THE ESSENTIAL GUIDE TO CHARTER SCHOOL LAW

CHARTER SCHOOL LAWS ACROSS THE STATES

2015 RANKINGS AND SCORECARD

the CENTER FOR EDUCATION REFORM

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This publication of the 16th edition of the *Charter School Laws Across the States: Rankings and Scorecard* is dedicated to all the state leaders, educators and parents that were willing to offer their research, advice and guidance that made the production of this report possible. You know who you are, and the team at CER is forever grateful for your honesty, candor and support.

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INTRODUCTION

IMPLEMENTATION MATTERS TO ENSURE STUDENT SUCCESS

Today in the U.S. there are 2.9 million students being served by over 6,700 charter schools across 42 states and the District of Columbia. We've come a long way since the first charter school opened its doors in Minnesota back in 1991, but have we come far enough?

Across the country students are stuck on charter school waiting lists – with most schools reporting waiting lists of nearly 300 students each – and demand continues to outstrip supply suggesting that charter schools could grow significantly faster to serve more students if the policy environment were more supportive.

For 19 years, The Center for Education Reform (CER) has evaluated state charter school laws to address these fundamental issues with a thorough review of what the words actually mean in practice, not just on paper. Interpretation and implementation vary depending on how the regulations were written and frankly, who's in charge.

In this 16th edition of *Charter School Laws Across the States: Rankings and Scorecard* it is abundantly clear that little to no progress has been made over the past year. Charter school growth does continue at a steady, nearly linear pace nationally, especially in states with charter laws graded "A" or "B," but an even more accelerated pace would allow charter schools to play a more central role in addressing the demands and needs of our nation's students.

Even though a dozen states made modest changes to their charter laws or policies, there was no significant movement in the *2015 Rankings and Scorecard*. For example, Tennessee ensured charter school applications denied by local school boards could be appealed to the state whose decision is now binding. Texas began implementing an automatic closure law with some unintended consequences and several other states imposed regulations or clarified funding formulas. New York and Massachusetts' lawmakers failed to lift restrictive caps on the number of schools permitted and these caps have been reached, bringing growth to a standstill. The top five – D.C., Minnesota, Indiana, Michigan and Arizona - while earning "As," are still ten or more points away from a perfect score.

The lack of progress made in state houses across the country over the past few years to improve the policy environment for charter schools can be chalked up to a lack of political will leading up to a major mid-term election. It also explains why two-thirds (69 percent) of Americans rated their state lawmakers track record on education "fair" or "poor" on CER's recent poll.

The biggest culprit however, is a lack of information, or perhaps a growing body of misinformation, as to what constitutes strong, responsible charter school policy. Pressure from opponents and proponents alike to increase regulation, biased media reporting and inconsistent data have become a distraction.

We appreciate and acknowledge that there are other evaluations in the field adding to the charter school public policy debate. We do however take issue with the fact that some other analyses focus heavily on inputs and whether or not the state policies align with some model or set of recommendations that fulfill a business plan.

Strong charter laws feature independent, multiple authorizers, few limits on expansion, equitable funding, and high levels of school autonomy. CER's rankings take into consideration not only the policy itself, but how that policy plays out on the ground and whether it can withstand the test of time and people. For instance, a law might look great in theory, but you cannot responsibly evaluate the quality of the law if no schools have opened. Similarly, many states that appear to have all of the critical components of a strong law struggle with the implementation of key provisions that ensure the highest levels of success.

Regardless of one's position on charter schools or the principles of parent choice and performance-based accountability, those engaged in the lawmaking process must understand the impact of their interpretation of charter school policy. They must also take responsibility for whether the implementation yields the intended result, which is to ensure the creation of excellent and numerous learning opportunities for children.

At The Center for Education Reform we take responsibility for holding ourselves and the charter school movement to high standards in pursuit of great policies that meet four proven criteria for improving student outcomes: provide families new and meaningful choices; hold them accountable for results; ensure autonomy for educators to innovate; and guarantee fiscal equity for both students and schools.

We welcome feedback and debate on the pages herein and stand ready to help advocates and policymakers bring about meaningful change in their communities.

Kara

Kara Kerwin
President

METHODOLOGY

HOW THE STATES ARE SCORED

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

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

A numerical value is placed on the four major components that have been determined to have the most impact on the development and creation of charter schools. Each state is graded with a clear, consistent evaluation rubric. States may earn a maximum of 55 points based on their law – and practice of that law - in the following categories:

DEFINITIONS

1. 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 may vary in scope and degree of independence from pre-existing government school structures, and their score reflects that. The terms multiple and independent authorizers are used to describe a component in a law that permits authorizing by entities such as universities, independent charter school boards or commissions, nonprofit organizations, and/or mayors.

2. NUMBER OF SCHOOLS ALLOWED (10 POINTS)
How many charters are allowed to open, whether annually, in total throughout the state, or on a local level? Do the caps imposed through charter law hinder the growth and development of the charter school movement in the state? Restriction can also be defined by limits on the number of students that can be enrolled in charter schools. It is not enough to simply have no cap, as many states do, if charter schools are not being approved or opened on a regular basis. That is another kind of growth constraint, and points are deducted for that under the implementation category.

3. OPERATIONS (15 POINTS)
How much independence from existing state and district operational rules and procedures is codified in law and results in that practice as intended? Do charter schools receive a "blanket waiver," which automatically exempts them from the majority of public school regulations, while still adhering to important regulations concerning standards, safety and civil rights? Do schools have to apply for waivers in order to operate as they wish? Are all types of charter schools permitted in the state, including online? What regulations are imposed on education service providers and their relationships with charter schools? Are charter schools able to hire their own personnel and have freedom from collective bargaining?

4. EQUITY (15 POINTS)
Fiscal equity requires that the amount of money allotted for each charter school student is the same, and the monies charter schools receive come from the same funding streams as all other public schools. If the law guarantees that charter schools receive money that is the same amount as traditional public schools, including funding for facilities, and received in the same manner as traditional public schools, then they will be viewed as and treated the same as public schools in law and in practice.

IMPLEMENTATION POINTS

States are able to earn or lose points for accountability and for putting the law into practice. If the law is not followed as written, or charter schools are not being approved for arbitrary reasons not codified in law, points are deducted. States with tie scores are ranked according to secondary factors including the effectiveness of their law, and the number of schools currently operating.

NOTE

The state profiles 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 CER deems necessary for a strong charter school environment. Each state has laws and policies in place that take up dozens, if not hundreds of pages.

CHARTER SCHOOL LAW RANKINGS AND SCORECARD
2015

GRADE	A					B								C																		D								F		
STATE	DC	MN	IN	MI	AZ	NY	FL	SC	CO	UT	CA	MO	ID	OH	WI	LA	GA	PA	NM	TN	DE	OK	NC	NV	TX	OR	MA	WA	NJ	HI	ME	IL	RI	AR	NH	MS	AK	WY	CT	IA	MD	VA	KS
Year Law Passed	96	91	01	93	94	98	96	96	93	98	92	98	98	97	93	95	93	97	93	02	95	99	96	97	95	99	93	12	96	94	11	96	95	95	95	10	95	95	96	02	03	98	94
Independent Authorizers (15)	12	12	12	13	10	13	3	6	4	6	4	7	6	9	5	5	4	3	4	4	2	5	2	5	3	3	3	4	3	4	3	3	2	2	2	2	2	1	2	2	1	1	1
Number of Schools Allowed (10)	9	10	9	9	10	5	10	10	10	8	9	6	9	4	9	10	10	10	5	10	9	3	10	9	7	9	3	4	10	10	3	4	4	5	6	5	10	10	3	10	4	10	10
OPERATIONS (15)																																											
State Autonomy	4	3	3	3	3	2	4	4	4	3	3	4	3	2	4	4	4	3	2	1	3	4	2	2	3	2	3	3	1	3	3	3	1	2	3	2	1	2	1	1	1	1	0
District Autonomy	5	5	5	4	4	3	3	3	3	3	3	3	3	4	3	3	2	3	3	1	3	3	3	2	2	2	3	3	2	2	3	2	1	2	2	2	1	0	2	0	0	0	0
Teacher Freedom	5	4	5	5	5	3	5	4	4	5	5	4	4	4	3	3	4	4	4	4	5	5	5	4	3	4	3	4	3	0	5	4	3	3	5	4	0	1	3	0	0	0	0
EQUITY (15)																																											
100% Funding	7	8	7	6	6	6	7	6	7	7	7	7	5	6	5	5	5	6	8	6	6	5	5	5	7	4	7	6	5	4	6	5	8	4	2	6	3	2	4	0	4	0	0
Facilities Funds	3	2	0.5	0	2	0.5	1	0	0.5	0.5	1	0	1	0.5	0	0	1	0.5	1	1	0.5	0.5	0	0	0	0	1	0	0	0	0	0.5	0.5	0	0	0	0	0	0.5	0	0	0	0
IMPLEMENTATION POINTS	1	1	0	1	0	1	0	0	0	0	0	0	0	0	0	-1	-1	-1	0	0	-2	0	-2	-2	-1	0	1	0	-2	-2	-2	-1	0	0	-2	-3	-3	-3	-3	-3	-1	-3	-3
2015 Total Score	46	45	41.5	41	40	33.5	33	33	32.5	32.5	32	31	31	29.5	29	29	29	28.5	27	27	26.5	25.5	25	25	24	24	24	24	22	21	21	20.5	19.5	18	18	18	14	13	12.5	10	9	9	8
2015 Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	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	43
2014 Total Score	45	44	43.5	42	41	35.5	33	31	32.5	32	32.5	32	32.5	29.5	30	29	29	28.5	26	25.5	27.5	26.5	23	24	25	24	24.5	25	23	20	23	19	19.5	19	18	20	13	12	12.5	9	12	9	8
2014 Rank	1	2	3	4	5	6	7	13	9	11	8	12	10	15	14	16	17	18	21	22	19	20	28	27	23	26	25	24	29	31	30	34	33	35	36	32	37	40	38	42	39	41	43
Number of Charters as of February 2015*	112	158	79	307	623	248	653	66	214	110	1184	51	48	384	245	129	103	176	97	80	24	27	151	38	721	125	78	1	87	34	6	148	21	45	23	N/A	27	4	22	3	53	7	11

Chart produced and published by The Center for Education Reform, March 2015.

