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Moving Forward or Sliding Backward

The Evolution of Charter School Policies in Michigan and the District of Columbia

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What is the fate of charter school policy in the American states? The authors argue that dramatic new policies brought about by a radical reconfiguration of interests and politics are frequently short lived, though new policies are rarely erased; instead, they reach a compromise between competing sets of interests. The authors test this notion in a study of the evolution of charter school policy in Michigan and the District of Columbia. They find in Michigan that the original law, dramatic in the breadth of its change to public education, has slowly reverted to reflect a balance of power between the ideal positions preferred by pro- and anti-charter school interests. But in the District of Columbia, the innovativeness of the new law has largely been sustained, mainly because organized opposing interests largely failed to emerge.

Keywords: *charter schools; politics; punctuated equilibrium; advocacy; policy reversion*

How are state charter school laws evolving? The initial enactment of charter laws, starting with Minnesota in 1991, represented dramatic change in state and local education policies. Traditional school systems funded by property taxes, controlled by local boards, and using geographic

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student assignment abruptly found themselves competing with a fledgling set of autonomous schools that in many states are freer from public oversight than are traditional schools and allowing parents to select schools in an “education market.” Today, there are more than 3,600 charter schools in 40 states around the nation, including the District of Columbia (Center for Education Reform, 2006). But will this dramatic new policy endure in terms of innovation and government permissiveness? Charter schooling came about when policy-making subsystems, long dominated by advocates and lawmakers invested in traditional public education, were broken up by interest groups pushing very different ideological agendas. But are these displaced interests and their allies going quietly into the night, or are they regrouping to fight back and perhaps reassert at least some aspect of the old status quo? The policy literature provides no clear indication as to how changes in the political climate *after* a policy’s enactment will shape how that policy subsequently evolves.

We argue that displaced interests and their allies, made powerful by years of benefiting from the old status quo, often do fight back. Specifically, we believe that the resulting struggle among lawmakers and interest groups, and how they define the issue and the policies addressing it, pulls at the law from both sides so that rather than maintain the new status quo, or revert to the original, the result is a partial reversion to some balance between these competing interests. For charter schools, this can mean a continuation of the policy, but with greater public oversight and restrictions on the number of schools that can be chartered. We explore this idea by examining how charter school politics and policies in Michigan and Washington, D.C., evolved through interviews with policy makers, advocates, and administrators. We found that greater resistance by traditional school interests resulted in partial reversion of the policy in Michigan but not in Washington, D.C., where charter school interests proved much stronger.

Punctuated Equilibrium, Reversion, and Education Policy

We study the evolution of charter school policy in Michigan and Washington, D.C., using the concept of policy-making subsystems drawn from the political science literature. Generally subsystems are characterized by a set of actors articulating demands for policy in a particular area, the institutional structure that formally converts these demands into law, the definitions used to justify a policy, and the policy itself as output. Though characterizations of how systems actually work and the types of policies we

expect them to produce are varied, McCool (1990) provides a good baseline by explaining what they look like and how they function when they are “stable” or “static.” Drawing on his work, we identify these characteristics of a stable policy-making subsystem:

1. All participants, both elected and unelected, have similar desires or demands for policy, what are referred to as policy preferences.
2. The participants frequently interact with each other in a network centered around a formal policy-making institution with exclusive jurisdiction over the policy they desire, such as a legislative committee.
3. Because they have similar preferences, the participants all support similar definitions of the issue problem and the current policy as the best solution to the problem.
4. The definitions also frame the policy in ways to convince those outside of the system that they are not being harmed when benefits are provided to those within.
5. The subsystem is autonomous in that lawmakers and lobbyists outside of it normally make no attempt to challenge the definitions or change the policies produced.
6. Consequently, the set of participants and the policy they collectively produce remain stable, or at best changing incrementally, over time.

Most policies in the United States at all levels of governments are the products of stable subsystems of elected officials and interest group lobbyists representing constituencies who are advantaged from the benefits they provide. In return, these constituencies vote for their providers and sustain powerful interest groups, thereby ensuring the perpetuation of the status quo (Lowi, 1969). Any public perception of these policies threatening the general welfare is minimized by subsystem elites who define issue problems so as to portray the status quo as the best possible solutions (Dodd, 1977; Lasswell, 1968). As the claim that “what’s good for business is good for America” was used to justify tax breaks for big business, policies are defined by subsystem elites to be harmless to the public and perhaps even indirectly beneficial with costs spread so widely among taxpayers as to be invisible (Lowi, 1972). Countermobilization fails not only because it is difficult for organizers to overcome collective action barriers (Olson, 1965), but because citizens fail to realize there is a threat to which they ought to respond.

Political institutions are also structured to perpetuate stable subsystems. Long-standing institutional norms of legislative committee and regulatory agency autonomy, as seen in policy logrolling, virtually guarantee that legislators and bureaucrats outside a subsystem will respect its jurisdictional

boundaries (Davidson, 1981; Deering & Smith, 1997). Institutional structures are thus often rigged to favor subsystem participants and punish those who violate these norms (Fenno, 1973; Shepsle & Weingast, 1987). The resulting lack of opposition from government or the electorate permits these policies to endure for long periods, even when the larger system is threatened by spiraling deficits and demands from new constituencies.

Traditional state and local education policy has exhibited many of the characteristics of stable subsystems. For well more than a century, public education has been a distinct arena of policy making with state and local legislative committees and administrative agencies solely dedicated to its development and implementation. Around these lawmaking venues has emerged a large array of interest groups, such as teachers unions, school board associations, PTAs, and education administrator associations, with vested interests in maintaining the public education system. Though a few complain about funding it through local property taxes when they do not have children in school, the costs of public education have generally been considered small in comparison to the benefits. Indeed, the idea of public education requiring the attendance of every child in schools controlled by district administrations and local elected school boards is so widely accepted in the United States that it has often been difficult to imagine anything else.

Punctuated Equilibrium

In the early 1990s, the view that most public policy was the product of static subsystems serving a few privileged interests was challenged by a broader, more dynamic view of policy making. New data revealed the size of state and national interest group communities to be larger and more varied and competitive in the policies they advocated, even within subsystems, than previously thought (Gray & Lowery, 1996; Walker, 1983). A substantial body of anecdotal evidence also began to emerge of new citizens and public interest groups representing both liberal and conservative ideologies deliberately and successfully challenging the enduring status quos favoring business interests and labor unions (Berry, 1999; McFarland, 1984). The success of civil rights and other "outsider" movements demonstrated how fragile these subsystems could be, prompting a few scholars to question whether the theory of stable subsystems was an accurate description of policy making in a world of competing interests (Hecl, 1978; Kernell, 1993; Salisbury, 1990).

