

CHARTER SCHOOL LAWS ACROSS THE STATES **2012**

RANKING AND SCORECARD
13TH EDITION

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INTRODUCTION

BY JEANNE ALLEN, *PRESIDENT*

Getting high marks these days is no easy task, at least when the grades are based on substantial accomplishment, and not just mastering the art of test taking. That, in public policy, translates to simply having a law on paper but nothing more.

For sixteen years the Center for Education Reform has measured the progress of the states when they enact laws to allow for the creation and advancement of charter schools. *Our measurements are based on consistent, numerical analyses that hold every state to the same standard against which a charter school law should be measured – does the actual written law, varied as they all are across the 41 states and the District of Columbia -- consist of components that yield high numbers of high quality charter schools, which have freedom and flexibility in operations, equity in funding, and accountability in outcomes?*

To address these fundamental issues, we begin with a thorough review of the state's law, and what the words mean, *in practice*. Words like “commensurate” with regard to funding often are interpreted and permitted to mean different things, depending on who's in charge or how the regulations were written. A funding formula may seem clear to most readers, but is often a jumble of contradictory statements, which only the regulators know how to interpret, often to a charter school's detriment. Many laws establish authorizers without ensuring that they have full autonomy outside of pre-existing, often bureaucratically determined, local or state education entities.

Such factors often prohibit freedom, growth and success for charters because they force charter schools to operate within the same boundaries that their law was created to allow them to escape.

The issue is not whether a state has a law, and has some schools. The issue is whether the law has strong permanent authorizing structures and can withstand political elections or partisan whims with regard to funding, operations and accountability.

Such laws, it turns out, are harder to create than the number of schools, today at 5,700 according to The Center's ongoing evaluations – would suggest. The push to raise caps meant little for many states whose laws are so flawed that few new charter applications are being filed, let alone approved. Indeed, as this and previous analyses have revealed, just having a law is not even half the battle. The old adage that too many schools feel pressured to “teach the test” applies here. That pressure typically occurs in schools and among teachers that have neither the flexibility and resources to do their job well, nor the confidence to realize that when students are given the best instruction, they will do well on whatever test is administered.

Similarly, states that adopt new laws without codifying the critical flexibilities and equitable resources that the charter concept demands to be successful are simply going through the motions, checking the boxes, and allowing the charters that do get created to go forward without the critical ingredients for success.

The “Teaching to the Test” states – those, which require schools to abide robotic processes, lack of rigor and lots of bureaucracy – are the low C's, D and F states.

The “Exceptional Delivery” states – those where schools are more likely to thrive because of the consistent delivery of strong educational practices and conditions necessary for good education – are the A’s and B’s.

That said, the high achieving states in this ranking still have a long way to go. The top three states – the District of Columbia, Minnesota and Indiana (the latter a newcomer to the top three) – are still ten or more points away from a perfect score. While they perform at a much higher level than the other states on the more important components, each state’s law presents issues that must be corrected to ensure that all charter schools in that state are well served, and thus, serve their clients – parents and students.

A final word before you turn the page and begin to review the details of each states’ ranking and the comparisons across the states.

We are very aware that other evaluations exist. The most recent to enter the public policy continuum is that of the National Alliance for Public Charter Schools (NAPCS), a trusted source of much good data and collaboration among some of the heavy weights of industry, philanthropy and charter school thought leadership.

We respectfully disagree with the NAPCS methodology and approach to evaluating laws, which is entirely based on whether the law matches up to its model law. The model law was created to guide policymakers. That model has some elements that are working in the best states, and some that are not. That model has some elements that have never been fully tested. And that model is hypothetical.

CER’s analysis and rankings are based on what is, what exists in law, in regulation, in administrative guidance – and how such laws and regulations work for or against charter schools.

It is that existing framework of laws and regulations which must guide all who are involved in public policy analysis. It is that guide – what works in actual practice and what does not – that should inform the whole of education – from the individuals who dedicate themselves day in and day out to teaching to the institutions that regulate our schools. Unproven theory has no place here.

We invite debate and discourse on this important scorecard and analysis. And we hope you’ll recognize that no matter what your position on charter schools and the condition of laws created to start them, knowing how to understand a law and implement it is the most essential act anyone engaged in lawmaking will ever undertake.

To that end, we continue to hold ourselves and those working in pursuit of education reform to a standard that transcends generational change, political whims or even public opinion. *And we continue to hold the charter school movement to a standard that was set by its founders – the creation of truly autonomous, equitably supported, independent public schools open by choice and accountable for results that are guided and operated by people with connections to the communities they serve. Whether organic, one-up schools, managed by tax-paying or nonprofit agencies, hybrid or [made of building material, charter schools that succeed do so first and foremost because of the laws that enable them.*

To understand this more fully, we encourage you to read the details – albeit greatly abbreviated – of each law in this book and how The Center for Education Reform weighs each component when evaluating each law.



METHODOLOGY

HOW THE STATES ARE SCORED

There are four major components that determine the development and creation of high-quality, autonomous charter schools:

- ▶ The existence of independent and/or multiple authorizers
- ▶ The number of schools allowed and state caps
- ▶ Operational and fiscal autonomy
- ▶ Equitable funding

Each component is given a numerical value and each state is graded with a clear, consistent, evaluation rubric. States may earn a maximum of 55 points based on their laws, regulations, administrative rulings and practice.

DEFINITIONS

1. Independent and/or Multiple Authorizers (15 points)

Does the state permit entities other than traditional school boards to create and manage charter schools independently, and does the existence of such a provision actually lead to the active practice of independent authorizing? Independent authorizers – entities separate from state or local education agencies – may vary in scope and degree of independence from pre-existing government school structures. The term “multiple authorizers” is used to describe a component in law that permits authorizing by entities that include but are not limited to universities, new independent state boards, and/or mayors.

2. Number of Schools Allowed (10 points)

How many charter schools are allowed to open, whether annually, in total throughout the state, or on a local level and how do such numbers compare to the overall population of a state? Is enrollment restricted at a community, school or even grade level? Are funding limits permitted to “cap” a school’s creation or growth? Do the caps imposed through charter law hinder the growth and development of the charter school movement in the state? We know that having no cap doesn’t necessarily mean there will be many schools. For example, states such as Delaware, Virginia and Wyoming, by law, allow an unlimited number of schools, but constrain growth in other ways.

3. Operations (15 points)

How much independence from state and district operational rules and procedures is codified in law? How much of any promised independence do charters actually experience? Early charter laws pioneered a provision known as the “blanket waiver” which ensures that once opened, charter schools may set their own processes and rules for operations (extending school days, years, using different educational resources and curricula, and having independent teacher policies, are just a few examples) while still adhering to the critical standards concerning academic outcomes, financial integrity, health, safety and civil rights. Indeed it should be noted that no charter school is exempt from these important safeguards. Instead, the freedom to operate educationally, combined with the freedom to make determinations regarding union-driven contracts or collective bargaining agreements are considered essential elements of success.

4. Equity (15 points)

Fiscal equity requires that not only are the amounts of money allotted for each charter student identical to what is provided for all other public school students, but also that charter schools receive monies from identical streams of income as other public schools. If the law guarantees that charter schools receive money in the same amount and in the same manner as traditional public schools, then they will have the same standing as public schools in law and in practice.

IMPLEMENTATION POINTS

States were able to earn – or lose – points for improvements in practices that increased the quality and quantity of schools beyond what the law required. Authorizers that instituted performance-related accountability measures, for example, netted points in some cases. Practices that restricted charter growth even where a cap was not otherwise in place caused states to lose between one and three points.

Note:

The State-by-State pages that follow are dramatically abbreviated summaries of the provisions of each state's laws that govern charter schools. They are not intended to be exhaustive descriptions, but rather, a summation of critical components that may come from a variety of legal documents. Each state has laws and policies that take up dozens if not hundreds of pages. The actual laws (though not all the policy documents and regulations) can be found through embedded links on each page.

CHARTER SCHOOL LAW RANKINGS

2012

GRADE	A					B													
STATE	DC	MN	IN	AZ	MI	NY	CA	FL	CO	UT	MO	ID	PA	LA	OH	WI	SC		
Year Law Passed	96	91	01	94	93	98	92	96	93	98	98	98	97	95	97	93	96		
Independent Authorizers (15)	12	13	12	10	12	12	5	3	4	6	7	5	4	5	9	3	5		
Number of Schools Allowed (10)	8	10	10	9	8	8	9	10	10	8	6	10	10	10	3	10	10		
OPERATIONS (15)																			
State Autonomy	4	3	3	5	3	2	4	4	4	3	3	3	4	4	3	5	4		
District Autonomy	5	4	5	4	5	3	3	3	3	2	3	4	3	3	4	3	2		
Teacher Freedom	5	4	5	5	4	3	5	5	4	5	4	4	4	3	4	3	4		
EQUITY (15)																			
100% Funding	8	8	6	6	8	7	8	7	7	8	9	5	6	5	6	4	3		
Facilities Funds	3	2	1	2	0	0	0.5	1	0.5	0.5	0	0	0.5	0.5	0	0	0		
IMPLEMENTATION POINTS	1	1	0	-1	0	1	0	0	0	0	0	0	-1	0	1	0	0		
2012 Total Score	46	45	42	40	40	36	34.5	33	32.5	32.5	32	31	30.5	30.5	30	28	28		
2012 Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17		
2011 Total Score	47	45	33	37.5	36	33	43	32	34	32	33	25	31.5	29.5	27	28	27		
2011 Rank	1	2	8	4	5	7	3	10	6	11	9	22	12	13	18	16	20		
Number of Charters as of Fall, 2011*	107	162	63	539	316	201	1008	517	185	85	52	43	170	113	368	256	48		

AND SCORECARD

C													D								F				
	DE	MA	GA	TN	NM	OR	NJ	NV	OK	ME	TX	NC	IL	AR	RI	NH	CT	WY	AK	MD	HI	KS	IA	VA	MS
	95	93	93	02	93	99	96	97	99	11	95	96	96	95	95	95	96	95	95	03	94	94	02	98	10
	3	4	2	4	4	3	3	5	6	4	3	3	3	2	2	2	2	1	1	1	2	1	1	1	2
	9	4	10	10	4	10	10	8	3	3	3	9	4	4	4	7	8	10	10	4	3	10	10	10	1
	3	4	4	1	4	2	1	2	3	3	3	2	3	3	1	3	1	2	1	1	3	0	0	0	1
	4	4	2	1	3	1	2	2	2	3	2	3	2	2	1	2	2	0	1	2	2	0	0	0	0
	5	3	4	4	4	4	3	3	5	4	4	3	4	3	3	5	3	1	0	0	0	0	0	0	0
	6	7	5	6	7	5	6	8	5	7	7	4	4	5	8	2	3	2	3	5	4	0	0	0	0
	0	0.5	0.5	0.5	0	0	0	0	0.5	0	0	0	0	0	0	0	0.5	0	0	0	0.5	0	0	0	0
	-2	1	-1	0	0	0	0	-3	0	0	0	-2	0	0	0	-3	-3	-3	-3	0	-3	-3	-3	-3	-3
	28	27.5	26.5	26.5	26	25	25	25	24.5	24	22	22	20	19	19	18	16.5	13	13	13	11.5	8	8	8	1
	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42
	29	27.5	28.5	20.5	24	26	27	25	20.5	N/A	19	17	19.5	15	19	16	14	10	14	13	12	8	8	8	4
	14	17	15	25	24	21	19	23	26	N/A	29	30	27	32	28	31	33	37	34	35	36	38	39	40	41
	22	76	125	35	85	116	87	34	19	0	444	105	105	37	17	11	23	4	28	46	31	19	8	4	0

Note: The scores on this table are based on the current status of each law (through March 25, 2012). Amendments to the original law, state board regulations, legal rulings, department of education interpretation and actual implementation have all been factored into the rankings. The total amount of points a state could score this year is 55. States are listed left to right from the strongest to the weakest. States with tie scores were ranked according to secondary factors including the effectiveness of their law, and the number of schools currently operating.

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ALASKA

(Law passed in 1995; last amended in 2010;
7th weakest of the nation's 42 charter laws)

D

28 charters serving 5,613
students.

6 charter schools closed as of
December 2011.

[LINK TO THE ALASKA
CHARTER SCHOOL LAW](#)

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	State Board of Education is the only authorizer following school board approval.
APPEAL	None

OPERATIONAL AUTONOMY

STATE	No. Waiver requests considered on a case-by-case basis by the State Board of Education. Virtual schools are allowed. Education Service Provider (ESP) contracts subject to approval and negotiation of terms.
LOCAL	No. Charters are considered part of the school district; all operational and funding decisions are subject to district terms.
TEACHER FREEDOM	No. Teachers are covered by the district bargaining agreement unless an exemption is approved. Charter schools must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING	<p>Funds pass through the district to the charter school. Law is vaguely written, leaving charter school funding decisions up to the school district. The school board provides the charter with its annual budget, deducts any operational expenses and sets its own administrative costs.</p> <p>"A local school board shall provide an approved charter school with an annual program budget. The budget shall be not less than the amount generated by the students enrolled in the charter school less administrative costs retained by the local school district, determined by applying the indirect cost rate approved by the Department of Education and Early Development. The 'amount generated by students enrolled in the charter school' is to be determined in the same manner as it would be for a student enrolled in another public school in that school district." [AK Stat. § 14.03.260]</p>
FACILITIES FUNDS	Alaska has a grant aid program, which provides for construction of school facilities, leases and major projects. It is dependent on annual state appropriations, not guaranteed. [AK Stat. §14.03.290]

IMPLEMENTATION POINTS

-3	Three points are deducted because the state imposed a de facto cap by neither encouraging nor improving charter applications.
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ARIZONA

(Law passed in 1994; last amended in 2011;
4th strongest of the nation's 42 charter laws)

A

539 charters serving 135,930 students.

173 charter schools closed as of December 2011.