Note: The scores on this table are based on the current status of each law (through March 9, 2015). 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.

*Number of schools operating in 2014-2015 as of February 2015. Source: Estimated Number of Public Charter Schools & Students, 2014-2015, National Alliance for Public Charter Schools.

ALASKA

(Law passed in 1995; 7th weakest of the nation's 43 charter laws)

D

Alaska's charter school law is considered weak because only the state board of education can authorize charter schools and only after seeking prior approval from the local boards. In addition, the strong regulatory environment stifles charter school autonomy and innovation making it very difficult for charters to open, thrive and serve the diverse student population in the Last Frontier.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	The State Board of Education and Early Development authorizes the applicant following school board approval.
APPEAL	The applicant may appeal a school board denial to the commissioner of education. The commissioner can remand the appeal back to the school board for review, approve the application and forward to the state board for final approval, or uphold the school board's denial. If the denial is upheld, the applicant can appeal directly to the state board.
OPERATIONAL AUTONOMY	
STATE	No. Charters are exempt from only a small number of relatively insignificant regulations and are considered part of the local district. Virtual schools are allowed. The law is vague regarding education service provider (ESP) contracts, but they are not restricted in any way.
LOCAL	No. A charter operates as a school in the local district, except for a few exemptions including textbooks, curriculum, and some personnel policies. Additional exemptions can be specified in the contract between the charter school and authorizer. 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	There is no legal limit on the number of schools that may be approved.
EQUITY	
STUDENT FUNDING	Funds pass through the district to the charter school. The school board provides the charter with its annual budget that must be equal to the amount generated by per-pupil revenue, deducts any operational expenses and sets its own administrative costs up to four percent. The per-pupil revenue for charter students is determined in the same way as for traditional public schools and includes local and district funds, grants and federal impact aid. "(a) 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 up to four percent.... 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 and includes funds generated by grants, appropriations, federal impact aid, the required local contribution, the local contribution [AK Stat. § 14.03.260]

ALASKA
(Continued)

D

FACILITIES FUNDS	Charter schools are eligible to access tax-exempt financing through the Alaska Municipal Bond Bank Authority. A school district must direct state aid to charters for construction or maintenance of a charter facility, subject to the same terms and conditions that apply to state aid for traditional public schools. [AK Stat. §14.03.260]
IMPLEMENTATION POINTS	
-3	Three points are deducted because the state has imposed a de facto cap by neither encouraging nor approving charter applications.

LINK TO THE ALASKA CHARTER SCHOOL LAW

ARIZONA

(Law passed in 1994; 5th strongest of the nation's 43 charter laws)

Arizona has a strong charter school law featuring all of the major components of a high-quality charter law. The Arizona law provides for a variety of independent authorizers, including the state board and universities, automatic waivers giving charters freedom from most rules and regulations, and financial assistance for charter facilities. However, charter leaders are beginning to see an increase in bureaucratic requirements imposed by the state, and in 2014, school districts had their authorizing power stripped.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (3)	
APPROVAL	The Arizona State Board for Charter Schools (ASBCS) is an independent board and public universities, community colleges or a group of community colleges with at least 15,000 students enrolled are eligible authorizers. The State Department of Education may approve applications, but has chosen not to since 2003 and the ASBCS has acted as the authorizer of any schools that were approved by them. In the 2014 budget, a moratorium was placed on district-authorized schools retroactive to 2013.
APPEAL	None. The only recourse is to revise and re-submit the charter application for reconsideration.
OPERATIONAL AUTONOMY	
STATE	Yes, charters receive a blanket waiver from most rules and regulations governing traditional public schools. Increased bureaucratic requirements have been imposed by the state, and by some authorizers, such as the ASBCS. Virtual schools are allowed. The law is silent regarding any regulations around education service providers' contracts. The ASBCS does require applicants applying to them to detail their potential relationship with an ESP.
LOCAL	Yes, the law states that charters are fiscally and legally autonomous schools under their charter board and they receive exemptions from school district rules.
TEACHER FREEDOM	Yes. Charters are their own legal entity and 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	No legal limit on number of schools that may be approved.

EQUITY	
STUDENT FUNDING	For charters authorized by school boards, funds pass through the district. For all others, funds pass through the state. The law calculates a base support level for charter schools, and provides equal access to all applicable categorical federal and state funding. Inequitable funding, largely due to a lack of facilities funding and federal funding disparities, has resulted in various lawsuits throughout the years. "A. Financial provisions for a charter school that is sponsored by a school district governing board are as follows: 1. The charter school shall be included in the district's budget and financial assistance calculations pursuant to paragraph 3 of this subsection and chapter 9 of this title, except for chapter 9, article 4 of this title. The charter of the charter school 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. The charter or application shall include an estimate of the student count for the charter school for its first fiscal year of operation. This estimate shall be computed pursuant to the requirements of paragraph 3 of this subsection. B. Financial provisions for a charter school that is sponsored by the state board of education, the state board for charter schools, a university, a community college district or a group of community college districts are as follows: 1. The charter school shall calculate a base support level as prescribed in section 15-943, except that section 15-941 does not apply to these charter schools. 2. Notwithstanding paragraph 1 of this subsection, 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. Notwithstanding section 15-1042, subsection F, student level data submitted to the department may be used to determine estimated student counts." [AZ Stat. 15-185(A) to (B)]
FACILITIES FUNDS	Yes. Charter schools receive additional assistance to help with facilities and other overhead costs. Charters receive $1,707 per pupil for students in K-8 and $1,990 per pupil for students in grades 9-12. [AZ Stat. 15-185(B)4]

LINK TO THE ARIZONA CHARTER SCHOOL LAW

ARKANSAS

(Law passed in 1995; 10th weakest of the nation's 43 charter laws)

D

Arkansas' charter school law is considered weak because there are no independent authorizers in the state to approve charter schools, there is a cap on the number of schools that can open and inequitable funding makes it hard for charters to thrive. The State Department of Education is the sole authorizer, and the State Board of Education can be called upon to review their decisions. Overall, not the greatest market for charter school growth but there is momentum growing to change that.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	Conversion charters must be approved by the school board first, and then the State Department of Education. The school board reviews new charters, called open enrollment schools, first, but their decision to approve has no impact on the state department's action.
APPEAL	There is no binding appeal. A charter applicant, charter school, and affected school district can submit in writing a request for the State Board of Education to review the final decision of the State Department of Education. If the state board decides to review the decision, the state board can affirm the decision, take other lawful action on the charter, or request additional information.
OPERATIONAL AUTONOMY	
STATE	Limited. Waiver requests are considered on a case-by-case basis. The State Board of Education promulgates rules and regulations. Virtual schools are allowed. There is nothing explicit in the law about education service providers or the services they can provide to charter schools.
LOCAL	Limited. The local board heavily regulates charters. Conversion schools remain part of the school district. Open enrollment schools are considered fiscally and legally autonomous and are considered their own LEAs for special education.
TEACHER FREEDOM	Open-enrollment schools are exempt from participation in district personnel policies, but conversion charter schools are not. 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 the 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, which was initially set at 24. Only one campus per charter contract is allowed, however high-performing schools can petition the authorizer for licenses to open additional sites after receiving their initial charter. Unlimited conversion schools are allowed.

ARKANSAS
(Continued)

D

EQUITY	
STUDENT FUNDING	For open-enrollment charters funds pass through the state, and for conversion schools, funds pass through the district. While the law states that charters should receive funds equal to the amount a traditional public school would receive, funding is not guaranteed in the law. For open-enrollment charters, funding is determined annually by the state board of education. "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.... (5) The Department of Education shall distribute other categorical funding under § 6-20-2305(a) and (b) for which an open-enrollment public charter school is eligible as provided by state law and rules promulgated by the state board. (6) An open-enrollment public charter school shall not be denied foundation funding, enhanced educational funding, or categorical funding in the first year or any year of operation provided that the open-enrollment public charter school submits to the department the number of students eligible for funding as specified in applicable rules." [A.C.A. 6-23-501(et al)]
FACILITIES FUNDS	The law creates various capital grant programs and facilities loan funds, however they have yet to be funded by the state.

LINK TO THE ARKANSAS CHARTER SCHOOL LAW

CALIFORNIA

(Law passed in 1992; 11th strongest of the nation's 43 charter laws)

California has a relatively strong charter school law. Schools may receive blanket waivers from various regulations, including the freedom of teachers to not belong to a union. The law is weak, however, regarding charter authorizers. Currently only local or county school boards and the state board in very specific situations can authorize. Because of this, while there are nearly 1,200 charter schools in California, they are clustered only in districts that support reform. In 2014, there was some facilities funding expansion, but charter supporters annually are faced with legislative attempts to roll back progress and growth.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (2)	
APPROVAL	School boards and county boards can serve as authorizers. 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, the school may operate multiple campuses throughout the state. Only three charter networks were approved by the state and after a lengthy court battle that Aspire Schools lost to the teachers unions, it is unlikely another state charter will be approved.
APPEAL	Yes. Applications denied by the school board may be appealed to the county board and then to 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. Charter schools receive a blanket waiver from most rules and regulations governing traditional public schools. Oversight by the state over time has become more burdensome. Virtual schools are allowed. Management contracts with ESPs are not restricted, but are regulated.
LOCAL	Yes. A blanket waiver applies to most local policies, but districts have latitude to limit a charter's autonomy. Charter schools are not LEAs unless they choose to become one for the purposes of special education. 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 are added each year. Unused charters roll over to the following year. The cap is currently at 1,850 charters.

