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Academies in England and Charter Schools in the US: Who Is Accountable, to Whom, for What, and with What Consequences?

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ABSTRACT

This paper compares approaches to accountability in US charter schools and English academies. We examine the development and main characteristics of these two types of schools before assessing how they are accountable, to whom, and for what. Drawing on both primary and secondary sources, we explore the consequences of the accountability mechanisms in each jurisdiction. Our comparative analysis assesses the different and multiple forms of accountability to which charter schools and academies are subject. We discuss the similarities that exist in the two jurisdictions, albeit that the most consequential sanctions – closure of charter schools and transfer of academies – differ between countries. The final section concludes and highlights policy implications.

KEYWORDS

academies; academy trusts; accountability; charter schools; comparative analysis; multi-academy trust (MAT); school closure

Introduction

In recent decades, reforms to school-based education have taken place across the developed world. This paper focuses on one particular reform to the school system: namely, the provision of publicly funded schools by independent or private providers in two jurisdictions, the US and England. The steady increase in the number of charter schools in the US and the massive increase in the number of academies in England is notable.

In the US, a charter school is a publicly funded school governed by an organization under a legal contract – a charter – with the state, the district, or another entity. Charter schools are exempt from certain state or local rules and regulations which apply to traditional public schools run by local school boards. In return for greater autonomy, a charter school must “meet the accountability standards outlined in its charter” (National Center for Education Statistics, 2023a, p. 1). In England, academies are also publicly funded; they are run by a trust which has a contract – funding agreement – with the Department for Education

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(DfE). The funding agreement provides academy trusts with certain freedoms and trusts are, in turn, required to adhere to the terms of the funding agreement.

In short, academies and charter schools are publicly funded but independently run and not subject to the same regulatory framework that applies to schools under the control of local government (Green & Connery, 2019). In both cases, the schools operate under a contract. Whilst in England, academies are run by not-for-profit private trusts and can be either stand-alone schools (single academy trusts) or part of a multi-academy trust (MAT), in the US, in many states charter schools can operate independently as stand-alone charter schools or be managed by for-profit companies or nonprofit organizations running multiple schools.

Although there are similarities between academies and charter schools, it is important to stress that differences exist, particularly regarding their policy goals and purposes. Charter schools were originally established to provide an alternative to traditional public schools with more autonomy and greater freedom from regulations (Austin, 2020). Academies, on the other hand, were originally established to replace poorly performing schools (West & Bailey, 2013), thereby limiting the role of local authorities as providers of schools (West, 2015).

More generally, the two countries differ in terms of how publicly funded education is governed, how schools are funded, and the accountability mechanisms in place. In the UK, there is a unitary, albeit quasi-federal system of government. Education is devolved with the Westminster-based Department for Education being responsible for education in England (see West, 2023). Funding for school-based education is almost entirely from the DfE via the “dedicated schools grant” and distributed by means of a national funding formula (Department for Education, 2022a). The role of the local authority as a provider of schools has diminished markedly with the increase in the number of academies controlled by central government. As of January 2023, over half the students in England were educated in academies, with 80% of secondary schools and 40% of primary schools being academies (Department for Education, 2023a).

In the decentralized federal system in the US, the state government has responsibility for publicly funded education (with a mean of 47% of funding from state sources, 45% from local sources, and 8% from federal government (National Center for Education Statistics, 2023c). Local governments are responsible for operating schools, with decisions typically made by locally elected school boards, but charter schools are normally outside the control of local school boards. In the US, unlike England, the local authority retains a preminent role: fewer than one in ten students in publicly funded schools are educated in charter schools. The percentage of charter school students enrolled in prekindergarten and elementary schools was 44% in fall 2019,

whilst the percentage of charter school students enrolled in middle, secondary, and high schools was 29% (the remainder were enrolled in other and ungraded schools) (National Center for Education Statistics, 2023b).

There are also differences between the two countries in terms of accountability – and its history – in school-based education. In England, prior to the 1980s, the most prominent form of (external) accountability was via democratically elected local authorities, with its main characteristic being managerial hierarchy (Kogan, 1986). However, in the 1980s, multiple forms of accountability came into existence as market-oriented reforms were introduced in the English education system. Greater priority was given to parental choice following the 1980 Education Act and subsequently the 1988 Education Reform Act resulted in open enrollment, funding following students, and the publication of national test and public examination results. In 1992 the independent government agency the Office for Standards in Education (Ofsted) was established to carry out school inspections (West, 2023). As Glatter (2012) notes: “The dominant focus of accountability in England today is central government through its range of instruments of control” (p. 568), with performance indicators, such as published examination results which the media use to produce school “league tables,” being a key instrument of control. The introduction of academies has also resulted in the powers of school oversight as well as control moving from local to national government (Greany & Higham, 2018; West et al., 2024).

The US has a long history of testing and accountability (Loeb & Byun, 2019). Around 1970, however, a “confluence of historical events . . . led to the emergence of a new accountability system focused on the use of standardized achievement tests” (Ambrosio, 2013, p. 318). Beginning in 1983, school reforms brought with them further accountability legislation, focusing on, for example, school report cards (Kirst, 1990). Since then, “the need to hold schools and school districts accountable for academic performance challenged the local control prerogative” (Shober et al., 2006, p. 565). Following the introduction of charter schools, charter school politics have become “embedded in a broader politics of education that has shifted from procedural accountability [focusing on school inputs and procedures] to student performance” (Kirst, 2007, p. 186). Recent reforms in the US have focused largely on student outcome measures (Loeb & Byun, 2019). The No Child Left Behind Act passed in 2001 was the first national law leading to consequences for US schools based on students' standardized test scores; this was replaced in 2015 by the Every Student Succeeds Act (ESSA), which gave states more flexibility to identify performance outcomes (Loeb & Valant, 2020).

Whilst comparative research has examined dimensions of charter schools and academy trusts, in particular related party transactions (e.g., Green & Connery, 2019), there is a paucity of research on accountability. Glatter (2012) has argued that there is “a need for comparative research on understandings

of . . . accountability in different national contexts” (p. 570). In attempting to address this lacuna in the literature, our research questions are: First, how do academies and charter schools compare in terms of their development and main characteristics? Second, how are academies and charter schools accountable, to whom, for what, and with what consequences for the schools concerned? Our comparisons focus on accountability in terms of how it intersects with autonomy rather than markets/parents.

In the next section, we discuss the concept of accountability in school-based education. Whilst traditional forms of accountability which involve schools being accountable to local democratically elected bodies remain crucially important for both traditional public schools in the US and local authority maintained schools in England, the introduction of a raft of policy changes has led to additional forms of accountability. We present an overview of the types of accountability to which publicly funded schools – particularly academies and charter schools – are subject. This provides a framework for our analysis. Our conceptualization, building on earlier frameworks, aims to capture the diversity and complexity of these new forms. We then outline our data sources. The following sections address key themes related to our research questions: the development and main characteristics of academies and charter schools in England and the US, the types of accountability to which they are subject, and the consequences of these on schools. The penultimate section provides a comparative analysis of the different types of accountability employed in these two countries. The final section concludes. We argue that there are similarities but also differences between jurisdictions, especially regarding the most severe consequences of failing to meet different accountability requirements. These differences are at least partly related to the differing policy goals of charter schools and academies, with the former being schools of choice in the US and the latter being designed to change the architecture of publicly funded schooling in England.