NOTEWORTHY

BASIS Charter School of Tucson is annually named one of the top public high schools in the country by *Newsweek* and *U.S. News & World Report*. It offers a rigorous curriculum and high standards, and because of its success, is opening schools in Washington, DC and Indiana.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (4)

APPROVAL	School boards. The State Board for Charter Schools, an independent board. Public universities, community college or group of community colleges with at least 15,000 students enrolled. The State Department of Education may approve applications, but has chosen not to since 2003.
APPEAL	None. The only recourse is to revise and re-submit application for reconsideration.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from most rules and regulations governing traditional public schools. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Yes. However, charters are included in district's budget, and fiscal autonomy depends on the school district's control.
TEACHER FREEDOM	Yes. Teachers may work independently of district contract work rules. Charter schools have the option to participate in the state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Schools approved by universities and community colleges are limited to four in FY 2013. No other caps.
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EQUITY

STUDENT FUNDING

For charters authorized by school boards, funds pass through the district. For all others, funds pass through the state. Funding disparities exist because some categories used to calculate funds for conventional schools are not used for charters. Inequitable funding has resulted in various lawsuits throughout the years.

“For district schools, the charter shall include a description of the methods of funding the charter school by the school district. The school district shall send a copy of the charter and application, including a description of how the school district plans to fund the school, to the state board of education before the start of the first fiscal year of operation of the charter school. For state schools, the charter school shall calculate a base support level as prescribed in section 15-943. The student count shall be determined initially using an estimated student count based on actual registration of pupils before the beginning of the school year. After the first one hundred days or two hundred days in session, as applicable, the charter school shall revise the student count to be equal to the actual average daily membership.” [AZ Stat. 15-185(A) to (B)]

FACILITIES FUNDS

Yes. Charter schools receive equalization assistance to help with facilities and other overhead costs. Charters receive \$1,607 per pupil for students in K-8 and \$1,873 per pupil for students in grades 9-12. [AZ Stat. 15-185(B)4]

IMPLEMENTATION POINTS

- 1

One point is deducted due to capped and slow implementation of university and community college charter authorizers.

[LINK TO THE ARIZONA CHARTER SCHOOL LAW](#)

ARKANSAS

(Law passed in 1995; last amended in 2011;
12th weakest of the nation's 42 charter laws)

D

37 charters serving 11,605 students.

10 charter schools closed as of December 2011.

NOTEWORTHY

KIPP Delta Public Schools provide a college-ready experience to disadvantaged students and enjoy unique freedoms that other charters do not.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	State Board of Education is the only authorizer following school board approval.
APPEAL	No binding appeal. If the school board rejects the application, the charter may continue the application process with a written notice of appeal to the state board.

OPERATIONAL AUTONOMY

STATE	Limited. Waiver requests considered on a case-by-case basis. The State Board of Education promulgates rules and regulations. Virtual schools are allowed. Management contracts with ESPs are permitted.
LOCAL	No. Charters are heavily regulated by the local board.
TEACHER FREEDOM	Yes for open-enrollment schools; teachers are exempt from district work rules and negotiated agreements. No for conversions. Teachers remain covered by district contracts but may request a waiver from certain provisions. All certified staff in charter schools (open-enrollment and conversions) must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. The cap on the total number of open-enrollment schools increases by five whenever the current number of schools is two under the limit; currently set at 25. Only one campus per charter contract is allowed, except for those with "demonstrated educational accountability" (e.g. KIPP Delta Charter Schools.) These schools may apply directly to the state board for additional licenses to open other schools after receiving their initial charter. Unlimited conversion schools.
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EQUITY

STUDENT FUNDING

For new starts, funds pass through the state and for conversion schools, funds pass through the district. Funding is not guaranteed or codified in law, but instead is determined annually by the General Assembly. Appropriations for 2012-13 are approximately \$6,300.

“An open-enrollment public charter school shall receive funds equal to the amount that a public school would receive under § 6-20-2305(a) and (b) as well as any other funding that a public charter school is entitled to receive under law or under rules promulgated by the State Board of Education. (2) (A) For the first year of operation and for the first year the open-enrollment public charter school adds a new grade, the foundation funding and enhanced educational funding for an open-enrollment public charter school is determined as follows: (i) The initial funding estimate for each school year shall be based on enrollment as of July 30 preceding the school year in which the students are to attend; (ii) In December, funding will be adjusted based on the first-quarter average daily membership. (iii) A final adjustment will be made after the current three-quarter average daily membership is established. (B) For the second year and each school year thereafter, the previous year’s average daily membership will be used to calculate foundation funding and any enhanced education funding amounts” [A.C.A. 6-23-501(et al)]

FACILITIES FUNDS

No Additional Funds.

[LINK TO THE ARKANSAS CHARTER SCHOOL LAW](#)

CALIFORNIA

(Law passed in 1992; last amended in 2010;
7th strongest of the nation's 42 charter laws)



1,008 charters serving 410,157 students.

185 charter schools closed as of December 2011.

NOTEWORTHY

KIPP Empower uses both computers and live teaching, a technique called blended learning, to help Los Angeles kindergarteners achieve academic success. Although only nine percent of the students tested “kindergarten ready” upon entry to the school, and 94 percent qualify for free or reduced-price lunch based on their family incomes, 95 percent of KIPP Empower kindergarteners tested above the national average in math and 96 percent tested above the average in reading at the end of their first year.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards and county boards. A charter can apply directly to the State Board of Education if its schools will provide instructional services that may have impact statewide, not just within one district. If approved, school may operate multiple campuses throughout the state. The state board has not approved any statewide charters since High Tech High in 2006 (grade expansion in 2009) and Aspire Schools in 2007.
APPEAL	Yes. Applications denied by the school board may be appealed to the county board or the State Board of Education. Decisions by the state board are subject to judicial review and are binding, and the entity that approves the application becomes the school's sponsor.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from most rules and regulations governing traditional public schools. Virtual schools are allowed. Management contracts with ESPs are not restricted, but are heavily regulated.
LOCAL	Yes. Blanket waiver applies to most local policies. Fiscal autonomy is subject to the district's terms and specified in the charter.
TEACHER FREEDOM	Yes. Teachers may remain covered by the district bargaining agreement, negotiate as a separate unit with the charter school governing body, or work independently. If a charter school chooses to participate in the state teachers' retirement system, all qualified employees shall be covered.

NUMBER OF SCHOOLS ALLOWED

CAP	One hundred additional charters added each year. Unused charters roll over to the following year.
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EQUITY

STUDENT FUNDING	<p>Funds pass through the district. Charters receive per pupil funding and additional categorical grants and funds from a multi-tiered formula, including property taxes, state aid and lottery funds. Virtual schools receive base funding from a formula, which gives them less than conventional schools.</p> <p>“If an elementary school petitions either the governing board of the local school district or the State Board of Education to become a charter school, as specified in Section 47621 or 47622, that school shall receive state apportionments equal to the statewide average revenue limit for elementary schools plus funding as specified in paragraphs (2) and (3) of subdivision (a) of Section 47612. The superintendent shall annually compute the statewide average amount of general-purpose funding per unit of average daily attendance received by school districts for each of four grade level ranges. The superintendent shall apportion to each charter school this amount, less local funds allocated to the charter school pursuant to Section 47635. The State Board of Education shall adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction.” [Cal Ed Code § 47623, 47634.1(c) and 47607(b)]</p>
FACILITIES FUNDS	<p>Propositions to help obtain facilities, but districts have not been following the letter of the law. No per pupil facilities funding.</p> <ul style="list-style-type: none"> • Proposition 39 - School districts required to provide equivalent facilities to charter schools. • Propositions 1 and 47 - Charters may access facility funding directly from the state or through their school district. • The Charter School Revolving Loan Fund provides low-interest loans to new charter schools for facilities and other purposes. [Cal Ed Code § 41365] • The Charter School Facility Grant Program provides assistance with facilities, rent and lease costs for charter schools. Eligible schools can receive up to \$750 per unit of average daily attendance. [Cal Ed Code § 47614.5]

[LINK TO THE CALIFORNIA CHARTER SCHOOL LAW](#)

COLORADO

(Law passed in 1993; last amended in 2008;
9th strongest of the nation's 42 charter laws)



185 charters serving 79,963 students.

16 charter schools closed as of December 2011.

NOTEWORTHY

Liberty Common High School, a parent-run charter school in Fort Collins, couples high academic achievement with an emphasis on a classical curriculum. Liberty, which opened in 1997, recently began an engineering partnership with Colorado State University that allows students to develop real-world engineering skills and interests in the classroom.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards. The Colorado Charter School Institute (CCSI) may authorize schools only in districts that have not retained their exclusive authority to grant charters. (CCSI is not fully independent from state education department.)
APPEAL	Yes. Denied applications may be appealed to the State Board of Education, which may remand the decision back to the school board for reconsideration. A second denial may be appealed to the state board, which may instruct the local board to approve the charter. The decision of the state board shall be final and not subject to further review.

OPERATIONAL AUTONOMY

STATE	Yes. Waiver requests considered by state on a case-by-case basis. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Yes. Exemptions from district policies must be negotiated and specified in charter. Degree of fiscal autonomy depends on the school's sponsor.
TEACHER FREEDOM	Yes. Teachers may remain covered by the district bargaining agreement, negotiate as a separate unit with the charter school governing body, or work independently. Charter schools must participate in the state retirement system (or that of Denver if schools are in that jurisdiction).

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING	<p>For district approved schools, funds pass through district. For CCSI sponsored schools, funds pass through the state. At least 95 percent of the average per pupil revenue follows students. In districts of 500 or fewer students, only 85 percent of the district per pupil revenue is guaranteed. Additional funding is negotiated with school sponsor. Law requires districts to invite charters to discuss facilities needs and may be included on bond request.</p> <p>“...each charter school and the authorizing school district shall negotiate funding under the contract at a minimum of ninety-five percent of the district per pupil revenues for each pupil enrolled in the charter school who is not an on-line pupil and one hundred percent of the district per pupil on-line funding for each on-line pupil enrolled in the charter school. The school district may choose to retain the actual amount of the charter school’s per pupil share of the central administrative overhead costs for services actually provided to the charter school; except that such amount shall not exceed five percent of the district per pupil revenues...” [C.R.S. 22-30.5-112(2)(a)(III)]</p>
FACILITIES FUNDS	<p>The Charter School Facilities Financing Act requires a portion of funds (currently \$5 million) to be distributed to charters for use in funding capital construction. Funding is currently only \$98 per pupil. [C.R.S. 22-30.5-401] In addition, the law requires the state to make direct payments of principal and interest on bonds on behalf of charter schools if certain terms are met. [C.R.S. 22-30.5-406]</p>

[LINK TO THE COLORADO CHARTER SCHOOL LAW](#)

CONNECTICUT

(Law passed in 1996; last amended in 2010;
9th weakest of the nation's 42 charter laws)

D

23 charters serving 4,810
students.

5 charter schools closed as of
December 2011.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	State Board of Education. School boards must approve charters first (and have yet to do so).
APPEAL	None

OPERATIONAL AUTONOMY

STATE	No. Waiver requests considered on a case-by-case basis by state board. State maintains control over charter funding. Virtual schools prohibited. Management contracts with ESPs are not restricted.
LOCAL	No.
TEACHER FREEDOM	Yes for state charters; teachers may negotiate as a separate unit, or work independently. No for local charters; teachers remain covered by district collective bargaining agreement, but may apply for waivers from specific provisions. All new charter teachers hired after July 1, 2010, must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No cap on schools. Charters may enroll no more than 250 students, 300 in K-8, or 25 percent of a district's total enrollment, whichever is less. High-achieving charters (e.g. Achievement Preparatory) can request a waiver from the enrollment cap.
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EQUITY

STUDENT FUNDING

For state authorized charters, funds pass through state and for district authorized schools, funds pass through district. Law does not codify funding levels. State legislature sets annual appropriation rather than allow the same funding to follow students. Currently charters receive \$9,400 per pupil. Schools do not receive other types of monies.

“The state shall pay in accordance with this subsection, to the fiscal authority for a state charter school for each student enrolled in such school...for the fiscal year ending June 30, 2009, and each fiscal year after, nine thousand three hundred dollars. Such payments shall be made as follows: Twenty-five per cent of the amount not later than July fifteenth and September fifteenth based on estimated student enrollment on May first, and twenty-five per cent of the amount not later than January fifteenth and the remaining amount not later than April fifteenth, each based on student enrollment on October first.” [Conn. Gen Stat. 10-66ee(c)]

FACILITIES FUNDS

Charters that are renewed are eligible for a one-time grant of \$500,000 for facilities. Twenty million dollars in bond financing available to charters through competitive application, and \$25 million available for one high-performing charter school. [Conn. Gen Stat. 10-66hh]

IMPLEMENTATION POINTS

- 3

Three points are deducted because the state has failed to consider and approve charter schools despite having no cap. They have imposed a de facto cap by not encouraging or working to improve the charter environment.

[LINK TO THE CONNECTICUT CHARTER SCHOOL LAW](#)

DISTRICT OF COLUMBIA

(Law passed in 1996; last amended in 2008;
the strongest of the nation's 42 charter laws)

A

107 charters serving 35,224 students.

30 charter schools closed as of December 2011.

41 percent of DC public school students are enrolled in charter schools.

NOTEWORTHY

Nearly 60 percent of the charter school campuses in DC showed improvement in reading and mathematics assessments. Achievement Prep Academy had the highest proficiency in math at the elementary level at 86.92 percent.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES

APPROVAL	The DC Public Charter School Board, an independent board, and the DC Board of Education are legally permitted to authorize. The DC Board relinquished its authority in 2006 and has since been replaced by the state education agency (SEA.) The DC City Council may designate an additional entity by enactment of a law.
APPEAL	None.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from all public school rules and regulations. The SEA has imposed additional regulations, regarding health and wellness, which has taken away autonomy from the school's day-to-day operations, curriculum and various unfunded mandates. Virtual schools are permitted. Management contracts with ESPs are not restricted.
LOCAL	Yes. Charters have control over budgeting, operations and personnel.
TEACHER FREEDOM	Yes. Teachers may negotiate as a separate unit, or work independently. A public charter school may establish a retirement system for employees or educators may choose to stay within the parameters of the DC government retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. Up to 20 charter schools per year may be authorized; unused charters roll over to the following year.
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DISTRICT OF COLUMBIA

(Continued)

A

EQUITY

STUDENT FUNDING	<p>Funds pass through the District. Public charter schools are funded through the same formula and from the same streams that fund the traditional public school system in the District. Operating funds are commensurate with the public schools, however the District has withheld some categorical grants.</p> <p>“The DC Council in 1998 passed the Uniform Per Student Funding Formula for Public School and Public Charter Schools Act, which is the foundation of the funding formulas. The Act provides a foundation amount that increases annually to account for inflation, plus additional amounts depending on grade levels, limited English proficiency, summer school, special education and residential schools.” [D.C. Official Code § 38-2901 to 2912]</p>
FACILITIES FUNDS	<p>Yes. Charter schools receive a facilities allowance of \$3,000 per pupil. There is also a credit enhancement fund and a direct loan fund for construction, purchase, renovation or maintenance of facilities. [D.C. Official Code § 38-2908]</p>

[LINK TO THE DISTRICT OF COLUMBIA CHARTER SCHOOL LAW](#)

DELAWARE

(Law passed in 1995; last amended in 2011;
18th strongest of the nation's 42 charter laws)

22 schools serving 9,816
students.