CALIFORNIA
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the district. In 2014, the State Board of Education enacted regulations to implement law changes adopted in 2013 that drastically change funding formulas, largely for the better for charters, and accountability parameters by increasing reporting requirements. Charters by law should be funded using a weighted student funding formula in the same way as traditional public schools. However charters that serve large numbers of low-income and/or ELL students will not receive the same amount of funds as traditional schools serving the same populations. Authorizers can charge up to three percent administrative fees from charter school revenues. "The Superintendent shall annually compute a general-purpose entitlement, funded from a combination of state aid and local funds, for each charter school as follows: (a) 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 multiply each of the four amounts computed in subdivision (a) by the charter school's average daily attendance in the corresponding grade level ranges. The resulting figure shall be the amount of the charter school's general-purpose entitlement, which shall be funded through a combination of state aid and local funds" Cal. Educ. Code § 47633 (West). Additionally, charter schools are eligible for a transfer of funds from their sponsoring LEAs in lieu of property taxes Cal. Educ. Code § 47635 (West).
FACILITIES FUNDS	There are propositions to help obtain facilities, implemented by Cal. Educ. Code § 47614 (West), which require districts to find facilities for charter schools the same way they do for traditional public schools, and charge the same pro-rated rates, but districts have not been following the letter of the law. Additionally, this setup leaves the ownership of facilities in the hands of the school district. • 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 pupil where at least 60 percent of students qualify for free and reduced lunch (it was 70 percent). [Cal Ed Code § 47614.5] • Proposition 39 - School districts are required to provide equivalent facilities to charter schools, although this is not always followed by district. • Propositions 1D, 47 and 55 - Charters may access per-pupil facility grant funding for 50 percent of the total cost of the construction or renovation. These propositions have placed more than $800 million in a fund for charter facility development. • The Charter School Revolving Loan Fund provides low-interest loans for up to $250,000 to new charter schools for facilities and other purposes. [Cal Ed Code § 41365]

LINK TO THE CALIFORNIA CHARTER SCHOOL LAW

COLORADO

(Law passed in 1993; 9th strongest of the nation's 43 charter laws)

Colorado has a relatively strong charter school law because of the freedoms afforded to the schools through blanket waivers, including the freedom of teachers to not belong to a union. The law is weak, however, regarding charter authorizers. In addition to school boards, there is a quasi-independent board that is not fully separated from the department of education. Funding has improved in the Centennial State, with an almost two-fold increase in capital funds and efforts to eliminate the district's opaqueness when allocating charter funds.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (2)	
APPROVAL	School boards, as long as a majority of students at a charter school reside in that district. The Colorado Charter School Institute (CCSI) may authorize schools statewide, but only in districts that have not retained their exclusive authority to grant charters. Districts that enroll less than 3,000 students are automatically provided exclusive authority and other boards are required to apply.
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. There is an automatic waiver for some state statutes and rules. Additional waiver requests are considered by the state on a case-by-case basis. Virtual schools are allowed. The law allows for all types of education service providers (ESPs) to work with charter schools. However, by law additional performance contracts are required between the school and ESP.
LOCAL	Yes, the law provides for charters to be autonomous fiscally and legally. Exemptions from district policies must be negotiated and specified in charter. The 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.
NUMBER OF SCHOOLS ALLOWED	
CAP	There is no legal limit on number of schools that may be approved.

EQUITY	
STUDENT FUNDING	For district approved schools, funds pass through district. For CCSI sponsored schools, funds pass through the state. The law states that charters are entitled to 100 percent of the per-pupil revenue for students, and 100 percent of per-pupil online funding for online students, minus administrative fees up to five percent. In districts of 500 or fewer students, charters will receive either 100 percent minus the administrative fees or only 85 percent of the district per-pupil revenue, whichever is greater. Changes to the law have increased the transparency requirements on districts regarding funds allocated to charter schools, eliminating the opportunity for districts to hide the true financial impact of charters. "The charter school shall receive one hundred 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; except that the chartering 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, up to five percent of the district per pupil revenues for each pupil who is not an on-line pupil enrolled in the charter school and up to five percent of the district per pupil on-line funding for each on-line pupil enrolled in the charter school. If the authorizing school district enrolls five hundred or fewer students, the charter school shall receive funding in the amount of the greater of one hundred percent of the district per pupil on-line funding for each on-line pupil enrolled in the charter school plus one hundred percent of the district per pupil revenues for each pupil who is not an on-line pupil enrolled in the charter school, minus the actual amount of the charter school's per pupil share of the central administrative overhead costs incurred by the school district, based on audited figures, or eighty-five percent of the district per pupil revenues for each pupil enrolled in the charter school who is not an on-line pupil plus eighty-five percent of the district per pupil on-line funding for each on-line pupil enrolled in the charter school. [C.R.S. 22-30.5-112]
FACILITIES FUNDS	The Charter School Facilities Financing Act requires a portion of funds (currently $13.5 million for the first significant increase in years) 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]

LINK TO THE COLORADO CHARTER SCHOOL LAW

CONNECTICUT

(Law passed in 1996; 5th weakest of the nation's 43 charter laws)

D

Despite being the birthplace of some of the nation's most successful charter networks like Achievement First, Connecticut's charter school law is among the weakest because only the State Board of Education can authorize charter schools, making it very difficult for charters to open and thrive. In addition, massive underfunding and a strong regulatory environment stifle charter school autonomy and innovation. Administrative policies were enacted this past year as a reaction to one recent charter school's woes, increasing the regulatory burden on the 22 schools currently operating.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	The State Board of Education approves new start-up charter schools. A local board must first approve conversion charter schools, and then the State Board of Education approves them.
APPEAL	None
OPERATIONAL AUTONOMY	
STATE	No. The State Board of Education considers waiver requests on a case-by-case basis. The state maintains control over charter funding. The law does not explicitly address virtual schools. Management contracts with ESPs are not restricted, but the state board has adopted regulations, including conflict of interest, personnel and fund transfers. The State Department of Education revised its administrative policies to add additional requirements for charter schools, including: requiring background checks of staff, board members, EMO staff; requiring all charter board members to attend trainings on governance; requiring annual reporting by charters beyond academics and finances; monitoring school's compliance of open meeting laws; and additional administrative burdens for EMOs.
LOCAL	No. The State Board of Education considers waiver requests on a case-by-case basis. Charters sponsored by the state are LEAs, but the law is silent on how that translates into action and independence.
TEACHER FREEDOM	Yes for charters approved by the state; teachers may negotiate as a separate unit, or work independently. No for local charters (conversion schools); teachers remain covered by the district collective bargaining agreement, but the agreement may be modified. All new charter teachers hired after July 1, 2010, must participate in state's retirement system.
NUMBER OF SCHOOLS ALLOWED	
CAP	No cap on the number of schools. State 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 First) can request a waiver from the enrollment cap. There are geographic restrictions on a charter's location where charters can only open in towns that have at least one school designated as a commissioner's network school or in districts designated as low achieving. Between July 2012 and July 2017, the state can approve no more than four new charters unless two of the four specialize in dual language programs. There is no cap on conversion charters.

CONNECTICUT

(Continued)

D

EQUITY	
STUDENT FUNDING	For state-authorized charters funds pass through state and for district-authorized schools funds pass through the district. For state charters the state legislature sets an annual appropriation for the total amount of funding, meaning no money comes directly from the school district. Currently state charters receive $11,000 per pupil. For local charters, the school district is responsible for funding the schools at a level at least equal to the per-pupil funding of the prior year, minus reimbursement, or impact aid to the district. "(2) The local or regional board of education of the school district in which the local charter school is located shall be responsible for the financial support of such local charter school at a level that is at least equal to the product of (A) the per pupil cost for the prior fiscal year, less the reimbursement pursuant to section 10-76g for the current fiscal year, and (B) the number of students attending such local charter school in the current fiscal year." "For the fiscal year ending June 30, 2014, and each fiscal year thereafter, the State Board of Education may approve, within available appropriations, a per student grant to a local charter school described in subsection (c) of section 10-66bb in an amount not to exceed three thousand dollars for each student enrolled in such local charter school, provided the local or regional board of education for such local charter school and the representatives of the exclusive bargaining unit for certified employees, chosen pursuant to section 10-153b, mutually agree on staffing flexibility in such local charter school, and such agreement is approved by the State Board of Education" Conn. Gen. Stat. Ann. § 10-66ee(b-c) (West).
FACILITIES FUNDS	New charters are eligible for a one-time grant of $500,000 for facilities. Twenty million dollars in bond financing is available to charters through a competitive application. There is also a pilot program to provide $25 million in bond financing. [Conn. Gen Stat. 10-66hh]
IMPLEMENTATION POINTS	
- 3	Three points are deducted because the state has imposed a de facto cap by neither encouraging nor approving charter applications.

LINK TO THE CONNECTICUT CHARTER SCHOOL LAW

DISTRICT OF COLUMBIA

(Law passed in 1996; the strongest of the nation's 43 charter laws)

D.C. has the strongest charter school law in the country largely due to their strong, independent authorizer, the D.C. Public Charter School Board (DCPCSB). The DCPCSB holds charters to stringent performance targets and accountability metrics, which it is able to do because of its autonomy. Despite the law, which says charters should receive nearly identical funding as their district peers, a recent lawsuit asserts that the district has shortchanged charters by millions for years. Charters also receive some per-pupil facilities funding, but it has been difficult finding suitable space and funding is still not equitable.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES	
APPROVAL	The D.C. Public Charter School Board (DCPCSB), an independent board, and the D.C. Board of Education are legally permitted to authorize. However, the D.C. Board relinquished its authority in 2006, and the DCPCSB assumed authority over their charter schools. The D.C. City Council may designate additional entities by enactment of a law, but has not done so yet. Some believe a little competition from additional authorizers, like universities, would guarantee D.C.'s reign at the top for years to come.
APPEAL	None.
OPERATIONAL AUTONOMY	
STATE	Yes. There is a blanket waiver from all public school rules and regulations. OSSE, the Office of the State Superintendent of Education and the DCPCSB continue to impose additional paperwork and compliance requirements on schools, which has begun to compromise the charters' autonomy. Virtual schools are permitted. Law does not restrict management contracts with ESPs, however the charter application requires additional information about the ESP including past performance data, management success, financials, capacity for growth, etc. The DCPCSB reviews any contract between a school and ESP over $25,000.
LOCAL	Yes. Charters have control over most of their operations, including budgeting, operations and personnel. Charter schools are considered their own local education agency (LEA) except regarding special education where they can choose to be part of the district LEA.
TEACHER FREEDOM	Yes. Teachers may negotiate as a separate unit, or work independently. Employees transferring from a district school to a charter school are able to stay in the retirement system, if they choose. All other charter employees are not eligible.
NUMBER OF SCHOOLS ALLOWED	
CAP	Yes. Up to 20 charter schools per year may be authorized; unused charters roll over to the following year.

