



PUBLIC SCHOOL ACADEMIES (CHARTER SCHOOLS) IN MICHIGAN

Second of Two Publications Regarding Charter Schools

In Brief

Continuing dissatisfaction with the extent to which public schools have succeeded at fulfilling the purposes of elementary-secondary education is at the heart of the school reform debate in Michigan. Several years ago in response to this ongoing debate, the Legislature made a number of changes to the public school system as part of a comprehensive plan, including legislative authorization for the establishment of public school academies, or charter schools. However, the establishment of academies has raised a number of public policy issues. For example, academies have been advanced as a market-oriented means of improving educational outcomes and accountability, unfettered by the existing educational bureaucracy. Yet, it is not clear to what extent the marketplace will, or should, determine what is taught at the elementary-secondary level in Michigan. Nor is it clear whether the educational philosophies of many academies is consistent with the public interest in students receiving a broad-based education. In addition, the state Constitution requires the maintenance and support of a public school system, but prohibits public funding of nonpublic schools. However, academies have rendered this constitutional distinction increasingly difficult to maintain, given that they possess some of the characteristics of both public and nonpublic schools. Finally, because academies were authorized to improve the educational outcomes of the elementary-secondary system, it is important that state policymakers ensure the collection of sufficient data to evaluate the extent to which that purpose is realized.

Background

As of June 1996, twenty-three states, including Michigan, have adopted some form of charter school legislation. The Michigan Legislature first amended the state school code in 1993 to authorize the establishment of public school academies for the purpose of improving the quality and accountability of elementary-secondary education. When a state circuit court in 1994 declared that law to be unconstitutional, the Legislature subsequently adopted a revised law which took effect in early 1995.

An academy may be authorized by the governing board of a state public university, community college, intermediate school district, or local school district

that offers grades kindergarten through 12. Eighty academies were authorized as of April 1996: sixty-nine by public universities, seven by intermediate school districts, three by local school districts, and one by a community college. Of this total, forty-four academies presently are in operation and have an aggregate enrollment of 5,630 students. Earlier this year, the Legislature restricted the number of academies which public universities may authorize and simultaneously repealed a provision which had prohibited community colleges from authorizing more than one academy each. There is no limit on the number of academies that intermediate and kindergarten through 12th grade school districts may authorize.

Perspectives on Elementary-Secondary Education

States traditionally have placed great importance on the provision of a free public elementary-secondary education. Such an education has been seen as conferring a benefit not only upon the recipient, but also indirectly upon society in general by transmitting to each generation both an accumulated body of knowledge and shared societal values. Continuing dissatisfaction with the extent to which traditional public schools have succeeded at fulfilling this

role is at the heart of the school reform debate in Michigan and in other states.

General Considerations

There is general agreement that improvements could be made in the educational outcomes of the elementary-secondary system, but little agreement regarding either the nature of the improvements or how they best may be implemented. For example, significant

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differences of opinion exist concerning how students should be taught, what subjects they should be taught, and what level of proficiency they should be expected to acquire. In the absence of a consensus on such issues, there are two broad approaches by which improvements in educational outcomes might be advanced: a legislative approach and a marketplace approach.

Legislative Approach

First, state policymakers might determine the effectiveness of particular educational philosophies through the political process. Under this approach, policymakers would assess various proposals and then enact the more promising ones, either singly or in combination. However, enactment of particular measures might be followed in relatively short order by their subsequent repeal.

For example, in 1993, the Legislature amended the school code to require that the State Board of Education develop a model core academic curriculum encompassing math, science, history, geography, economics, American government, and writing. All school districts would have been required to provide students with the model core academic curriculum beginning with the 1997-98 school year. However, early in 1996, the Legislature repealed the core curriculum requirement, due in part to changing views regarding whether the state or local school districts should determine core

Economies of Scale

Throughout the history of Michigan, efforts have been advanced to reduce the number of school districts, although the principal motivation therefor has changed over time. For many years, reorganization efforts were grounded in the view that all districts should be of sufficient size, preferably kindergarten through 12th grade, to take advantage of economies of scale so as to offer a wide range and variety of instructional programs. More recently, reducing the number of school districts was seen as an effective means of reducing disparities in per pupil expenditures among districts.

