education in the case of a state chartered special school may agree to rescind or waive the obligations of a current charter to allow a petition to be submitted by an existing charter school pursuant to this Code section. An existing charter school that is established as a state charter school pursuant to this Code section shall be allowed to continue the use of all facilities, equipment, and other assets it used prior to the expiration or rescission of its charter with a local board of education; provided, however, that the local board shall be authorized to charge or continue to charge a reasonable fee for use of the facilities.

§ 20-2-2086. Information to parents

The commission shall provide maximum access to information regarding state charter schools to all parents in this state. It shall maintain information systems, including, but not limited to, a user-friendly Internet website, that will provide information and data necessary for parents to make informed decisions. At a minimum, the commission shall provide parents with information on its accountability standards, links to state charter schools throughout this state, and public education programs concerning state charter schools.

§ 20-2-2087. Annual report of chairperson

Each year, the chairperson of the commission shall appear before the State Board of Education and submit a report regarding the academic performance and fiscal responsibility of all state charter schools approved under this article.

§ 20-2-2088. Debts of non-renewed or terminated charter schools

If a charter for a state charter school is not renewed or is terminated, the state charter school shall be responsible for all debts of such school. Neither the state, the State Board of Education, nor the commission shall be liable for any debts of the school in the event the charter is not renewed or is terminated. The local school system may not assume the debt from any contract for services made between the governing body of the state charter school and a third party, except for a debt for which the local school system has agreed upon in writing to assume responsibility.

§ 20-2-2089. Funding for state charter schools

(a)

(1) The earnings for a student in a state charter school shall be equal to the earnings for any other student with similar student characteristics in a state charter school, regardless of the local school system in which the student resides or the school system in which the state charter school is located, and, except as otherwise provided in paragraph (2) of this subsection, the department shall pay to each state charter school through appropriation of state funds an amount equal to the sum of:

(A)

(i) QBE formula earnings and QBE grants earned by the state charter school based on the school's enrollment, school profile, and student characteristics. For purposes of this subparagraph, the term "QBE formula earnings" means funds earned for the Quality Basic Education Formula pursuant to Code Section 20-2-161, including the portion of such funds that are calculated in accordance with Code Section 20-2-164. QBE formula earnings shall include the salary portion of direct instructional costs, the adjustment for training and experience, the nonsalary portion of direct instructional costs, and earnings for psychologists and school social workers, school administration, facility maintenance and operation, media centers, additional days of instruction in accordance with Code Section 20-2-184.1, and staff development, as determined by the department.

(ii) A proportional share of earned state categorical grants, non-QBE state grants, transportation grants, school nutrition grants, and all other state grants, except state equalization grants, as determined by the department;

(B) The average amount of the total revenues less federal revenues less state revenues other than equalization grants per full-time equivalent for the lowest five school systems ranked by assessed valuation per weighted full-time equivalent count, as determined by the department; and

(C) The state-wide average total capital revenue per full-time equivalent, as determined by the department.

(2) In the event that a state charter school offers virtual instruction:

(A) The amount of funds received pursuant to subparagraph (B) of paragraph (1) of this subsection shall be equal to two-thirds of such calculated amount; provided, however, that this two-thirds amount may be increased by any amount up to the originally calculated amount in the discretion of the commission if relevant factors warrant such increase; and

(B) The commission may reduce the amount of funds received pursuant to subparagraph (C) of paragraph (1) of this subsection in proportion to the amount of virtual instruction provided and based on factors that affect the cost of providing instruction.

(3) For purposes of this subsection, the terms:

(A) "Assessed valuation" is defined as 40 percent of the equalized adjusted property tax digest reduced by the amount calculated pursuant to subsection (g) of Code Section 20-2-164.

(B) "Assessed valuation per weighted full-time equivalent count" is defined as the assessed valuation for the most recent year available divided by the weighted full-time equivalent count for the year of the digest.