DISTRICT OF COLUMBIA

(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the District. Public charter school students and district students should be funded the same under the Uniform Per Student Funding Formula. This applies to operating funds, and district schools receive additional operating funds that charter schools cannot access, creating funding inequity. In July 2014, a group of charter schools filed a lawsuit alleging that the D.C. government shortchanges charters by $1,600-$2,600 per pupil, which accumulated to $770 million since FY2008.* "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 "The foundation level or cost of providing public education services is $9,306 per student for fiscal year 2014 and subsequent fiscal years" D.C. Code § 38-2903. The funding formula will be reviewed and revised every two years for cost of living and similar increases D.C. Code § 38-2911.
FACILITIES FUNDS	Yes. Charter schools receive a facilities allowance of $2,940 per pupil, even though the D.C. Public Schools capital budget is set at $7,992 per student. 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]
IMPLEMENTATION POINTS	
+ 1	One point is awarded for the D.C. Public Charter School Board's responsible authorizing – opening strong charter schools while holding current charters accountable to their contracts and closing them as necessary.

**Disclosure: CER filed an amicus brief with three other organizations in support of the charter schools that filed this lawsuit.*

LINK TO THE DISTRICT OF COLUMBIA CHARTER SCHOOL LAW

DELAWARE

(Law passed in 1995; 21th strongest of the nation's 43 charter laws)

Delaware has an average charter school law. The lack of an independent authorizer and the fact that the state has not worked to improve the overall charter environment has kept the number of schools in the state fairly stagnant. A large funding gap still remains, although recent facilities funding has lessened that burden slightly.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (2)	
APPROVAL	Conversion charter schools must apply to their school board and new charter applicants can apply to either their school board or the State Department of Education.
APPEAL	None.
OPERATIONAL AUTONOMY	
STATE	Yes. Charters receive a blanket waiver from most rules and regulations governing traditional public schools, however the department of education has the authority to create additional rules and regulations at will, so the exemptions are not as wide as it appears. Virtual schools are not allowed. Management contracts with education service providers are not restricted.
LOCAL	Limited. The blanket waiver provides some freedoms from district regulations, however the 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, with approval from the State Board of Education, to limit their number of approvals or refuse to accept applications, imposing a de facto moratorium.

DELAWARE
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass from the state and district to the school. The law states that charters are funded through the same funding formula used for districts but with some exceptions. 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 the full funding amount to the charters, and there are continued inequities with operational and categorical funding. "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." Del. Code Ann. tit. 14, § 509 (West)
FACILITIES FUNDS	The Charter School Performance Fund was created to reward high-achieving charter schools, as measured through a performance framework. This supplemental funding can be used for facilities. The fund is subject to appropriation and cannot exceed $5 million. In 2013, $2 million was appropriated. 2 DE Code § 509(m)

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; 7th strongest of the nation's 43 charter laws)

Florida has the potential to have a very strong charter law, if only the state would allow independent authorizers. Currently, only school boards are allowed to authorize charters, and while growth has been consistent, problems have begun to arise. Over time, many boards have become increasingly critical of charter schools, restricting the ability of the charter sector to grow as robustly as demanded by parents. Having a university authorizer or even the state board as an authorizer would remedy that problem. In addition, the funding of charter schools in Florida has become increasingly inequitable.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	School boards are the only charter authorizer, although state universities can sponsor lab charter schools only, which has rarely happened.
APPEAL	Yes. Applications denied by the school board may be appealed to the Charter School Appeal Commission, whose recommendation is then forwarded to the State Board of Education. The state board's final decision is binding.
OPERATIONAL AUTONOMY	
STATE	Yes. Charters receive a 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, but there is a "model charter application form" that must be filled out and includes details on any agreement with a provider, including academic, operational, and financial data on the ESP. High-performing charters can replicate one a year and open new schools upon request (virtuals ineligible).
LOCAL	Yes. Charter schools are exempt from most local school rules and regulations with certain exceptions as prescribed by the district. Charter schools are not considered their own LEAs.
TEACHER FREEDOM	Yes. Teachers are exempt from district collective bargaining agreements. If a charter school is a public employer (and not a private one), then teachers have the option to participate in state's retirement system.
NUMBER OF SCHOOLS ALLOWED	
CAP	There is no legal limit on the number of charter schools that may be approved.

FLORIDA
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the district. The law states that funding for charter schools follows the same formula used for all other public schools minus administrative fees retained by school boards. They also are entitled to their share of categorical program funds, but that is not always done equitably. Administrative fees are five percent for all charters, or two percent for those charters considered "high-performing." "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)]
FACILITIES FUNDS	Yes. The state has appropriated $75 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, is accredited, 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.) School boards may levy up to 1.5 mills for construction, renovation, maintenance or repair of facilities for district schools, which would include charters. [Fla. Stat. § 1013.62(e)]

LINK TO THE FLORIDA CHARTER SCHOOL LAW

GEORGIA

(Law passed in 1993; 17th strongest of the nation's 43 charter laws)

Without the addition of true independent authorizers, problems remain with districts often rejecting applications without justification. Funding continues to be a major concern especially for online charters receiving significantly less funding per pupil. Facilities funding has improved, with charters receiving per-pupil funds and the state has instituted a competitive grant program as well.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (3)	
APPROVAL	School boards, the state board of education and the Georgia Charter Schools Commission, a quasi-independent authority, can all serve as authorizers. The commission may give a charter to schools with a statewide attendance zone or a defined attendance zone, only if it demonstrates it has special characteristics. 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 the school board has denied it. If a charter is approved on appeal, it becomes a "state-chartered special school".
OPERATIONAL AUTONOMY	
STATE	Yes. Charters can receive a blanket waiver from most state rules and regulations governing traditional public schools but they must request it in exchange for accountability promises, or they can negotiate individual waivers. Virtual schools are allowed. Management contracts with ESPs are not restricted, although within the charter application additional information including disclosing potential conflicts of interest is required.
LOCAL	Charter schools may be exempt from some district rules and regulations. However, districts subject locally-sponsored charters to extensive control and oversight. State-sponsored charters are considered their own LEAs giving them more freedom than locally-sponsored charters.
TEACHER FREEDOM	Yes. Teachers are exempt from any district collective bargaining agreements. All charters are required to participate in state retirement system.
NUMBER OF SCHOOLS ALLOWED	
CAP	No legal limit on the number of charter schools that may be approved.

GEORGIA
(Continued)

EQUITY	
STUDENT FUNDING	For district charters, funds pass through the district. For all other schools, funds pass through the state. The law states that charter schools should be treated "no less favorably" than conventional district schools in regards to funding for instruction, administration, transportation and food services. The state's basic funding formula (QBE) applies to all charters. School districts negotiate funding with locally-approved charter schools, resulting in inequities. State-chartered special schools receive only state and federal funds, not local. All authorizers may deduct up to three percent of charter funding for administrative fees. 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	State charters and state-chartered special schools receive approximately $1,100 per pupil for capital expenses, although this is dependent on appropriations. There is a competitive need-based per-pupil facilities grant program, and individual annual awards range from $20,000 to $280,000 per school. O.C.G.A. § 20-2-2068.2. See also, Georgia's RTTT application, available at: https://www2.ed.gov/programs/racetothetop/phase1-applications/georgia.pdf

IMPLEMENTATION POINTS	
- 1	One point was deducted because of the ongoing reluctance of school districts to review, approve and support charter schools.

LINK TO THE GEORGIA CHARTER SCHOOL LAW

HAWAII

(Law passed in 1994; 14th weakest of the nation's 43 charter laws)

Hawaii has one of the weaker charter laws in the country, and changes over the last few years have not had the improvements that were expected. Even with the addition of new authorizers, only one school opened in 2014. Issues have remained regarding teacher freedom and funding for operational and facilities expenses.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES	
APPROVAL	The State Public Charter School Commission, which consists of members that are all appointed by the state board, and is not independent from state control. Accredited public and private colleges and universities, county and state agencies, and nonprofit organizations may all apply to the State Board of Education to serve as authorizers.
APPEAL	Denials issued by an authorizer may be appealed to the State Board of Education.
OPERATIONAL AUTONOMY	
STATE	Yes. There is a blanket waiver from most state rules and regulations that govern traditional public schools. Virtual schools are allowed. Management contracts with ESPs are unrestricted, however conflict of interest policies have been incorporated into the law for relationships between ESPs and charter school administrators or board members.
LOCAL	Limited. Charter schools do have a blanket waiver keeping them free from many local, traditional rules and regulations.
TEACHER FREEDOM	No. Teachers remain covered by the collective bargaining agreement unless the exclusive union representatives and the charter school board enter into supplemental agreements to facilitate decentralized decision-making. Charter schools must participate in state's retirement system.
NUMBER OF SCHOOLS ALLOWED	
CAP	There is no legal limit on number of schools that may be approved.

HAWAII
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the charter's authorizer. Charter funding requests are based on traditional non-facility school per-pupil funds and the line-item appropriations are determined annually in the state budget. Charters are eligible for all applicable federal funding. Charter schools may elect to use the traditional student funding formula, or propose an alternative formula to their authorizer. See Haw. Rev. Stat. § 302D-29 (West). "Beginning with fiscal year 2012-2013, 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 and shall be based upon reasonable projected enrollment figures for all charter schools." [HI § 302B-12(a)]
FACILITIES FUNDS	The law states that the commission could request facilities funding as part of its annual budget request, but so far has not done so. Haw. Rev. Stat. § 302D-29.5 (West).
IMPLEMENTATION POINTS	
- 2	Two points are deducted because while progress has been made to improve the charter school law, growth has still been almost nonexistent.