Public school academies largely stand in contrast to the foregoing considerations (although it should be noted that the state school code defines academies to be public schools, not school districts). Only five of the 44 academies in operation as of April 1996, offered kindergarten through 12th grade programs. The average enrollment was 130 pupils. The largest of the 44 academies had an enrollment of 385 pupils, in grades 6 through 8, while the smallest had an enrollment of just seven pupils, in grades nine through 12. The smallest academies tend to be schools which offer transitional programs for pupils such as youth offenders or pregnant teenagers for whom traditional high schools have not proven to be successful.

curricula. No doubt, financial considerations also played a role.¹

Marketplace Approach

Second, policymakers could authorize a system under which the entire range of educational philosophies could be offered simultaneously. This essentially is the approach which the Legislature followed in authorizing public school academies. Under this approach, the effectiveness of particular educational philosophies would be determined by the marketplace.

The educational goals and curricula of the academies listed on Page 7 suggest a smorgasbord of curricula, ranging from liberal arts and natural sciences to Afrocentrism and Native American culture. It is the view of academy proponents that consumers (parents and students)

ultimately will determine which of these educational philosophies succeed or fail.

For two reasons, however, state policymakers might consider the extent to which the marketplace should determine what is taught at the elementary-secondary level in Michigan. First, an efficient market requires informed consumers. However, it is not clear that information presently exists which will allow parents to select among the various educational options being offered by academies. Furthermore, even if parents were to acquire sufficient information over time to permit the market to reward successful academies and put unsuccessful ones out of business, much educational harm might be done to students enrolled in the latter prior to their demise.

¹ Section 29 of Article 9 of the state Constitution prohibits the state from imposing on units of local government new mandates or increasing the level of existing mandates without a state appropriation to defray any necessary increased costs.

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Second, the latitude accorded academies in establishing curriculum could, in individual cases, result in a diminished capability to provide a broad-based education.

For example, several academies have been authorized to train stu-

dents in specific occupations, such as manufacturing or restaurant management, in answer to longstanding employer complaints that high school graduates often lack requisite skills to fill available jobs. Time spent on learning a trade, however, is time not spent on

more academically-oriented courses that are viewed as important in producing a well-educated citizenry. Finding a balance between meeting the needs of employers and meeting the needs of society may be difficult.

Public School Academy Accountability

Critics of public school academies have questioned the extent to which academies are accountable for their educational outcomes and for the public funding they receive. Issues of accountability also have been at the heart of ongoing public school academy litigation.

Section 2 of Article 8 of the state Constitution requires the Legislature to maintain and support a public school system and prohibits the use of public funds to support nonpublic schools. Section 3 of Article 8 vests in the State Board of Education general supervision over public education.

Prior Litigation

Based upon these provisions, the Ingham County circuit court in 1994 declared unconstitutional the predecessor public school academy statute, Public Act 362 of 1993. The court reached two conclusions. The first was that, notwithstanding a statutory declaration to the contrary, academies were not public schools as defined by state law because they were not under the immediate and exclusive control of the state.

In reaching this conclusion, the court combined terms from two separate authorities. The term

“immediate” derived from *Traverse City School District v Attorney General*, (384 Mich 390; 1971) while the term “exclusive” was borrowed from an opinion of the state Attorney General. (OAG 1989-90, No. 6581.) Thus, the judicial determination that a school must be under the immediate and exclusive control of the state to be considered public invoked a new standard. Second, the court held that Act 362 usurped the constitutional responsibility of the State Board to supervise public education in Michigan by vesting such authority over academies in the bodies that authorized them.