(b) The department may withhold up to 3 percent of the amount determined pursuant to subsection (a) of this Code section for each state charter school for use in administering the duties required pursuant to Code Section 20-2-2083; provided, however, that any amount withheld pursuant to this subsection shall be spent solely on expenses incurred by the commission in performing the duties required by this article.
(c) No deduction shall be made to any state funding which a local school system is otherwise authorized to receive pursuant to this chapter as a direct result or consequence of the enrollment in a state charter school of a specific student or students who reside in the geographical area of the local school system.
(d) For purposes of funding students enrolled in a state charter school in the first year of such school's operation or for the first year that an existing state charter school offers a new grade level and prior to the initial student count, the commission shall calculate and the department shall distribute the funding for the state charter school on the basis of its projected enrollment according to an enrollment counting procedure or projection method stipulated in the terms of the charter. No later than July 1 of each year, the commission shall notify the department and the Office of Planning and Budget of the funding estimates calculated pursuant to this subsection for any new state charter schools and for any new grade levels offered by existing state charter schools. After the initial student count during the first year of such state charter school's operation or newly offered grade level and in all years of operation thereafter, each state charter school's student enrollment shall be based on the actual enrollment in the current school year according to the most recent student count. Nothing in this Code section shall be construed to require the department to conduct more than two student counts per year.
(e) Funding for state charter schools pursuant to this Code section shall be subject to appropriations by the General Assembly and such schools shall be treated consistently with all other public schools in this state, pursuant to the respective statutory funding formulas and grants.

§ 20-2-2090. Collaborative efforts on matters related to authorization of state charter schools; administration

The commission shall work in collaboration with the department on all matters related to authorizing state charter schools and shall be assigned to the department for administrative purposes only, as prescribed in Code Section 50-4-3. For administrative purposes, including data reporting, student enrollment counting procedures, student achievement reporting, funding allocations, and related purposes as defined by the State Board of Education, each state charter school, including any students receiving education services through a state charter school pursuant to Code Section 20-2-2084.1, shall, consistent with department rules and regulations, be treated as a single local education agency.

§ 20-2-2091. Rules and regulations for implementation of article

The commission and the State Board of Education, as appropriate, shall adopt rules and regulations necessary to facilitate the implementation of this article. Except as otherwise provided in this article, any rules and regulations adopted by the State Board of Education pursuant to this article, to the extent practicable, shall be established in the same manner and

subject to the same requirements as for state chartered special schools under Article 31 of this chapter.

§ 20-2-2092. Authority to incorporate nonprofit corporation as public foundation; requirements; annual report

(a) The commission shall have the power and authority to incorporate a nonprofit corporation that could qualify as a public foundation under Section 501(c)(3) of the Internal Revenue Code to aid the commission in carrying out any of its powers and accomplishing any of its purposes. A nonprofit corporation created pursuant to this subsection shall be created pursuant to Chapter 3 of Title 14, the "Georgia Nonprofit Corporation Code," and the Secretary of State shall be authorized to accept such filing.

(b) A nonprofit corporation created pursuant to this Code section shall be subject to the following provisions:

(1) In accordance with the Constitution of Georgia, no governmental functions or regulatory powers shall be conducted by such nonprofit corporation;

(2) Upon dissolution of such nonprofit corporation incorporated by the commission, any assets shall revert to the commission or to any successor to the commission or, failing such succession, to the State of Georgia;

(3) As used in this paragraph, the term "direct employee costs" means salary, benefits, and travel expenses. To avoid the appearance of undue influence on regulatory functions by donors, no donations to such nonprofit corporation from private sources shall be used for direct employee costs of the commission;

(4) Such nonprofit corporation shall be subject to all laws relating to open meetings and the inspection of public records;

(5) The commission shall not be liable for the action or omission to act of such nonprofit corporation; provided, however, that such nonprofit corporation shall obtain and maintain errors and omissions liability coverage insurance in an amount not less than $1 million; and

(6) No debts, bonds, notes, or other obligations incurred by such nonprofit corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall any act of such nonprofit corporation constitute or result in the creation of an indebtedness of the state; provided, however, that such nonprofit corporation shall not have the power to incur long-term or short-term indebtedness in connection with its authority under this Code section but may incur short-term credit obligations. No holder or holders of such bonds, notes, or other obligations shall ever have the right to compel any exercise of the taxing power of the state nor to enforce the payment thereof against the state.

(c) Pursuant to this Code section, the commission may establish a nonprofit corporation to be designated as the State Charter Schools Foundation for the sole purpose of actively seeking supplemental revenue and in-kind goods, services, and property to promote state charter schools and any other purpose of the commission. Funds received by the foundation may be awarded through a competitive grant process administered by the commission.

(d) A nonprofit corporation created pursuant to this Code section shall make public and provide an annual report showing the identity of all donors and the amount each person or entity donated as well as all expenditures or other disposal of money or property donated. Such report shall be provided to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives,

and the chairpersons of the House Committee on Education and the Senate Education and Youth Committee. Such nonprofit corporation shall also provide such persons with a copy of all corporate filings with the federal Internal Revenue Service.