LINK TO THE HAWAII CHARTER SCHOOL LAW

IDAHO

(Law passed in 1998; 13th strongest of the nation's 43 charter laws)

With a restrictive cap on the number of charters that could open each year removed, and universities being allowed to authorize, the Gem State is poised to become one of the most robust charter movements in the country. The above-average charter law gives schools a large amount of autonomy regarding operations and teachers, but severely shortchanges schools when it comes to funding, especially in Boise, which is close to 43 percent. Idaho charters are embracing new innovations in learning that will surely prove to become a model for most states, including serving rural students in new and path-breaking ways with a focus on online and blended modalities.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (3)	
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. As of 2013, state public colleges, community colleges, and private, nonprofit, state-based nonsectarian colleges that are accredited by the same organization that accredits state public colleges can serve as authorizers but have yet to do so.
APPEAL	Yes. Applications denied by a school board or the PCSC may be appealed to the State Superintendent of Public Instruction. The state superintendent selects a hearing officer to review the process and make a recommendation. The 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	Yes, charter schools receive an automatic waiver from most state laws and regulations. However, laws passed in 2011 regarding teacher and administrator evaluations and classroom technology do not fall under that waiver, diminishing some charter authority. Virtual schools are allowed. Management contracts with ESPs are not restricted, although the law does prohibit most conflicts of interest. Performance certificates are newly required agreements between the charter school and authorizer, which outline a framework for monitoring academic and operational metrics.
LOCAL	Charters do receive an automatic waiver from most district rules and regulations, but they are not exempt from some evaluation, budgeting or technology laws. Charter schools not authorized by school boards are LEAs, and district-authorized charters have the opportunity to become their own LEA as well. 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 by school boards or the state charter school commission. University authorizers can only approve one new charter school each year within a school district.

IDAHO
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the district in a similar way to other public schools. Charter school funding comes from state sources and federal money that the schools are qualified to receive, and they do not receive any local tax revenues or supplemental funds. Because of not receiving local funds, charter schools are at a severe disadvantage financially compared to traditional public schools. "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	The State Department of Education distributes per-pupil facilities funds to charters for each enrolled student that spends a majority of their time in a charter school facility. In 2014, 20 percent of the statewide average amount of bond and plant facility funds will be calculated, increasing each year. Charters that don't receive these funds are allowed to submit a reimbursement claim to the state department of education. Idaho Code Ann. § 33-5208 (West).

LINK TO THE IDAHO CHARTER SCHOOL LAW

ILLINOIS

(Law passed in 1996; 12th weakest of the nation's 43 charter laws)

Illinois' charter school law is weak because only local boards can authorize charter schools, with now a binding appeal to a semi-independent Charter Commission. Very few charters operate outside of Chicago, and the teachers unions are very strong, making charter law improvements difficult. Students at charter schools receive about 75 percent of their per-pupil public funding, and there is also a cap on the number of schools that can be approved throughout the state.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	Local school boards are authorizers. The State Charter School Commission was created to approve schools but functions more as an appeals board rather than an actual independent board (the state board oversees the Commission). Charter applicants can apply to the Commission when the school board denies them. Additionally, local boards, whenever petitioned by five percent of voters, can be mandated to put approved charter proposals up for district vote and the Commission would serve as the authorizer.
APPEAL	Yes. After being denied at the local school board level, charters can also apply to the State Charter School Commission as noted above.
OPERATIONAL AUTONOMY	
STATE	Yes. Blanket waiver provides exemptions for charters from most state regulations governing traditional public schools, although they still must adhere to some regulations such as disciplining students, personnel rules and report cards. Virtual schools are allowed. Management contracts with ESPs are not restricted, although new regulations have been put in place regarding conflicts of interest between charters and ESPs.
LOCAL	Limited. There is a blanket waiver from district rules but charters still must adhere to a variety of rules and regulations. Charter schools in Chicago have to follow many rules of the city, including teacher certification minimums. Only charter schools authorized by the commission are their own LEA.
TEACHER FREEDOM	Yes. Teachers are not covered by the district bargaining agreement and may negotiate as a separate unit, or work independently. Certified teachers must participate in retirement systems, but non-certified are prohibited from doing so.
NUMBER OF SCHOOLS ALLOWED	
CAP	Yes. One hundred twenty total schools are allowed, with a maximum of 70 permitted in Chicago (five of these for dropout recovery) and 45 reserved for the remainder of the state. There is a moratorium on virtual schools outside of Chicago until December 31, 2016. Charters approved before July 2009 are permitted to open additional campuses, those after may not.

ILLINOIS
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the district. Charters may receive as little as 75 percent of conventional public school funding and no more than 125 percent. Charters may apply for any state grants distributed to school districts. The state commission can charge up to three percent administration fees of the school's revenue. Districts also could receive "impact aid" to offset the alleged drain by charter schools, although this provision hasn't been funded since FY2008 "§ 27A-11. Local financing. (a) For purposes of the School Code,1 pupils enrolled in a charter school shall be included in the pupil enrollment of the school district within which the pupil resides...(b) Except for a charter school established by referendum under Section 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 Ill. Comp. Stat. Ann. 5/27A-11. "All services centrally or otherwise provided by the school district including, but not limited to, rent, food services, custodial services, maintenance, curriculum, media services, libraries, transportation, and warehousing shall be subject to negotiation between a charter school and the local school board" 105 Ill. Comp. Stat. Ann. 5/27A-11.
FACILITIES FUNDS	The state board is required to make competitive grants available for charters' start-up costs of acquiring materials, textbooks, furniture, etc. at a rate not to exceed $250 per student. [105 ILCS 5/27-A11.5 (3)]

IMPLEMENTATION POINTS	
- 1	One point is deducted for the ongoing pushback and moratoriums against virtual schools.

LINK TO THE ILLINOIS CHARTER SCHOOL LAW

INDIANA

(Law passed in 2001; 3rd strongest of the nation's 43 charter laws)

There have been numerous positive changes to Indiana's charter school law in recent years, making Indiana's charter law one of the strongest in the country. The addition of independent authorizers, such as the Indiana Charter School Board, and the removal of all caps on the number of schools has contributed to its strength. Charters also have a large level of autonomy from state and district regulations. In 2014, additional changes were made to create incentives for failing schools to partner with charters. While funding is still less per pupil than traditional public school students and facilities funding has not been consistent causing a hardship to charters, the Hoosier State remains at the head of the class.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (4)	
APPROVAL	School boards, public four-year state universities, nonprofit colleges that provide a four-year baccalaureate degree program or advanced degrees, and the mayor of Indianapolis can all serve as authorizers. The Indiana Charter School Board is 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 receive a blanket waiver from most rules and regulations governing traditional public schools. Virtual schools are allowed. Management contracts with ESPs are not restricted but additional paperwork is required between the charter school and the provider.
LOCAL	Yes. Blanket waiver provides some flexibility from local district regulations, although conversion charters do have to adhere to more rules regarding teachers and employment.
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	There is no legal limit on number of charter schools that may be approved. Sixty percent of students enrolled in virtual charters for the first time must be included in the state's ADM count for the previous school year, limiting the growth of virtual schools.

EQUITY	
STUDENT FUNDING	Funds pass from the state and district. Charters receive the same state formula aid as traditional schools (virtuals receive less.) A complex formula often results in discrepancies, particularly with local funding. Independent authorizers can withhold up to three percent of funding for administrative fees. "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] "For state fiscal years beginning after June 30, 2013, a virtual charter school is entitled to receive funding in a month from the state in an amount equal to the sum of: (1) the product of: (A) the number of students included in the virtual charter school's current ADM; multiplied by (B) the result of: (i) ninety percent (90%) of the school's foundation amount determined under IC 20-43-5-4; divided by (ii) twelve (12); plus (2) the total of any: (A) special education grants under IC 20-43-7; (B) career and technical education grants under IC 20-43-8; (C) honor grants under IC 20-43-10; (D) complexity grants under IC 20-43-13; and (E) full-day kindergarten grants under IC 20-43-14; to which the virtual charter school is entitled for the month" Ind. Code Ann. § 20-24-7-13 (West).
FACILITIES FUNDS	Charter school facilities assistance program to make grants and loans is available to charter schools for the purpose of constructing, purchasing, renovating and maintaining facilities. Indiana provided $17 million to this program in 2011, although funds for the grant program have run out, the loan program continues. [Ind. Code Ann. § 20-24-12-4]

LINK TO THE INDIANA CHARTER SCHOOL LAW

IOWA

(Law passed in 2002; 4th weakest of the nation's 43 charter laws)

D

Iowa has consistently had one of the weakest charter laws in the country and the law is often considered one in name only. Charters are not separate, independent public schools, but operate more like alternative district schools.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	State Board of Education approves all charter school applicants after the school board approves the application.
APPEAL	Schools denied by the school board may appeal to the state board and their decision is binding.
OPERATIONAL AUTONOMY	
STATE	Limited. A charter school is exempt by law from some statutes and regulations applicable to public schools. However, charters still must comply with extensive regulations, including paperwork, personnel policies and transportation. Virtual charter schools are not mentioned in the law, and while there are no virtual charters, it does not appear to be against the law to create one. Education service providers are also not discussed in the law, and charter schools can enter into contracts without restrictions.
LOCAL	No. Charters must remain a legal part of the school district and must therefore follow all 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.
EQUITY	
STUDENT FUNDING	Funds pass through district. Funding is completely ignored in the law, leaving it up to district's discretion, which ensures that charter schools are not being funded equitably. "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 Ann. § 256F.4(6) (West).
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.