Examining the histories of several policy regimes led Baumgartner and Jones (1993) to argue that policy evolves in dynamic cycles of stability marked

by occasional bursts of competition and conflict where new mobilized interests overthrow existing status quos by redefining issue problems and solutions to benefit new constituencies at the expense of the old. Policy-making subsystems, they argued, are only stable as long as all participants agree on the definitions of the problem and solution justifying the policy, which in turn is only true as long as they all benefit from it. Neglected interests will mobilize for advocacy when the costs of supporting a policy come to be seen as exploitative or when they are convinced to do so by political organizers and policy entrepreneurs (see also Kingdon, 1984). The result is competition and conflict disrupting the subsystem as the new interests battle to redefine issues which, if successful, results in dramatic policy change. Old status quos are overthrown and replaced by significantly different policies, a result to which Baumgartner and Jones applied the evolutionary biology term *punctuated equilibrium*.

The emergence of charter school policy is arguably a good example of punctuated equilibrium. Not only was it a sign of new interest groups, such as the business community and conservative interests, emerging and achieving a powerful foothold in education policy, it also represented a change in the concept of public education. Although there is no doubt that the charter school policy idea mobilized advocates for and against charter schools, the groups and the sides they take may vary from state to state (Bulkley, 2005; Hassel, 1999). For example, Bulkley (2005) notes that in Georgia, charters were espoused primarily by Democrats, but in Michigan, the opposite was true. Though charter schools would also be publicly funded, rather than determine attendance based on geography, schools would be free to recruit students more broadly, and parents could choose schools without regard to district boundaries. In the new education market, advocates claimed, individual schools would compete for students by altering their pedagogical and organizational structures to appeal to parents. This, in turn, would create systemic change in public education nationwide as poorly performing charter schools, and even those with bland pedagogical themes would be forced out by schools with more innovative curricula and greater responsiveness to the wants and desires of parents (Nathan, 1996). Perhaps most disturbing to defenders of the traditional education system, rather than having set, across-the-board standards of educational performance and teacher qualifications, charter schools could employ whom they desired (at least in most jurisdictions). Finally, the drive to enact charter school policies required a significant reorientation in public attitudes toward the traditional system, casting it as a failure, harmful to children and taxpayers alike, rather than a success (Henig, 1994). Given that 40 states and the District of Columbia now embrace

charter schools, it is no great stretch to argue that advocacy advancing these new ideas and disrupting the old has met with considerable success.

Resistance and Reversion

Though Baumgartner and Jones (1993) describe punctuation as conflict resulting in new and enduring policies displacing the old, theories of interest group mobilization and legislator behavior lead us to suspect that long-held issue definitions do not suddenly melt away or that once powerful but now displaced legislators and lobbyists meekly accept their defeat and fade into the night. The common bond holding an advocacy organization together, its "interest" cannot be maintained if the policy benefits, whether selective or collective, an organization's members are accustomed to receiving vanish (Clark & Wilson, 1961; Olson, 1965). Members will exit a failing group, depriving advocates of their support and even livelihoods (Hirschman, 1970; Moe, 1980; Wilson, 1973). Thus, for many group leaders, and even members of especially ideological groups, defeat can serve as a rallying cry for greater advocacy. Environmental activist groups, such as the Sierra Club, it is commonly held, were never stronger in terms of recruitment and fundraising than when President Reagan appointed James Watt as Secretary of the Interior. Even for less ideological groups, the tax incentives and subsidies once provided by lawmakers are often essential for the professional survival of members, and any threat to these cherished benefits can stimulate existing supporters and attract new members, as farm groups found when the Freedom to Farm Act of 1996 threatened century-old agriculture subsidies. Displaced interests are not erased in policy punctuation, and if they remain sufficiently powerful, then we expect them to rally and fight to reassert the old policy status quo. They may shift the fight into other, more friendly venues of lawmaking (see Holyoke, 2003) or choose to engage in grassroots and similar forms of outside advocacy (see Kollman, 1998), but they will not go quietly.

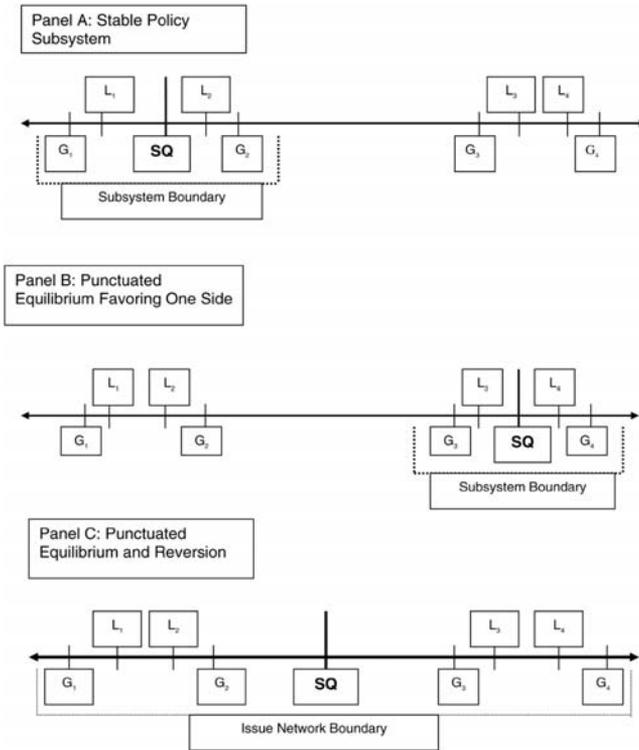
Nor are displaced interest groups the only ones with incentives to resist the dramatic change resulting from punctuated equilibrium. Legislators are generally successful in gaining reelection and the acquisition of greater power when they have built enduring electoral coalitions by providing policy benefits to key constituencies (Dodd, 1977; Mayhew, 1974).¹ Thus, the overthrow of these policy regimes can be a disaster of career-threatening proportions. Angry constituents, grown used to receiving public benefits, are likely to punish their elected officials at the polling booth unless they are restored, giving legislators a powerful incentive to restore the old status

quo. And these lawmakers may be in positions to do so. Supporters of old policies are likely to have been in legislatures for some time and have acquired, and perhaps retained, the institutional clout that comes with seniority to influence rules and procedures in ways helping them to out maneuver those who challenged their career-protecting policy regimes and at least partially restore the old policy. Only wholesale turnovers of legislators, or changes in ruling parties, will likely create enduring policy punctuations.