O.C.G.A. TITLE 20 Chapter 2 Article 31B
CHARTER SCHOOL CAPITAL FINANCE

I will not provide all of the material for this particular article in the appendix. This article was designed to lay out the process of capital expenditures for establishing charter schools such as buildings.

CURRENT SCHOOL CHOICE INITIATIVES

The following are two school choice options in the current Georgia Code for Education. One is a voucher-type program allowing special needs students to transfer to any school public or private, though their intent has been stated otherwise. The second is an intra-district transfer option allowing for the possibility for students to go to schools they have not been zoned for.

O.C.G.A. TITLE 20 Chapter 2 Article 33
SCHOLARSHIP PROGRAM FOR SPECIAL NEEDS STUDENTS

The General Assembly finds that:

(1) Students with disabilities have special needs that merit educational alternatives which will allow students to learn in an appropriate setting and manner;
(2) Parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their children;
(3) Children, parents, and families are the primary beneficiaries of the scholarship program authorized in this article and any benefit to private schools, sectarian or otherwise, is purely incidental;
(4) The scholarship program established in this article is for the valid secular purpose of tailoring a student's education to that student's specific needs and enabling families to make genuine and independent private choices to direct their resources to appropriate schools; and
(5) Nothing in this article shall be construed as a basis for granting vouchers or tuition tax credits for any other students, with or without disabilities.

O.C.G.A. TITLE 20 Chapter 2 Article 34
INTRADISTRICT TRANSFERS

(a)

(1) Beginning in school year 2009-2010, the parent of a student enrolled in a public elementary or secondary school in this state may elect to enroll such student in a public school that is located within the school system in which the student resides other than the one to which the student has been assigned by the local board of education if such school has classroom space available after its assigned students have been enrolled. The parent

shall assume the responsibility and cost of transportation of the student to and from the school.

(2) No later than July 1, 2009, each local school system shall establish a universal, streamlined process available to all students to implement the transfer requirements of paragraph (1) of this subsection.

(3) A student who transfers to another school pursuant to this subsection may, at his or her election, continue to attend such school until the student completes all grades of the school.

(4) This subsection shall not be construed to affect any student currently attending a school other than the school to which the student has been assigned by the local board of education pursuant to a transfer authorized under the federal No Child Left Behind Act (P.L. 107-110).

(b) The department shall establish a model universal, streamlined process to implement the transfer provisions of this Code section. Each local board of education shall adopt a universal, streamlined transfer process that includes, at a minimum, such state model. Such local process shall include a deadline for submitting transfer requests.

(c) Each local school system shall annually notify prior to each school year the parents of each student by letter, electronic means, or by such other reasonable means in a timely manner of the options available to the parent under this article.

(d) The local school system shall notify parents by July 1 of each year which schools have available space and to which of these schools parents may choose to request a transfer for their children.

(e) This Code section shall not apply to charter schools.

(f) This Code section shall not apply to newly opened schools with available classroom space for a period of four years after the school opens**.**

O.C.G.A. TITLE 20 Chapter 2A Articles 1-7
STUDENT SCHOLARSHIP ORGANIZATIONS

This legislation is also referred to as the Georgia Qualified Education Expense Tax Credit. Georgia's Qualified Education Expense Tax Credit, a tax-credit scholarship program, was enacted and launched in 2008 to help prior public school students access schools that best fit their needs. Georgia offers tax credits to donors supporting Student Scholarship Organizations (SSOs), nonprofits that provide private school scholarships to students in need. All public school students are eligible if they attended a public school for at least six weeks immediately prior to receiving a scholarship, as are students who are enrolling in prekindergarten, kindergarten or first grade. Eligibility continues until a student graduates, reaches age 20 or returns to public school. SSOs may set their own additional eligibility guidelines.