4 charter schools closed as of
December 2011.

NOTEWORTHY

Prestige Academy, Delaware's first same-sex public school, only opened after a change to the state law allowed for same-sex schools and mandated that an all-girls school also be created (REACH Academy for Girls, which opened in 2010). Ninety percent of the students at Prestige Academy are minority, 69 percent are at-risk, and in 2010 the school received a "Superior" academic rating from the state. Prestige Academy's strict behavioral standards help prepare young men for college and life beyond school.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards or the State Department of Education.
APPEAL	None.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from most rules and regulations governing traditional public schools. The Department of Education has the authority to create additional rules and regulations at will. Virtual schools are not allowed. Management contracts with ESPs are not restricted.
LOCAL	Limited. School district has some control over a charter's budget and funding decisions.
TEACHER FREEDOM	Yes. Teachers are not covered by the district bargaining agreement and may negotiate as a separate unit, or work independently. Charter schools are not required to participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	While there is no cap, the law permits any local board or state Department of Education, with approval from State Board to at will limit their number of approvals or refuse to accept applications, imposing a moratorium.
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DELAWARE

(Continued)



EQUITY

STUDENT FUNDING

Funds pass from the state and district to the school. State monies are based on unit funding formula and local funding amount based on previous years per pupil expenditure (in students' district of residence). Districts do not always pass full funding to the charter.

"Charter schools shall be eligible for public funds under procedures established by this section. Notwithstanding that this Code may establish procedures for the funding of a public school choice program and that such program may include charter schools among those schools which students may choose, funding for charter schools shall be as provided in this section." [14 Del. C. § 509.]

FACILITIES FUNDS

No Additional Funds.

IMPLEMENTATION POINTS

- 2

Two points are deducted because the state has imposed a de facto cap by not encouraging or working to improve charter environment.

[LINK TO THE DELAWARE CHARTER SCHOOL LAW](#)

FLORIDA

(Law passed in 1996; last amended in 2011;
8th strongest of the nation's 42 charter laws)



517 charters serving 179,254
students.

120 charter schools closed as
of December 2011.

NOTEWORTHY

The successful Pembroke Pines system of charter schools has asked parents to chip in what they can to close a budget shortfall this year. The Pembroke Pines charters consistently earn A's in Florida's school-grading system, and the hugely popular system, with its seven schools ranging from elementary to high school, has 11,000 students currently on the waiting list.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	School boards
APPEAL	Yes. Applications denied by the school board may be appealed to the State Board of Education whose decision is binding.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from most state rules and regulations governing traditional public schools. Specific statewide statutes, such as class size limitations, apply to charter schools with no exemptions. Virtual schools are allowed. Management contracts with ESPs are not restricted. High-performing charters can replicate one a year and open new schools upon request (virtuals ineligible).
LOCAL	Charter schools are exempt from most local school rules and regulations with certain exceptions as prescribed by the district.
TEACHER FREEDOM	Yes. Teachers are exempt from district work rules and negotiated agreements unless otherwise agreed to in district-awarded charter. Teachers on approved leaves of absence must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING	<p>Funds pass through the district. Funding for charter schools follows same formula used for all other public schools minus administrative fees retained by school boards. Administrative fees are five percent for all charters, or two percent for those considered “high-performing.”</p> <p>“Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. (b) The basis for the agreement for funding students enrolled in a charter school shall be the sum of the school district’s operating funds from the Florida Education Finance Program as provided in s. 1011.62 and the General Appropriations Act, including gross state and local funds, discretionary lottery funds, and funds from the school district’s current operating discretionary millage levy; divided by total funded weighted full-time equivalent students in the school district; multiplied by the weighted full-time equivalent students for the charter school. Charter schools whose students or programs meet the eligibility criteria in law shall be entitled to their proportionate share of categorical program funds included in the total funds available in the Florida Education Finance Program by the Legislature, including transportation. Total funding for each charter school shall be recalculated during the year to reflect the revised calculations under the Florida Education Finance Program by the state and the actual weighted full-time equivalent students reported by the charter school during the full-time equivalent student survey periods designated by the Commissioner of Education.” [Fla. Stat. § 1002.33(17)(b)]</p>
FACILITIES FUNDS	<p>Yes. The state has appropriated \$57 million in its capital outlay program for per pupil facilities funding, which may be used for purchasing, construction, or maintenance of facilities. It is limited to charters that meet certain criteria, including: operation for at least three years, accredited by the Southern Association of Colleges and Schools, financial and academic stability, and is an expanded feeder chain or charter within the same district (meaning an elementary charter that serves a middle school that serves a high school charter.) Charters receive between \$500 and \$750 per pupil. [Fla. Stat. § 1013.62(e)]</p>

[LINK TO THE FLORIDA CHARTER SCHOOL LAW](#)

GEORGIA

(Law passed in 1993; last amended in 2011;
20th strongest of the nation's 42 charter laws)

125 charters serving 61,821
students.

9 charter schools closed as of
December 2011.

NOTEWORTHY

With the ruling that the Georgia Charter Schools Commission was unconstitutional, Ivy Preparatory Academy for Girls, a highly successful and needed charter school in Georgia became a "state special school" restricting its funding to the state portion only and thus less than half of what other public schools are entitled to receive. In addition, the companion all-boys school was rejected by the local board because of their continued opposition to charters.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	School boards. The State Board of Education may also approve districts to become a charter system.
APPEAL	Yes. The State Board of Education may approve a charter application on appeal after it has been denied by the school board. If a charter is approved on appeal, it becomes a "state special school," and receives only state, not local, funding.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from most state rules and regulations governing traditional public schools. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Charter schools may be exempt from some district rules. However, districts subject charters to extensive control and oversight.
TEACHER FREEDOM	Yes. Teachers are exempt from district work rules and negotiated agreements unless otherwise agreed to in district-awarded charter. All charters are required to participate in state retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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As of March 2012, the Georgia legislature has approved a measure that would allow voters to amend the state's constitution to permit charter schools to be authorized by multiple, independent entities other than local boards, as is the case in 16 other states. If passed, the ballot measure would supersede a decision by the Georgia Supreme Court (a decision which is considered narrow and political on the part of the elected court) that the chartering authority granted to the Georgia Charter Schools Commission by the legislature is unconstitutional.



EQUITY

STUDENT FUNDING

For district charters, funds pass through the district. For all other schools, funds pass through the state. Charter schools treated “no less favorably” than conventional district schools. State’s basic funding formula (QBE) applies to all charters. School districts dictate funding for locally approved charter schools, often resulting in inequities. State chartered special schools receive only state and federal funds, not local.

“Quality basic education formula applies; grants, local tax revenue, and funds from local bonds. (a) A local charter school shall be included in the allotment of QBE formula earnings, applicable QBE grants, applicable non-QBE state grants, and applicable federal grants to the local school system in which the local charter school is located under Article 6 of this chapter. The local board and the state board shall treat a conversion charter school no less favorably than other local schools located within the applicable local school system unless otherwise provided by law. The local board and the state board shall treat a start-up charter school no less favorably than other local schools within the applicable local system with respect to the provision of funds for instruction, school administration, transportation, food services, and, where feasible, building programs.” [O.C.G.A. § 20-2-2068.1]

FACILITIES FUNDS

Competitive need-based per-pupil facilities grant program. \$1.8 million was appropriated to this program for the 2011-12 school year. [O.C.G.A. § 20-2-2068.2]

IMPLEMENTATION POINTS

- 1

One point was deducted because of the ongoing reluctance of school districts to review, approve and support schools previously approved by the Commission.

[LINK TO THE GEORGIA CHARTER SCHOOL LAW](#)

HAWAII

(Law passed in 1994; last amended in 2011;
5th weakest of the nation's 42 charter laws)

D

Thirty-one charters serving 8,798 students operate much like traditional public schools without a clear separation of authority from existing school systems.

NOTEWORTHY

Many schools, such as Kihei Public Charter High School and Kua O Ka La Public Charter School, have started to reinforce the native Hawaiian cultures and environment that had been lacking in the traditional schools.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	The State Board of Education upon review by the Charter School Review Panel.
APPEAL	No. While applications denied by the Charter School Review Panel may be appealed to the State Board of Education, the bodies are interdependent.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from most state rules and regulations governing traditional public schools. Virtual schools are allowed. Management contracts with ESPs are at discretion of state.
LOCAL	No. The school board is responsible for the finances, operations, academics, and management of the charter school.
TEACHER FREEDOM	No. Teachers remain covered by district bargaining agreement. Charter schools must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. One new start-up school may be authorized for every one that has its charter revoked or three new schools may be authorized for every one that has been accredited for three years or longer by an education accreditation authority. Twenty-five conversions allowed.
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EQUITY

STUDENT
FUNDING

Funds pass through the state. Charter funding requests are based on conventional school per-pupil funds and the appropriations are determined annually. If enrollment exceeds expectations, charter schools will lose money.

“Beginning with fiscal year 2010-2011, and each fiscal year thereafter, the non-facility general fund per-pupil funding request for charter school students shall be the same as the general fund per-pupil amount to the department in the most recently approved executive budget recommendation for the department as set forth in paragraph (2); provided that (1) The general fund per-pupil funding request shall be based upon reasonable projected enrollment figures for all charter schools; and (2) The general fund per-pupil request for each regular education and special education student shall: (A) Include all general fund regular education cost categories, including comprehensive school support services, but excluding special education services[;], adult education, and the after-school plus program; provided that these services are provided and funded by the department.” [HI § 302B-12(a)]

FACILITIES
FUNDS

No Additional Funds.

IMPLEMENTATION POINTS

- 3

Three points are deducted because the state has not encouraged schools or growth and has failed to improve the law in a substantial way.

[LINK TO THE HAWAII
CHARTER SCHOOL LAW](#)

IDAHO

(Law passed in 1998; last amended in 2012;
12th strongest of the nation's 42 charter laws)



43 charters serving 16,304 students.

4 charter schools closed as of December 2011.

NOTEWORTHY

Coeur d'Alene Charter Academy is a model for excellence in Idaho. The high-achieving charter has been operating since 1999 and was ranked in the top 100 American High Schools by *Newsweek* and the *U.S. World News Report*, and was named the best academically performing school in Idaho by *Business Week*.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards may approve both new charters and conversion schools. The Public Charter School Commission (PCSC), a quasi-independent chartering agency, may only approve previously rejected applications and virtual schools.
APPEAL	Yes. Applications denied by a school board or the PCSC may be appealed to the State Board of Education. The state board's recommendation is non-binding and subject to judicial review. If the state board decides to authorize the charter, the PCSC becomes its sponsor.

OPERATIONAL AUTONOMY

STATE	Limited except for charters that are local education agencies (LEA), which are designated by state board. All rules for charters come directly from the State Board of Education. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Limited for charters approved by local boards. State-approved charters are exempt from most local rules and regulations. Fiscal autonomy depends on the school board.
TEACHER FREEDOM	Yes. Teachers are exempt from district work rules and negotiated agreements unless otherwise agreed to in district-awarded charter. Charters must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT
FUNDING

Funds pass through the district in a similar way to other public schools. Most money comes from state and federal sources. Charters are treated differently if they suffer a large enrollment drop or increase.

“Per student support. Computation of support units for each public charter school shall be calculated as if it were a separate school according to the schedules in section 33-1002(4), Idaho Code, except that public charter schools with fewer than one hundred (100) secondary ADA shall use a divisor of twelve (12) and the minimum units shall not apply, and no public charter school shall receive an increase in support units that exceeds the support units it received in the prior year by more than thirty (30). Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in chapter 10, title 33, Idaho Code. Provided however, any public charter school that is formed by the conversion of an existing traditional public school shall be assigned divisors, pursuant to section 33-1002, Idaho Code, that are no lower than the divisors of the school district in which the traditional public school is located, for each category of pupils listed.” [Idaho Code § 33-5208]

FACILITIES
FUNDS

No Additional Funds.

[LINK TO THE IDAHO
CHARTER SCHOOL LAW](#)

ILLINOIS

(Law passed in 1996; last amended in 2011;
13th weakest of the nation's 42 charter laws)

105 charters serving 48,233
students.

10 charter schools closed as of
December 2011.