A punctuated equilibrium then may not necessarily be a clean victory for new interest groups and legislative supporters but only the opening shots in an advocacy war, as long-standing definitions and structures are toppled but new ones have not yet clearly emerged and taken root as a new enduring and stable subsystem. As Truman (1951) saw, in any pluralist system of heterogeneous interests, there will inevitably be policy struggles so that any resulting law likely lies somewhere between the preferences of each set of actors, or "sides." Some may periodically gain and some may lose, but in the long run, the policy reflects some balance among competing interests and the strengths of their organizations, the appeal of the definitions they employ, and the power of legislators who champion their cause.

For analytic clarity, we lay out these different subsystem schemes on a unidimensional continuum, with points representing the preferences of four interest groups, four legislators, a status quo policy, and a barrier indicating which participants are included in the subsystem and which are marginalized (see Figure 1). In Panel A, we diagram a stable subsystem with two groups and two legislators within the system boundary indicating that they benefit from, and are supporters of, the status quo. It is their voices and definitions of issues and solutions that are considered legitimate. Groups and legislators with substantively different, or competing, policy preferences are outside of the system, and their voices are not heard. They may not even be aware that they are being harmed by the status quo. In Panel B, these marginalized interests have realized the harm, successfully mobilized, engaged in lobbying, and overthrown the old status quo, thus bringing about a punctuated equilibrium. Now it is the old guard who are left out in the cold, as the new interests consolidate their gains around a new and distinctly different policy. Finally, in Panel C, the displaced groups and lawmakers have retained enough strength to fight back, with the result that the entire notion of an exclusive subsystem has broken down into what Heclo (1978) described as an "issue network." With multiple voices being heard and wielding influence, the policy is largely a compromise between these competing interests. Thus, we claim that some type of reversion has occurred if we observe the following:

Figure 1
Three Policy Subsystem Configurations



Note: L = legislator; G = interest group; SQ = policy status quo.

1. Two or more distinct sides in terms of the policy preferences of the relevant interest groups and the continued employment of definitions used to support the old status quo and the new.
2. Consistent advocacy by both of these sides.
3. Lawmakers willing to listen to, and advocate for, the preferences of both sides.
4. The resulting policy reflects some, but not all, of the policy preferences of both sides.

Lacking these characteristics, we would expect a new stable subsystem that clearly favors the new set of interests to have emerged. It is now our task to

see if this analytic scheme gives us any leverage in explaining the evolution of charter school policy.

Researching Charter School Policy

Policy reversion, as defined by these characteristics, can be a difficult phenomenon to identify. The complexity of most issues and the nuances in the arguments made by supporters of both old and new policies make it likely that only a careful qualitative analysis looking deeply into the political events surrounding a new policy is likely to pinpoint the differences that will allow us to understand how a policy is evolving and if reversion is occurring. As King, Keohane, and Verba (1994) argue, a qualitative analysis is most useful when comparing two or more cases where there is variation in the dependent variable, in this case whether punctuated equilibrium led to a new and distinctly different enduring policy or, after the initial enactment, gradually reverted to something akin to the old status quo. Charter school policies provide an excellent opportunity to conduct just such a comparative analysis. First, they are clear policy punctuations. Second, often there are two distinct sides to the debate that are represented by organized interests and lawmakers. Finally, charter school policies have now been around long enough, or they are mature enough, that reversion is likely to have occurred if it is going to occur at all.

What we therefore need are two jurisdictions where a charter school law has been in place for a number of years. One of these must have thoroughly embraced charter schooling and have a thriving system, whereas the other must have stagnated as opposing interests reassert themselves. With this in mind, we chose to study charter schooling in Michigan, where we believe there is evidence of a partial reversion, and Washington, D.C., which appears to have a strong and entrenched system of charter schools. Our task is to seek out explanations as to why this difference in policy evolution has occurred using the criteria regarding reversion laid out above. Our data come largely from personal interviews we conducted in 2002,² supplemented by additional data and journalistic accounts as to how the charter school policies of these jurisdictions have continued to evolve. A total of 31 interviews were conducted in Lansing, Grand Rapids, and Detroit, and 11 were conducted in the District of Columbia, as part of a larger project on the politics of charter school policies (see Brown, Henig, Lacireno-Paquet, & Holyoke, 2004; Henig, Holyoke, Lacireno-Paquet, & Moser, 2003). In each state and city, we conducted semistructured interviews with state legislators and city council members responsible for education policy, relevant staff in the offices

of the governor of Michigan and the mayor of the District of Columbia, and staff in state and local chartering agencies, including state education departments and local school boards. We also interviewed staff at two charter schools in each location, their state advocacy associations, and other procharter advocates. We interviewed advocates for teachers unions and school board associations that had lobbied against charter school policies and in some cases were continuing to fight against the new policies. Questions were both closed and open ended, though it is the latter on which we primarily draw from for our analysis here (for some of our quantitative analyses, see Brown et al., 2004; Henig, Holyoke, Brown, & Lacireno-Paquet, 2005). We asked advocates who they contact about charter school issues, referring specifically to legislators, their staff, and government officials. We asked about the frequency, venue, and content of this contact and advocacy. We asked legislators and their staff by whom they were contacted, about what, and so on. Transcribed interviews were coded by the authors according to themes identified by the research focus and themes raised by respondents.

Charter School Policy in Michigan³

In 1993, Michigan Republicans eliminated property taxes as a source of school funding, pushing public schools into a budget crisis and opening a window for Governor Engler to propose a broad choice-in-education policy (Hassel, 1999). Although opposed by the teachers unions, Engler's plan, which included charter schooling, had the support of the business community. Despite substantial resistance from interest groups such as the Michigan Education Association (MEA), Republicans controlling both chambers of the legislature successfully, though with few votes to spare, enacted the charter school portion of Engler's proposal. Though more restrictive than advocates desired in terms of which institutions were permitted to grant charters, the law largely embodied the preferences of choice-in-education advocates and represented a significant blow to supporters of traditional public education.