LINK TO THE IOWA CHARTER SCHOOL LAW

KANSAS

(Law passed in 1994; weakest of the nation's 43 charter laws)

F

Kansas has consistently had one of the weakest charter laws in the country and the law is often considered one in name only. Charters are not separate, independent public schools, but operate more like alternative district schools.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	State Board of Education approves all charter school applicants after the school board approves the application.
APPEAL	None
OPERATIONAL AUTONOMY	
STATE	No. Exemptions from particular laws, regulations, and policies are not automatic. Charter schools must identify in their charter application the rules from which they would like to be exempt, and the State Board of Education approves or denies the requests. Law allows virtual schools. The law states that an education service provider can establish a charter school, and can submit an application and be approved directly. There is no additional information regarding ESPs in the law.
LOCAL	No. Ultimate control over the charter school remains with the school district. Charters 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.
EQUITY	
STUDENT FUNDING	Funding for charter schools is not addressed in the charter law, leaving it entirely to the discretion of the school district, which ensures inequitable funding. Authorization of appropriations contained in 20 U.S.C.A. § 7221j (West)
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.

LINK TO THE KANSAS CHARTER SCHOOL LAW

LOUISIANA

(Law passed in 1995; 16th strongest of the nation's 43 charter laws)

Despite 100 percent of students in the Big Easy now attending charters, Louisiana has an above-average law that has improved slowly since a robust charter movement, with extraordinary philanthropy, began in New Orleans after Hurricane Katrina. Outside of the Recovery District and New Orleans, however, traditional school districts neither encourage nor promote the creation of charter schools. Students in some of the state's most depressed and rural communities need access to great schools, too. Authorizers have expanded to universities and nonprofits, but all schools are still sponsored by districts and the state. Funding and a lack of facilities assistance is still a struggle and simplifying the types of charters would go a long way to uniformity of the law.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (3)	
APPROVAL	School boards, the state board of education and now "local charter authorizers" may authorize charters. Local charter authorizers can be a state agency - including public colleges, or a nonprofit with an educational mission that meets additional requirements. Local charter authorizers must apply with the state board and only five can operate in any regional market area. There are currently no local charter authorizers on record. There are five types of charter schools in the state and each has a different application process: Type 1 – new charters approved by school boards; Type 1B – new charters or public school conversions approved by a local authorizer; Type 2 – new charters or public school conversions approved by state board of education; Type 3 – public school conversions approved by school boards; Type 3B – former Type 5 schools (transferred from RSD to district); Type 4 – new charters or public school conversions agreed upon by school board and state board of education; and Type 5 – public school conversions transferred to RSD and authorized by state board of education.
APPEAL	Yes. Applications denied by the school board may be appealed to the State Board of Education. If the application is approved, the state board becomes the sponsor.
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 are allowed. Management contracts with ESPs are not restricted, although within the application a charter school must explain in detail their relationship with an ESP, its past performance data, and any conflicts of interest.
LOCAL	Yes. There is a blanket waiver from most local rules and regulations that are applicable to traditional public schools. Some charters are considered LEAs and some are not – it all depends on what type of charter it is. All charters, except for Type 4 charters must be organized as nonprofit corporations. For charters authorized by the state board, the charter school board is the final authority over most operational decisions. Type 5 charters can remain their own LEA for funding and other responsibilities.
TEACHER FREEDOM	Type 5 charters are exempt from participation in any collective bargaining agreement and may organize as an individual unit or work independently. For all other types teachers are covered by work rules, unless an exemption is negotiated with a sponsor and specified in the charter. Only Type 4 charter schools must participate in the state retirement's system.

LOUISIANA
(Continued)

NUMBER OF SCHOOLS ALLOWED	
CAP	No legal limit on number of schools that may be approved.
EQUITY	
STUDENT FUNDING	For schools authorized by local boards, funds pass through the district. For schools authorized by state or a local charter authorizer the funds pass through the state. The amount of funding and how the funding is delivered varies by the type of charter school and is made clear in the written statute. All authorizers in the state can charge a two percent administrative fee. "A. (1) For the purpose of funding, a Type 1, Type 3, Type 3B, 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. Type 1B and Type 2 charter schools shall receive a per pupil amount each year authorized by the state board each year as provided in the minimum foundation program approved formula. The per pupil amount provided to a Type 1, 1B, 2, 3, 3B, or 4 charter school shall be computed annually and shall be equal to no less than the per pupil amount received by the school district in which the charter school is located from the following sources based on the district's October first membership count: (a) The state-funded per pupil allocation received by the district pursuant to the most recent legislatively approved minimum foundation program formula resolution, including all levels" La. Rev. Stat. Ann. 17:3995. "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]
FACILITIES FUNDS	Yes. Charter School Start-Up Loan Fund provides no interest loans up to $100,000 to schools that can be used for facilities for up to three years. This program is not being funded currently by the state. Charters are eligible to access tax-exempt financing through the Louisiana Public Facilities Authority. [LA stat. 3971.4001 Part VI (2)]
IMPLEMENTATION POINTS	
- 1	One point is deducted because the state has sanctioned a process that results in the arbitrary rejection of charter applications.

LINK TO THE LOUISIANA CHARTER SCHOOL LAW

MAINE

(Law passed in 2011; 13th weakest of the nation's 43 charter laws)

Many consider The Pine Tree State's charter law to be a model, but when it comes to implementation, Maine's relatively new law (enacted in 2011) falls short and only six schools have opened. Advocates are continuing to fight to improve this below-average law, which has a constrictive cap, no independent authorizers and limited charter autonomy. Leaders have taken a vocal stance against the commission members' actions of continually rejecting charter school applications, particularly online/blended options that are a huge boost to reach many of the state's rural students.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (2)	
APPROVAL	A school board or group of school boards can authorize and can begin the process by issuing a request for proposals (RFP). The State Charter Schools Commission, which consists of members that are all appointed by the state board with legislative input, and is not independent from state board oversight, is also an authorizer. Only the commission can approve virtual school applications.
APPEAL	None.
OPERATIONAL AUTONOMY	
STATE	Yes. Charters do receive a 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 conflicts of interest. 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	Yes. Charters are free from many local, traditional rules and regulations. Charter schools are considered independent of a school district by law and should have freedom over finance, personnel and instruction. Charters approved by the state commission are considered LEAs.
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 and may establish their own plan.
NUMBER OF SCHOOLS ALLOWED	
CAP	Yes there is a cap on the number of schools and on enrollment. The commission may approve ten schools in ten years, although this will end in 2022; districts have no cap. Charters cannot enroll more than five to ten percent of the total of district students per grade level for the first three years of operation.

MAINE
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass from state and district to school. Law states that the per-pupil operating funding (minus administrative fees) should pass to the charter schools, but the law is not specific enough to ensure equity. All authorizers are allowed to take a three percent authorizer fee in addition to a one percent fee that is retained by the district. "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" Me. Rev. Stat. tit. 20-A, § 2413.
FACILITIES FUNDS	No Additional Funds.
IMPLEMENTATION POINTS	
- 2	Two points are deducted because the commission is arbitrarily rejecting charter applications resulting in extremely slow growth.

LINK TO THE MAINE CHARTER SCHOOL LAW

MARYLAND

(Law passed in 2003; 3rd weakest of the nation's 43 charter laws)

F

Maryland should be ranked dead last on this scorecard. However, despite the odds being stacked against them, charter schools in The Old Line State shine. Maryland has one of the weakest charter laws in the country because of the enormous obstacles charter applicants face from school boards the minute they show interest. Charters face outward hostilities from boards, are micromanaged, operationally limited, poorly funded and are not even allowed to hire their own principals and staff to ensure success under their model. Lawmakers in Annapolis are poised to change that in 2015 with a modest, yet promising, proposal on the table.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	Local school boards are the only authorizer in Maryland. 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, but this has never 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. The decision is non-binding.
OPERATIONAL AUTONOMY	
STATE	No. School districts maintain authority over the charter schools and any contracts negotiated. Virtual schools are not allowed. Charter schools must request waivers from state rules and regulations. The law is not specific regarding education service providers, so in theory all ESPs are allowed, but that is not the reality, based on biases towards for-profit ESPs.
LOCAL	No. Each county board develops its own public charter school policy for schools in its district to follow. Charter schools are considered part of the school district.
TEACHER FREEDOM	No. Teachers remain covered by the district's collective bargaining contract, although a charter and a teachers union may agree to negotiate amendments within the agreement to address needs of the charter school. Charter schools must participate in the state's retirement system.
NUMBER OF SCHOOLS ALLOWED	
CAP	There are no caps in the state charter school statute, however they are left to the discretion of school districts, so district-wide caps could be created on the number of schools or enrollment.

MARYLAND
(Continued)

F

EQUITY	
STUDENT FUNDING	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 as traditional public schools. Funding is decided first by the school districts, which do not always respond favorably to charter schools, and as a result inequity still persists. (a) 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. Code Ann., Educ. § 9-109 (West).
FACILITIES FUNDS	No Additional Funds.

IMPLEMENTATION POINTS	
- 1	One point deducted for several local school boards not adhering to state law specifically on equitable funding resulting in costly lawsuits and intentionally creating unnecessary uncertainty with staffing schools.

LINK TO THE MARYLAND CHARTER SCHOOL LAW

MASSACHUSETTS

(Law passed in 1993; 17th weakest of the nation's 43 charter laws)

Despite some of our nation's best charter school networks hailing from Massachusetts, the state has an average charter school law. The only authorizer, the State Board of Education, holds charters to performance and operational targets, although with more bureaucracy lately. Not having an independent authorizer is a hindrance to true expansion. Boston, and other traditionally low-performing districts, have reached the charter school cap, meaning that no new schools will be able to open in places that need choice the most until the law is amended.