NOTEWORTHY

The overall student performance on all state tests at Prairie Crossing Charter School in Grayslake is well above that of the state average. In 2010-11 the school had 97 percent of its test scores categorized as meeting or exceeding standards, in comparison to the state average of 76.5 percent.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	School boards. The State Charter School Commission was created to approve schools but functions in practice as an appeals board rather than an actual independent board (the state board oversees the Commission.) Additionally, local boards, whenever petitioned by five percent of voters, can be mandated to put approved charter proposals up for district vote.
APPEAL	Yes. Applications denied by the school board may be appealed to the State Board of Education, which becomes the school's sponsor upon approval. After being denied at the local school board level, charters can also apply to the State Charter School Commission.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver provides exemptions from most state regulations governing traditional public schools. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Limited. All proposed schools must meet certain guidelines and gather a certain level of approval from the community to be considered. Charter schools in Chicago have to follow many rules of the city, including teacher certification minimums.
TEACHER FREEDOM	Limited. Teachers are considered employees of the charter school, unless a collective bargaining agreement or charter contract provides otherwise. Charter schools must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. One hundred twenty total schools allowed, with a total of 70 permitted in Chicago (five of these for dropout recovery) and 45 reserved for the remainder of the state. Charters approved before July 2009 are permitted to open additional campuses, those after may not.
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EQUITY

STUDENT FUNDING	<p>Funds pass through the district. Per pupil funding is negotiated with the district and specified in the charter. Impact aid reimbursements “reward” districts that lose students – 90 percent in the first year, 65 percent the next year, and 35 percent the third year. Charters may receive as little as 75 percent of conventional public school funding.</p> <p>“Except for a charter school established by referendum under Section 27A-6.5 [105 ILCS 5/27A-6.5], as part of a charter school contract, the charter school and the local school board shall agree on funding and any services to be provided by the school district to the charter school. Agreed funding that a charter school is to receive from the local school board for a school year shall be paid in equal quarterly installments with the payment of the installment for the first quarter being made not later than July 1, unless the charter establishes a different payment schedule...In no event shall the funding be less than 75% or more than 125% of the school district’s per capita student tuition multiplied by the number of students residing in the district who are enrolled in the charter school.” [105 ILCS 5/27A-11(b)]</p>
FACILITIES FUNDS	<p>Charter Schools Revolving Loan Fund provides interest free-loans that cannot exceed \$250 per student. [105 ILCS 5/27-A11.5 (3)]</p>

LINK TO THE ILLINOIS
CHARTER SCHOOL LAW

INDIANA

(Law passed in 2001; last amended in 2011;
3rd strongest of the nation's 42 charter laws)

A

63 charters serving 20,372 students.

2 charter schools closed as of December 2011.

NOTEWORTHY

New in the Top Three— reformist Governor and legislature greatly improved state charter law in 2011.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (4)

APPROVAL	School boards, public state universities, and the mayor of Indianapolis. In 2011, the Indiana Charter School Board was created, an independent entity that may authorize charters statewide.
APPEAL	Yes. If an application is rejected, it may be submitted to another sponsor or the state Charter School Review Panel. The Panel may approve the proposal, which is then considered conditionally approved, and upon written notice from the organizer that an eligible sponsor has agreed to serve as a sponsor for the proposal, it receives final approval from the panel.

OPERATIONAL AUTONOMY

STATE	Yes. Charters are free from most rules and regulations governing traditional public schools. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Yes. Blanket waiver provides flexibility from local district regulations.
TEACHER FREEDOM	Yes. Teachers may negotiate as a separate unit, or work independently. Each charter may participate in state's retirement system, or establish a retirement system for its employees.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING	<p>Funds pass from the state and district. Charters receive the same state formula aid as traditional schools (virtually receive less.) A complex formula often results in discrepancies, particularly with local funding. The law was changed for the 2012-13 school year, giving new charters their funding in the beginning of the school year, instead of January, which caused financial strain.</p> <p>“The department shall distribute to the organizer the state tuition support distribution. The department shall make a distribution under this subsection at the same time and in the same manner as the department makes a distribution of state tuition support under IC 20-43-2 to other school corporations... (b) Beginning not more than sixty (60) days after the department receives the information reported under section 2(a) [IC 20-24-7-2(a)] of this chapter, the department shall distribute to the organizer: (1) tuition support and other state funding for any purpose for students enrolled in the conversion charter school; (2) a proportionate share of state and federal funds received...(3) a proportionate share of funds received under federal or state categorical aid programs for students who are eligible for the federal or state categorical aid and are enrolled in the conversion charter school.” [Ind. Code Ann. § 20-24-7-2 and 3]</p>
FACILITIES FUNDS	<p>Charter school facilities assistance program to make grants and loans available to charter schools for the purpose of constructing, purchasing, renovating and maintaining facilities, in addition to paying first semester costs for new, and reducing common school fund debt for charter schools. Indiana provided \$17 million to this program in 2011. [Ind. Code Ann. § 20-24-12-4]</p>

[LINK TO THE INDIANA CHARTER SCHOOL LAW](#)

IOWA

(Law passed in 2002; last amended in 2010;
3rd weakest of the nation's 42 charter laws)

F

8 charters serving 1,179
students.

1 charter school closed as of
December 2011.

NOTEWORTHY

Iowa charter schools are not separate, independent public schools, and the law is often considered one “in name only.” During the 2009 General Assembly, the state charter law was expanded to Innovation Zones, which are public attendance centers established by a consortium, which must include at least two school districts and an area education agency.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	State Board of Education with school board approval/designation.
APPEAL	None

OPERATIONAL AUTONOMY

STATE	Limited. Charters must comply with extensive regulations (paperwork, personnel policies, transport.) Virtual schools and management contracts with ESPs are not permitted.
LOCAL	No. Charters must comply with most local rules and regulations, including programs, transportation of students, personnel, rules, etc.
TEACHER FREEDOM	No. Teachers are considered employees of the district. Teachers are required to participate in state's retirement program.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING	Funds pass through district. Funding is ignored in law, leaving it up to district's discretion. “A charter school shall be considered a part of the school district in which it is located for purposes of state school foundation aid pursuant to chapter 257.” [Iowa Code § 256F]
FACILITIES FUNDS	No Additional Funds.

IMPLEMENTATION POINTS

- 3	Three points are deducted because the state has imposed a de facto cap by not encouraging or working to improve the charter environment.
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[LINK TO THE IOWA
CHARTER SCHOOL LAW](#)

KANSAS

(Law passed in 1994; last amended in 2004;
4th weakest of the nation's 42 charter laws)

F

19 charters serving 3,066
students.

22 charter schools closed as of
December 2011.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	State Board of Education with school board approval/designation.
APPEAL	None

OPERATIONAL AUTONOMY

STATE	No. Exemptions from particular laws, regulations, and policies must be specified in charter, and the State Board of Education approves or denies the requests. Virtual schools are allowed.
LOCAL	No. Ultimate control over charter remains with school district. Charter must file for specific waivers from school district regulations, and the state board must approve them.
TEACHER FREEDOM	No. Teachers are considered employees of the district. Teachers are required to participate in state's retirement program.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING	Funding for charter schools is not addressed in the charter law, leaving it entirely to the discretion of the school district.
FACILITIES FUNDS	No Additional Funds.

IMPLEMENTATION POINTS

- 3	Three points are deducted because the state has imposed a de facto cap by not encouraging or working to improve the charter environment.
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[LINK TO THE KANSAS
CHARTER SCHOOL LAW](#)

LOUISIANA

(Law passed in 1995; last amended in 2010;
14th strongest of the nation's 42 charter laws)



113 charters serving 38,671
students.

10 charter schools closed as of
December 2011.

NOTEWORTHY

A robust charter movement in New Orleans began post-Katrina, and now serves 70 percent of all students in the area. Outside of the Recovery District, however, traditional school districts neither encourage nor promote the creation of charter schools.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards and State Board of Education. The state charters directly in the State Recovery District (RSD - Type 5), which currently includes New Orleans, Baton Rouge and other cities with a demonstrated history of failing schools.
APPEAL	Yes. Applications denied by the school board may be appealed to the State Board of Education. If application is approved, the state board becomes the sponsor. (Type 2)

OPERATIONAL AUTONOMY

STATE	Yes. There is a blanket waiver from most rules governing traditional public schools, however, there are exceptions for each of the five types of charter school, and autonomy varies. Virtual schools not permitted. Management contracts with ESPs are not restricted.
LOCAL	Limited. Charter schools in some districts experience heavier regulation. Charter schools (except Type 2) are not LEAs for the purpose of funding or special education.
TEACHER FREEDOM	Yes in the RSD; charter teachers may organize as an individual unit, or work independently. No for all other charter schools; teachers are covered by work rules, unless exemption is negotiated with sponsor and specified in charter. Only Type 2 charter schools must participate in the state retirement's system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING	<p>For schools authorized by local boards, funds pass through district. For schools authorized by state, funds pass through state. Amount of funding and streams vary by district and by type of charter school. Law was changed in 2008 to give Type 2 charters state funding, and also a share of local sales and property taxes.</p> <p>“Except as otherwise provided by this Subsection, for the purpose of funding, a Type 1, Type 3, and Type 4 charter school shall be considered an approved public school of the local school board entering into the charter agreement and shall receive a per pupil amount each year from the local school board based on the October first membership count of the charter school. Except as otherwise provided by this Subsection, Type 2 charter schools shall receive a per pupil amount each year from the state Department of Education using state funds specifically provided for this purpose.” [La. R.S. § 17:3995]</p>
FACILITIES FUNDS	<p>Yes. Charter School Start-Up Loan Fund provides no interest loans up to \$100,000 to schools that can be used for facilities. Only Types 1-3 are eligible, but the majority of charters are Types 4-5. [LA stat. 3971.4001 Part VI (2)]</p>

[LINK TO THE LOUISIANA CHARTER SCHOOL LAW](#)

MAINE

(Law passed in 2011; 16th weakest of the nation's 42 charter laws)

New law enacted in 2011.
Advocates continue to seek changes to ensure that once charter schools are opened (none have yet been approved) they will have the benefits of a strong policy environment.

INDEPENDENT OR MULTIPLE AUTHORIZERS - "TECHNICALLY" YES (2)

APPROVAL	School boards and the State Charter School Commission, which consists of members that are all appointed by the state board with legislative input, and is not independent from state board oversight. Only the commission can approve virtual school applications.
APPEAL	None. The only course of action is to revise and re-submit application for reconsideration.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from most rules and regulations governing traditional public schools. The Department of Education oversees the commission and manages charter processes, which may create conflict. Virtual schools are allowed. ESPs are only allowed to manage virtual schools, and their role in other charters' operations is highly prescribed and limited.
LOCAL	Limited. Free from many local, traditional rules and regulations.
TEACHER FREEDOM	Yes. Charter teachers in new starts have the right to work independently, or to bargain collectively, though not as part of the district bargaining agreement. Teachers in conversions can choose to stay with their collective bargaining agreement or choose other representation. Charter schools are not required to participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes on the number of schools and enrollment. The commission may open ten schools in ten years; districts have no cap. Charters cannot enroll more than ten percent of the total of district students for the first three years of operation.
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EQUITY

STUDENT FUNDING	<p>Funds pass from state and district to school. Law states that per pupil funding (minus administrative fees) will pass to the charter schools, but unclear if that will hold once law is in practice. Three percent authorizer fee in addition to one percent fee that can be retained by district.</p> <p>“All state and local operating funds follow each student to the public charter school attended by the student, except that the school administrative unit of the student’s residence may retain up to 1% of the per pupil allocation described in this subsection to cover associated administrative costs...(2) For students attending public charter schools, the school administrative unit of residence shall forward the per-pupil allocations described in subparagraph (1) directly to the public charter school attended. These per-pupil allocations must be forwarded to each public charter school on a quarterly basis, as follows” [Sec.1. 5 MRSA § 2413]</p>
FACILITIES FUNDS	No Additional Funds.

[LINK TO THE MAINE CHARTER SCHOOL LAW](#)

MARYLAND

(Law passed in 2003; last amended in 2007;
6th weakest of the nation's 42 charter laws)

D

46 charters serving 11,549
students. (32 of 46 in
Baltimore)

3 charter schools closed as of
December 2011.

NOTEWORTHY

Charter applicants face enormous obstacles with school board hostilities and once open, are micromanaged and operationally limited. For the first time, a charter school in Montgomery County will open its doors this fall, Crossway Community Montessori Charter School, after a prolonged battle with the Montgomery County School Board and intervention by the State Board of Education. Frederick County will have its second in 2012, assuming the school board provides the needed approval for the school to obtain a facility.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	School boards. (The State Board of Education may authorize under limited circumstances involving the conversion of "restructured schools" if the county board fails to act on an application within 45 days. This has not yet occurred.)
APPEAL	Yes. If the school board denies an application, it may be appealed to the state board. The state board has no clear legal authority, but has the discretion to act as a mediator. Decision is non-binding.

OPERATIONAL AUTONOMY

STATE	No, not addressed. School districts maintain authority over charter schools and any contracts negotiated.
LOCAL	No. Each county board develops its own public charter school policy for schools in its district to follow.
TEACHER FREEDOM	No. Teachers remain covered by the district's collective bargaining contract. Charter schools must participate in the state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Not prescribed. Left to discretion of school districts.
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EQUITY

STUDENT FUNDING	<p>Funds pass through district. A 2007 Maryland Court of Appeals ruling affirmed the State Board of Education's decision that the law requires charter students be funded in a "commensurate" manner and at the same level. Funding still rests first with the districts, which do not always respond favorably to charter schools.</p> <p>"In general. -- A county board shall disburse to a public charter school an amount of county, State, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction." [Md. Educ. Code Ann. § 9-109]</p>
FACILITIES FUNDS	No Additional Funds.

[LINK TO THE MARYLAND
CHARTER SCHOOL LAW](#)

MASSACHUSETTS

(Law passed in 1993; last amended in 2010;
19th strongest of the nation's 42 charter laws)

76 charters serving 29,141 students.

7 charter schools closed as of December 2011.

NOTEWORTHY

MATCH Charter Public High School is ranked first in the state for student growth, was the number one open enrollment high school on the state standardized tests, and has a 99 percent college acceptance rate. Because of the MATCH success and the amendment of the state's charter cap, MATCH was able to open a middle and elementary school to ensure that students in Boston are getting a high-quality education from the start.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	The State Board of Education authorizes two types of charter schools: Commonwealth charters are approved directly by the state board; Horace Mann charters are normally conversion schools by agreement of the school board and teachers union before state approval.
APPEAL	None

OPERATIONAL AUTONOMY

STATE	Yes. The law gives schools a wide degree of autonomy. Virtual schools not allowed. Management contracts with ESPs are not restricted.
LOCAL	Yes. Commonwealth charters are free from district rules governing operations and funding. Horace Mann schools receive oversight and their budgets from the district.
TEACHER FREEDOM	Yes for Commonwealth charters; teachers may negotiate as a separate bargaining unit, or work independently. No for Horace Mann charters; teachers remain covered by district collective bargaining agreement. Charter schools must participate in the state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. Two types of caps. Seventy-two Commonwealth charters and 48 Horace Mann charters allowed. Nine percent cap on the total district spending for Commonwealth charters. In the lowest-scoring districts, this cap is increased to 12 percent and then incrementally by one percent each year until the cap reaches 18 percent.
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MASSACHUSETTS

(Continued)



EQUITY

STUDENT FUNDING

Funds pass from state to school, minus deductions from state aid to affected districts. 100 percent of state and district operations funding is required to follow the student, but the formula created reflects only the average per pupil cost of each district where the charter school receives students. Impact aid reimbursements “reward” districts that lose students -- 100 percent in the first year, 60 percent the next year, and 40 percent the following year.