Early attempts to eliminate the policy through the courts on the grounds that the law violated the state's constitutional prohibition on using state money to support private schools proved a failure when the Michigan Supreme Court, in July 1997, ruled that the original bill was constitutional (Mintrom, 2002). Where defenders of traditional public education have proven successful is in their efforts to keep the cap on the number of charter schools permitted in the state. In Michigan, charters can be issued by local school districts, intermediate school districts, community colleges, and state universities, with this last only allowed to charter up to 150 schools. Because of school-district

reluctance to venture into charter schooling, procharter advocates looked to the universities to breathe life into the state's charter school movement, but the cap on university-authorized charter schools was reached in 2000, and since then the growth in the number of charter schools has been moderate at best. From 1995 through 1999, there were about 35 new charters opening in Michigan per year, but this fell to about 10 schools after the cap was reached (Miron & Nelson, 2002). There are currently 233 charter schools in Michigan, serving almost 87,000 students (Center for Education Reform, 2006). The Michigan law is ranked as "strong" by national procharter advocates, the Center for Education Reform, because of having multiple chartering authorities, fiscal authority, equal per-pupil funding, and fairly liberal start-up provisions.

In October 2001, after several attempts to raise the cap on the number of schools that could be chartered by the state universities failed, the Michigan legislature established a special commission on charter schools to review all aspects of the law with the key issue being whether the cap should be raised (Commission on Charter Schools, 2002). The McPherson Commission, named for its chair, Peter McPherson, then president of Michigan State University, included members appointed by the majority and minority leaders of the House and Senate, the governor, and the state superintendent of public instruction. The final report with recommendations was released in April 2002, just as we were conducting field work in Michigan.

Charter School Policy in the District of Columbia⁴

Charter school policy in the District of Columbia was largely imposed on a reluctant local government by Congress. In the wake of the Republican takeover in 1994, conservative ideology found receptive ears on Capitol Hill, giving proponents of choice-in-education hope that Congress would use the District of Columbia (hereafter, the District) as a test case for how successful an educational system a strong charter school law could produce. Though some of the advocacy was conducted by national interest groups such as the Center for Education Reform, much of the lobbying of House Republicans, the primary movers of charter school legislation for the District, was done by local interest groups. Reflecting widespread concern regarding a failing public school system, the District business community formed the Committee On Public Education and local education activists launched Friends of Choice in Urban Schools (FOCUS) to lead the local lobbying effort, the latter organization emerging as the main charter school interest group.

With the local government in financial disarray in the 1990s, Congress asserted its constitutional authority, assumed direct control of the District,

and pushed aside local resistance to the imposition of a charter school policy. Arguing that the District's public education system was one of the poorest performing in the nation, Congressional Republicans justified the creation of the charter school policy in 1995 as an essential move for saving the children of the nation's capital. Largely stripped of power, District politicians and the local teachers union were unable to prevent the enactment of the new policy and organizations such as FOCUS helped ensure that a large number of schools were ready to open their doors within a couple of years of the policy's enactment. Though District lawmakers have had much of their political power restored, and despite the highly publicized failures of a few charter schools, many, including Mayor Anthony Williams, have carefully embraced charter schools as an alternative public education system in their city. Over the years, District charter school advocates have complained about funding shortages and the lack of physical space in which to establish schools; that these problems have hit the traditional public system equally hard is not really indicative of efforts by local leaders to strangle the movement. Today, there are 51 charter schools in the District, operating 63 campuses and enrolling almost 18,000 students (FOCUS, 2006).

Analysis and Findings

This section presents our findings and analysis of charter school politics as we take a closer look at the differences in how these policies evolved, not only between these two jurisdictions but also from the time the policies were enacted to when we conducted our interviews. We first take a close look at the actors, then the issues and arguments, and finally how they feed into the changing policies.

The Players and Their Sides

We start by comparing the interest groups and lawmakers involved in the Michigan debate and their positions on the issues. Here, we found that even though interests supporting the initial enactment of the charter school law, the policy punctuation, remained strong, resistance from displaced interests was neither disorganized nor ineffectual. Indeed, it was relatively easy for us to identify two distinct and active sides in the charter school debate.

Not long after the enactment of the original law, an informal group of charter school leaders formally established the Michigan Association of Public School Academies (MAPSA), whose explicit purpose was to advocate for the interests of charter schools and present a united prochoice front on education

policy. The mobilization caught the notice of older organizations representing traditional public schools that were beginning to redirect their own advocacy toward mitigating the spread of charter schools across Michigan as the university authorizers reached their cap. Concerned with growing pressure from the governor, the House Education Committee chair, and the university authorizers themselves seeking to raise the cap, these older advocacy groups began organizing to resist any further growth in the number of charters and expansion of the law. The main advocacy groups on this side, including the Michigan Association of School Administrators, the MEA, the Michigan Federation of Teachers, and the Michigan Association of School Boards, were working in coalition, though we did find that after the final report of the McPherson Commission (see below), there was some resentment by other groups of the position taken by the MEA supporting the commission's recommendations.

Consequently, clear battle lines were drawn. As one legislator on the House Education Committee characterized it,

Charter schools in Michigan, I don't know how they are in other states, but it is—for education policy, it is the abortion issue. You have pro-life you have pro-choice, and if ever you get a bill that deals, I mean, in that context—that you get that deals with the regulation of abortion clinics, you're going—your sides are going to drawn up immediately.

This legislator was not the only person to draw an analogy between the abortion issue and the entrenched interests on either side of charter school policy. But advocates were picking their battles carefully. Although traditional school organizations were no longer defining charter schools as dangerous to public education per se, they began suggesting that their freedom from public oversight while receiving public financing was dangerous. In other words, they began advocating for much greater oversight and regulation, which charter advocates saw as an attempt to hamstring charters by striking at their independence. One example of this approach, seen as “stealthy” by advocates, is reflected in this quote from a local union leader:

We are taking the position that we oppose the raising of a cap on university charter school authorizations until we get meaningful oversight and accountability for the schools. We are not totally opposed ever to lifting the cap if, in fact, charter schools can be open, can be accountable, and can fulfill what we think some of the reasonable public purposes are.

Advocates of charter schools saw this type of opposition as an attempt to quietly attack charter schools and demand greater oversight by setting an impossibly high bar:

They do things like, “Well, we support charter schools but they have to be perfect. We can’t charter a school unless you can prove that you can be much better than our schools.”

An authorizer predicting the future of charter politics suggested,

There will be more regulations on charters. It will be more difficult to operate, and they’ll try and kind of legislate [charters] out of existence.