<u>Rules and Regulations</u>

Income Limit: None
Prior Year Public School Requirement: Yes
Geographic Limit: Statewide
Enrollment Cap: None
Scholarship Cap: $9,817 (2018)

Testing Mandates: None
Credit Value: 100 percent
Total Credit Cap: $1,000 for individuals, $2,500 for married couples, 75 percent of state liability for businesses
Budget Cap: $58 million

SSO Requirements:

Use at least 90 percent of contributions for scholarships
Make scholarships available for more than one school
Have an independent board of directors
Ensure donors cannot designate their donation to any particular individual student
Submit annually to the state:
Data on accepted contributions and tax credits approved
Independent review of financial statements by a certified public accountant
Total number of students and total dollar value of scholarships awarded each year
Publicly disclose annually:
Total number of scholarships approved
Total number and amount of donations received
Average household income of scholarship recipients

APPENDIX E

GEORGIA'S FIRST PRIORTY ACT AND ALEC'S MODEL SCHOOL TURNAROUND BILL

O.C.G.A. TITLE 20 Chapter 14 Article 2 Part 3A
Turnaround Schools

§ 20-14-43. Chief Turnaround Officer; qualifications; duties

(a) There is created the position of Chief Turnaround Officer. The State Board of Education, after consulting with the State School Superintendent and the Education Turnaround Advisory Council and conducting a national search, shall appoint the Chief Turnaround Officer who shall serve at the pleasure of the state board. The Chief Turnaround Officer shall be an employee of the Department of Education but shall report directly to the state board.

(b) The Chief Turnaround Officer shall have the following qualifications:

(1) Extensive personal experience in turning around low-performing schools, including expertise in turnaround strategies, curriculum, instruction, and teacher and principal effectiveness;

(2) Has held the position of at least principal or a higher administrative position in a public school system for a minimum of five years with demonstrated skills in school management, budget, finance, federal and state programs, funding sources, and talent management; and

(3) Such additional education, experience, and other qualifications as determined by the State Board of Education.

(c) The duties of the Chief Turnaround Officer shall include, but are not limited to:

(1) Managing and overseeing a system of supports and assistance for the lowest-performing schools in this state identified as in the greatest need of assistance;

(2) Identifying resources, including the establishment of a resource list of evidence based strategies and integrated student services, and consulting with regional educational service agencies to determine specific expertise and resources available at each such regional educational service agency directly relating to school turnaround;

(3) Annually establishing a list of third-party specialists, including auditors and consultants, to assist schools and local school systems in conducting comprehensive on-site evaluations of schools to determine the root causes of low performance and lack of progress, to assist schools and local school systems in the implementation of intensive school improvement plans, or to provide any of the necessary support services as specified in the engagement letter or contract. Such list of third-party specialists shall be established through a request for proposals process and approved by the State Board of Education. Such request for proposals shall be designed with input from the Education Turnaround Advisory Council;

(4) Coordinating with the school improvement division within the Department of Education and coordinating and working with the State School Superintendent and the Office of Student Achievement to identify all state resources and supports available to the lowest-performing schools in the greatest need of assistance;

(5) Identifying turnaround coaches pursuant to Code Section 20-14-44 to serve as the assigned state site liaison in the school improvement process;

(6) Building school level leadership capabilities in cooperation with agencies and organizations that have experience and capacity and providing leadership development opportunities for principals and other school level leaders in turnaround eligible schools selected by the Chief Turnaround Officer; and

(7) Identifying best practices for school turnaround, including identifying those practices that are not successful in improving student outcomes, and sharing such information with local school systems and schools in this state.

(d) The Chief Turnaround Officer, the State School Superintendent, and the staff and all divisions of the Department of Education shall work collaboratively and shall coordinate as necessary to facilitate the implementation of this part. The Department of Education shall establish the state plan pursuant to the federal Every Student Succeeds Act in a manner that pursues and allows maximum flexibility to implement the provisions of this part.

§ 20-14-44. Turnaround coaches; role

(a) The Chief Turnaround Officer, after consulting with the State School Superintendent, shall recommend individuals experienced in turning around schools that have similar needs and characteristics as those schools identified pursuant to Code Section 20-14-45, to serve as turnaround coaches, subject to approval by the state board.

(b) Turnaround coaches shall assist schools that are identified as in the greatest need of assistance pursuant to Code Section 20-14-45 with ongoing assistance and input and shall serve as contract managers to ensure conformance to contract terms. Turnaround coaches shall be assigned to one or more schools which are under a contract amendment or intervention contract pursuant to Code Section 20-14-45.

(c) Turnaround coaches may provide such other services and supports as determined by the Chief Turnaround Officer.

§ 20-14-45. Turnaround eligible schools defined; identification; role of local boards of education

(a) As used in this Code section, the term "turnaround eligible schools" means the schools that have performed in the lowest 5 percent of schools in this state identified in accordance with the statewide accountability system established in the state plan pursuant to the federal Every Student Succeeds Act.