Framework for accountability in school based education

The concept of accountability is contested and used in different ways in different contexts and across different disciplines (e.g., Bulkeley & Fisler, 2003; Kogan, 1986). It is a complex and multi-faceted concept. Leat (1988), in the context of not-for profit organizations, distinguishes explanatory accountability, which is a simple descriptive account, from accountability with sanctions, whereby stakeholders can impose penalties if the account or the accounted-for actions are deemed to be inadequate. It can be separated into two components – to whom an entity (such as a school) is accountable, and for what the entity is accountable (Abelmann & Elmore, 1999). Our focus in this paper is on external, as opposed to internal, accountability, namely, how a school is held to account by external stakeholders.

Accountability is fundamental to education, which is normally provided in the institutional setting of the school, is compulsory and – except in the case of private, fee-charging schools – predominantly publicly funded. The policy goals of compulsory education vary, but there is likely to be general agreement that certain cognitive skills should be developed for school leavers to be active citizens and workers. As public schools are funded by the taxpayer, accountability for use of financial resources is important. This comes into sharp focus in the context of schools such as charter schools and academies: these are not under local democratic control as are traditional public schools or local authority maintained schools, and do not have to adhere to the same regulatory framework (Gross et al., 2020; Loeb & Valant, 2020; West, 2023; West & Wolfe, 2019). Education also serves the interests of the community in which the school is located, making it important that schools are accountable to ensure that public interests are served (Loeb & Valant, 2020; West et al., 2024) Considering the functions served by education, it is unsurprising to find that accountability – albeit of different types – in school-based education is longstanding in both England and the US. In the US, school accountability is frequently used in a narrow sense as “the process of evaluating school performance on the basis of student performance measures” (Figlio & Loeb, 2011, p. 384; see also Reed & Rose, 2018), with the use of such measures being “increasingly prevalent around the world” (Figlio & Loeb, 2011, p. 383).

More generally, Paino et al. (2014) argue that there is “a distinct lack of agreement on the various definitions of accountability” (p. 506), although previous research has sought to classify different types of accountability in school-based education in both the US and England. In the US, Hamilton and McEachin (2020) divide accountability into political, bureaucratic (or rules-based), professional, performance-based, and market-based accountability. Ranson (2010), writing in the English context, proposed a typology of accountability regimes including: performative, contract, and consumer. Building on this typology, West et al. (2011) identified hierarchical, professional, market, legal, and contractual accountability as key forms of external accountability. However, their framework was developed prior to the massive expansion of academies, raising questions about its applicability given the transformed landscape of schools.

Below we identify, based on previous research, seven forms of accountability which we argue are applicable to both academies and charter schools: contract, market, performance, legal, financial, bureaucratic, and public accountability. Some of these are also applicable to traditional public schools in the US and local authority maintained schools in England (see also Table 1).

Contractual accountability is crucially important in relation to both academies and charter schools. Both types of school can be distinguished from other publicly funded schools as they are established by means of a legally binding contract: a funding agreement in the case of academies (“Academy

Table 1. Types of accountability: Traditional public schools (US), local authority maintained schools (England), charter schools (US) and academies (England).

Type of accountability	Charter schools (US) Academies/trusts (England)	Traditional public schools (US)	Local authority maintained schools (England)
Contractual	✓	x	x
Market	✓	- (1)	✓ (2)
Performance	✓	✓	✓
Legal	✓	✓	✓
Financial	✓	- (3)	✓ (4)
Bureaucratic	✓	x	x
Public	✓	✓	✓

Notes:

(1) School choice opportunities vary between school districts (Loeb & Byun, 2019)

(2) Parents in England are required to list a minimum of three school “choices” (Department for Education, 2021b)

(3) Varies between school districts (Congressional Research Service, 2019)

(4) Local authority maintained schools in England receive a budget allocation from the local authority. Schools are accountable to the LA for how this is spent; the LA in turn reports to the DfE (Department for Education, 2024)

arrangements” according to the 2010 Academies Act) and a charter in the case of charter schools.

Market accountability is particularly significant for charter schools as they are schools of choice (Hamilton & McEachin, 2020), with accountability operating through the choices of parents and students (Bulkley, 2001, p. 3). A key rationale for charter schools was that they would provide an alternative to traditional public schools and would be better able to respond to the needs of students and their parents; this, it was argued, would raise student achievement (Austin, 2020). Market-based accountability thus “operates through the decisions that families make regarding where to enroll their children in school” (Hamilton & McEachin, 2020, p. 289). Loeb and Byun (2019) note that charter schools provide an opportunity for parents to make choices alongside other choice programs in the US (for example, intradistrict choice, interdistrict choice, and voucher programs). However, they stress that market-based accountability “may not be sufficient for state oversight of education . . . as market-based accountability relies on decisions reached by parents who vary. . . in their understanding of the types of schools that will serve their children best” (p. 97). Hence, they argue for a focus on performance accountability. Lacireno-Paquet et al. (2002) also explicitly link market accountability with performance accountability: “Driven by the demands of the market, schools may come under pressure to recruit as many students as possible in order to achieve economies of scale and target recruitment at students who are believed to be . . . more likely to produce high test scores that will improve the school’s reputation and attract even more ‘customers.’” (p. 147).

Turning to England, market accountability is associated with the market-oriented reforms introduced into the publicly funded school system from 1980, with parents making choices for the schools they wish their child to attend. As publicly funded schools operate in a quasi-market (Le Grand, 1991)

and are funded primarily based on the number of students enrolled, the lower the number of students, the lower a school's income, in theory threatening its viability. Market accountability depends on parents (or carers) being able to make informed choices and thus information is crucially important. School performance as measured by national test and examination results and inspection reports by Ofsted¹ is fundamental to the functioning of the market, with league tables and school inspection reports being publicly available to inform parents making preferences for school(s) for their children. However, in a detailed empirical analysis of Ofsted inspection judgments, Bokhove et al. (2023) demonstrate that these are weak predictors of educational outcomes. Their results lead them to conclude that "inspection judgments are not actually that informative for parents" (p. 55) and "provide a cautionary tale about using Ofsted judgments to inform school choice" (p. 56).

Performance-based accountability is, as noted above, a crucial facet of accountability for publicly funded schools in the US and in England, including charter schools and academies. For charter schools this "operates through contracts between charter schools and their authorizers specifying the educational and other outcomes the school will produce if it is to continue to operate" (Bulkley, 2001, p. 3). In a similar vein, Paino et al. (2014) highlight the importance of performance-based accountability (e.g., student test scores) as an accountability measure. Indeed, research has found that accountability based on test scores typically improves average student performance (Figlio & Loeb, 2011). In England, school performance in national test and public examination results at the ages of 11, 16, and 18 is at the core of accountability.

Legal accountability is relevant to charter schools and academies. In England, academies/academy trusts are held to account through the legal system with legal responsibilities relating to, for example, special educational needs, health and safety, student exclusions (expulsions), and school admissions. In the US, charter schools can also be held to account through the legal system (Paino et al., 2014). Other publicly funded schools in the US can also be held to account through the legal system, and in England the school governing body of a local authority maintained school is the legally accountable body (West et al., 2024).