Another striking feature of the counteradvocacy was how occasionally it occurred, suggesting that further expansion of the law, including the raising of the cap, was no longer a priority for many lawmakers. The traditional school groups all noted that charters only became an issue for them when charter advocates themselves pushed for changes in the law. Otherwise they saw charters as a minor issue, something only taking up a small piece of the education pie and perhaps getting more attention than it deserved, surprising disdain for what had initially been a successful challenge. As a Michigan Department of Education professional staffer told us,

I mean, this [charter schools] is such a small piece. It is. It’s just such a tiny, tiny piece, and that’s another thing. I think we spend far too much energy on this little chunk of action in public schools—called charter schools.

Similarly, a legislator on the House Education Committee said that advocacy on charter schools is “usually—it’s feast or famine,” either a lot at once or significant stretches of nothing at all. More interesting is that many early proponents of charter schooling, especially those not normally involved in education policy, had seemed to have lost interest in the issue. As a representative of the Michigan Chamber of Commerce explained, revisiting the law was not high on the priority list, though their interest was in holding the new status quo:

Relative to the other things on the chamber’s political agenda, this is way down its list of priorities. There are more important things to business than this issue.

Indeed, the state chamber was starting to encounter some resistance to its stand on charter schools from its own local members and let the primary responsibility for lobbying on charter schools issues fall to MAPSA.

But charter schools did have another source of political support in addition to MAPSA; the universities with the authority to charter schools were

also lobbying on behalf of charter schools. One registered lobbyist said his firm represented five universities in Lansing and that he worked on charter school issues. A representative from one of the universities' charter school's offices told us,

We think of ourselves as not only [charter schools'] regulatory body, but we definitely think of ourselves as their advocates.

Indeed, one university representative made clear that he and his colleagues regularly made trips to Lansing:

We're having at least right now two or three or more days a month where we're going down there and just knocking off appointments with legislators to talk about what we're doing.

This same authorizer also noted that they too are in contact with allies, including the for-profit management firms that operate many of Michigan's charter schools, in terms of strategizing on policy issues and

thinking about contacts that we would have with the ESPs [educational service providers]. Sometimes those contacts are about bigger-picture issues too. Strategizing or visioning how are we going—sometimes we know we have to view this as a war as [a supervisor] always is fond of saying, and how are we going to unite and go forward, what strategies might we employ because it is a war out there.

Though there were a few peripheral groups marginally interested in the charter school debate, in terms of interest group advocacy, which included the chartering agencies themselves, two competing sides had clearly emerged in Michigan. But the anticharter advocacy was piecemeal, seeking to limit their expansion, and in this limited advocacy, as we discuss below, they were successful. Holding the cap on charter schools kept this competitive system limited, consuming only a relatively small portion of public resources, thus defending the larger public education system from choice proponents. Rather than a full-scale assault on charter school policy, antichoice interests successfully adopted a defensive strategy, limiting charters rather than destroying them.

However, no such advocacy on the part of traditional school interests occurred in the District of Columbia. Indeed, what little counteradvocacy there was came from the D.C. Board of Education and the District of Columbia Public Schools (DCPS) system, two agencies whose credibility

with most local and federal lawmakers had already been lost. And in the District, advocacy for charter schools remained robust. Not only did FOCUS emerge to lead the advocacy effort, but many of the charter school leaders themselves actively participated, forming the Public Charter School Coalition with the support of FOCUS. Though the concentrated geography of the District certainly made it easy for schools in a single city to meet weekly, many of these school leaders were strongly committed to FOCUS and its cause:

One of my colleagues goes most Wednesdays to the [coalition] meetings and knows everybody there . . . and we have testified at committee hearings for them. I think FOCUS has been really alert on some issues like funding and things and really kept up the pressure.

And as the FOCUS lobbyist explained it,

I think most of the schools are content to have us do their work and keep them informed. . . . But the people who tend to be more actively involved are the old timers, and the reason is they understand what the movement has been through and how hard it's been to get where we are today. We try to bring in the new people. We even make changes for the new people, you know. . . . We get a large turnout if there's a big problem that's affecting a lot of schools. You know, a lot of the charter founders are not politicized. You know, they just want an opportunity to implement their ideas about schools. So part of our job is to make them understand what it's all about.

What helped charter advocates in the District is that some of the schools were willing to share the burden of advocacy, using the access they enjoyed with key lawmakers that FOCUS lacked. Occasionally, this has been a problem for FOCUS and the Public Charter School Coalition it represents, as exemplified in one incident where a charter school with good connections in Congress received a special line-item appropriation in the federal budget to acquire a building:

You know, the [charter school] earmark is upsetting. I mean it's great for [the charter school]. . . . But it's upsetting because it's in your face how this game works, and, you know, there are many schools—[the charter school] is a new school. There are many schools that have been struggling for years that are proven already—to be good schools. So if somebody in the Congress can understand that one school needs [the money], well, then let's get it for everybody.

But for the most part even the connected charter schools are relying on FOCUS to advocate on their behalf:

There are a couple of schools like this . . . they have the ear of the same people we have the ear of. And they are able to get what they need for their school on their own. [One school] works only on [Capitol] Hill, to my knowledge. [Another school] does whatever is necessary to be done locally. But they're also savvy, and they know that they can't and don't have the time to deal with every one of these issues that come down the pike.

Unlike Michigan, charter advocates in the District had a significant advantage in that there is no longer any strong organized interest opposition. The Washington Teachers Union had been in disarray for several years and in 2002 was put into receivership by the National Education Association when the FBI discovered that leaders were embezzling member dues (Blum & Tinberg, 2003). But even before the union's collapse, charter schools did not appear to be an issue of concern, as an aide to the District's mayor told us in 2002:

I've had no conversations with the union about charter schools, and I actually haven't heard that as an issue of theirs. It may be, but I haven't heard it expressed either to myself directly or from other folks.

A member of the city council described it as a tactical retreat decided by the union early in the debate:

Most jurisdictions have to face union issues. Unions have been strongly against charter schools. Here, our union fought it initially and they still have problems with it, but once they saw that the mayor and I were committed to increasing the school funding on one hand, they backed away. But the most significant thing, they couldn't stop the charters.

Moreover, although charter schools have remained popular with Congressional Republicans, advocates have also largely succeeded in winning the support of local leaders, a significant achievement given that Congress began restoring home rule to the local government in the late 1990s. As the FOCUS lobbyist told us, about 95% of his time was now spent working with local politicians: "When I got here, we didn't have really any friends to speak of at the local level. We did everything through Congress. And now, we do basically nothing through Congress." However, one official from the mayor's office was quick to point out that charter advocates were not afraid to venue shop if local officials did not do as they wished: "But I know that both [FOCUS lobbyist] and [FOCUS founder] have been to [Capitol] Hill and that's their back door threat all the time."