“The commonwealth shall pay a tuition amount to the charter school equal to the average cost per student in said district. If the student resides in a district that does not have a positive foundation gap, as so defined, the commonwealth shall pay a tuition amount to the charter school equal to the lesser of: (1) the average cost per student in said district; and (2) the average cost per student in the district in which the charter school is located. The state treasurer is hereby authorized and directed to deduct said charter school tuition amount from the total education aid, as defined in said chapter 70, of the district in which the student resides prior to the distribution of said aid.” [MA Gen Law 89(nn)]

FACILITIES FUNDS

Yes. Charters receive a per pupil capital needs allowance, which was \$893 per pupil in FY 2012. [MA Gen Law 89(nn)]

IMPLEMENTATION POINTS

+ 1

One point awarded for authorizer accountability and holding charter schools to performance and operational targets. Massachusetts’ state board has had a long history of authorizing high-quality schools and holding them to high standards.

LINK TO THE
MASSACHUSETTS
CHARTER SCHOOL LAW

MICHIGAN

(Law passed in 1993; last amended in 2011;
5th strongest of the nation's 42 charter laws)

A

316 charters serving 118,702 students.

37 charter schools closed as of December 2011.

NOTEWORTHY

Virtual schools permitted for the first time in legislation enacted in 2009, although there is an enrollment cap. The charter cap enacted in 1993 was finally lifted in legislation passed in 2011.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards and state public universities, including community colleges.
APPEAL	None.

OPERATIONAL AUTONOMY

STATE	Limited. Waiver requests considered on a case-by-case basis from State Board of Education. Virtual schools are permitted with enrollment restrictions. Management contracts with ESPs are not restricted.
LOCAL	Yes.
TEACHER FREEDOM	Yes. Teachers may negotiate as a separate unit with the charter school governing body, or work independently. Employees hired by a charter school board are eligible for state retirement benefits. Employees hired by for-profit management company are not.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. Cap on university authorizers: 300 in 2012, 500 in 2014, and no cap in 2015. Unlimited for charters authorized by school boards. Schools of Excellence can be created and replicated (12 have opened.) Charters already operating may convert to a School of Excellence if criteria are met. Enrollment caps on virtual schools (400 students within first year, maximum of 1,000 students per school.)
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EQUITY

STUDENT FUNDING	<p>Funds pass from state to the authorizing body acting as fiscal agent to the charter school. State School Aid Act guarantees that the charter school receives funding in the same manner as conventional public schools. Authorizer administrative fee may be no more than three percent of a charter's state aid.</p> <p>"Beginning in 2008-2009, subject to subsection (7) and except as otherwise provided in this subsection, for pupils in membership, other than special education pupils, in a public school academy or a university school, the allocation calculated under this section is an amount per membership pupil other than special education pupils in the public school academy or university school equal to the sum of the local school operating revenue per membership pupil other than special education pupils for the district in which the public school academy or university school is located and the state portion of that district's foundation allowance, or the state maximum public school academy allocation, whichever is less." [MI Act 1979 PA 94 388.1620(4)]</p>
FACILITIES FUNDS	No Additional Funds.

[LINK TO THE MICHIGAN CHARTER SCHOOL LAW](#)

MINNESOTA

(Law passed in 1991; last amended in 2011;
2nd strongest of the nation's 42 charter laws)

A

162 charters serving 32,967
students.

37 charter schools closed as of
December 2011.

NOTEWORTHY

The nation's first charter law state also has a strong Post-Secondary Option law, now 25 years old, that allows high school juniors and seniors to spend all or part of their time taking college courses, with state funds following, paying all tuition, book and lab fees.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (3)

APPROVAL	School boards, colleges and universities, and nonprofit organizations that meet certain criteria, subject to final commissioner of education approval.
APPEAL	None.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from most state rules and regulations governing traditional public schools. Virtual schools are allowed. Management contracts with ESPs are not restricted. All current and would-be authorizers must meet a variety of statutes governing operations.
LOCAL	Yes. Charter schools are their own LEAs. Waiver provision applies to local freedoms.
TEACHER FREEDOM	Yes. Teachers may remain covered by district collective bargaining agreement if all parties agree, may negotiate as a separate unit with the governing body, or work independently. Charter schools must participate in the state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING

Funds pass through the state. It is intended that a charter will receive all special education funds, and other aids, grants and revenue as if it were a school district. Charters cannot directly use state money to purchase land or buildings; must create affiliated nonprofit and meet certain criteria to do so.

“General education revenue must be paid to a charter school as though it were a district. The general education revenue for each adjusted marginal cost pupil unit is the state average general education revenue per pupil unit, plus the referendum equalization aid allowance in the pupil’s district of residence, minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0485, calculated without basic skills revenue, extended time revenue, alternative teacher compensation revenue, transition revenue, and transportation sparsity revenue, plus basic skills revenue, extended time revenue, basic alternative teacher compensation aid according to section 126C.10, subdivision 34, and transition revenue as though the school were a school district. The general education revenue for each extended time marginal cost pupil unit equals \$4,378.” [MN 2011 Statute 124D.11]

FACILITIES FUNDS

Yes. \$1,200 dollars per pupil or 90 percent of actual lease cost goes to charters in the form of lease aid. [MN 2011 Statute 124D.11 Subd4]

IMPLEMENTATION POINTS

+ 1

One point awarded for strong accountability measures by the state and by authorizers to ensure that charter schools are being held accountable to outlined performance and operational targets.

[LINK TO THE MINNESOTA CHARTER SCHOOL LAW](#)

MISSISSIPPI

(Law passed in 2010; the weakest of the nation's 42 charter laws)

F

There are no charter schools open under the nation's worst law, a law considered one "in name only." It was passed only to increase odds of winning money in federal Race to the Top competition, which Mississippi did not win.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	State Board of Education
APPEAL	None

OPERATIONAL AUTONOMY

STATE	No. Exemptions must be requested on a case-by-case basis and most rules cannot be exempted. Virtual schools are allowed. ESP management contracts restricted.
LOCAL	No. Ultimate control remains with district.
TEACHER FREEDOM	No. Teachers are considered employees of the school district. Teachers must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Conversions only. Twelve conversions allowed in six years with geographic limitations. Only schools deemed failing for three years or conversions of low-performing schools allowed.
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EQUITY

STUDENT FUNDING	Funds pass through district. Amount and delivery left to discretion of district, which controls schools. "In addition to receiving state funds for operations...public schools converted to conversion charter school status receive equitable state and federal funding compared to traditional public schools, as required by the federal "Race to the Top" program." [§ 37-165-25.]
FACILITIES FUNDS	No Additional Funds.

IMPLEMENTATION POINTS

- 3	Three points are deducted because the state has imposed a restrictive cap and is not encouraging or working to improve charter environment.
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[LINK TO THE MISSISSIPPI CHARTER SCHOOL LAW](#)

MISSOURI

(Law passed in 1998; last amended in 2010;
11th strongest of the nation's 42 charter laws)



52 charters serving 19,573
students.

11 charter schools closed as of
December 2011.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	Community colleges, or a four-year public or private college or university located in Missouri with an approved teacher education program that meets regional or national standards of accreditation, or school boards in Kansas City and St. Louis.
APPEAL	Yes. Applications denied may be submitted to the State Board of Education, which has specific guidelines that limit the scope of appeals they will consider. The state board's rejection is subject to judicial review. If the state board approves the application, it will serve as the school's sponsor.

OPERATIONAL AUTONOMY

STATE	Limited. Waiver from some state rules and regulations. Virtual schools are not allowed. Management contracts with ESPs are not restricted.
LOCAL	Limited in cases where schools are not LEAs.
TEACHER FREEDOM	Yes. Teachers may choose to remain covered by district collective bargaining agreement or may work independently. Charter school employees must participate in the retirement system of their school district.

NUMBER OF SCHOOLS ALLOWED

CAP	No cap but charters are limited to Kansas City and St. Louis.
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EQUITY

STUDENT FUNDING	<p>Funds pass through the state for LEAs and through district for others. LEA charter schools receive all funding streams and categories. Funds are now nearly comparable to conventional public schools.</p> <p>"A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011, RSMo, plus all other state aid attributable to such pupils. If a charter school declares itself as a local education agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment." [§ 160.415.4 R.S.Mo.]</p>
FACILITIES FUNDS	No Additional Funds.

[LINK TO THE MISSOURI
CHARTER SCHOOL LAW](#)

NEVADA

(Law passed in 1997; last amended in 2011;
18th weakest of the nation's 42 charter laws)

34 charters serving 12,962
students.

7 charter schools closed as of
December 2011.

NOTEWORTHY

The addition of university authorizers in 2007 has yet to take hold. Because many school districts have vocally opposed charters, it may take some time before new applicants step up and understand the alternative authorizing path now available.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (3)

APPROVAL	School boards, the State Public Charter School Authority (a quasi-independent state board that works with the Nevada Department of Education to review and assess applications) and any public college or university.
APPEAL	Yes. If an application is denied by the local board or a college or university, it may be appealed to the State Public Charter School Authority, and would become the sponsor if approved. If it denies the application, the decision may be appealed to the district county court in which the proposed charter will be located.

OPERATIONAL AUTONOMY

STATE	Limited. Schools do not receive a blanket waiver and must comply with many rules relating to curriculum and governance. Conversion of traditional public schools to charters is not permitted. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Limited. There is little flexibility from rules and regulations. Schools must get permission from sponsor for various actions, including purchasing property.
TEACHER FREEDOM	Yes. Teachers are exempt from district work rules and negotiated agreements. Charter employees must participate in their school district's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No cap in law; three districts have issued moratoriums, so that charter applicants in those districts can only be approved by an alternative authorizer.
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EQUITY

STUDENT FUNDING

Funds pass through the state. Schools are supposed to be funded through the same means as other public schools. Authorizers may deduct up to two percent for administrative fees, but charters meeting certain requirements can request to lower it to one percent.

“Each pupil who is enrolled in a charter school, including, without limitation, a pupil who is enrolled in a program of special education in a charter school, must be included in the count of pupils in the school district for the purposes of apportionments and allowances from the state distributive school account pursuant to NRS 387.121 to 387.126, inclusive, unless the pupil is exempt from compulsory attendance pursuant to NRS 392.070. A charter school is entitled to receive its proportionate share of any other money available from federal, state or local sources that the school or the pupils who are enrolled in the school are eligible to receive.” [Nev. Rev. Stat. Ann. § 386.570]

FACILITIES FUNDS

No Additional Funds.

IMPLEMENTATION POINTS

- 3

Three points are deducted because the state has imposed a de facto cap by not encouraging or working to improve charter environment.

[LINK TO THE NEVADA CHARTER SCHOOL LAW](#)

NEW HAMPSHIRE

(Law passed in 1995; last amended in 2011;
10th weakest of the nation's 42 charter laws)

D

11 charters serving 2,431 students.

3 charter schools closed as of December 2011.

NOTEWORTHY

All three charters that closed in the Granite State closed because of financial reasons. The per pupil funding guaranteed in law is only about half of conventional public schools, making it nearly impossible to operate a successful charter school, which is why currently there are only 11, many of which use blended or online learning. In spite of these obstacles, Great Bay e-Learning Charter School has graduated three classes with a 100 percent graduation rate and a 100 percent college acceptance rate.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	School board, with three-step approval process involving town votes and a final state board approval. Applicants may bypass this process and apply directly to the state. (Because of limitations on approval process this is not considered an independent authorizing route.)
APPEAL	Yes. Applications denied by the school board may be appealed to the State Board of Education. Appeal is binding.

OPERATIONAL AUTONOMY

STATE	Yes. Charters receive a blanket waiver from most state rules and regulations governing traditional public schools. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	No. There is no general waiver for local rules and regulations.
TEACHER FREEDOM	Yes. Teachers are not covered by the district collective bargaining agreement and may negotiate as a separate unit with the school governing body, or work independently. A charter school may choose to participate in the state teacher retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No cap. However, no more than ten percent of resident pupils shall be eligible to transfer to a charter school in any school year without board approval.
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NEW HAMPSHIRE

(Continued)

D

EQUITY

STUDENT FUNDING

Funds pass through the state. Locally approved charters receive significantly less (almost half) despite language to the contrary. State approved charters funded by separate state appropriation. Funding inequities have forced school closures.

“There shall be no tuition charge for any pupil attending an open enrollment or charter conversion school located in that pupil’s resident district. Funding limitations in this chapter shall not be applicable to charter conversion or open enrollment schools located in a pupil’s resident district. For a charter or open enrollment school authorized by the school district, the pupil’s resident district shall pay to such school an amount equal to not less than 80 percent of that district’s average cost per pupil as determined by the department of education using the most recent available data as reported by the district to the department. (b) For any chartered public school authorized by the state board of education pursuant to RSA 194-B:3-a, the state shall pay tuition pursuant to RSA 198:40-a and RSA 198:40-c directly to the chartered public school for each pupil who is a resident of this state in attendance at such chartered public school.” [NH 194-B:11.1]

FACILITIES FUNDS

No Additional Funds.

IMPLEMENTATION POINTS

- 3

Three points are deducted because the state has imposed a de facto cap by not encouraging or working to improve charter environment.

[LINK TO THE NEW HAMPSHIRE CHARTER SCHOOL LAW](#)

NEW JERSEY

(Law passed in 1996; last amended in 2011;
19th weakest of the nation's 42 charter laws)

87 charters serving 23,399
students.

29 charter schools closed as of
December 2011.

NOTEWORTHY

Founders of the Princeton International Charter School, approved by the Commissioner in 2010 have had to file suit in three school districts which have worked to prevent the school from opening by diverting money, refusing to give zoning approval for their chosen school building, and misrepresentation of the school and its intent. This is not an uncommon story in the Garden State. Many charters are approved but never open because of district opposition and the state, as authorizer, does not step in to advocate for its schools as strong authorizers do.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	State Commissioner of Education
APPEAL	Yes. Applications denied may be appealed to the State Board of Education within 30 days of the date of the receipt of the denial. Charters also have recourse to the courts.