(b) The Chief Turnaround Officer, in conjunction with the Department of Education and the Office of Student Achievement, shall annually identify the lowest-performing schools that are deemed to be in the greatest need of assistance based on a list of turnaround eligible schools prepared annually by the Office of Student Achievement. If the Chief Turnaround Officer, after consulting with Department of Education staff and the State School Superintendent, determines that the capacity and resources available to the Chief Turnaround Officer and to the Department of Education are insufficient to serve all schools on the turnaround eligible schools list, the Chief Turnaround Officer may select a subset of such schools based on the following factors:

(1) Whether the school's rating has been improving or declining over the previous three years, based on the statewide accountability system;

(2) Whether the contract for strategic waivers school systems or the charter for charter systems adequately addresses the school's deficiencies;

(3) Whether the school is in a local school system with a recent accreditation report showing deficiencies in system level governance, school level leadership, system and school level resource utilization, or school level achievement, including the areas of reading and mathematics proficiencies;

(4) Whether the school is located in a local school system in which one-half or more of the schools are on the turnaround eligible schools list for the fifth or more consecutive year;

(5) Whether the school is in close proximity to a school that will be served pursuant to paragraphs (1), (2), (3), or (4) of this subsection; and

(6) Any other factors deemed appropriate by the Chief Turnaround Officer.

(c) The Chief Turnaround Officer shall extend an opportunity to the local boards of education for each school identified pursuant to subsection (b) of this Code section to amend the contract entered into pursuant to Code Section 20-2-83 for strategic waivers school systems or to amend the charter, for charter systems. The amendment shall be for the purposes of agreeing to receive assistance pursuant to this part for such identified school or schools. For any such local board of education that is offered the opportunity to amend its system contract or charter but that does not sign an amendment within 60 days of being offered the amendment or that declines to sign an amendment, the State Board of Education shall within 60 days either implement one or more of the interventions contained in paragraph (6) of subsection (a) of Code Section 20-14-41 for such school or terminate the system contract or charter as allowed by the terms of such contract or charter.

(d) For any local school system that is not a charter system or a strategic waivers system, the Chief Turnaround Officer shall extend an opportunity to the local board of education for each school identified pursuant to subsection (b) of this Code section to enter into an intervention contract for the purposes of agreeing to receive assistance pursuant to Code Section 20-14-46 for such identified school or schools. For any such local board of education that is offered the opportunity to enter into an intervention contract but that declines, the State Board of Education shall immediately implement one or more of the interventions contained in paragraph (6) of subsection (a) of Code Section 20-14-41 for such school.

(e) For any school on the turnaround eligible school list which is not selected as part of the subset of schools to be assisted by the Chief Turnaround Officer due to insufficient capacity and resources, the Department of Education, through its school improvement division, shall begin or continue focused supports and a pre-diagnostic review utilizing all relevant data held at the state level as it relates to the local school system and school, including financial audits, funding allotments, federal funds, state assessment data, and the most recent local school system accreditation report regarding system level governance and leadership, resource utilization, teaching and learning effectiveness, and academic achievement.

§ 20-14-46. On-site diagnostic review by third-party specialist; development of intensive school improvement plan

(a) Within 30 days of entering into a contract amendment or intervention contract between the State Board of Education and a local board of education pursuant to Code Section 20-14-45, the local board of education shall, in consultation with the turnaround coach, select a third-party specialist to conduct a comprehensive on-site diagnostic review in cooperation with the regional educational service agency and the turnaround coach of the school to determine the root causes of low performance and lack of progress. Such third-party specialist may be selected from the approved list established pursuant to paragraph (2) of subsection (c) of Code Section 20-14-43 at the expense of the state, or the local board of education may select its own third-party specialist, upon approval by the Chief Turnaround Officer, at the expense of the local school system. The

turnaround coach shall ensure that the third-party specialist receives all relevant data held at the state level as it relates to the local school system and school, including the system charter or contract, financial audits, funding allotments, federal funds, state assessment data, and any other relevant information as it relates to school performance. The third-party specialist shall also review the most recent local school system accreditation report regarding system level governance and leadership, resource utilization, teaching and learning effectiveness, and academic achievement.

(b) Within 90 days of entering into a contract amendment or intervention contract between the State Board of Education and a local board of education, the turnaround coach, in partnership with the regional educational service agency, shall ensure that the local board of education and the third-party specialist have completed a comprehensive on-site evaluation of the school to determine the root causes of the school's low performance and lack of progress. The comprehensive on-site diagnostic review shall include a leadership assessment to determine the capacity of the school leader to lead the turnaround efforts, as well as a review of system level support and interventions, including central office policies and supports, technical assistance and guidance, financial management, and appropriate use of resources in accordance with approved waivers under the system charter or contract.