Though not always the most active supporter, Democratic Mayor Anthony Williams vocally supported charter schools. It is with the Democrat controlled city council, however, that charter advocates have had their best luck. Resentful of charter schools in the 1990s because it was a policy forced on them by Congress, the council has, for the most part, embraced charters. This is especially true of the council's Education Committee, as seen in this quote from the FOCUS lobbyist describing the committee's chair at a recent hearing:

[The councilman] basically did my entire testimony. And you know, he's become more active like such a true believer in charter schools, but he'll just say to anybody anywhere. I think he's in some way staked his political future on the charter schools.

Unlike in Michigan, charter school advocates found themselves relatively unopposed in the District of Columbia, with charter schooling embraced by most lawmakers and certainly those key to a stable subsystem such as the chair of the Education Committee.

Issues and Arguments

In both jurisdictions at the time of our research, and even today, there were really one or two major issues around which charter school advocacy was focused. Though the issue in Michigan was quite different from that in the District, in both cases it was seen as a life-or-death issue for the future of their respective charter school movements. In Michigan, during the time we were conducting field work, there was no issue more contentious than the cap on charters authorized by state universities. Most charter contracts had been authorized by the state universities, primarily Central Michigan University. The number of charter schools had grown steadily until the 150 cap was reached in the 1999-2000 school year and has grown little since, and although any of the 500-plus school districts and 57 intermediate school districts could also approve contracts for new charter schools, they rarely did so, seeing charter schools as competitors (Miron & Nelson, 2002). Nor did advocates on either side have much confidence that the cap would soon be raised. In the view of one charter school proponent:

I'd say there's barely a 50-50 chance. I mean, clearly the appointment of the McPherson Commission meant the legislative leadership wanted the issue resolved, they didn't want to decide it themselves, and they created a commission that had both extremes on the commission. And I think the intent of

the legislature is to do something about the cap. But I think it's a very tough issue to do, because you have a \$14 billion-a-year industry that doesn't want competition.

Another proponent mentioned how the cap was not even an issue on the radar until several years into the formation of charter schools:

Probably not until early '99 did we start thinking okay, we better try and figure out opportunities to expand the cap and tried on numerous occasions to do so through various pieces of legislation and it became pretty evident that the education community at large, school administrators, school boards, MEA, MFT, and others, were pretty much opposed to expansion of charter schools in Michigan beyond the current.

Interestingly, not all advocates for charter schools were unanimously in favor of raising the cap. Authorizers, themselves proponents, talked about the importance of careful growth and not wanting to flood the market so that each existing charter school has a chance to succeed. As the leader of one regional school district that has authorized schools said, "Even if we saw ourselves as charter school proponents, which we do, that doesn't mean that you glut the market." Charter advocates saw an opportunity to circumvent the cap through the chartering of schools by Bay Mills Community College. Bay Mills is a federal tribally controlled community college, which advocates saw as an opportunity for the procharter college to grant charters outside of their jurisdiction, something traditional community colleges could not do. Charter opponents saw this as a loophole and an unintended way to circumvent the cap, and the MEA brought suit to close this loophole. This suit was eventually dismissed in appeals courts.

The other major issue was the level of regulation placed on charter schools by the state, and charter school advocates felt that their opponents were distorting the debate by framing their arguments in terms of "good government" and "public responsibility," through which they could justify increasing regulation, perhaps regulating charter schools to death. As one member of the state Board of Education characterized the activities of the anticharter groups,

Even though there were, you know, 20,000 kids going to these schools they wanted to get rid of them. They've now accepted and I think this is true for all these groups. They've now all accepted that they're going to be there and so they're not out there actively opposing the existence of the existing schools. They do however demand extremely high scrutiny of the activities

of the charter schools. And I would say that they demand much higher standards for charters than they do for traditional schools.

He also voiced this fear:

I think, in the near future, you're going to see lots of "adminis-trivia" kind of administrative rules or regulations thrown out by the new state superintendent of the department to have a closer look or tighter rein on charter schools.

Consequently, as one advocate told us, his job was to ensure that charter schools were not being overburdened and overregulated, laying out the argument that charter schools and choice in education could only flourish in an open, laissez-faire environment.

From the other side of the spectrum, we saw evidence of this regulatory stance from a local teachers union leader:

We went from—we probably had an evolution from opposing charters to where we are now, and again, I can share the materials with you—that we have a criteria of what charters ought to be like or ought to offer, or, you know, like students and how they are brought in and all of that, but basically that they're part of the political and educational landscape and that, you know, our concerns are as to what charters—what criteria, what they ought to meet, and so we're not against charters.

She went on to say,

And the idea is if the charter schools followed the criteria that we have listed, they could certainly be something that we could support and live with.

Some might say that this was a desire for regulation for quality and good governance, and maybe it was. It certainly was not perceived that way by charter advocates.

Although issues and how the different sides defined them are contested in Michigan, this was much less the case in the District. Here, the problem of getting access to facilities for schools was *the* issue. In 2002, about 15% of all District public school students were in charter schools, but more than one fourth of those schools lacked either adequate facilities or, in the case of a couple of new charter schools, any facilities at all. Not surprisingly, the best building in which to house a charter school is a school building, and with declining enrollments, the District had a number of school buildings sitting empty. Denial of most of these buildings, though not all,

to charter schools, whether as a deliberate attempt to hamstring the charter school movement or not, was seen as a significant barrier to creating a vibrant system of charter schools. As noted by one of the government charter authorizers,

We had one school that postponed opening last year. It's opening this year. But they had to drastically reduce their enrollment from 400 to 40. Because they couldn't find a facility.

An official from the mayor's office added,

But on the facilities front we [the mayor's office] are constantly contacted by FOCUS and their D.C. Public Charter School Coalition.

The official went on to emphasize the mayor's support for charters on this difficult issue:

In some other places the charter schools would not even dream to ask the government for facilities because they know they're not going to get it. They wouldn't even dream to ask for facilities funding because they know they're not going to get it. But because we've been doing such a good job thus far there seems to be an increasing demand and we don't want to say no, but that puts us in a position of well, how do we do it. At some point in time we may get to the point where we have to say we've done all that we can do. But the mayor being as committed as he is to education he doesn't want to have to say that. He doesn't want to have to turn charter schools away.