Legislative Corrections

The response of state policymakers to the circuit court decision was twofold: first, the decision was appealed by the state and second, the Legislature adopted the current public school academy statute, Public Act 416 of 1994, which amended the school code to cure the constitutional defects identified by the circuit court. Act 416 specifies that academies are subject to the general supervision of the State Board of Education. Act 416 also added to the school code a “Part 6B” which delineates the powers of the State Board as they relate to academies; Part 6B automati-

cally will be repealed if, upon final judicial disposition, the predecessor academy statute is held to be constitutional.

Pursuant to Part 6B, the State Board may: (1) reject the incorporation or contract of an academy under certain conditions, subject to judicial review; (2) enforce a contract between an academy and its authorizing body and revoke such contract; (3) withhold or delay state aid payments, subject to the state aid act; and (4) assist in the resolution of disputes between an academy and its authorizing body.

Thus, Public Act 416 of 1994 addressed the second of the two concerns raised by the circuit court, namely the role of the State Board of Education in supervising academies. There remains the first concern, however: whether academies are “public” schools as that term is used in Section 2 of Article 8 of the state Constitution.

The Public School Question

The Michigan Constitution does not define what constitutes public schools. Section 2 of Article 8 declares only that the Legislature shall “maintain and support a system of free public elementary-secondary schools as defined by law.”

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Public schools generally have been identified by reference to particular characteristics, such as the geographic boundaries of the school district by which they were operated, as well as by the degree of supervision and control exercised by state education officials.² On the other hand, private schools essentially have been defined in the negative, that is as schools which were not public schools.³ Public school academies have further blurred the distinction between public and private schools, not just because academies possess some of the characteristics of both but also because, through the chartering process, private schools now may convert to academy status.

The question of what constitutes a public school recently assumed added significance. In March of 1996, the Michigan Court of Appeals upheld the 1994 circuit court decision by concluding that academies did not meet the common understanding of the term public school. *Council of Organizations and Others for Education About Parochial, et al v Governor of Michigan, et al*, (___ Mich App ___, 1996).

While the issue before the appeals court was the constitutionality of Public Act 362 of 1993, the result of the decision could have implications for the current public academy statute as well. Public Act 416 of 1994, like its predecessor, essentially declares academies to be public schools under Section 2 of Article 8 of the state Constitution. However, this legislative declaration may not be sufficient because the courts have held that they are not bound by constitutional interpretations made by the Legislature, but are required to determine independently the meaning of constitutional terms.

Academy Governance Structure

In concluding that academies are not public schools, the Court of Appeals placed emphasis upon the statutory governance structure. Critics also have raised accountability concerns about the governance structure.

The state school code provides that an academy shall be organized as a corporation pursuant to either Public Act 162 of 1982, the Michigan nonprofit corporation act, or articles of incorporation adopted by an authorizing body. Under either approach, an academy is governed by an initial board of di-

rectors appointed by the authorizing body. Subsequent directors also are appointed by the authorizing body from a list of names supplied by existing directors.

Act 416 requires an authorizing body to establish by resolution the "method of selection, length of term, and number of members of the board of directors of each public school academy subject to its jurisdiction." In addition, the school code provides that membership on the board of directors of an academy constitutes the holding of public office and directors are required to file an acceptance of office and subscribe to a statutory oath. Given this statutory framework, concerns about academy accountability cannot stem from an absence of legislative treatment, although concerns continue to be voiced about the adequacy of that treatment.

Marketplace Accountability

There remains the policy question of whether the governance structure authorized by the Legislature for academies provides sufficient public accountability. In traditional public schools, accountability flows from individual schools through principals and a superintendent to a local board

² Section 5(5) of Public Act 451 of 1976 as amended, the revised school code, provides in part as follows:

"Public school" means a public elementary or secondary educational entity or agency that is established under this act, has as its primary mission the teaching and learning of academic and vocational-technical skills and knowledge, and is operated by a school district, local act school district, special act school district, intermediate school district, public school academy corporation, or by the [Michigan] department [of Education] or state board.