(c) Based on the comprehensive on-site evaluation, the turnaround coach, in partnership with the regional educational service agency, shall recommend actions, which may include, but not be limited to, reallocation of resources and technical assistance, changes in school procedures or operations, professional learning focused on student achievement for instructional and administrative staff, intervention for individual administrators or teachers, instructional strategies based on scientifically based research, additional waivers from state statutes or rules, adoption of policies and practices to ensure all groups of students meet the state's proficiency level, extended instruction time for low-performing students, strategies for parental involvement, incorporation of a teacher mentoring program, smaller class size for low-performing students, or other actions deemed appropriate.

(d) Based on the evaluation and recommendations and after public input from parents and the community, the school shall develop an intensive school improvement plan, approved by the Chief Turnaround Officer that specifically addresses the academic insufficiencies identified by the school's rating in the single state-wide accountability system. The local board of education shall not be eligible for supplemental funding to support the implementation of the plan unless such local board demonstrates financial need based on its most current annual budget and the results of the most recent audit. The local board of education shall coordinate the hiring and contract renewal process for personnel and the allocation of school resources to support such plan. In developing the timelines in the intensive school improvement plan, the school shall take into consideration the budget cycles, employment contract deadlines, and other appropriate factors relating to the planning process. The school, with the support of the local board of education, local school superintendent, and principal, shall implement the plan with ongoing input and assistance from the Chief Turnaround Officer and performance monitoring by the turnaround coach.

§ 20-14-47. Individual assessments of low performing students in turnaround eligible schools

(a) Within the first 60 instructional days of the school year of a contract amendment or intervention contract pursuant to Code Section 20-14-45, turnaround coaches shall coordinate

with each school to conduct individual assessments of those students who have been identified as low-performing and shall coordinate with schools to provide the following interventions, as agreed to by the turnaround coach and the school and based on available funding and resources, including the reallocation of existing resources and grant funding, if available, pursuant to subsection (c) of Code Section 20-14-48:

(1) Screen all students to diagnose the factors for low performance, including, but not limited to, reading development and comprehension, math proficiencies, physical health, mental health, access to the Internet or other ancillary supports to out-of-school learning activities expected of students and evaluate all available records to address nonacademic barriers to learning in the lowest-performing schools; and

(2) Provide students who have been identified as low-performing with academic support and enrichment activities, access to programs to promote parental involvement, access to supports for addressing and improving mental and physical health, access to a learning resource center for students and guardians to strengthen academic supports, positive behavioral interventions and supports, and access to expert supports, which may include, but not be limited to, data scientists, psychometric personnel, curriculum specialists, learning theorists, and special educators to help advise the schools on technical learning matters.

(b) Turnaround coaches shall assist local boards of education in identifying integrated student services utilizing the list of resources established by the Chief Turnaround Officer pursuant to paragraph (2) of subsection (c) of Code Section 20-14-43. Local boards of education, in coordination with the turnaround coaches and the local school administration, shall create local collaborations to address personal and community conditions, which shall include the needs, issues, and problems within the communities of such school or schools, such as poverty, lack of economic development, safety, transportation options for parents and students, adult educational opportunities, wellness, and mental health services, and shall, in consultation with the turnaround coach, identify state and community resources that are available or that could be built upon, reallocated, or repurposed to address the issues impacting such school or schools.

§ 20-14-48. Resources and supports for turnaround eligible schools

(a) The State Board of Education shall ensure that all necessary department resources and supports are made available for full implementation of this part, including, but not limited to, the implementation of the intensive school improvement plans established pursuant to Code Section 20-14-46 for schools for which a local board of education has entered into a contract amendment or intervention contract with the State Board of Education pursuant to Code Section 20-14-45. Further, the State Board of Education shall ensure that such schools receive priority for the receipt of federal and state funds available to the Department of Education to the fullest extent possible under federal and state law, including, but not limited to, federal school improvement grants and Title I funds. The State Board of Education shall also pursue maximum flexibility in applying for and expending federal funds, including, but not limited to, the consolidation of all federal, state, and local funds in compliance with federal law.