Interestingly, resistance to providing school buildings to charter schools did not come from any organized interest, but from the mayor and DCPS. Charter advocates felt that DCPS should let charters, as public schools, use surplus facilities or space in their surplus facilities. Mayor Williams, however, wanted to use some of the space for commercial purposes and DCPS simply seemed reluctant to lose buildings that it might need in the future. As one advocate described the situation,

The mayor is getting increasing pressure to give up more of these surplus properties, which he may not do, but he is under a lot more pressure. But I think that the facilities thing is—it's hard to think that it might actually get solved. I don't see it actually ever getting—in the near future, getting solved. I mean the way to solve it, if you're really going to solve it, it would be the government saying, "Okay. We're going to provide—one way or another, we're going to provide a building for every charter school." That's a solution

of sorts. But I think we're likely to do better. It's not at all clear to me, however, that we are going to prevent some schools from shutting down or more schools from not opening because of the—you know, it's just like the log jam started to shift around them.

However, in the FOCUS lobbyist's opinion, DCPS's poor reputation for education and management in the eyes of most policy makers has hurt the organization on this issue and contributed to the recent success charter schools have had in obtaining school buildings (see below):

Shooting themselves in the foot by not being sane, and making us look so [expletive] reasonable and polite. I really think that that has something to do with it.

Although for Michigan issues of the charter school cap and regulatory oversight were contested between pro- and anti-charter school interests, using competing definitions of charter school freedom and public oversight, the principal problem for Washington, D.C., charter schools was an agency caught between its own internal problems and government officials who had turned decidedly procharter. Here, there were no competing issue definitions; the debate was simply a matter of how many uses could there be for empty school buildings.

Policy Outcomes

The differences in the degree of counteradvocacy by displaced interests have resulted in very different policy outcomes in Michigan from that in the District of Columbia. In the former, the creation of the McPherson Commission to study the issue of raising the cap on the number of charter schools that the state universities could authorize was the result of the inability of the legislature to resolve the issue directly, and it also failed to resolve the issue. The Michigan House of Representatives had been the primary venue for advocacy on charter schools issues, as it was the venue most sympathetic to those interests wishing to circumscribe the growth of charter schools. Governor Engler and the Senate were clearly supportive of raising (or eliminating) the cap. Several interviewees even mentioned how the Senate and Engler were eye to eye on the issue; it was the House that stood in the way, and it was here that advocates concentrated their time and resources. As this director of a traditional public school leaders' association made explicit,

The Senate is pretty much where the governor is, and therefore the real opportunity to be influential is in the House.

A legislator on the House Education Committee echoed this sentiment:

We may have the greatest bill in the world, but if it doesn't get 56 votes, then it's not the law. And pretty much anything that comes out of the House, we can pass it in the Senate.

But House passage was not an easy hurdle. The Education Committee was dominated by procharter State Representative (now State Senator) Wayne Kuipers, but the Appropriations Committee was not similarly sympathetic. There was a contingent of Republicans known as "MEA Republicans" who were elected with the help of the traditionally Democratic MEA, and they were not procharter like the majority of their party. On the other side, many House Democrats from the Detroit area were in favor of raising the cap.

Some saw the creation of the McPherson Commission by Republican Senator DeGraw as an alternative prochoice strategy after the House finally proved unable to take action on the cap issue. The commission's membership, appointed as it was by both Republicans and Democrats, was not without controversy. Indeed, during the time we were conducting interviews in Lansing, in March 2002, most interviewees, including two commission members, voiced doubts that the commission could come to unanimous agreement on recommendations and stated that the House was unlikely to take action unless the report has unanimous support of the commissioners.

The report was important in that it failed to give a clear victory to either side. It recommended additional testing for students in charter schools, expanding regulatory powers to the state Board of Education and state Department of Education and other chartering entities, creating another state-level agency with responsibility for the "overall system of charter schools in the state," a new certification process for authorizers to ensure their accountability, and requiring that school trustees be independent of any education management organization that might be involved (Commission on Charter Schools, 2002). All of these recommendations were generally sympathetic to those wary of more charter schools because they called for additional testing, oversight, and regulation of charter schools. Indeed, the report came under criticism from charter school advocates like MAPSA as being too restrictive of charter schools.

Yet in what made the report appear to be something of a compromise, it also recommended that the cap be increased slightly, allowing a small

increase in the number of charter schools per year, though only by creating a new category of “special purpose charters” capped for university authorizers of 15 per year for five years. The report also recommended that from 2002 to 2007 university authorizers not be permitted to grant more than two charter contracts (either conventional or special purpose) in the same school district in any calendar year. Signaling that the report was considered something of a victory, the president of the MEA and McPherson Commission member, Lu Battaglieri, also supported the report and its recommendations and indeed issued a statement to that effect in which he wrote,

If the Legislature accepts *all* of the Commission’s recommendations, charter school growth will be limited and monitored, and charter schools will be treated like the public schools they are. We will have all the checks and balances necessary to ensure that charter schools follow the rules and exist first and foremost to educate students—not to make money for authorizers or private management companies. (Battaglieri, 2002)

But perhaps the MEA’s real victory came later. Just days after the commission’s recommendations, the legislature took up the issue of the cap as the House Education Committee again considered a bill lifting the cap on university authorized charter schools. The full House voted on a bill containing most elements of the McPherson Commission Report, only to see it narrowly defeated in a May of 2002 vote, with no further action taken during that legislative session (Michigan Legislature, 2002). As one procharter school member of the state Board of Education remembered,

What the legislature has done by both this inaction and regulatory mindset that they have is they completely sucked the will of the mom and pops and the former teachers and former administrators who just want to create a small intimate school . . . they have just sucked the life out of that.

Not only had neither side won, but the policy left in place kept a balance between what each side wanted, an enduring status quo between ideological poles.

Not so in the District of Columbia. With enrollment in their charter schools in 2006 rising 15% from the previous year, so that nearly one fourth of all of the District’s public school students are in charter schools, it is hard to call the D.C. charter school movement as anything other than an enduring success (FOCUS, 2006). An aide to the mayor explained that charters were becoming more accepted and institutionalized, and the political reality is slowly changing to reflect that:

I think that as we go along year by year we are changing the administration of the law, being more mindful of the notion of equity between DCPS and charter schools, being more mindful of the fact that charter schools are growing and we can't have the same mind set of the single district system. . . . But I think in terms of just people understanding and recognizing that charter schools are here to stay and that we have to change our mind set will definitely have an impact in terms of how we uphold the law and how we treat our biggest school system, which is DCPS. If we demand this of charter schools then why can't you do it?