Financial accountability is fundamentally important for both academies and charter schools as they receive funding from the taxpayer but with fewer controls than traditional public/state funded schools. In line with Paino et al. (2014), we include this as a separate type of accountability. In England local authority maintained schools, which receive annual delegated budgets for running costs, are financially accountable to the local authority in which they are situated. In the US, the way in which traditional public schools are funded varies (Congressional Research Service [CSR], 2019).

Bureaucratic accountability can be seen as a separate form of accountability. In the US this encompasses "procedural compliance with established standards and regulations evaluated by local, state, or federal bureaucrats

analyzing compliance reports and/or monitoring at the school site” (Garn, 2001). In the English context, Ofsted inspects schools and ensures compliance regarding safeguarding, whilst the Education and Skills Agency is responsible for evaluating annual reports (and financial statements).

Public accountability has been defined by Ladd and Fiske (2021) as “attention by one or more public officials external to the school designed to promote desirable behaviors and outcomes” (p. 8). This far-reaching form of accountability can be extended to address meeting the needs of the community served by the school (not simply those who attend the schools) and can, in turn, be related to meeting the needs of all students, including the most disadvantaged.

Whilst these forms of accountability are distinctive, they may be related to one another. For example, the linkages between performance and market accountability have been stressed by Lacireno-Paquet et al. (2002) and Hamilton and McEachin (2020), with the latter stressing that both are premised to a significant extent on the provision of information about schools and in particular (normally quantitative) indicators. We return to these different types of accountability in the penultimate section of this paper, focusing on the forms of accountability that are implicated when the charter school or academy/trust is subject to severe sanctions by the body to which it is accountable.

Table 2 provides an overview of each type of accountability for charter schools and academies: to whom they are accountable, for what, and via which mechanisms.

Data sources

The following sections of the paper analyze documents from primary and secondary sources. The primary sources include UK government reports and US state documents and legislative provision. These represent official government and legal positions on schools and accountability (Scott, 1990). We also draw on primary sources relating to academies and charter schools (e.g., investigation reports, government decisions and legal documents). The primary documents enabled us to understand how different forms of accountability are formally intended to work across charter schools and academies and the consequences for schools. This in turn enabled to provide a “thick description” (Ryle, 1949) of the two country cases and case study schools. The secondary sources comprise academic literature and other documentary sources including media reports, predominantly published since 2010. This period is important as the number of academies has increased from approximately 200 in 2010 to 10,200 in 2022/23 (Department for Education, 2010a, 2023a), and the number of charter schools increased from approximately 5,300 in 2010–11 to 7,800 in 2021–22 (National Center for Education Statistics,

Table 2. Types of accountability: Charter schools and academies.

Type of accountability	Who is accountable?	Accountable to	Accountable for (examples)	Mechanisms (examples)
Contractual	Charter school	Authorizer State Education Department	Adhering to charter	Test scores, reports, audited accounts
	Academy trust	DfE	Adhering to funding agreement	National test and examination data, annual reports, audited accounts, administrative data
Market	Charter school	Parents Authorizer	Test scores, quality of education	Test scores, parent judgement, number of students enrolled, social networks, parent exit, falling rolls
	Academy trust	Parents DfE	National test and examination results, Ofsted reports, quality of education	National test and examination results, Ofsted reports, parent judgement, number of students enrolled, social networks, parent exit, falling rolls
Performance	Charter school	Authorizer State Education Department	Test scores	Test scores, performance measures
	Academy school	Ofsted DfE	National test and examination results	National test and examination results, Ofsted inspection
Legal	Charter school	Authorizer State Education Department	Special educational needs, health and safety, child protection, safeguarding	Legislation, regulations
	Academy school and trust	Ofsted DfE	Special educational needs, health and safety, child protection, safeguarding	Legislation, regulations, guidance, Schools Adjudicator (admissions), Tribunals (exclusions, special educational needs)
Financial	Charter school	Authorizer State Education Department	Expenditure	Audited accounts, annual reports
	Academy trust	Education and Skills Funding Agency	Expenditure	Audited accounts, annual reports
Bureaucratic	Charter school	Authorizer State Education Department	School management, organization	Audited accounts, annual reports
	Academy trust	Education and Skills Funding Agency DfE	School management, leadership, organization	Audited accounts, annual reports
Public	Charter school	Authorizer State Education Department	School performance, student safety, expenditure	Audited accounts, annual reports
	Academy school and trust	Regional Directors of Education (with Ofsted, ESFA)	School performance, student safeguarding, student attendance, exclusions, expenditure	Audited accounts, annual reports, administrative data (e.g., student results, attendance, exclusions)

2023b). All documents were purposively selected to address the research questions.

We focus on England and two specific jurisdictions in the US, namely North Carolina and Florida. These were selected to represent states with an average and above average proportion of students in charter schools. In each country two schools/trusts – two charter schools and one academy and one academy

trust – were selected in order to illuminate the range of circumstances in which the most severe sanctions had been imposed. Our aim in selecting these cases was to demonstrate the detailed reasons and processes that led to charter school closures in the US, and the transfer of academies to new multi-academy trusts in the case of England.

Academies and charter schools: characteristics and development

In this section we provide a “thick description” of the key characteristics and developments of both charter schools and academies. (Table 3 presents a summary timeline and Table 4, an outline of the key characteristics.)

Characteristics and development of academies

Historically, publicly funded schools in England have been maintained by local authorities. Academies, however, are independent of local government control and funded directly by central government. Their history dates back to the 1988 Education Reform Act, enacted by the Conservative government, which established a small number of independent city technology colleges (CTCs) funded by a contract with central government (West & Bailey, 2013). The Labour government (1997–2010) subsequently introduced city academies (later academies), which were

Table 3. Timeline of development of charter schools and academies.

Year	Charter schools	Academies
1991	First law allowing the establishment of public charter schools was passed in Minnesota in 1991	
1992	First charter school opened in Minnesota	
1994	Department of Education’s Charter School Program established to provide funds to state education agencies to create and support charter schools	
2000		City academies (secondary schools) announced. Learning and Skills Act 2000 made provision for the creation of city academies
2002		City academies renamed academies under the Education Act 2002
2010	5% of all public schools charter schools	6% of state-funded secondary schools academies. Academies Act 2010 allowed high performing local authority maintained schools to convert to become academies (included primary schools, special schools and other provision not previously eligible)
2021	8% of all public schools charter schools	
2022	45 states and the District of Columbia had passed public charter legislation as of fall 2021 (the exceptions were Montana, Nebraska, North Dakota, South Dakota, and Vermont)	“Opportunity for All” White Paper proposed “a fully trust led system:” target date of 2030 for all schools to be part of, or in the process of joining, a MAT 80% of state-funded secondary schools academies 40% of state-funded primary schools academies

Sources: House of Lords Library, 2022; National Charter School Resource Center, 2024; National Center for Education Statistics, 2023b.

Table 4. Key characteristics of charter schools and academies.