OPERATIONAL AUTONOMY

STATE	No. Waiver requests considered on a case-by-case basis. The Department and the State Board of Education have imposed additional regulations over time that are not in law, including geographical restrictions, boundaries and residency requirements for applicants. Virtual schools are permitted but discouraged. Management contracts with ESPs are not restricted, but there are additional requirements when submitting applications. Charters are LEAs only for federal funds.
LOCAL	Limited. Waiver requests considered on a case-by-case basis. While charters do not have to account to the district, decisions regarding special education students are made by the LEA, not the charter school. Districts are prohibiting charter schools from opening by imposing or changing zoning laws, etc.
TEACHER FREEDOM	Yes for new starts; teachers may negotiate as a separate unit with the charter school governing body, or work independently. No for conversions; teachers remain covered by district collective bargaining agreement. Charter schools must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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NEW JERSEY

(Continued)



EQUITY

STUDENT FUNDING	<p>Funds pass through the district. Law requires schools to be funded at 90 percent of per pupil district aid base. However, based on thorough research, it is often less than 80 percent because charter students don't receive adjustment aid given to districts under the School Funding Reform Act. District can charge up to ten percent for administrative fees.</p> <p>"The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the district an amount equal to the lower of either 90% of the program budget per pupil for the specific grade level in the district or 90% of the maximum T&E amount. The per pupil amount paid to the charter school shall not exceed the program budget per pupil for the specific grade level in the district in which the charter school is located. The district of residence shall also pay directly to the charter school any categorical aid attributed to the student, provided the student is receiving appropriate categorical services, and any federal funds attributed to the student. ..." [N.J. Stat. § 18A:36A-12(b)]</p>
FACILITIES FUNDS	No Additional Funds.

[LINK TO THE NEW JERSEY CHARTER SCHOOL LAW](#)

NEW MEXICO

(Law passed in 1993; last amended in 2011;
21st weakest of the nation's 42 charter laws)

85 charters serving 15,815
students.

6 charter schools closed as of
December 2011.

NOTEWORTHY

Taos Municipal Charter School, a Core Knowledge elementary school, was recognized in 2009 by the New Mexico Coalition of Charter Schools as one of its 10 Honor Roll Schools. This past year, 86.4 percent of their students were proficient in math and 87.2 percent were proficient in reading.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards and State Board of Education (Public Education Commission.)
APPEAL	Yes. Applications denied by the school board may be appealed to the State Board of Education and the Secretary's decision is final. If the school board does not act on an application within 60 days, the Secretary of Education will automatically review it.

OPERATIONAL AUTONOMY

STATE	Limited. No blanket waiver from most traditional rules and regulations governing other public schools but the state grants waivers for many traditional operational requirements. For all other waivers, charters must request on a case-by-case basis. Virtual schools are allowed. Management contracts restricted to nonprofit ESPs. State-chartered schools are considered their own LEA.
LOCAL	Limited. Charters must negotiate waivers on a case-by-case basis.
TEACHER FREEDOM	Yes. Teachers may negotiate as a separate unit with the charter school governing body, or work independently. Charter schools must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. Fifteen new starts may be authorized per year, with up to 75 approved in a five-year period. Charters not filled in the five-year period will roll over to the next five years. New conversions are not allowed. A charter in a district with 1,300 or fewer students may not enroll more than ten percent of students.
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NEW MEXICO

(Continued)



EQUITY

STUDENT FUNDING	<p>Funds pass through the district. By law, charters are entitled to 98 percent of per pupil revenues. The remaining two percent is deducted for administrative fees.</p> <p>“A. The amount of funding allocated to a charter school shall be not less than ninety-eight percent of the school-generated program cost. The school district or division may withhold and use two percent of the school-generated program cost for its administrative support of a charter school. B. That portion of money from state or federal programs generated by students enrolled in a locally chartered charter school shall be allocated to that charter school serving students eligible for that aid. Any other public school program not offered by the locally chartered charter school shall not be entitled to the share of money generated by a charter school program.” [NM 22-8B-13]</p>
FACILITIES FUNDS	<p>Yes. Charter schools receive \$700 per student from a capital outlay fund, which assists charter schools to cover building costs. The charter schools stimulus fund contains appropriations for initial start-up costs and initial facilities costs. [NM 22-8B-14]</p>

LINK TO THE NEW MEXICO
CHARTER SCHOOL LAW

NEW YORK

(Law passed in 1998; last amended in 2010;
6th strongest of the nation's 42 charter laws)



201 charters serving 54,681 students.

13 charter schools closed as of December 2011.

NOTEWORTHY

The Success Academies Network has outperformed conventional public schools time and again. Across the campuses, 94 percent of students were proficient in math compared to 60 percent of third, fourth and fifth graders citywide. That doesn't make opening additional campuses in New York City any easier; founder Eva Moskowitz is fighting staunch opposition to expanding her successful charter network to others throughout Manhattan.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (3)

APPROVAL	School boards, state board of education (New York Board of Regents) or the board of trustees of the State University of New York (SUNY.) In New York City, the Chancellor also has direct authorizing power subject to the Board of Regents approval.
APPEAL	None

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from most traditional public school rules and regulations. Virtual schools are not allowed. ESP management contracts restricted to nonprofits for all charters approved after 2010. Additional rules and regulations from the state concerning charter school operations have been imposed.
LOCAL	Limited. Districts impose many local rules and regulations on operations, facilities, etc.
TEACHER FREEDOM	Limited. Schools enrolling fewer than 250 students in the first year are exempt from collective bargaining agreements. Schools enrolling more than 250 students in the first two years must negotiate with all staff as a separate bargaining unit of the local union. Teachers in conversions remain covered by district collective bargaining agreement, but may, by mutual agreement, negotiate waivers from contract provisions. Charter employees may choose to be part of the relevant retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. A total of 460 new starts are permitted, of which 114 are reserved for New York City, and 260 are evenly split between SUNY and Board of Regents. SUNY and the Board of Regents are each limited to issuing up to 33 (SUNY) or 32 (Board of Regents) charters per year through 2014, with any used slots rolling to the next year. No cap on conversion schools.
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EQUITY

STUDENT FUNDING

Funds pass through the district. The pupil unit formula counts many students greater than one, which changes the calculations and gives charters less funding (approximately 75 percent.)

“The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the school district the charter school basic tuition, which shall be: for school years prior to the two thousand nine—two thousand ten school year and for school years following the two thousand twelve—two thousand thirteen school year, an amount equal to one an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section thirty six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty six hundred two of this chapter from two years prior to the base year to the base year. The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly.” [NY CLS Educ § 2856.1]

FACILITIES FUNDS

No Additional Funds.

IMPLEMENTATION POINTS

+ 1

One point awarded for strong accountability measures by the state and by authorizers to ensure that charter schools are being held accountable to outlined performance and operational targets.

[LINK TO THE NEW YORK CHARTER SCHOOL LAW](#)

NORTH CAROLINA

(Law passed in 1996; last amended in 2011;
14th weakest of the nation's 42 charter laws)

104 charters serving 37,407
students.

34 charter schools closed as of
December 2011.

NOTEWORTHY

A cap lift in 2011 spurred additional proposals and in 2012, the State's appointed charter advisory board chose nine of 27 applicants to open. The process remains very restrictive and the state's leadership does not advocate for opening more high quality charter schools without explicit district support.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	State Board of Education after local board's approval. The University of North Carolina system is also explicitly permitted by law to become an authorizer, but has not done so.
APPEAL	Yes. Applications denied by the school board may be appealed to the State Board of Education.

OPERATIONAL AUTONOMY

STATE	Limited. Blanket waiver provided from many rules and regulations governing traditional public schools. Virtual schools are not allowed. Management contracts with ESPs are not restricted.
LOCAL	Limited. School boards impose various requirements.
TEACHER FREEDOM	Yes. Teachers are exempt from district work rules and negotiated agreements unless otherwise agreed to in charter. Teachers have the option to participate in the state system; charter boards decide whether to participate or not.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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NORTH CAROLINA

(Continued)



EQUITY

STUDENT FUNDING

Funds pass through the state and district. Funding allocation is supposed to be equal but often is not. Local funds often withheld; charters have won lawsuits over this issue. Charters are suing over not receiving lottery funds.

“The State Board of Education shall allocate to each charter school: (1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with disabilities and for the allocation for children with limited English proficiency; (2) An additional amount for each child attending the charter school who is a child with disabilities; and (3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.” [N.C. Gen. Stat. § 115C-238.29H(a)]

FACILITIES FUNDS

No Additional Funds.

IMPLEMENTATION POINTS

- 2

Two points are deducted because while the state has lifted its cap, the state and local boards have continued to hinder the approval and opening of charter schools through burdensome processes and lawsuits.

[LINK TO THE NORTH CAROLINA CHARTER SCHOOL LAW](#)

OHIO

(Law passed in 1997; last amended in 2011;
15th strongest of the nation's 42 charter laws)



368 charters serving 122,660 students.

99 charter schools closed as of December 2011.

NOTEWORTHY

Following reform of its law in 2003 to include an unbridled number of private non-profit groups to authorize schools, the state experienced a high degree of problems in its charter environment, with many authorizers and schools not qualified to do the work necessary. Advocates stepped in and put some necessary curbs on authorizing in 2005, although they also restricted some important schooling options, such as virtual programs. Now the state has in place new accountability provisions that are positively balancing out the previous generation of legislative changes.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (4)

APPROVAL	School boards including educational service centers; state universities; nonprofit entities as approved by the Ohio Department of Education; and the Department of Education itself. School boards only in "challenged" districts - those rated in the lowest five percent by the state's academic index. There are currently 37 "challenged" districts representing 18 percent of public school students in the state.
APPEAL	None

OPERATIONAL AUTONOMY

STATE	Limited. Charter schools do receive a blanket waiver from most traditional public school rules, but additional restrictions and rules governing charters are imposed. Virtual schools are allowed, although no new ones may open. Management contracts with ESPs are not restricted. The Ohio Department of Education can close down a charter school if it has been labeled "academically failing" for two out of three years, or an authorizer if it has authorized too many failing schools.
LOCAL	Yes. Charters only follow rules imposed by their sponsors.
TEACHER FREEDOM	Yes for new starts; teachers may negotiate as a separate unit with the charter school governing body, or work independently. Conversion school employees are subject to collective bargaining, unless the mayor submits to the sponsor and the state employment relations board a statement requesting that all employees of the conversion charter school be removed from a collective bargaining unit. Charters are required to participate in relevant retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. New starts can only open in the "challenged" districts. Moratorium on virtual schools through 2013. No cap on conversions. Each authorizer can approve up to 100 schools, except for the state department of education, which can approve no more than 20 schools each year during its initial five years of chartering, and of those 20, only five can be new start-ups.
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EQUITY

STUDENT FUNDING	<p>Funds pass through state. Funding formula intended but often fails to distribute money to charters equitably. Funding varies by type of school.</p> <p>“An amount equal to the sum of the amounts obtained when, for each community school where the district’s students are enrolled, the number of the district’s students reported under divisions (B)(2)(a), (b), and (e) of this section who are enrolled in grades one through twelve, and one-half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the sum of the base formula amount of that community school plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.” [OH 3314.08(C)(1)]</p>
FACILITIES FUNDS	None

IMPLEMENTATION POINTS

+ 1	One point awarded for strong accountability measures by the state and by authorizers to ensure that charter schools are being held accountable to outlined performance and operational targets.
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LINK TO THE OHIO
CHARTER SCHOOL LAW

OKLAHOMA

(Law passed in 1999; last amended in 2011;
17th weakest of the nation's 42 charter laws)

19 charters serving 6,576
students.

2 charter schools closed as of
December 2011.

NOTEWORTHY

Improvements in the state's charter school law have been led by State Superintendent of Public Instruction Janet Barresi, who as a parent was largely responsible for influencing the adoption of the state's first charter bill and went on to start the first charter, Independence Charter Middle School, in the state. Oklahoma's nickname the Sooner State, fits this grassroots advocate's story.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (5)

APPROVAL	School boards. Universities meeting certain requirements (must be a public state university located in a school district with 5,000 or more students in counties with at least 500,000, shall have an accredited teacher education program, and have a campus located within the school district of the charter school.) Federally recognized Indian tribes currently operating a high school under BIA can open a charter if it offers native language immersion and is located on a reservation. State board can sponsor charters operated by the Office of Juvenile Affairs. Charter Schools Commission established to sponsor virtual schools.
APPEAL	None

OPERATIONAL AUTONOMY

STATE	Yes. Charters receive a blanket waiver from traditional public school rules and regulations. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Limited. Blanket waiver applies to some local education rules and regulations. Charters are their own LEA for the purpose of special education.
TEACHER FREEDOM	Yes. Teachers are exempt from district work rules and negotiated agreements unless otherwise agreed to in district-awarded charter. Charter school employees may participate in state retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. Charters are unlimited in school districts with 5,000 or more students in counties with a total population of at least 500,000 (e.g. Oklahoma City and Tulsa.) Also unlimited in districts with a school on the school improvement list (currently 21 of 537 districts.)
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EQUITY

STUDENT FUNDING	<p>Funds pass through the district for locally-approved charters. Charters receive funds from same state aid funding formula as conventional schools. Authorizer may deduct up to five percent administrative fees. Law grants authority to the state to determine district funding policy.</p> <p>“The student membership of the charter school shall be considered separate from the student membership of the district in which the charter school is located for the purpose of calculating weighted average daily membership pursuant to Section 18-201.1 of this title and state aid pursuant to Section 18-200.1 of this title. For charter schools sponsored by a board of education of a school district, the sum of the separate calculations for the charter school and the school district shall be used to determine the total State Aid allocation for the district in which the charter school is located. A charter school shall receive from the sponsoring school district, the State Aid revenue generated by its students for the applicable year, less up to five percent (5%) of the State Aid allocation, which may be retained by the school district as a fee for administrative services rendered.” [70 Okl. St. § 3-142(A)]</p>
FACILITIES FUNDS	<p>Yes. Incentive fund provides up to \$50,000 per school to cover costs of renovating or remodeling existing facilities, and any additional start-up costs they might have. [70 Okl. St. § 3-144]</p>

[LINK TO THE OKLAHOMA CHARTER SCHOOL LAW](#)

OREGON

(Law passed in 1999; last amended in 2011;
20th weakest of the nation's 42 charter laws)

116 charters serving 19,255
students.