An elected city council member we interviewed, now a charter proponent though he was not always a supporter, noted that the new per-pupil funding formula for both charter schools and DCPS had basically leveled the playing field, perhaps increasing the competition for DCPS:

It—choice does lead to competition, and I've seen it . . . we were the first jurisdiction in the country to go to a per student funding,—and district legislation put that in effect. So instead of giving the school district, you know, 5, 6, 700, 800 million dollars and say spend it, we tie, you know, the local funding to a per-student allotment. What that has led to is, I think, the purest form of competition, because DCPS knows eventually that if their numbers keep going down, then they just won't get the dollars.

On the issue most important to District charter schools, the availability of old public school buildings, FOCUS and its coalition of schools won its greatest victory. In 2005 the Board of Education tentatively approved a plan to lease 10 school buildings to charter schools, and though relations between charter schools and the board have never been warm, the availability of space was a dramatic contribution to the continued growth of charter schools in the nation's capital (Haynes, 2005). Lacking any real organized resistance from teachers unions or, at this point, politicians, charter schools made a lasting impact in Washington, D.C.

It is dangerous to try to read too much into a couple of case studies of a single major policy change, yet what happened in Michigan and Washington, D.C., we believe, allows us to make a couple of claims regarding the evolution of charter school policies. First, the policy evolved in quite different ways in Michigan and the District. That charter schooling constituted a punctuated equilibrium as described by Baumgartner and Jones (1993) is relatively clear; it was a radical change from the traditional state education policy of support for a publicly sponsored and controlled education system toward one grounded in notions of market-based choice. But at least in Michigan, it was not a clean victory for business and other choice-in-education interests,

for that state's law is hardly a model of a true competitive approach to public education. Rather than allow for an open and competitive education market, Michigan has effectively placed and chosen to maintain caps on the overall number of schools that can be established and even subjected charter schools to greater public oversight. It therefore more closely resembles the description in Panel C of Figure 1. In the District of Columbia, however, lawmakers have embraced a relatively oversight-free form of charter schooling and even berated public agencies failing to aid them, thus a result more similar to Panel B in the same figure.

Our second claim deals with why. Given the criteria we laid out for policy reversion in the first section of our article, we lay out in Table 1 how both jurisdictions measured up. In Michigan, there were two relatively strong sides in the debate. Both were making different arguments regarding charter schools, and there were lawmakers willing to listen and act to promote both sides. The final action, or rather inaction, by the McPherson Commission and the legislature demonstrates not only how opponents of charter schools had been able to reassert themselves but also that the policy was reverting to one, although not fully supporting the old system by stamping out the new, at least it was carefully regulating charter schools and preventing them from expanding much further in the future. An effective balance of power between competing interest groups and legislators formed what Hecl (1978) termed an issue network rather than a clear subsystem and what we would expect in a policy showing signs of reversion. But in the District, we found that the charter school policy was flourishing, and a new and healthy subsystem had sprung up with supporting groups such as FOCUS and legislators with power inside the designated institutional jurisdiction, namely the Council Education Committee. Here, there is no reversion, and in fact there appears to be little resistance as the District teachers union is only now trying to recover after a terrible scandal. It may be a long time before it, or any other force, is able to take on charters. In sum, it is these factors, especially the degree of competition among opposing interests and the willingness of lawmakers in the relevant institutions to support them, that determine whether charter schools policies endure in new subsystems or whether (partial) reversion takes place as they evolve.

Conclusion

Opportunistic new policies that shatter long-standing policy subsystems have become an important new agenda for research in the social sciences.

Table 1
Summary Table for Charter School Policy of Michigan
and the District of Columbia

Political Characteristic	Michigan	District of Columbia
There are two or more distinct sides in terms of policy preferences represented by interest groups	Yes	No
Active advocacy being conducted by both sides	Yes	No
Lawmakers willing to listen to, and advocate for, each side	Yes	No
The current policy reflects some, but not all, of the policy preference of both sides	Yes	No
Some policy reversion has occurred rather than enduring punctuation	Yes	No

A great deal of work has gone into understanding how policy monopolies largely hidden from the public eye can be abruptly overthrown and replaced by new and quite different policy. Much less work, however, has been done on what the fate of such policies might be. Here, we proposed several possible outcomes, complete reversion (Panel A in Figure 1), partial reversion (Panel C), and the lock-in of the new status quo (Panel B), and discussed the circumstances under which we might expect one of these outcomes to occur in a particular policy-making jurisdiction. We then applied our framework to understanding the evolution of charter school policy, a good example of an equilibrium punctuating opportunistic policy, in two different jurisdictions, Michigan and the District of Columbia. When interests, both traditional interest groups and lawmakers, displaced by the initial punctuation are able to reassert themselves, then some degree of reversion may take place. If not, and these once powerful interests actually do fade away, then the new status quo and the benefits it distributes to the constituents of the victors may become embedded and may likely last a considerable amount of time, perhaps until the next policy punctuation occurs.

Despite the District's unique status as a city-state under congressional oversight, the implications of this research for charter school policy for the movement are clear. It suggests that organizing and advocacy are important to both sides, for making changes, fighting changes, or maintaining the status quo. It also suggests that it is not easy to make changes to or to tinker with a major contested policy. Future research in the area should apply

the same framework to charter school policy in other states and to other policy areas as well. Such studies would broaden our understanding of what happens when policy subsystems are punctuated, perhaps identifying differences in different policy areas.

Notes

1. Frequently, these are the same public factions organized as interest groups and legislators receive the benefits of their political action committee contributions and their votes for providing beneficial policy (Ainsworth & Sened, 1993; Hansen, 1991). It is this legislator-constituent connection via interest groups that is the heart of any stable policy-making subsystem.

2. Other interviewers in Michigan were Heath Brown and Chelsea Haring. In Washington, D.C., Jeffrey Henig and Heath Brown also conducted interviews.

3. The details and history of the charter school law in Michigan are described in greater detail in a number of other sources, such as Miron and Nelson (2002), Mintrom (2002), and Hassel (1999).

4. Additional information regarding charter schools and the history of charter school policy in the District of Columbia can be found in Henig, Moser, Holyoke, and Lacireno-Paquet (1999) and in Henig, Holyoke, Lacireno-Paquet, and Moser (2001).

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