Charter schools	Academies
States responsible for charter school legislation	National Department for Education responsible for legislation regarding academies
State statutes typically enable authorization agencies – including state boards of education, higher education institutions, school districts, or municipalities – to issue charters	Academies are state-funded schools, controlled by central government, not the local authority, and run by an academy trust (single academy trust or multi-academy trust) (1)
Charter schools are non-sectarian	Academies may have a religious character
In some states charter schools may be for-profit	Academy trusts are not-for-profit
Charter schools do not charge fees	Academies do not charge fees
Charter schools receive funding directly from state education department (2)	Academies receive funding directly from central government
Charter frees the schools from direct accountability to democratically elected school boards in return for increased accountability for student outcomes (in some states local school boards can issue charters); freedoms and requirements for charter school vary according to state (3)	Academies are freed from direct accountability to democratically elected local authorities; freedom from the national curriculum; freedom from national pay and conditions service for teachers
School performance – ESSA requires states to include five measures of school performance for public schools: most state charter school laws hold charter schools to the same standards as traditional public schools (4); Enrollment – states vary in terms of which students, if any, may be given enrollment preferences (5)	Academies are required to follow the same rules on admissions, special educational needs as other state schools; students sit the same national tests and examinations; academies are inspected by the national inspection body Ofsted, as are other state-funded schools
Charter authorization statutes often require the charter to contain logistical information and student-outcome goals	Model funding agreements are provided by the DfE (change over time)
Charter contracts are limited in duration, typically for a period of no more than five years. Charter schools must meet the goals in their contracts to be reauthorized	Funding agreement is not time limited
A school's charter is reviewed periodically by the entity that granted the charter; charter can be revoked if the conditions of the charter are not met (6)	Academy funding agreements can be terminated by the DfE on various grounds (e.g., financial, offense committed, conduct of trust members/trustees, poor student performance, poor management/governance, safety of pupils/staff threatened)

Sources: Authors' collation from various sources (see also Education Commission of the States, 2023; House of Lords Library, 2022; Naclerio, 2017).

Note: (1) A high-performing school that has chosen to become an academy is termed a “converter school.” If a local authority maintained school is rated inadequate by Ofsted, the Secretary of State must make an academy order to enable it to become an academy; (2) See Education Commission of the States, 2020c; (3) For example, Massachusetts: Charter schools do not receive automatic waivers from state education laws regulating public schools except for sections related to tenure, dismissal, demotion, and professional teaching status; they also must operate in accord with their charters. Wisconsin Charter schools are exempt from most state education laws, regulations and policies unless explicitly provided (Education Commission of the States, 2020d); (4) See Education Commission of the States, 2017; (5) See Education Commission of the States, 2020b; (6) See Education Commission of the States, 2020a).

closely modeled on CTCs. According to the government: “City Academies will also take account of the best lessons of City Technology Colleges and Charter Schools in the United States” (Department for Education and Employment, 2000, p. 4). The overall goal of academies was to replace poorly performing schools and to improve pupil performance. Academies were thus seen as a remedy for the problem of failing schools, with the policy motivated by a desire to improve the quality of education for children in poor urban areas (West & Bailey, 2013). Academies at this point mainly replaced schools which Ofsted, the national inspection

agency, deemed to be “failing;” they were known as “sponsored academies” in that they were run by a government-approved sponsor, which was held accountable for raising standards (Lucas et al., 2023).²

By the 2010 general election, 6% of secondary schools were academies (2010a). Following the general election, the Conservative-Liberal Democrat government (2010-2015) – with Michael Gove as Secretary of State for Education – enacted the 2010 Academies Act. This allowed local authority maintained schools deemed to be performing well to apply to convert to academy status and become “converter academies.” A key policy goal was that academy status “should be the norm for all state schools, with schools enjoying direct funding and full independence from central and local bureaucracy.” The government planned to “Dramatically extend the Academies programme so that all schools can take on the autonomy Academy status offers, using it to raise standards and narrow the attainment gap” (Department for Education 2010b, p. 52). The legislation resulted in a massive expansion of academies (see Figure 1).

New-start academies (“free schools”) could also be set up by parents or other groups/entities (West & Bailey, 2013). The Education Act 2011 introduced the “free school presumption” (Department for Education, 2023d) to the Education and Inspections Act 2006. In short, where a local authority sees a need for a new school in its area, it must (other than in exceptional cases) seek proposals to establish an academy in the form of a free school. This presumption of an academy is important, signaling that a key function of the

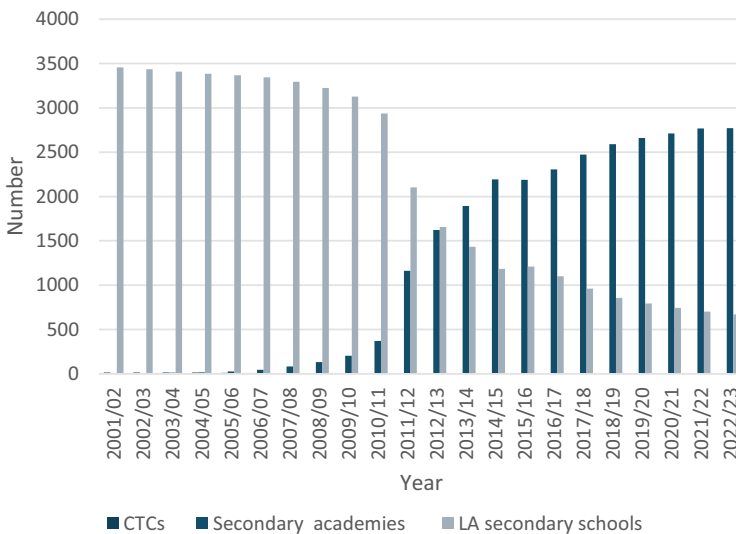


Figure 1. Number of publicly funded secondary schools in England (January 2002 to January 2023). Sources: West & Bailey, 2013 (2001/02-2011/12); West, 2014 (2012/13) and DfE, 2023a, (2013/14-2022/23)

local authority as the main provider of schools was being curtailed (West, 2015). The Conservative government's policy goal shifted with the massive expansion of academies and became for all schools to be "part of strong [multi-]academy trusts" (Department for Education, 2021a, p. 4). Nevertheless, local authorities remain under a duty to secure sufficient schools for providing primary and secondary education, but with no direct legal power to set up new schools themselves (West & Wolfe, 2019).

Academies are run by private nonprofit trusts that have charitable status. The trusts must register as companies with Companies House and are answerable to company as well as charity law. They are controlled and funded directly by central government by means of a contract or funding agreement between the trust (the legal entity representing the academy) and the government. The trust can be a single academy trust running one standalone academy under a contract, or a multi-academy trust (MAT) running more than one school under one contract, with supplemental contracts for individual schools in the trust (West et al., 2024). Academy trusts may also have a religious character (there is no church-state divide in publicly funded schools).

Academies are "freed" from various statutory rules imposed on local authority maintained schools: they do not have to follow the national curriculum, employ qualified teachers, or adhere to statutory provisions regarding teachers' pay and conditions of service, and are responsible for admissions (West, 2015; Wolfe, 2011). The requirements are specified in the funding agreement, which also details legislation, legal requirements, regulations, and guidance to which trusts must adhere (for the extant master funding agreement, see Department for Education, 2020a).