³ Section 2 of Public Act 302 of 1921 provides as follows:

A private, denominational or parochial school within the meaning of this act shall be any school other than a public school giving instruction to children below the age of sixteen years, in the first eight grades as provided for the public schools of the state, such school not being under the exclusive supervision and control of the officials having charge of the public schools of the state.

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of education. In turn, the local board of education is accountable to both the voters of the district and to the State Board of Education.

The structure for academies differs in that a board of directors and an authorizing body substitute for the local board of educa-

tion and the voters, respectively. However, the state Constitution does not require that public schools be governed by a locally elected board of education.

Rather, it is within the discretion of the Legislature to prescribe what officers may be chosen to conduct the affairs of

school districts. Ultimately, the philosophy underlying academies is that public accountability will be ensured less by a formal statutory structure than by the knowledge that parents will be able in effect "to vote with their feet" and leave an academy which demonstrates inadequate performance.

The Need for Baseline Performance Data Collection and Evaluation

Recently, the Michigan Legislature elected to slow the pace of further public school academy authorizations. Pursuant to Public Act 289 of 1995, public universities as a group cannot authorize more than 85 academies through 1996, nor more than 100 through 1997, 125 through 1998 or 150 thereafter. Nor may a single public university authorize more than 50 academies through 1996, or thereafter more than 50 percent of the total number which may be authorized by public universities as a group. Since all but eleven of the 80 academies established as of April have been authorized by public universities, the restrictions could have a significant impact.

These restrictions may reflect a legislative intent to proceed with caution until more is known about the impact academies will have on elementary-secondary education. Given their recent vintage, it is too soon to know whether academies will have any definitive impact. However, it is not too soon to begin the collection of relevant baseline data.

Such data would be useful in two respects.

First, performance data would provide policymakers, authorizing bodies, and the general public a basis upon which to evaluate the effectiveness of public school academies and, where necessary, to propose modifications.

Second, to the extent that academies are effective at improving educational outcomes, performance data would permit policymakers to identify successful educational philosophies, teaching methods, or management techniques for the purpose of replicating such improvements in other educational settings throughout Michigan.

The state school code requires that academies indicate the method to be used for student assessment. To the extent applicable, student assessment is to be measured using the Michigan Education Assessment testing Program (MEAP) test or a testing instrument developed for state-endorsed high school diplomas. In addition, the school code requires that, beginning in 1997, the State Board of Education report to the House and Senate education committees on an annual basis regarding whether public school academies

are fulfilling the purposes specified. The annual reports must include for each academy, "the mission statement, attendance statistics and dropout rate, aggregate assessment test scores, projections of financial stability, and number of and comments on supervisory visits by the authorizing body."

Assessing Educational Outcomes

Assessing educational outcomes is no mean feat. Perhaps this explains the traditional emphasis given to inputs such as expenditures per pupil, teacher-pupil ratios, pupil retention rates, and the number of school buildings or certificated teachers.

In effect, educational inputs have been used as proxies for educational outcomes because the former are much easier to measure. However, there has been little consensus upon the extent to which particular educational inputs resulted in desired educational outcomes.

The type of performance data needed to assess the effectiveness of public school academies depends upon the purpose for which such schools are authorized. The

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WHY THE MICHIGAN LEGISLATURE AUTHORIZED PUBLIC SCHOOL ACADEMIES

Section 511 of the revised school code, as amended, provides in part as follows:

(1) To improve the public elementary and secondary schools of this state, public school academies may be established within this state's system of public school, as provided under this part (Part 6B), as an effective means of achieving the following purposes:

- (a) To improve pupil achievement for all pupils, including, but not limited to, educationally disadvantaged pupils, by improving the learning environment.
- (b) To stimulate innovative teaching methods.
- (c) To create new professional opportunities for teachers in a new type of public school in which the school structure and educational program can be innovatively designed and managed by teachers at the school site level.
- (d) To achieve school accountability for pupil educational outcomes by placing full responsibility for performance at the school site level.
- (e) To provide parents and pupils with greater choices among public schools, both within and outside their existing districts.
- (f) To determine whether state educational funds can be more effectively, efficiently, and equitably utilized by allocating funds on a per pupil basis directly to the school rather through school district administration.

state school code suggests that purpose is to improve educational outcomes by stimulating innovative teaching methods. Thus, if the primary purpose of academies is to improve the performance of traditional public schools at teaching the same subjects, then there is no reason to reinvent the wheel as it relates to assessing educational outcomes.

The evaluation of some academies may be rendered difficult by their educational philosophies. The academies listed in **Table 1** may be grouped broadly into three separate categories: *teaching methods* (e.g., Montessori, individualized instruction, and team teaching) *subject matter* (e.g., manufacturing, Afrocentrism, Native American culture, and language arts) and *clientele or target population* (e.g., pregnant teenagers, gifted children, and severe youth offenders). It is not readily apparent how well pupils can be

expected to fare on standardized assessment tests where the primary emphasis of their education has been in Afrocentrism or manufacturing, for example, unless such emphasis is merely supplementary to mastery of basic subject such as math, science, history, and writing.

In effect, the type of performance data required to evaluate academies need not differ from that used to evaluate traditional public schools. For example, academies, authorizing bodies, or both, could acquire from a pupil's school of origin data evaluating the pupil's reading comprehension, writing ability, standardized assessment test scores, and any history of truancy. These data could be utilized to compare student performance prior to enrollment in an academy to that measured after some period of enrollment. In addition, performance on standardized tests such as the

MEAP should permit the evaluation of pupil performance across school districts.

There remains the question of who should evaluate public school academies. A related issue is whether authorizing bodies possess the requisite impartiality to conduct such evaluations. Two schools of thought have emerged regarding these issues.

One view is that any evaluation conducted by authorizing bodies immediately would be suspect because of the concern that authorizing bodies could not evaluate with objectivity the academies which they establish. The other view is that authorizing bodies are in the best position to evaluate academies because they issue the contracts under which such schools operate. The first view assumes that authorizing bodies have so great a stake in ensuring the success of academies