(b) The Office of Student Achievement shall give priority to schools for which a local board of education has entered into a contract amendment or intervention contract with the State Board of Education pursuant to Code Section 20-14-45 when awarding grants pursuant to subsection (b.1) of Code Section 20-14-26.1 or any other grants administered by the office.

(c)

(1) The Office of Student Achievement shall be authorized to provide for grants, subject to appropriations, to assist schools in local school systems under a contract amendment or intervention contract pursuant to Code Section 20-14-45 with demonstrated financial need in:

(A) Retaining the services of a third-party specialist to assist in the implementation of an intensive school improvement plan developed pursuant to Code Section 20-14-46 or to provide any other support services deemed necessary pursuant to such plan;

(B) Assessing low-performing students and obtaining specified supports for such students as delineated in subsection (a) of Code Section 20-14-47; or

(C) Both subparagraph (A) and subparagraph (B) of this paragraph.

(2) A school under a contract amendment or intervention contract pursuant to Code Section 20-14-45 with a demonstrated financial need may, upon consultation with the turnaround coach for the school, request grant funds pursuant to this subsection. Upon approval by the Chief Turnaround Officer, the grant request may be submitted to the Office of Student Achievement. The award of any grant funds shall be at the discretion of the Office of Student Achievement, including the amount of any such grant funds awarded. The Office of Student Achievement shall prescribe criteria, policies, and standards deemed necessary for the effective implementation of this subsection, including criteria for a local school system to demonstrate financial need.

§ 20-14-49. Failure to progress after implementation of intensive school improvement plan; interventions

(a) If after three school years of implementing the intensive school improvement plan developed pursuant to Code Section 20-14-46, the school is not improving, as determined by the Chief Turnaround Officer based on the terms of the amended contract, amended charter, or the intervention contract and on other applicable factors, the Chief Turnaround Officer shall require that one or more of the following interventions be implemented at the school, unless the school is in substantial compliance with the implementation of the intensive school improvement plan and has exhibited ongoing cooperation and collaboration:

(1) Continued implementation of the intensive school improvement plan developed pursuant to Code Section 20-14-46;

(2) Removal of school personnel, which may include the principal and personnel whose performance has been determined to be insufficient to produce student achievement gains;

(3) Implementation of a state charter school or a special school, as defined in Code Section 20-2-2062;

(4) Complete reconstitution of the school, removing all personnel, appointing a new principal, and hiring all new staff. Existing staff may reapply for employment at the newly reconstituted school but shall not be rehired if their performance regarding student achievement has been negative for the past four years;

(5) Operation of the school by a private nonprofit third-party operator selected and contracted by the local board of education;

(6) Mandatory parental option to relocate the student to another public school in the local school system that does not have an unacceptable rating, to be chosen by the parents of the student from a list of available options provided by the local school system. The local school system shall provide transportation for students in Title I schools in accordance with the requirements of federal law. The local school system may provide transportation for students in non-Title I schools. In any year in which the General Assembly does not appropriate funds for the provision of transportation to non-Title I students, the parent or guardian shall assume responsibility for the transportation of that student;
(7) Complete restructuring of the school's governance arrangement and internal organization of the school;
(8) Operation of the school by a successful school system and pursuant to funding criteria established by the State Board of Education; or
(9) Any other interventions or requirements deemed appropriate by the Chief Turnaround Officer and the State Board of Education for the school and in accordance with the amended contract, amended charter, or intervention contract, except that operation of the school by a for profit entity shall be prohibited.

(b) Before the implementation of any interventions required by the Chief Turnaround Officer pursuant to subsection (a) of this Code section for a school, the local board of education may request an opportunity for a hearing before the State Board of Education to show cause as to why an intervention or interventions imposed by the Chief Turnaround Officer for a school should not be required or that alternative interventions would be more appropriate. Such request shall be made no later than 30 days after notification by the Chief Turnaround Officer of the intended interventions. The State Board of Education shall take into consideration the substantial compliance of the school in the implementation of the intensive school improvement plan and the ongoing cooperation and collaboration exhibited by the school. The State Board of Education shall make a determination on any such request no later than 60 days after receipt of such request. The determination of the State Board of Education shall be the final decision.