Decisions regarding academies are taken by DfE regional directors: civil servants who act on behalf of the Secretary of State for Education (the most senior minister). Their main responsibilities include addressing low performance, offering support, intervening where deemed necessary, taking decisions regarding significant changes to academies, and establishing, reducing, or expanding MATs (Regional Department for Education Directors, 2024). If an academy is rated "inadequate," a Regional Director can decide to transfer it to a different multi-academy trust.

Characteristics and development of charter schools

Public schools in the US are typically funded by school districts, whilst a charter school is a "semi-autonomous public school" (Education Commission of the States, 2023) that receives public funds.

The first law allowing the establishment of public charter schools was passed in Minnesota in 1991 (Education Commission of the States, 2023) (see Table 3). Charter schools operate under a written contract – or charter – with a state, district, or other entity (known as an authorizer or sponsor).

Whilst authorizers are typically local school districts, state departments of education in some states allow authorizers that are entities such as higher education institutions, independent charter boards, and nonprofit organizations (White, 2023; see also Bulkley & Henig, 2020; Gross et al., 2020). The National Alliance for Public Charter Schools found that in 2021–22, local education agency authorizers (districts) enrolled the largest share of charter school students (47%) with the 20 state education agencies enrolling the next largest share (23%). Independent chartering boards and higher education institutions enrolled smaller shares (16% and 11% respectively) (see Table 5). Nonprofit organization authorizers were only found in Ohio and Minnesota, and two non-educational government entity authorizers operated only in Indiana and Wyoming. (White, 2023; see National Association of Charter School Organizers, 2024, for details of authorizers in individual states).

The contract provides details of how the school will be organized and managed, what students will be expected to achieve, and how the success of the charter school will be measured. Charter schools, unlike district-run public schools, are schools of choice that do not enroll students exclusively based on where they live (Brady & Lewis, 2019). As schools of choice, parents apply to enroll their children in charter schools (National Association of Charter School Organizers, 2024). The charter normally lasts for 3 to 5 years. In many cases, charter schools are exempt from a range of laws and regulations that apply to other public schools (Education Commission of the States, 2023), but the level of autonomy varies according to state law. The school is expected to meet the accountability standards outlined in its charter, although enactment of that expectation in practice varies considerably. The charter is reviewed periodically and the body that granted it can revoke it if the conditions are not met (Brady & Lewis, 2019; Bulkley & Fidler, 2003).

In the fall of 2021, charter schools served 7% of all public school students, with the distribution varying across the country. Of the 46 states/jurisdictions with legislative approval for public charter schools, the percentage of public school students enrolled in charter schools varied: there were 10 states with 10% or more, 29 with 1–9%, and 7 with under 1% (National Center for Education Statistics, 2023b). The role of charter management organizations

Table 5. Authorizer type by percentage of charter school authorizers and enrollment share (2021–22).

Authorizer Type	Percentage of authorizers N = 926	Enrollment Share
Local Education Agency	90%	47%
Higher Education Institution	4%	11%
State Education Agency	2%	23%
Independent Chartering Board	2%	16%
Nonprofit Organization	2%	3%
Non-Educational Government Entity	<1%	<1%

Source: White, 2023

(CMOs) has become increasingly prominent over time. In most states, authorizing charters are granted to the school board governing a public charter school; school governing boards can, in turn, contract with a management organization³ which assists with marketing the school, finance, human resources, the curriculum, and operational issues (see e.g., Charter Schools, 2023). However, in some states CMOs are permitted to be charter holders. In this case, the contract is the agreement between the management organization and the authorizing body (Miron et al., 2021). Most charter schools (57%) are freestanding, in that they manage school operations themselves. The remainder contract with external organizations for management-related services, which assist schools with, for example, staffing, curriculum, services for students with disabilities, facilities, and office support (Lopez & Zarate, 2023).

Types of accountability

How state-funded schools (including academies) in England are accountable, to whom, and for what

In England, there is market accountability across all publicly funded primary and secondary schools insofar as parents make preferences for the schools they wish their child to attend. In short, parents (or carers) must be allowed to express at least three “preferences” for state-funded secondary schools for their child (Department for Education, 2021b). Schools, in turn, are funded primarily on the basis of the number of students enrolled.

Performance accountability is via school performance tables, which provide national test and examination results, and inspections, with a crucial role being played by Ofsted, a non-ministerial department whose remit includes inspecting publicly funded schools. Ofsted carries out inspections of publicly funded schools under the Education Act 2005. Inspections are based on gathering a range of evidence that is evaluated against an inspection framework and takes account of relevant legislation in areas such as safeguarding, equality, and diversity (Ofsted, 2023a, 2023b). Ofsted inspections can result in different outcomes: “outstanding,” “good,” “requires improvement,” and “inadequate” (Ofsted, 2024). MATs themselves are not subject to inspection (Ofsted, 2023a).

Academy trusts – unlike other state-funded schools – are also subject to accountability via a contract (funding agreement) between the trust that operates the school and the Secretary of State for Education. In practice, the Secretary of State delegates key operational decisions to Regional Directors who are civil servants. They are responsible for holding academy trusts to account if their academies are underperforming, and for taking action to address poor performance where formal intervention measures are necessary (Regional Department for Education Directors, 2024).

Whilst local-authority funded schools are accountable to the local authority for their expenditure, academy trusts are accountable to the Education and Skills Funding Agency (ESFA) for how they use funds allocated to them by the agency.⁴ Academy trusts, as a condition of their funding agreement, must comply with the Academy Trust Handbook (also known as the Academies Financial Handbook) (Education and Skills Funding Agency, 2022). Amongst the requirements are that academy trusts must prepare an annual report and accounts as specified by the ESFA, and under the Companies Act 2006, they must appoint an external auditor.⁵

In summary, Ofsted inspects all state-funded schools including academies (but not academy trusts). The inspections are based on performance but also legal compliance, for example, regarding student safeguarding. The ESFA determinations are only applicable to academies (other state-funded schools are accountable to the local authority in which they are located) and are primarily based on financial accountability and associated with this bureaucratic accountability (see Table 2).

How publicly funded schools (including charter schools) in the US are accountable, to whom, and for what

Charter schools are accountable to public entities, specifically charter school authorizers and state departments of education (Vergari, 2001). They are also ultimately accountable to parents because funding follows students and parents exercise choice in sending their children to charter schools as they are not assigned to them (Bulkley, 2012). States vary in terms of their accountability requirements (Education Commission of the States, 2023; Vergari, 2007). To illustrate the variation, we provide a brief overview of the accountability mechanisms for two states with around average and above average levels of students in charter schools: North Carolina and Florida. Both states have “strong” laws regarding charter schools.⁶ Thus Zieberth (2022) identifies Florida’s law as fifth and North Carolina’s law as fifteenth strongest out of the 45 states with charter school laws.