13 charter schools closed as of
December 2011.

NOTEWORTHY

Hillsboro K-8 City View Charter School embraces a philosophy of learning through experience. The growing school is near capacity at 187 students, and received a rating of “outstanding” for 2011 on the Oregon Department of Education Report Card because of its consistently high academic achievement.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	School boards
APPEAL	Yes. Applications denied by the school board may be appealed to the State Board of Education, which may become the sponsor.

OPERATIONAL AUTONOMY

STATE	Limited. Charters receive a blanket waiver from most traditional public school rules and regulations. Virtual schools are allowed but there are operational restrictions. Management contracts with ESPs are not restricted.
LOCAL	No. School boards have discretion.
TEACHER FREEDOM	Yes. Teachers may negotiate as a separate unit with the charter school governing body, or work independently. Employees are required to participate in the retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING	<p>Funds pass through district. Formula funds charters anywhere between 80-95 percent based on daily expenditures, not revenue. If enrollment drops annually, funding decreases, but the same is not true for conventional schools.</p> <p>“A school district shall contractually establish, with any public charter school that is sponsored by the board of the school district, payment for provision of educational services to the public charter school’s students. The payment shall equal an amount per weighted average daily membership (ADMw) of the public charter school that is at least equal to: (a) Eighty percent of the amount of the school district’s General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in kindergarten through grade eight; and (b) Ninety-five percent of the amount of the school district’s General Purpose Grant per ADMw as calculated under ORS 327.013 for students who are enrolled in grades 9 through 12.” [ORS § 338.155(2)]</p>
FACILITIES FUNDS	No Additional Funds.

[LINK TO THE OREGON
CHARTER SCHOOL LAW](#)

PENNSYLVANIA

(Law passed in 1997; last amended in 2009;
13th strongest of the nation's 42 charter laws)



170 charters serving 98,108 students.

13 charter schools closed as of December 2011.

NOTEWORTHY

Keystone State lawmakers have been engaged for more than two years in an effort to improve and expand the state's charter school law to allow for independent and multiple authorizers, as many school districts oppose the independent public schools and withhold needed resources as a condition of their oversight.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards and the Pennsylvania Department of Education. The Philadelphia School Reform Commission (SRC) acts in place of the city's school board.
APPEAL	Yes. Applications denied by the school board (but not SRC) may be appealed to the state Charter Schools Appeals Board and its decision is binding.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from most traditional public school rules and regulations. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Yes. However, additional restrictions and red tape are often imposed on charter schools.
TEACHER FREEDOM	Yes. Teachers may negotiate as a separate unit with the charter school governing body, or work independently. Charter schools must participate in the retirement system, unless, at the time it is chartered, the school has a retirement program that covers the employees, or the particular employee is enrolled in another retirement program.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING

Funds pass through district. Charter funding based on expenditures, not revenue, and is typically 70-82 percent of revenue, depending on the district. Districts receive impact aid from the state for the first year a student attends a charter school.

“For non-special education students, the charter school shall receive for each student enrolled no less than the budgeted total expenditure per average daily membership of the prior school year, as defined in section 2501(20), minus the budgeted expenditures of the district of residence for nonpublic school programs; adult education programs; community/junior college programs; student transportation services; for special education programs; facilities acquisition, construction and improvement services; and other financing uses, including debt service and fund transfers as provided in the Manual of Accounting and Related Financial Procedures for Pennsylvania School Systems established by the department. This amount shall be paid by the district of residence of each student.” [24 P.S. § 17-1725-A(2)]

FACILITIES FUNDS

Charter School Lease Reimbursement Program worth up to \$270 per pupil. [Section 2574.3 of the Public School Code of 1949]

IMPLEMENTATION POINTS

- 1

One point is deducted because Philadelphia has demonstrated its intention to not authorize new charters, and to permit charter growth through expansions and turnarounds only.

[LINK TO THE PENNSYLVANIA CHARTER SCHOOL LAW](#)

RHODE ISLAND

(Law passed in 1995; last amended in 2011;
11th weakest of the nation's 42 charter laws)

D

17 charters serving 3,817
students.

NOTEWORTHY

The creation of mayoral academies in Rhode Island was supposed to improve the ability of charter school organizations to open needed alternatives in the state. Instead, the academies are reportedly political. Charter operator Democracy Prep left the state because the regulatory environment, specifically regarding hiring and firing of teachers, was too restrictive.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	State Board of Regents, after the charter has been approved by the local school committee or the state Commissioner of Elementary and Secondary Education. Mayoral academies may be created by a mayor (who may work with a nonprofit organization) applying directly to Regents.
APPEAL	None

OPERATIONAL AUTONOMY

STATE	No. Waiver requests considered on a case-by-case basis. Virtual schools are not allowed. Contracts or ESP partnerships limited to mayoral academies.
LOCAL	No. Waiver requests considered on a case-by-case basis. Fiscal autonomy subject to district terms. Mayoral academies have more freedoms than other charter schools regarding personnel.
TEACHER FREEDOM	No. Teachers are covered by district bargaining agreements. Mayoral academy employees exempt from collective bargaining. Charter schools must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. Thirty five charters allowed in state and half must be reserved for at-risk students.
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EQUITY

STUDENT FUNDING

Funds pass through the district and state. The weighted student formula, which began in the 2011-12 school year uses the same funding formula as conventional schools. Local monies will come direct from the district. State deducts five percent from the formula and gives that money to the school district as impact aid.

“It is the intent of the general assembly that funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive to the establishment of an independent charter school. Funding for each independent charter school shall consist of state revenue and municipal or district revenue in the same proportions that funding is provided for other schools within the sending school district(s). (b) The amount of funding which shall be allocated to the independent charter school by the sending school district(s) shall be equal to a percentage of the total budgeted expenses of the sending school district(s) which is determined by dividing the number of students enrolled in the district charter school by the total resident average daily number of students in the sending school district(s). [§ RI 16-77.3-5]

FACILITIES FUNDS

No Additional Funds.

[LINK TO THE RHODE ISLAND
CHARTER SCHOOL LAW](#)

SOUTH CAROLINA

(Law passed in 1996; last amended in 2008;
17th strongest of the nation's 42 charter laws)

48 charters serving 18,171
students.

13 charter schools closed as of
December 2011.

NOTEWORTHY

Greenville Technical Charter High, one of the first schools in the state and a leader in the fight for an improved, expanded law, was among five South Carolina schools chosen as winners of the 2010 National Blue Ribbon Schools Award. Many students who graduate Greenville Tech have received enough credits to enter college as sophomores.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards. South Carolina Public Charter School District (SCPCSD) for new starts only. School boards are given authority to appeal decisions by the SCPCSD.
APPEAL	Yes. Applications denied by the school board or SCPCSD may be appealed to the Administrative Law Courts.

OPERATIONAL AUTONOMY

STATE	Yes. Most schools receive a blanket waiver from most traditional public school rules and regulations. SCPCSD is its own LEA and may create and modify rules as necessary. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Limited. The language in the law permits the district to have excessive control over charter operations. Local program funding often carries operational restrictions.
TEACHER FREEDOM	Yes for new starts; teachers are exempt from district work rules and negotiated agreements unless otherwise agreed to in district-awarded charter. No for conversions; original staff remains covered by the district employment policy. For new starts, employees may choose whether or not to participate in the retirement system. Original staff at conversions is required to remain covered by the retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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SOUTH CAROLINA

(Continued)



EQUITY

STUDENT FUNDING

Funds pass through the district. SCPCSD-authorized schools receive only state and federal funds. The average SCPCSD school receives substantially less than conventional schools. In districts, the state's complex formula involving dozens of budget categories allows school district manipulation.

"A local school board of trustees sponsor shall distribute state, county, and school district funds to a charter school as determined by the following formula: the previous year's audited total general fund revenues, divided by the previous year's weighted students, then increased by the Education Finance Act inflation factor, pursuant to Section 59-20-40, for the years following the audited expenditures, then multiplied by the weighted students enrolled in the charter school, which will be subject to adjustment for student attendance and state budget allocations based on the same criteria as the local school district. These amounts must be verified by the State Department of Education before the first disbursement of funds. (B) The South Carolina Public Charter School District shall receive and distribute state funds to the charter school as determined by the following formula: the current year's base student cost, as funded by the General Assembly, multiplied by the weighted students enrolled in the charter school, which must be subject to adjustment for student attendance and state budget allocations. These state funds are in addition to other funds to be received and distributed by the South Carolina Public Charter School District pursuant to subsections (C) and (D) of this section and Section 59-40-220(A). However, the South Carolina Public Charter School District may not retain more than two percent of its gross revenue for its internal administrative and operating expenses." [S.C. Code Ann. § 59-40-140]

FACILITIES FUNDS

No Additional Funds.

As this report went to press, a bill was under consideration in South Carolina to amend the charter school law. If passed, it is unclear at this time if it would make a material change in the state score and overall ranking of South Carolina.

[LINK TO THE SOUTH CAROLINA CHARTER SCHOOL LAW](#)

TENNESSEE

(Law passed in 2002; last amended in 2011;
21st strongest of the nation's 42 charter laws)

35 charters serving 7,210
students.

2 charter schools closed as of
December 2011.

NOTEWORTHY

Improvements in the law spurred by the 2010 Race to the Top are noteworthy for generating changes in chartering, but the impact has been far less than what was expected by a lifting of the cap and enrollment restrictions.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards and the newly-created Achievement School District (ASD), where applications for new and conversion charter schools can apply. The ASD is similar to the RSD in Louisiana to help in areas of the state with a demonstrated history of failing schools.
APPEAL	Yes. Applications denied by the local board may be appealed to the State Board of Education. The state board's decision is binding.

OPERATIONAL AUTONOMY

STATE	No. Waiver requests considered on a case-by-case basis. Virtual schools are not allowed. Management contracts with ESPs restricted to nonprofits.
LOCAL	No. Waiver requests considered on a case-by-case basis. Districts can reject charter applications for being a "financial burden." Enrollment restricted to jurisdiction of approving LEA.
TEACHER FREEDOM	Yes for new schools; teachers work independently with charter school governing body unless otherwise specified by district-approved charter. Charters are required to participate in retirement systems.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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TENNESSEE

(Continued)



EQUITY

STUDENT FUNDING

Funds pass through the district. Funding formula is now based on per-pupil revenue, not expenditures as in past years, which helps increase potential for equity. Lack of transparency in budgeting process.

“A local board of education shall allocate to the charter school an amount equal to the per student state and local funds received by the LEA and all appropriate allocations under federal law or regulation...At a minimum, the rules should provide that: 1) Allocations shall be based on one hundred percent (100%) of state and local funds received by the LEA, including current funds allocated for capital outlay purposes...Allocations to the charter school may not be reduced by the LEA for administrative, indirect or any other category of cost except as provided in charter agreement.” [Tenn. Code Ann. § 49-13-112]

FACILITIES FUNDS

Capital outlay funding based on average daily membership under the basic education program to be used solely for charter facilities. Some LEAs may match funding. State portion is about \$100 per student. [Tenn. Code Ann. § 49-13-112 (2)(3)]

[LINK TO THE TENNESSEE CHARTER SCHOOL LAW](#)

TEXAS

(Law passed in 1995; last amended in 2011;
15th weakest of the nation's 42 charter laws)

D

444 charters serving 149,348 students.

52 charter schools closed as of December 2011.

NOTEWORTHY

Demonstrating the power of charters to influence traditional education structures, the Houston school district has begun to implement techniques from high-performing urban charter schools to show that they can be replicated in their traditional public schools. The district has studied the success of YES Prep and KIPP (which was founded in Houston), and has begun implementing five key practices from these schools in a handful of elementary and high schools.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (2)

APPROVAL	School boards and the State Board of Education.
APPEAL	None

OPERATIONAL AUTONOMY

STATE	Limited. Waiver requests considered on a case-by-case basis. Over the years, bills have been passed that have increased the administrative responsibilities of charter schools, forcing them to adhere to regulations not even required for conventional schools. Virtual schools are allowed. Management contracts with ESPs are not restricted, but are highly regulated.
LOCAL	No. Waiver requests considered on a case-by-case basis. Certain government code regulations of school boards also apply to open-enrollment charter schools. District-authorized charter schools are governed and financed by local board of trustees.
TEACHER FREEDOM	Yes for open-enrollment schools; teachers are free from district work rules and agreements. No for district-approved schools; teachers remain part of district. Charter schools must participate in the state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	Yes. 215 open enrollment charter schools, sponsored by the State Board of Education, which also allows multiple campuses in state. No cap on charters authorized by school districts (campus charters) or university-partnered charters. Highly effective charter schools may expand without pre-approval from the state department of education.
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EQUITY

STUDENT FUNDING	<p>For district charters, funds pass through the district. For open-enrollment charters, funds pass through the state. Charter schools receive state funds based on average daily attendance, but only certain types of categorical funding. Open-enrollment charters do not receive local funds. As of 2011, state-authorized charter schools can apply to have their bonds guaranteed by the Permanent School Fund.</p> <p>“A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter 42 equal to the greater of: (1) the percentage specified by Section 42.2516 (i) multiplied by the amount of funding per student in weighted average daily attendance, excluding enrichment funding under Sections 42.302 (a-1) (2) and (3), as they existed on January 1, 2009, that would have been received for the school during the 2009-2010 school year under Chapter 42 as it existed on January 1, 2009, and an additional amount of the percentage specified by Section 42.2516 (i) multiplied by \$120 for each student in weighted average daily attendance; or (2) the amount of funding per student in weighted average daily attendance, excluding enrichment funding under Section 42.302 (a), to which the charter holder would be entitled for the school under Chapter 42 if the school were a school district without a tier one local share for purposes of Section 42.253 and without any local revenue for purposes of Section 42.2516. .” [Tex. Educ. Code § 12.106]</p>
FACILITIES FUNDS	No Additional Funds.