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 and Horace Mann charters are normally conversion schools that must be approved by the local school committee, and sometimes the teachers union before state approval.
APPEAL	None
OPERATIONAL AUTONOMY	
STATE	Limited. While there is no blanket waiver, charter schools do have a fair amount of autonomy, although it has diminished over time. New regulatory requirements were put in place in 2014 related to charter investigations, enrollment, bylaws, expulsion policies and accountability plans. Many of these changes required formal amendments to the school's charter. Virtual charter schools are not allowed, however under the 2013 law that established statewide commonwealth virtual schools, two or more charter governing boards can come together to form an "education collaborative" and apply to operate a commonwealth virtual school. Management contracts with ESPs are not restricted, but providers must have been successful in the past and demonstrate their academic and operational performance in the application.
LOCAL	Yes. Commonwealth charters are free from district rules governing operations and funding. Horace Mann schools are more tied to the school district and 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, but they may specify exemptions in the school's charter. Charter schools must participate in the state's retirement system.
IMPLEMENTATION POINTS	
+ 1	One point awarded for the state's responsible authorizing – opening strong charter schools while holding current charters accountable to their contracts and closing them as necessary. 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

MASSACHUSETTS

(Continued)

NUMBER OF SCHOOLS ALLOWED	
CAP	Yes there are caps on the number of schools that can open and on charter enrollment. Seventy-two Commonwealth charters and 48 Horace Mann charters are allowed in the state. At least two of the charters approved by the state each year must be located in districts that are in the ten percent lowest performing statewide. At least four Horace Mann charters must be located in Boston. There is a nine percent cap on the total district spending for Commonwealth charters. In the lowest-scoring districts (lowest ten percent), this cap is increased incrementally by one percent each year until it reaches 18 percent by FY 2017. However new charters approved above the nine percent cap must be replication schools. The schools approved above the nine percent cap also do not count towards the 72 Commonwealth charter cap. In communities with less than a population of 30,000, only regional charter schools can be approved. Annually, the state board can only approve one regional charter application in a low-performing district. Up to three online schools can be open beginning in 2013 with a maximum of ten over time. Virtuals can enroll no more than two percent of students statewide, or 19,000 students.
EQUITY	
STUDENT FUNDING	Funds pass from state to school, minus deductions from state aid to affected districts. The state calculates per-pupil funding as the sum of each sending district's separate tuition rates using the formula within the law based on the state foundation budget formula. It is supposed to represent the actual per-pupil amount but inequities exist. School districts receive reimbursement of charter school expenses from state appropriations, the most generous of its kind in the country. "(w) The board of trustees, in consultation with the teachers, shall determine the school's curriculum and develop the school's annual budget. The board of trustees of each Horace Mann charter school shall annually submit to the superintendent and school committee of the district in which the school is located a budget request for the following fiscal year. The school committee shall act on the budget request in conjunction with its actions on the district's overall budget. Each Horace Mann charter school shall receive in response to the budget request not less than it would have under the district's budgetary allocation rules. (ff) Commonwealth charter schools shall be funded as follows: the commonwealth shall pay a tuition amount to the charter school, which shall be the sum of the tuition amounts calculated separately for each district sending students to the charter school. Tuition amounts for each sending district shall be calculated by the department using the formula set forth herein, to reflect, as much as practicable, the actual per pupil spending amount that would be expended in the district if the students attended the district schools. The tuition amount shall be calculated separately for each district sending students to a charter school, and for each charter school to which a district sends students. Each district's per pupil tuition amount for each charter school to which it sends students shall include a per pupil foundation budget component, adjusted to reflect the actual net school spending in the sending district." [MA Gen Law 89(ff)
FACILITIES FUNDS	Yes. The law requires the state to provide for a portion of per-pupil capital needs in the charter funding formula, which is $893 per pupil. [MA Gen Law 89(nn)]

MICHIGAN

(Law passed in 1993; 4th strongest of the nation's 43 charter laws)

Michigan's charter school law has come under much scrutiny as of late, but in this ranking, remains in the top five for good reason. On paper and in practice the Great Lakes State's charter law is strong because it has all of the major high-quality components: a variety of independent authorizers, including model universities; freedom for teachers from most rules and regulations; and, fairly equitable funding for charters, to name a few. Save for a few bad actors, Michigan's truly independent charter authorizers have written the book on responsible authorizing. With one of the highest closure rates in the country (22 percent), most states could learn a thing or two from these responsible authorizers working collectively on a path-breaking accreditation process. A few minor caps do exist on the books, but overall, Michigan has been a state with a strong charter school environment.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (2)	
APPROVAL	School boards, intermediate school boards, community colleges and state public universities can all be authorizers. All authorizers are subject to the State Board of Education's review for compliance.
APPEAL	None.
OPERATIONAL AUTONOMY	
STATE	Limited. Charter schools can request waivers and they are considered on a case-by-case basis from the State Board of Education. Virtual schools are permitted with enrollment restrictions. Management contracts with ESPs are not restricted, although the law requires authorizers to review any agreements between an ESP and the charter school, and an authorizer can disapprove of the agreement only if it's contrary to law. There are also conflicts of interest rules and additional measures to prevent relationships between charters, boards and providers. State statute does not provide a process for immediate "conversion" of a traditional public school. However, a school district can close one of its schools and then issue a charter contract to operate in that location or neighborhood.
LOCAL	Limited. Charters must abide by laws required of traditional public schools, except for collective bargaining, but are allowed to request waivers. Charter schools are required to be organized as nonprofit corporations. Charters are considered LEAs.
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 required to participate in the state retirement system. Employees hired by for-profit management companies are not.
NUMBER OF SCHOOLS ALLOWED	
CAP	There are only minor charter school caps remaining in Michigan pertaining to the "schools of excellence". "Schools of excellence" can be created and replicated, and five must serve high school students. They are approved in districts with a graduation rate less than 75 percent for the last three school years. Charters already operating may convert to a "school of excellence" if criteria are met. There is a cap of 15 statewide virtual "schools of excellence", and for those approved locally or by a community college, only one is allowed. Enrollment is limited for virtual schools to 2,500 students its first year, 5,000 in second year, and not more than 10,000 students after that. No more than two percent of students may be enrolled in virtual charters.

MICHIGAN
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass from the state to the authorizing body that acts as the fiscal agent to the charter school. Charters receive a "foundation allowance", or basic per-pupil operating revenue and have access to categorical funding. The State School Aid Act guarantees that the charter school receives funding in the same manner as conventional public schools, but funds are dependent on the school district of residence and result in inequities. Authorizer administrative fees may be no more than three percent of a charter's state aid. " (6) Except as otherwise provided in this subsection, for pupils in membership, other than special education pupils, in a public school academy, the allocation calculated under this section is an amount per membership pupil other than special education pupils in the public school academy equal to the foundation allowance of the district in which the public school academy is located or the state maximum public school academy allocation, whichever is less. However, a public school academy that had an allocation under this subsection before 2009-2010 that was 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 is located and the state portion of that district's foundation allowance shall not have that allocation reduced as a result of the 2010 amendment to this subsection. Notwithstanding section 101, for a public school academy that begins operations after the pupil membership count day, the amount per membership pupil calculated under this subsection shall be adjusted by multiplying that amount per membership pupil by the number of hours of pupil instruction provided by the public school academy after it begins operations, as determined by the department, divided by the minimum number of hours of pupil instruction required under section 101(3). The result of this calculation shall not exceed the amount per membership pupil otherwise calculated under this subsection. [MI Act 1979 PA 94 388.1620(6)]
FACILITIES FUNDS	Charter schools authorized by school boards can access district bond levy funds if it's in their charter.

IMPLEMENTATION POINTS	
+ 1	One point is awarded for responsible authorizing -- opening strong charter schools while holding current charters accountable to their contracts and closing and/or turning them over to proven operators as necessary. In addition, Michigan authorizers have come together to propose an accreditation system for authorizers to ensure accountability.

LINK TO THE MICHIGAN CHARTER SCHOOL LAW

MINNESOTA

(Law passed in 1991; 2nd strongest of the nation's 43 charter laws)

The first state to introduce charter schools to the U.S., and the world, teeters close in this ranking for the #1 slot. Minnesota continues to have one of the strongest charter school laws in the country with many major high-quality components: a variety of responsible authorizers, blanket waivers from most rules and regulations, equitable funding and facilities assistance.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (3)	
APPROVAL	School boards, intermediate school boards, cooperatives, public and private colleges and universities, and "charitable" nonprofit organizations that meet certain criteria can all be authorizers, subject to final commissioner of education approval.
APPEAL	None.
OPERATIONAL AUTONOMY	
STATE	Yes, but limited. Charter schools do 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, although there are additional conflict of interest rules and evaluation criteria in place. All current and would-be authorizers must meet a variety of statutes governing operations and performance, which comes with increased oversight by the State Department of Education.
LOCAL	Yes. The blanket waiver provision also applies to local rules and regulations governing traditional public schools. Charter schools are their own LEAs.
TEACHER FREEDOM	Yes. Teachers may remain covered by a 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	There is no legal limit on the number of schools that may be approved.

MINNESOTA
(Continued)

EQUITY	
STUDENT FUNDING	All funds pass through the state. Charters earn per-pupil general education revenue as if it was a school district except for transportation funds (approximately $500 per student), unless the charter provides it. 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 $4,794." Minn. Stat. Ann. § 124D.11 (West).
FACILITIES FUNDS	Yes. The state provides lease aid to charter schools in the amount of 90 percent of lease costs, up to $1,314 dollars per pupil. Charters that own their own building cannot receive lease aid, but if the charter creates an affiliated nonprofit to buy a building, they can secure financing this way. Minn. Stat. Ann. § 124D.11 (West).
IMPLEMENTATION POINTS	
+ 1	One point is awarded for the state's responsible authorizing – opening strong charter schools while holding current charters accountable to their contracts and closing them as necessary.

LINK TO THE MINNESOTA CHARTER SCHOOL LAW

MISSISSIPPI

(Law passed in 2010; the 8th weakest of the nation's 43 charter laws)

D

In 2013, Mississippi reinstated its charter school law, which despite all the promises of well-intentioned people, has yet to yield true power for parents. One school is set to open in the fall of 2015, but the slow movement is due to the weak charter law that places lots of conditions on how schools are authorized, has a cap of 15 schools statewide and limited autonomy for charters.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	Mississippi Charter School Authorizer Board, a newly created quasi-independent board is the sole authorizer in districts graded 'D' or 'F' for academic performance. In school districts graded 'A', 'B' or 'C', charters can only be authorized by the Board after a majority of local board members endorse or initiate an application.
APPEAL	None
OPERATIONAL AUTONOMY	
STATE	Limited. Charter schools do receive exemptions from some state rules and regulations. Virtual schools are allowed. ESP management contracts are restricted to nonprofits only and within the charter application evidence of their academic success and capacity for growth must be included.
LOCAL	Limited. Charters are considered their own local education agency (LEA) and therefore have autonomy regarding special education and some other local regulations.
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 are prohibited from participating in the state's retirement system.
NUMBER OF SCHOOLS ALLOWED	
CAP	Fifteen charter schools can be approved each fiscal year. There are additional enrollment restrictions by geography and demographics.