North Carolina charter schools serve around the national average proportion of public school students (9%) (National Center for Education Statistics, 2023b). The authorizer for charter schools is the State Education Agency (National Association of Charter School Organizers., 2024). The North Carolina State Board of Education “demands full accountability from charter schools for school finances and student performance” (North Carolina General Statutes, 2013). As regards “Accountability,” the legislation states:

- (1) The school is subject to the financial audits, the audit procedures, and the audit requirements adopted by the State Board of Education for charter schools . . .
- (2) The school shall comply with the reporting requirements established by the State Board of Education . . .
- (3) The school shall report at least annually to the State Board of Education the information required by the State Board' (North Carolina General Statutes, 2013, General requirements, section [f]).

In Florida, charter schools serve an above average proportion of public school students (13%) (National Center for Education Statistics, 2023b). The authorizer for charter schools is the Local Education Agency (National Association of Charter School Organizers, 2024). The governing body of the charter school must report progress annually and include student achievement performance data and the school's financial status (Florida Statutes, 2022). The legislation details the causes for non-renewal or termination of the charter:

The sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The sponsor may choose not to renew or terminate the charter only if the sponsor expressly finds that one of the grounds set forth below exists by clear and convincing evidence: 1. Failure to participate in the state's education accountability system . . . or failure to meet the requirements for student performance stated in the charter. 2. Failure to meet generally accepted standards of fiscal management due to deteriorating financial conditions . . . 3. Material violation of law. (Florida Statutes, 2022, Ch. 1002, s. 33)

In summary, there are commonalities between these two states, with both states referring to fiscal management, student academic performance, and reporting requirements. In the case of Florida, specific reference is made to the importance of academic achievement and material violation of the law is explicitly mentioned.

Consequences of accountability mechanisms

We now address the consequences of accountability mechanisms for academies in England and for charter schools in the US. For each country we review relevant literature and then exemplify consequences of the failure to meet accountability requirements in the case of two academy trusts and two charter schools. The schools were selected to illustrate the different reasons, processes, and outcomes of the accountability process within and between countries; there was also public interest in the outcomes, with media reports covering all four cases. Although it is not possible to assess the extent to which they are representative of consequences in general, our aim is to compare and contrast the reasons and processes. To enable

comparisons to be made, we focus on the most severe sanctions in the case study jurisdictions.

Academies in England and school transfers

A key policy goal under Conservative governments (2015-24) was for all state-funded schools in England to be academies, to set “schools free from local education bureaucracy” (House of Commons Hansard, 2016), and for all children to be taught in a school that is “in a strong multi academy trust or with plans to join or form one” by 2030 (HM Government, 2022, p. 43). Given this policy goal, it is perhaps unsurprising that the closure of academies is not the norm. Baroness Meacher reported that when she asked the Minister if the DfE would close a school, the Minister replied, ‘We wouldn’t actually close it; we would put it into a MAT and they would have to cope with it in some way – or first we would make it an academy’ (House of Lords Hansard, 2022).⁷

In the event of an academy trust wishing to close an academy – for example, if the school has low numbers of pupils (students) on roll because there are surplus school places in the local area or where an academy has been “under-performing” and is under capacity’ (p. 7) – the Secretary of State may allow the trustees to transfer the funding agreement to an alternative sponsor or multi-academy trust. If the Secretary of State agrees to terminate the funding agreement and has decided not to transfer the academy to another academy trust, the school will close. When an academy is to be closed, the local authority must collaborate with all schools in their area to consider the best way to secure provision for children in other local schools (Department for Education, 2023c) as required by the School Admissions Code (Department for Education, 2021b).

In practice, if a local authority maintained school receives an “inadequate” Ofsted rating, it is “eligible for intervention” and the Secretary of State has a legal *duty* to issue an academy order. The Regional Director acting on behalf of the Secretary of State must “broker” the relationship between an academy trust and the school. If an academy receives an “inadequate” rating, the Regional Director has the formal *power* to issue a “termination warning notice” and ultimately to terminate the academy’s funding agreement and bring about a change of trust (Department for Education, 2023f). If the ESFA has concerns about the financial management or governance in an academy trust, the DfE may issue a “Notice to Improve,” with which the trust must comply. If it does not comply, the trust’s funding agreement may be terminated (ESFA, 2022, s. 6.18). Thus, when academies fail to meet the contractual requirements of the DfE – either as a result of an Ofsted inspection or concerns about the trust’s finances or governance – an academy can ultimately be transferred to another trust by a process of negotiation and brokering between academy trusts and Regional Directors (West & Wolfe, 2019). In 2022–23,

only 33 schools were transferred as a result of intervention by the DfE, and 38 were a result of trust closure (Department for Education, 2023b).

The House of Commons Committee of Public Accounts (2018) highlighted one case where the DfE removed schools from a trust because of related party transactions, and another where a MAT divested itself of its schools, following concerns raised about educational standards. (In the latter all schools were eventually transferred to new academy trusts (BBC News, 2017, 2019). However, there is a paucity of research addressing the specific contexts leading to such outcomes. We thus present two cases which serve to illustrate the different reasons for the DfE transferring academies from one trust to another. One, the Open Academy Norwich, was transferred to another trust following an Ofsted inspection and the DfE terminated the funding agreement it held with the MAT. Another, the Learning Link MAT, had its funding agreement terminated following an investigation related to financial and other contractual irregularities, and the academies were transferred to another trust.

The Open Academy, a secondary school, part of the Diocese of Norwich Education and Academies Trust (DNEAT) (Department for Education, 2018), received an “inadequate” rating from Ofsted in June 2022 (Ofsted, 2022). This was due to a range of factors, including inadequate safeguarding and support for students with special educational needs and poor levels of achievement. Specifically, “Leaders, including the trust, have not ensured there is sufficient capacity to undertake all appropriate and reasonable action to keep pupils safe. This has led to significant failings, especially for some of the most vulnerable pupils” and “Pupils in Key Stages 3 [age 11 to 14] and 4 [age 14 to 16] do not achieve as well as they should. This is because teachers’ expectations of what they can achieve are too low’ (p. 2). In addition, the needs of “some pupils with special educational needs and/or disabilities . . . are not accurately identified” (p. 3). In November 2022, the Regional Director issued the Trust Chair a Termination Warning Notice. This stated that the trust needed to provide evidence by the following month that it had “capacity to deliver rapid and sustainable improvement at the academy” (Department for Education, 2022b, p. 2). Otherwise, the Regional Director would consider whether to terminate the funding agreement and transfer the academy to another trust. In March 2023, the Chief Executive Officer (CEO) of the DNEAT announced that the DfE would transfer the Open Academy to another trust, the Community Schools Trust, which was “more used to running secondary schools,” unlike DNEAT which specialized in primary education (Hannant, 2023).

In contrast, the DfE terminated the Learning Link MAT contract following concerns raised regarding financial management and governance. In

January 2020, the ESFA issued a Financial Notice to Improve as the MAT was in deficit and had failed to produce audited financial accounts. The ESFA noted in the letter that it was “further concerned the Trust cannot clearly and accurately identify members and trustees” (Education and Skills Funding Agency, 2020, p. 1); the letter served “as a formal notice to improve financial management, control and governance at the Trust” (p. 2). In October 2020, the DfE sent a Termination Notice to the MAT in relation to each of its academies (Department for Education, 2020b) as it had failed to take “sufficient action” to fully address the concerns raised. In its letter the DfE stated that it was of the “view that the four schools would be better served in an alternative Trust” (p. 3) (see also Whittaker, 2020). The ESFA subsequently published the findings of its investigation noting that the CEO’s salary and working hours were increased without formal board approval; the trust misused public funds to pay over £38,000 for the CEO’s car leasing; it engaged in related-party transactions including purchasing over £100,000 worth of services from companies that were related parties; and spent nearly £293,000 on contracts without evidence of procurement (Education and Skills Funding Agency, 2021).