Table 1

Public School Academies in Michigan

Academy	Chartering Authority	Curriculum/ Target Group	County	Enrollment	Academy	Chartering Authority	Curriculum/ Target Group	County	Enrollment
<u>In Operation</u>					<u>Authorized But Not In Operation</u>				
Academy of Detroit East	Central Michigan University	Individualized Instruction	Wayne	113	Applied Technology Academy	Central Michigan University	Manufacturing	Wayne	210
Academy of Detroit West	Central Michigan University	Individualized Instruction	Wayne	233	Bay Mills Ojibway	Bay Mills Community College	Native American Culture	Chippewa	250
Aisha Shule-W.E.B.	Detroit School District	Afrocentric	Wayne	150	Black River Public School	Grand Valley State University	College Preparatory	Ottawa	560
Averill Career Center	Saginaw Intermediate	Manufacturing/Engineering	Saginaw	300	Booker T. Washington	Grand Valley State University	Back to Basics	Kent	180
Bahweting School	Northern Michigan University	Native American Culture	Chippewa	201	Business & International Studies	Central Michigan University	Business/International	Wayne	300
Bay Arenac Community	Bay-Arenac Intermediate	Holistic Approach	Bay	125	Creative Learning Academy	Saginaw Valley State University	Hands-On Learning	Gladwin	42
Benito Juarez Academy	Central Michigan University	Individualized Instruction	Saginaw	47	Countryside Charter School	Central Michigan University	Natural Sciences	Berrien	150
Casa Maria Academy	Wayne Intermediate	Alternative School	Wayne	68	Detroit Arts & Sciences	Central Michigan University	Edison Project Based	Wayne	500
Concord Academy	Central Michigan University	Music and Art	Charlevoix	161	Educational Options Academy	Central Michigan University	GED Alternative	Berrien	40
Concord Academy	Central Michigan University	Music and Art	Emmet	240	Excel Charter Academy-West	Grand Valley State University	Back to Basics	Kent	180
da Vinci Institute	Central Michigan University	Manufacturing	Jackson	93	Fennville Charter School	Grand Valley State University	Love of Learning Approach	Allegan	60
Detroit-Oak Park	Central Michigan University	Individualized Instruction	Oakland	216	Great Lakes Academy	Central Michigan University	Articulated Curricula	Saginaw	200
Detroit-Southfield	Central Michigan University	Business/Entrepreneurship	Oakland	338	Heartwood Renaissance	Central Michigan University	Cultural and Visual Arts	St. Joseph	1,040
El-Hajj El-Shabazz	Central Michigan University	Afrocentric	Ingham	175	Lake Bluff Academy	Saginaw Valley State University	Multi-Aged Groupings	Manistee	52
Excel Charter Academy	Grand Valley State University	Technology	Kent	180	Lake Michigan Academy	Grand Valley State University	Learning Disabled	Kent	75
Honey Creek Comm. School	Washtenaw Intermediate	Integrated Theme	Washtenaw	36	Lakeshore Public Academy	Grand Valley State University	Basic Skills	Oceana	150
Horizons Community High	Wyoming Public Schools	Community/Technology	Ottawa	210	Learning Center Academy	Grand Valley State University	Academic Excellence	Kent	150-200
Kenquest Academy	Central Michigan University	Pregnant/Parenting Teens	Crawford	7	Liberty Charter School	Central Michigan University	Student-Directed Learning	Kalamazoo	85
Livingston Technical Academy	Central Michigan University	Manufacturing	Livingston	54	Merle Academy	Central Michigan University	Art	Oakland	1,100
Macomb Academy	Central Michigan University	Transitional Education	Macomb	48	Michigan Health Academy	Saginaw Valley State University	Health	Wayne	100
Manoogian School	Central Michigan University	Physical Education, Art	Oakland	158	Midland Academy	Central Michigan University	Values-Driven Education	Midland	161-175
Martin Luther King Ed. Center	Detroit School District	Accelerated Learning	Wayne	50	Monroe Developmental	Central Michigan University	Develop/Interdisciplinary	Wayne	250
Michigan Automotive Academy	Central Michigan University	Technical Automotive	Wayne	36	New Access Academy	Grand Valley State University	Severely Emotionally Impaired	Kent	--
Michigan Early Education	Central Michigan University	Individualized Instruction	Ingham	40	New Horizon Academy	Central Michigan University	Alternative High School	Wayne	200
Nah Tah Wahsh	Northern Michigan University	Native American Culture	Menominee	140	Northside Preparatory	Grand Valley State University	Student-Directed Learning	Kalamazoo	46
Nataki Talibah	Central Michigan University	“Whole Child” Approach	Wayne	140	Northwest Academy	Saginaw Valley State University	Science and Mathematics	Charlevoix	60-75
New Branches Academy	Central Michigan University	Student-Directed Learning	Kent	92	Pleasanton Academy	Central Michigan University	“Back to Basics” Approach	Manistee	100
New Creative Learning School	Central Michigan University	Language Arts	Kent	16	Renaissance Academy	Central Michigan University	Team Teaching	Isabella	150
Northlane Math & Science	Central Michigan University	Experimental Learning	Saginaw	38	Saginaw Chippewa Academy	Central Michigan University	Montessori	Isabella	55
Pansophia Academy	Central Michigan University	Great Books Emphasis	Branch	220	Sobriety High School	Saginaw Valley State University	Chemical Dependency Altern.	Ottawa	50
Plymouth Educational Center	Central Michigan University	State Standards Mastery	Wayne	60	Sunrise Educational Center	Saginaw Valley State University	Individualized Instruction	Iosco	50
Questar Academy	Central Michigan University	Gifted Children	Genesee	40	Sunshine Academy of Life	Central Michigan University	Creative Learning	Eaton	27
Saginaw County Transitional	Saginaw Intermediate	Severe Youth Offenders	Saginaw	8	Traverse Bay School	Saginaw Valley State University	Character Development	Grand Traverse	100
Sankofa Shule	Central Michigan University	Afrocentric	Ingham	122	Vanderbilt Academy	Grand Valley State University	Back to Basics	Allegan/Ottawa	180
Sierra Leone	Central Michigan University	Special Learning	Wayne	144	West Michigan Academy	Grand Valley State University	Academic/Cultural Alternatives	Ottawa	300
St. Clair County Learning	St. Clair Intermediate	St. Clair Probate Court Wards	St. Clair	20	Woodward Academy	Central Michigan University	Residential School	Wayne	100
Thomas Gist Academy	Central Michigan University	Free Market Economy	Wayne	150	Total				7,253-7,332
TriValley Academy	Grand Valley State University	Cognitive Curriculum	Muskegon	148					
University Public School	Wayne State University	High School Preparation	Wayne	385					
Walden Green Day School	Central Michigan University	Montessori	Ottawa	65					
Warwick Pointe Academy	Central Michigan University	Personalized Education	Genesee	65					
West Michigan Environmental	Central Michigan University	Environmental Character	Kent	338					
West Michigan Hospitality	Grand Valley State University	Hospitality Industry	Kent	75					
Windover High School	Midland Intermediate	Entrepreneurial Focus	Midland	85					
Total				5,630					