[LINK TO THE TEXAS CHARTER SCHOOL LAW](#)

UTAH

(Law passed in 1998; last amended in 2011;
10th strongest of the nation's 42 charter laws)



85 charters serving 38,643 students.

1 charter school closed as of December 2011.

NOTEWORTHY

American Preparatory Academy, a kindergarten through ninth grade school that focuses on mastery of fundamentals was named Utah Association of Public Charter Schools Charter School of the Year in June 2011. They believe that developing good character is as important as achieving high academic results, and the school is proving both can be developed, with 92 percent of students passing the state Language Arts Assessment over the last three years.

INDEPENDENT OR MULTIPLE AUTHORIZERS - YES (3)

APPROVAL	School boards and the Utah State Charter School Board, which is semi-independent but derives its authority from the State Board of Education. Universities and technical schools can authorize charters subject to the approval by the state board.
APPEAL	Yes. Applications denied by the school board or the Utah State Charter School Board may be appealed to the State Board of Education. The state board's decision is final.

OPERATIONAL AUTONOMY

STATE	Limited. Waiver requests considered on a case-by-case basis. State restrictions such as curriculum and scheduling rules, keep charters from being truly independent. Virtual schools are allowed. Management contracts with ESPs are not restricted. State charter board imposes additional restrictions as it sees fit.
LOCAL	Limited. Waiver requests considered on a case-by-case basis. Employment and personnel decisions are left up to the charter school.
TEACHER FREEDOM	Yes. Teachers are exempt from district work rules and negotiated agreements unless otherwise agreed to in district-awarded charter. Charter schools may participate in state's retirement system, or may opt out and establish their own retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No cap on the number of schools. Enrollment cap regulated by state board is now 48,000 students. Each year, the cap increases by 1.4 percent of total school district enrollment. Because of the enrollment cap, if a school board wants to approve a charter, it must first notify the State Charter Board to ensure there is room.
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EQUITY

STUDENT FUNDING	<p>Funds pass through the state. State sends local share directly to schools after deducting from the district. Schools receive same funding streams as conventional public schools.</p> <p>“Except as provided in Subsection (3)(b), a charter school shall receive state funds, as applicable, on the same basis as a school district receives funds. (b) In distributing funds under Title 53A, Chapter 17a, Minimum School Program Act, to charter schools, charter school pupils shall be weighted, where applicable, as follows: (4) (a) (i) Except as provided in Subsection (4)(a)(ii), a school district shall allocate a portion of school district revenues for each resident student of the school district who is enrolled in a charter school on October 1 equal to 25% of the lesser of...</p> <p>(b) The State Board of Education shall: (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from state funds the school district is authorized to receive under Title 53A, Chapter 17a, Minimum School Program Act; (ii) remit the money to the student’s charter school.” [Utah Code Ann. § 53A-1a-513]</p>
FACILITIES FUNDS	<p>The Local Revenue Replacement Program provides per pupil funding to replace some of the local property tax revenue charters do not receive. A minimum of ten percent of this money must be used on facilities. For FY 2009, charters received \$143 per pupil. [Utah Code Ann. §53A-21-401]</p>

[LINK TO THE UTAH CHARTER SCHOOL LAW](#)

VIRGINIA

(Law passed in 1998; last amended in 2010; 2nd weakest of the nation's 42 charter laws)

F

4 charters serving 354 students.

4 charter schools closed as of December 2011.

NOTEWORTHY

A Fairfax County teacher is trying to do the impossible – open a charter school in Northern Virginia. It's been a near impossible feat to open any charter in Virginia; the current four are mostly extensions of local school districts, but Fairfax Leadership Academy continues to persevere though is facing tough opposition from the district, a local high school and local county leaders. Despite continued animosity by local boards, the state's elected leaders have failed to address meaningful changes in law.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	School boards, following state board of education review and approval.
APPEAL	None

OPERATIONAL AUTONOMY

STATE	No. Exemptions from rules are solely at the discretion of the school board. Virtual schools are not allowed. Management contracts with ESPs are not restricted.
LOCAL	No. School boards in full control of charter school operations.
TEACHER FREEDOM	No. All employment rules apply. Charter schools must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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VIRGINIA

(Continued)

F

EQUITY

STUDENT FUNDING

Funds pass through district at discretion of the school district.

“For the purposes of this article, students enrolled in a public charter school shall be included in the average daily membership of the relevant school division and shall be reported in fall membership for purposes of calculating the state and local shares required to fund the Standards of Quality. B. Insofar as constitutionally valid, a local school board or, in the case of a regional public charter school, the relevant school boards may establish by contract an agreement stating the conditions for funding the public charter school, including funding for the educational program to be provided by a residential charter school for at-risk students.” [Va. Code Ann. § 22.1-212.14]

FACILITIES FUNDS

No Additional Funds.

IMPLEMENTATION POINTS

- 3

Three points are deducted because the state has imposed a de facto cap by not encouraging or working to improve charter environment.

[LINK TO THE VIRGINIA CHARTER SCHOOL LAW](#)

WISCONSIN

(Law passed in 1993; last amended in 2011;
16th strongest of the nation's 42 charter laws)

256 charters serving 47,352
students.

54 charter schools closed as of
December 2011.

NOTEWORTHY

Charter schools are not just about high-achieving academics; they also give choices to those students with learning disabilities or low self-esteem because of excessive bullying by other students. The Alliance School in Milwaukee exists as a safe haven for 175 students, in grades six through 12 who have undergone extreme bullying at their old schools. This school was Wisconsin's 2011 Charter School of the Year Platinum Award, and has been featured on 20/20 and in *Time Magazine* for their acceptance of bullied teens.

INDEPENDENT OR MULTIPLE AUTHORIZERS - (LIMITED)

APPROVAL	School boards for entire state. In Milwaukee, the City of Milwaukee, University of Wisconsin-Milwaukee, and Milwaukee Area Technical College may approve schools. In Racine, the University of Wisconsin-Parkside can authorize one school.
APPEAL	Yes. Applications denied by the school board may be appealed to the State Department of Education and its decision is binding.

OPERATIONAL AUTONOMY

STATE	Yes. Blanket waiver from most state rules and regulations that apply to public schools. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Yes. Freedom from most local rules and regulations, except regarding personnel policies. The school board may designate a charter as an "instrumentality" of the school district or not, which determines if it may hire staff and whether it is covered by the district bargaining agreement.
TEACHER FREEDOM	Yes for "non-instrumentality" charters; teachers are not district employees and may negotiate as a separate unit, or work independently. No for "instrumentality" charters; teachers remain covered by district collective bargaining agreement, but may organize as separate unit. Charter schools must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
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EQUITY

STUDENT FUNDING	<p>Funds pass through the authorizer of the charter, usually the local board. Charter funding determined by the authorizer. Vague formula based on previous school's year per pupil funding results in inequity. No discussion of additional funding for special education, low-income, ELL, or other types of students.</p> <p>"From the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this paragraph in the previous school year and the increase in the per pupil amount paid to private schools under s. 119.23 (4) (b) or in the current school year as compared to the previous school year, multiplied by the number of pupils attending the charter school. The amount paid per pupil may not be less than the amount paid per pupil under this paragraph in the previous school year." [WI Statute 118.40 (2r) (3)(e)(2m)]</p>
FACILITIES FUNDS	No Additional Funds.

[LINK TO THE WISCONSIN CHARTER SCHOOL LAW](#)

WYOMING

(Law passed in 1995; last amended in 2011;
8th weakest of the nation's 42 charter laws)

D

4 charters serving 894
students.

NOTEWORTHY

Full power to approve charter school applications lies with the school board, which is why to date there are only four charters in the state. In 2011, the House tried to pass a bill, allowing rejected applicants to appeal to the state board for a binding decision. However, the Senate rejected that bill, leaving full power in the hands of contentious school boards across the state. Until there's a multiple authorizer, or at least an appeals process, expect charter growth to be slow going.

INDEPENDENT OR MULTIPLE AUTHORIZERS - NO

APPROVAL	School boards
APPEAL	No. Applications denied by the school board may be appealed to the State Board of Education for review, but its decision is non-binding.

OPERATIONAL AUTONOMY

STATE	Limited. Waiver requests considered on a case-by-case basis. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	No. A school district may waive local rules and regulations without seeking approval of the state board, but have failed to do so.
TEACHER FREEDOM	No. Teachers remain part of the district and are subject to district work rules and agreements. Charter schools must participate in state's retirement system.

NUMBER OF SCHOOLS ALLOWED

CAP	No legal limit on number of schools that may be approved.
-----	---

EQUITY

STUDENT FUNDING

Funds pass through the district. Funding is inequitable because decisions are left up to school district. The law states that charter schools are entitled to 100 percent funding but it is not mandatory. State has no legal authority over local board and the distribution of funds to charter schools.

“Each student attending a charter school shall be counted among the average daily membership of the school district in which the school is located and the school shall be included in the district’s configuration of schools reported to the state superintendent under W.S. 21-13-309(m)(iv). Average daily membership of the charter school shall be calculated as follows: (c) As part of the charter school contract, the charter school and the school district shall agree on funding and any services to be provided by the school district to the charter school. The charter school and the school district shall begin discussions on the contract using the following revenue assumptions: (i) The charter school shall be entitled to the benefit of one hundred percent (100%) of the foundation program amount computed under W.S. 21-13-309(m) based upon the average daily membership of the charter school, less any district level amounts generated by the charter school’s membership under W.S. 21-13-309(m) and less amounts specified under W.S. 21-13-309(m)(v)(E).” [Wyo. Stat. § 21-3-314]

FACILITIES FUNDS

No Additional Funds.

IMPLEMENTATION POINTS

- 3

Three points are deducted because the state has imposed a de facto cap by not encouraging or working to improve charter environment.

[LINK TO THE WYOMING CHARTER SCHOOL LAW](#)

APPENDIX A

THE LAST NINE STATES WITHOUT CHARTER LAWS

When this book was last published, there were ten states without charter laws. In 2011, Maine became the 42nd (including DC) state to authorize a charter school law. While the law is average on paper (lack of independent authorizer, cap on number of schools and enrollment, and some operational restrictions), the real test comes when the first charter school applies and opens in the Pine Tree State. Only then will we know if funding truly does follow the child and if charter schools have enough autonomy to create a high-quality education for the children of Maine.

Every year, the remaining charter-less states try to introduce legislation, and this past year was no different. We saw charter bills introduced in Washington, Kentucky, and Alabama, but as of press time, there has been no movement on any bills, and some, like the bill in Washington, already have died. Even if one of these bills passes, what is proposed isn't strong enough and would not produce strong charter schools.

Charter laws need to be enacted in these remaining states, but they need to be the *right* type of law - one that holds charter schools accountable to independent authorizers, funds them 100 percent as conventional schools, and gives them the operational freedom to be true innovators in education.

AND THEN THERE WERE NINE...

Alabama

Kentucky

Montana

Nebraska

North Dakota

South Dakota

Vermont

Washington (state)

West Virginia

APPENDIX B

AT A GLANCE - HOW THE STATES STACK UP*

	Year Law Passed	Law Grade	Total Operating Charters	Total Enrollment
ALASKA	1995	D	28	5,163
ARIZONA	1994	A	539	135,930
ARKANSAS	1995	D	37	11,605
CALIFORNIA	1992	B	1,008	410,157
COLORADO	1993	B	185	79,963
CONNECTICUT	1996	D	23	4,810
DELAWARE	1995	C	22	9,816
DC	1996	A	107	35,224
FLORIDA	1996	B	517	179,254
GEORGIA	1993	C	125	61,821
HAWAII	1994	D	31	8,798
IDAHO	1998	B	43	16,304
ILLINOIS	1996	C	105	48,233
INDIANA	2001	A	63	20,372
IOWA	2002	F	8	1,179
KANSAS	1994	F	19	3,066
LOUISIANA	1995	B	113	38,671
MAINE	2011	C	0	0
MARYLAND	2003	D	46	11,549
MASSACHUSETTS	1993	C	76	29,141
MICHIGAN	1993	A	316	118,702
MINNESOTA	1991	A	162	32,967

	Year Law Passed	Law Grade	Total Operating Charters	Total Enrollment
MISSISSIPPI	2010	F	0	0
MISSOURI	1998	B	52	19,573
NEVADA	1997	C	34	12,962
NEW HAMPSHIRE	1995	D	11	2,431
NEW JERSEY	1996	C	87	23,399
NEW MEXICO	1993	C	85	15,815
NEW YORK	1998	B	201	54,681
NORTH CAROLINA	1996	C	105	37,407
OHIO	1997	B	368	122,660
OKLAHOMA	1999	C	19	6,576
OREGON	1999	C	116	19,255
PENNSYLVANIA	1997	B	170	98,108
RHODE ISLAND	1995	D	17	3,817
SOUTH CAROLINA	1996	C	48	18,171
TENNESSEE	2002	C	35	7,210
TEXAS	1995	C	444	149,348
UTAH	1998	B	85	38,643
VIRGINIA	1998	F	4	354
WISCONSIN	1993	C	256	47,352
WYOMING	1995	D	4	894
TOTAL			5,453	1,729,963

*Many states, like Minnesota have reported higher enrollment numbers than this chart. All state enrollment data will be verified for next school year. This document was created in September 2011 as a reference.

APPENDIX C

RESOURCES

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January 2010.

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The Center for Education Reform,
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The Center for Education Reform,
Fact-Checking Charter School Achievement,
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The Center for Education Reform,
Find a Charter School Updated February 2012.

<http://www.edreform.com/in-the-states/find-a-charter-school/>

The Center for Education Reform,
School Choice and Charter Schools: Facts,
Updated March 2012.

<http://www.edreform.com/issues/choice-charter-schools/facts/>

The Center for Education Reform,
The State of Charter Schools: What We Know and What We Do Not About Performance and Accountability,
December 2011.

http://www.edreform.com/wp-content/uploads/2011/12/StateOfCharterSchools_CER_Dec2011-Web-1.pdf

The Media Bullpen,

<http://www.mediabullpen.com/>

APPENDIX D

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Finally—thank you to our constituents, our customers, and even the skeptics reading this report. Without your interest, we simply cannot make schools work better for all children!

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