§ 20-14-49.1. Education Turnaround Advisory Council created; composition; administration; role

(a) There is created the Education Turnaround Advisory Council which shall report to the State Board of Education. The Education Turnaround Advisory Council shall be composed of:
(1) The executive director of the Georgia School Boards Association or his or her designee;
(2) The executive director of the Georgia School Superintendents Association or his or her designee;
(3) The executive director of the Professional Association of Georgia Educators or his or her designee;
(4) The executive director of the Georgia Association of Educators or his or her designee;
(5) The executive director of the Georgia Association of Educational Leaders or his or her designee;
(6) The president of the Georgia Parent Teacher Association;
(7) The executive director of Educators First or his or her designee; and

(8) Education leaders representing local school superintendents, local boards of education, teachers, business leaders, or other appropriate individuals with interest in public education appointed as follows:

(A) Two education leaders appointed by the Lieutenant Governor; and

(B) Two education leaders appointed by the Speaker of the House of Representatives.

(b) The chairperson of the State Board of Education shall cause the council to be convened no later than 30 days after the last appointment is made to the council. The council shall select a chairperson from among its membership.

(c) The Education Turnaround Advisory Council shall be authorized to:

(1) Submit to the State Board of Education names of potential candidates for the position of Chief Turnaround Officer and for turnaround coaches;

(2) Recommend school turnaround resources and potential turnaround experts to be added to resource lists;

(3) Provide advisement on the development of state-wide assessment tools;

(4) Provide advisement to the State School Superintendent and Chief Turnaround Officer, as necessary;

(5) Provide recommendations and input on the request for proposals process conducted pursuant to paragraph (3) of subsection (c) of Code Section 20-14-43 to establish a list of approved third-party specialists that may be retained to assist in the evaluation of schools; and

(6) Perform such other duties as assigned by the State Board of Education.

(d) The Education Turnaround Advisory Council shall have no authority and shall only be advisory in nature.

§ 20-14-49.2. Biannual reporting by Chief Turnaround Officer; required meetings

(a) The Chief Turnaround Officer shall prepare a written biannual update on the status of each school that is under a contract amendment or intervention contract pursuant to Code Section 20-14-45. The Chief Turnaround Officer shall provide such biannual reports no later than February 1 and August 1 of each year to the chairpersons of the House Committee on Education and the Senate Education and Youth Committee and to the Education Turnaround Advisory Committee. The report due no later than February 1 may be in the form of an executive summary. The report due no later than August 1 shall include detailed information regarding the status, progress, and any interventions imposed on the schools that are under a contract amendment or intervention contract pursuant to Code Section 20-14-45.

(b) The Chief Turnaround Officer shall annually meet with the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, the chairpersons of the House Committee on Education and the Senate Education and Youth Committee, the State School Superintendent, and the Education Turnaround Advisory Council to present the findings in the detailed report prepared pursuant to subsection (a) of this Code section.

§ 20-14-49.3. (Repealed effective December 31, 2017) Joint Study Committee on the Establishment of a State Accreditation Process created; membership; role; reporting; termination

§ 20-14-49.4. (Repealed effective December 31, 2017) Joint Study Committee on the Establishment of a Leadership Academy created; membership; role; reporting; termination

Special Note: I did not provide the language to the last to paragraphs because they have been repealed. However, much of the language was similar to ALEC's School Turnaround and Leadership Development Act. Basically, Georgia went with the school turnaround recommendations but decided to do away with the leadership development portion. Those portions are being revisited as separate legislation in 2018.

ALEC'S SCHOOL TURNAROUND AND LEADERSHIP DEVELOPMENT ACT
(Model Legislation)

General Description:

This bill enacts and amends provisions related to public education.

Highlighted Provisions:

This bill: defines terms; requires the State Board of Education to designate low performing schools, subject to certain conditions; requires a local school board to take certain actions to turn around a low performing district school; requires a charter school authorizer and a charter school governing board to take certain actions to turn around a low performing charter school; directs the State Board of Education to: select independent school turnaround experts, through a request for proposals process; review and approve school turnaround plans submitted by a local school board or charter school governing board; and make rules imposing certain consequences on a school district or charter school that fails to improve the school grade of a low performing school within a certain amount of time; creates the School Recognition and Reward Program to provide incentives to schools and educators to improve the school grade of a low performing school; creates the School Leadership Development Program to increase the number of highly effective school leaders capable of initiating, achieving, and sustaining school improvement efforts; requires the State Board of Education to annually report to the Education Interim Committee; allows the State Board of Education to use certain non-lapsing funds, remaining at the end of fiscal year 2015, for certain purposes; and makes technical and conforming changes.

Special Note: A line-by-line version of ALEC's proposed bill can be found at https://www.alec.org/model-policy/school-turnaround-and-leadership-development-act/