In summary, a combination of different factors led to the transfer of academies in the case of the Open Academy, namely inadequate safeguarding, and support for students with special educational needs and low levels of achievement. In the case of the Learning Link MAT, the contract was terminated because of concerns regarding financial management and governance. These reasons are related to different forms of accountability: legal and performance in the case of the Open Academy and financial and bureaucratic in the case of Learning Link MAT. These, in turn, are related to contractual accountability.

Charter schools in the US and closures

In the US, the closure of charter schools is a key consequence of a failure to meet the accountability requirements. In 2021–22, 12% of public school closures were for charter schools (National Center for Education Statistics, 2023a), and according to the Center for Education Reform, around a fifth of charter schools that close do so because they do not meet performance benchmarks (Consoletti, 2011). Charter closure laws vary by location. For instance, Ohio has an automatic closure law requiring charter schools to shut down if they underperform for three consecutive years (Gilblom & Sang, 2021), and several other states also require automatic closure if a school fails to meet expectations regarding performance (Kingsbury et al., 2023). However, “very few charter schools have closed due to poor performance, and when they have, the reasons for closure relate more to fiscal mismanagement than to the quality of the education program” (Wohlstetter et al., 2015, p. 117). A further study

focusing on North Carolina found that between 1997 to 2005, charter school closure was only “loosely tied to academic indicators” (Paino et al., 2014, p. 530), whilst Gross et al. (2020) highlight poor performance and loss of enrollment. Whilst quantitative analyses revealed that market, bureaucratic, and financial accountability processes influenced the likelihood that a school will close, qualitative analysis of two case study schools demonstrated the prominent role played by financial accountability in closures, despite academic and bureaucratic problems.

DeJarnatt (2018) focusing on Pennsylvania assessed the reasons why the charters for three schools were not recommended for renewal. The analysis revealed that Philadelphia School District’s Charter Schools Office determined that one school did not meet the academic or organizational compliance standards; another failed to meet the organizational compliance and financial health standards but did meet the academic standards; and the third did not meet the academic standards or organizational compliance standards, which included deficiencies in its special education and English language learner policies.

We now turn to two cases which serve to illustrate the varied and multifaceted reasons and associated processes for charter school closures in two different states: Torchlight Academy in North Carolina and the American Classical Charter Academy in Florida. Torchlight Academy’s charter contract with the North Carolina State Board of Education was revoked in May 2022. In December 2021, the North Carolina Charter School Advisory Board wrote to the school regarding “substantial evidence of Charter Agreement violations related to the administration of the Torchlight Academy . . . Exceptional Children (EC) program.” Concerns included: “grossly negligent administrative oversight of the EC program;” “failure to implement properly the Individualized Education Program process;” “alteration and falsification of EC student records;” and “lack of qualified staff in the EC program” (North Carolina Department of Public Instruction, 2021, p. 1). In February 2022, the Charter School Advisory Board recommended that the State Board of Education revoke the charter agreement on account of violations of laws and regulations including special education laws and the charter agreement; failure to meet appropriate standards of fiscal management; and allowing “ongoing self-dealing and conflicts of interest by the EMO Torchlight LLC” (North Carolina Charter School Advisory Board, 2022, p. 26). The State Board of Education approved the recommendation and also upheld its decision following an appeal by the school. The decision was based on:

concerns with the . . . financial health of the school; . . . concerns with the school board’s ability to provide the oversight and leadership necessary to correct the school’s

contractual, educational and fiscal mismanagement; . . . significant concerns with the school's ability to meet and serve the needs of exceptional children. (North Carolina State Board of Education, 2022, p. 1)

It was also reported that the State Board of Education “considered Torchlight Academy’s noncompliance with special education laws to be a threat to the state’s administration of special education and ability to receive federal funding for special education for all of the state’s public schools” (Walkenhorst, 2022).

Turning to our second case study in Florida, the contract between the American Classical Charter Academy (ACCA) and the School Board of Osceola County was terminated in April 2022 (Jackson, 2022a). The Superintendent of Schools cited the reasons as “the deteriorating financial conditions, failure to meet contract terms, statutory regulatory requirements and concerns for the health, safety and welfare of Osceola County students” (Florida Division of Administrative Hearings, , 2022, p. 2).

The charter school appealed the termination on the grounds of student achievement. The administrative law judge denied the appeal and issued a court order to terminate the contract in July 2022. Significantly, “student achievement did not enter the decision herein. ACCA’s attempt to overplay its students’ academic achievements as the main basis to avoid the termination falls far short’ (s. 139).⁸ The decision to close the school was because of “material violations of law” and contract breaches (s. 140). The school’s financial stability was weak; management did not pay all financial obligations concerning operating expenses or pay rent in full. Regarding teaching, 18 of the 28 teachers did not hold a valid teaching certificate (as required by law and the charter) and special needs students did not receive the services detailed in their Individual Education Plans as there was no certified Exceptional Student Education Teacher for almost two months, a “material violation of law” (s.133). The school governing body failed to exercise “oversight of the school’s operations, establish and sustain internal controls” (p. 6), or submit board meeting agendas and minutes in accordance with law, and there was a lack of consistent leadership. Moreover, there were concerns over the students’ health, safety, and welfare, given failures to assign and train a threat assessment team (Florida, Division of Administrative Hearings, 2022).

In summary, a combination of factors led to the closure of these two charter schools. In the case of the Torchlight Academy charter school, finances, leadership, and meeting the needs of children with special educational needs were cited. In the case of ACCA, concerns related to violations of the law, the school’s finances and management, staff qualifications, and meeting the needs of children with special educational needs. These reasons are related to different forms of accountability: legal, financial, bureaucratic, and ultimately

contractual accountability. It is notable that student achievement – although a stated priority in the legislation – was not a factor in the case of the closure of the ACCA.

Charter schools, academies, and accountability: comparative analysis

It is clear that charter schools and academies are subject to various accountability measures, many of which are broadly similar. The consequences of these measures can be severe, resulting in a charter school being closed, an academy being transferred to another trust, or an academy trust contract being terminated.

The different types of accountability that resulted in severe consequences are outlined in [Table 6](#), along with the entity to which the school/trust was accountable and the accountability requirements that were not met.

As is clear from [Table 6](#), contractual accountability is the foundation of accountability in the case of charter schools and academies/academy trusts. The two academy trusts in England were both accountable ultimately via their contracts (funding agreement) to the DfE. For specific types of accountability, they were accountable to Ofsted (performance) and to the ESFA (financial and bureaucratic). The two charter schools in the US were accountable to different authorizers – the State Board of Education in one case and the Local School Board in another.