Source: Michigan Partnership for New Education, East Lansing, Michigan, April 15, 1996; CRC calculation.

Of the 80 public school academies authorized as of April 1996, only three have been authorized by school districts. The fact that school districts have authorized relatively few academies has resulted in, among other things, an absence of collective bargaining within such schools. Nothing precludes the employees of a public school academy from engaging in collective bargaining to the extent permitted by state law. However, the revised school code requires that an academy authorized by a school district give assurances that its employees will be covered by the same collective bargaining agreements that apply to employees of the authorizing school districts. Thus, had local school districts authorized all of the 44 academies presently in operation, for example, the employees of those schools would presently be covered by collective bargaining agreements.

as to be a conflict of interest, while the second view rests on the belief that the objectivity of authorizing bodies should not be put in doubt absent compelling evidence to the contrary.

The Michigan Constitution vests in the State Board of Education leadership and general supervision over all public education and the Legislature has declared academies to be public schools. Thus, ultimate responsibility to ensure that academies are properly evaluated rests with the State Board. However, this fact does not mean that

the State Board is either required, or better situated than are authorizing bodies, to conduct such evaluations directly.

A primary reason for evaluating academies is to determine the extent of compliance with their authorizing contracts. The contracts are based in part on documentation which must be submitted when application is made to establish an academy. An application must specify the educational goals, programs, curricula, and methods of pupil assessment of a proposed academy.

It is authorizing bodies and not the State Board that receive and review applications, and that negotiate and issue authorizing contracts. Thus, it is far more likely that authorizing bodies and not the State Board will have greater familiarity with the contracts which govern the performance of academies. Any concerns which might arise regarding the quality or objectivity of evaluations conducted by authorizing bodies could be addressed by periodic audits conducted by the Michigan Department of Education under the direction of the State Board.⁴

⁴The Michigan Department of Education appropriation for the 1997 fiscal year contains \$300,000 to pay for two performance studies of charter schools. No more than half the total amount may be spent on one study and no one entity may conduct both studies. The provision does not specify by whom the studies are to be conducted.