Our conceptual framework identified seven types of accountability to which charter schools and academies/trusts are subject: contract, market, performance, legal, financial, bureaucratic, and public. Five of these – contract, performance, legal, financial, bureaucratic (but not market and public) – were associated with severe sanctions in our case study schools/trusts. All four schools/trusts were in breach of their contracts (funding agreements/charters). Three schools/trusts failed to meet requirements related to financial and bureaucratic accountability (Learning Link, Torchlight Academy and ACCA); two schools were in breach of requirements related to legal accountability (Open Academy, Torchlight Academy and ACCA) and in the case of one academy (Open Academy) performance accountability requirements were not met. These forms of accountability are not mutually exclusive, as performance, legal, financial, and bureaucratic accountability are all related to contractual accountability; and significantly, breaches are related to more than one form of accountability.

Within each broad category of accountability there is further complexity. This can be illustrated by the category we have termed legal



Table 6. Accountability violations and/or inadequacies in case study schools/trusts.

Type of accountability	Open Academy		Learning Link		Torchtlight Academy Charter		American Classical Charter Academy	
	Failed to meet (x)	Entity to which accountable & requirements not met	Failed to meet (x)	Entity to which accountable & requirements not met	Failed to meet (x)	Entity to which accountable & requirements not met	Failed to meet (x)	Entity to which accountable & requirements not met
Contractual	x	DfE/ESFA Funding agreement	x	DfE/ESFA funding agreement	x	State Board of Education Charter agreement violations	x	School Board Breach of contract
Performance	x	Ofsted Graded "inadequate" following inspection						[School Board Student achievement not part of decision]
Legal	x	Ofsted Inadequate safeguarding; inadequate support for children with special educational needs	x		x	State Board of Education Violations of laws and regulations including special education laws	x	School Board Material violations of the law regarding special educational needs and teaching staff qualifications
Financial			x	ESFA MAT in deficit; failed to produce audited financial accounts	x	State Board of Education Failure to meet appropriate standards of fiscal management	x	School Board Weak financial stability
Bureaucratic			x	ESFA MAT cannot clearly and accurately identify members and trustees	x	State Board of Education Negligent administrative oversight of the EC program	x	School Board ACCA failed to exercise oversight of the school's operations; lack of consistent leadership

Sources: Analysis of policy, media, and legislative reports (see text).

accountability. In our case studies this included meeting the needs of children with special educational needs, a particularly vulnerable and disadvantaged group in both England and the US (see Marsh, 2019). Our case studies have highlighted how reasons for charter school closures or academy transfers can include failure to meet the needs of such vulnerable students, therefore being in breach of legislative requirements at either state or federal level or national level, respectively, and thus in breach of legislative provision.

Conclusion

In conclusion, charter schools and academies share similarities as regards their development, with England experiencing a faster pace of change than the US; however, they also have distinctive differences. The academies program in England is centralized, which contrasts with the US, where states are responsible for charter schools. Whilst in the US, charter schools are schools of choice and exist alongside other publicly funded schools, in England, parents do not necessarily have a choice as academies predominate at the secondary education level. Yet there are clear similarities between the two types of school, with schools in both jurisdictions operating under a contract – with the Department for Education in England or the authorizer in the US.

Notwithstanding the fact that our study is limited in terms of its scale, it is clear that there are broad similarities regarding the types of accountability in both jurisdictions. However, the consequences of failing to meet the accountability requirements differ. Most significantly, although charter schools are in certain circumstances subject to closure, academies are normally subject to a process of re-brokering (transfer) to another academy trust. England has two distinctive accountability regimes, emphasizing performance (Ofsted inspections) and financial management (Education and Skills Funding Agency), whereas in the US, the approaches to accountability vary between states.

The decision-making regarding closure or transfer of schools varies. In the English case studies, reasons for the transfer of academies from one trust to another were multi-faceted and included performance, legal, financial, and bureaucratic accountability. In the US cases, reasons for charter school closure were likewise multi-faceted with financial, bureaucratic, and legal accountability being prominent. In both countries, a combination of reasons – associated with different types of accountability – can lead to major sanctions. These sanctions can affect the provision of schooling in a local area and ultimately lead to the closure of a charter school or the transfer of an academy from one trust to another.

There are clear reasons why charter schools and academies are subject to accountability regimes, considering they are not accountable to local democratic control in the same way as traditional public schools in the

US or local authority maintained schools in England. Moreover, given the importance of cognitive development, there are important justifications for holding schools to account for the performance of their students (notwithstanding research indicating that the use of test-based accountability metrics in high-stakes decisions may not be as reliable for charter schools as for traditional public schools (e.g., Reed & Rose, 2018). Since both charter schools and academies are funded by the taxpayer, there are also clear reasons for them to be financially accountable; this, in turn, is associated with bureaucratic accountability. In addition, as publicly funded education is intended to meet the needs of all children, it is crucially important for charter schools and academies to be legally accountable for meeting the needs of all children including those with special educational needs, who are from disadvantaged groups, or otherwise vulnerable. Our case studies suggest that in both countries further comparative research could usefully be carried out to address this element of public accountability, along with the possible sanctions at the state level associated with not adhering to the law. Further research could also investigate the importance of political ideas as drivers of change and constraints.

Finally, whilst accountability is clearly important, there is a question regarding the design of the accountability regime. In particular, the dual approach in England – separating performance from financial and bureaucratic accountability – may not be as efficient as the more streamlined approach in place in the two US states. Furthermore, the involvement of school districts provides greater democratic accountability than an approach managed by civil servants as in England. However, opportunities for policy learning seem unlikely given longstanding tensions between central and local government in England which appear to militate against greater local democratic involvement in the near future.

Notes

1. Since 2007–08 the Office for Standards in Education, Children’s Services and Skills.
2. Almost all new sponsored academies have consistently joined MATs (Lucas et al., 2023). See also National Governance Association (2023).
3. In 2018–19, 48% of all public charter schools were operated and “owned” by private management organizations. For-profit management organizations have larger enrollments per school than nonprofit charter management organizations [Wohlstetter et al., 2015]), but the latter have expanded their market share. For-profit management organizations are dominant in Florida, Michigan, and Ohio, while nonprofit CMOs are dominant in California, New York, and Texas (Miron et al., 2021).
4. Although individual academies are allocated funding, a MAT can combine the general annual grant it receives from the government for its schools to establish one central fund (Education and Skills Funding Agency, 2022).

5. There are also funds for which schools are accountable to Ofsted, specifically, the pupil premium grant which is designated for disadvantaged pupils (Department for Education, 2023e; Yaghi, 2023).
6. The National Alliance assessed the strength of charter school laws and compared them to a “strong model law that is comprised of 21 essential components focused on flexibility, accountability, and equity” (Zieberth, 2022, p. 1).
7. A small number of state-funded schools close each year. In 2019, only 24 state-funded schools closed (excluding local authority maintained schools that closed and became academies because of intervention following an inadequate Ofsted judgment, and academies which transferred between trusts) (UK Parliament, 2022). Before a decision is made to close an academy, the trust and the Regional Director “should consider whether other types of changes could provide a realistic alternative to academy closure” (Department for Education, 2023c, p. 5).
8. See also Jackson (2022b).

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