MISSISSIPPI

D

EQUITY	
STUDENT FUNDING	Funds pass through state and district. Local funding for charter schools is equal to the ad valorem tax receipts and in-lieu payments received for the support of the school district in which the student resides. The pro rata ad valorem receipts and in-lieu receipts include all levies for the support of the school district. The state directs the proportionate share of funds from federal and state categorical funds, special education, vocational, etc. to eligible charter schools. The state authorizer receives a three percent administrative fee from a school's annual per-pupil allocations. "The State Department of Education shall make payments to charter schools for each student in average daily attendance at the charter school equal to the state share of the adequate education program payments for each student in average daily attendance at the school district in which the charter school is located. In calculating the local contribution for purposes of determining the state share of the adequate education program payments, the department shall deduct the pro rata local contribution of the school district in which the student resides, to be determined as provided in Section 1336 37-151-7(2)(a)." Miss. Code. Ann. § 37-28-55 (West).
FACILITIES FUNDS	No Additional Funds.
IMPLEMENTATION POINTS	
- 3	Three points are deducted because while the state has improved their charter law significantly, no charter school has yet to open.

LINK TO THE MISSISSIPPI CHARTER SCHOOL LAW

MISSOURI

(Law passed in 1998; 12th strongest of the nation's 43 charter laws)

Missouri's charter school law improved when charters were expanded beyond St. Louis and Kansas City, although there are still limitations on which entities can authorize. In 2014, the legislature passed a charter improvement bill, but the governor vetoed it. However, momentum seems to be shifting with the opening of more schools and possibly another chance at introducing charter-friendly legislation.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (4)	
APPROVAL	In the Kansas City school district, St. Louis school district and unaccredited districts, the following can be authorizers: a school board; the Missouri Charter Public School Commission, a statewide independent entity; a special administrative board created by the state board of education to operate Kansas City and St. Louis districts; community colleges within the district the charter will be located; a four-year public college or university with an approved teacher education program that meets regional or national standards of accreditation; a four-year private college or university with an enrollment of at least 1,000 students, its primary campus in Missouri, and an approved teacher preparation program; and a two-year accredited private nonprofit technical school. School boards are the sole authorizers in accredited districts. In a provisionally accredited district, school boards and any authorizer that has met the standards of accountability and performance as determined by the state department of education can be authorizers.
APPEAL	If any authorizer rejects an application, the applicant can submit it to the State Board of Education, which would serve as the authorizer if it approves the application.
OPERATIONAL AUTONOMY	
STATE	Yes. Charter schools are exempt from most state rules and regulations, except those that explicitly apply to charters (criminal background checks of personnel, minimum attendance requirements, and minimum educational standards, for example). Virtual schools are not addressed in law and therefore not explicitly banned. Management contracts with ESPs are not restricted, however a charter applicant must include additional details for the ESP within their application including academic evidence, conflicts of interest, compensation structure, division of labor between charter and management, and financial stability.
LOCAL	Limited. Charters are exempt from most district rules and regulations. However, for charter schools that are not their own local education agency (LEA), their autonomy is more limited.
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 on the number of charter schools that can open, except in accredited districts with at least 1,500 students, no more than 35 percent of students can be in charters. Charter schools can only open in metropolitan school districts, urban districts with a population greater than 350,000 (i.e. Kansas City & St. Louis school district), unaccredited districts, and provisionally accredited districts.

MISSOURI
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the state for LEAs and through district for others. The law states that school districts are required to pay charter schools per-pupil funding in accordance with the state funding formula and also send any federal and state aid to charters. LEA charter schools receive all funding streams and categories. The state department of education retains one and five-tenths percent of a charter's state and local funding for administrative fees and gives to the authorizers. "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." Mo. Ann. Stat. § 160.415 (West).
FACILITIES FUNDS	No Additional Funds.

LINK TO THE MISSOURI CHARTER SCHOOL LAW

NEVADA

(Law passed in 1997; 20th weakest of the nation's 43 charter laws)

Nevada's charter school law is below average despite multiple authorizers, like universities, who have had the power to authorize since 2007, but none have chosen to do so. Many school districts have vocally opposed charters or imposed their own moratoriums, and as a result only 38 schools have opened. The governor is supportive of education reform, and charter advocates plan legislative improvements for 2015, but it will take more time to improve the charter school environment.

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 college or university within the Nevada System of Higher Education can be authorizers. School boards and colleges or universities must apply to be an authorizer, and be approved by the State Department of Education. No college or university has yet been an authorizer.
APPEAL	Yes. If the local board or a college or university denies an application, it may be appealed to the State Public Charter School Authority, and they would become the sponsor if approved. If the State Public Charter School Authority denies an 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. Charters may submit a written request to the state superintendent for a waiver for only the mandatory days of instruction required by state law. Additional exemptions may be negotiated with an authorizer and specified in the charter. Virtual schools are allowed. Management contracts with ESPs are not restricted, but there are rules and regulations to follow such as requiring a performance contract and disclosing any conflicts of interest. Also, public, private or home school conversions are not allowed in Nevada.
LOCAL	Limited. There is little flexibility from rules and regulations. Schools must get permission from their authorizer for various decisions regarding operations.
TEACHER FREEDOM	Yes. Charter school employees are exempt from district collective bargaining agreements. Charter employees must participate in their school district's retirement system.
NUMBER OF SCHOOLS ALLOWED	
CAP	There is no cap on the number of charters that can open statewide. However, Clark County still has a moratorium in place, so an alternative authorizer can only approve charter applicants in this district.

EQUITY	
STUDENT FUNDING	Charter school funds pass through the state. Each charter student is included in the district's student count for purposes of funding calculations from the state. A charter school is entitled to receive a 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. All authorizers may deduct up to two percent for administrative fees, but charters meeting certain requirements can request to lower it to one percent. Authorizers can also request reimbursements from charters for administrative costs. "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	Within the law, there is a section for facilities funding if a charter meets criteria. However, it must be funded by the state legislature and that has yet to happen. Nev. Rev. Stat. Ann. § 386.5515 (West).
IMPLEMENTATION POINTS	
- 2	Two points are deducted because the state has not encouraged or worked hard enough to improve charter environment.

LINK TO THE NEVADA CHARTER SCHOOL LAW

NEW HAMPSHIRE

(Law passed in 1995; 9th weakest of the nation's 43 charter laws)

D

New Hampshire's charter school law is weak mainly because of its massive charter funding inequities. The per-pupil funding guaranteed in law is only about half that of conventional public schools, making it nearly impossible to operate a successful charter school. Because of this and no independent authorizers, there are currently fewer than 25 charter schools in New Hampshire.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	School boards are authorizers, but applicants must also have 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.) For conversion school applications, the local board can approve after 2/3 of teachers in a district or the majority of teachers in the school approve it, and the principal and district superintendent agree.
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 not addressed in law, and one is currently operating, so it is not prohibitive. Management contracts with ESPs are not restricted, but the contract must be included within the school charter. There are also new conflict of interest policies for only for-profit companies.
LOCAL	Limited. There is no general waiver for local rules and regulations. The school district makes decisions for charters regarding special education.
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	Ten charter schools allowed per year for those approved by the school board and state board. No cap for schools approved just by the state board. No more than ten percent of resident pupils shall be eligible to transfer to a state charter school in any school year without school board approval.

NEW HAMPSHIRE

(Continued)

D

EQUITY	
STUDENT FUNDING	Funds pass through the state. Locally approved charters receive significantly less despite language in the law to the contrary guaranteeing a minimum of 80 percent of per-pupil expenditures. State approved charters receive the state's annual per-pupil funding plus adequacy and disparity aid to bridge some of the gap, but there is still a large inequity, mainly because guidance for categorical funding is unclear in law. Funding inequities have forced school closures in the past. "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	
- 2	Two points are deducted because authorizing new charters has been slow and the funding disparity is estimated at 50 percent.

LINK TO THE NEW HAMPSHIRE CHARTER SCHOOL LAW

NEW JERSEY

(Law passed in 1996; 15th weakest of the nation's 43 charter laws)

New Jersey's charter school dilemma is largely due to the fact that only the state can approve charter school applications. While New Jersey initially approved many charter schools, many of these schools never opened because of district opposition, and the state chose not to step in to advocate for the schools it had authorized. There has also been a battle the last few years over the legality of online and blended charter school models, preventing online charters from opening. Growth has been slow for some time, and there has been a shift away from opening independent, innovative schools to only focusing on replicating existing schools as a "safer" bet for the state.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	Only the State Commissioner of Education can approve charter school applications.
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 in the court system.
OPERATIONAL AUTONOMY	
STATE	No. Waiver requests from rules and regulations are considered on a case-by-case basis and must be in the charter application. 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 legally, but not allowed based on the state commissioner of education's continual denial of virtual charter applications. Management contracts with ESPs are not restricted, but there are regulations as to what private management companies can and cannot do.
LOCAL	Limited. Waiver requests from rules and regulations are considered on a case-by-case basis and must be in the charter application. Charter schools are considered LEAs for special education responsibilities. 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.

NEW JERSEY
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the district. Law requires districts to pay for each student enrolled in the charter who resides in the district an amount equal to the lower of either 90 percent of the program budget per pupil or 90 percent of the "Thorough and Efficient Funding" amount, which is defined in state law. The money charter schools receive is often much less than this because they don't receive adjustment aid given to districts under the School Funding Reform Act. Districts can charge up to ten percent for administrative fees. "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 90% of the sum of the budget year equalization aid per pupil and the prebudget year general fund tax levy per pupil inflated by the CPI rate most recent to the calculation. In addition, the school district of residence shall pay directly to the charter school the security categorical aid attributable to the student and a percentage of the district's special education categorical aid equal to the percentage of the district's special education students enrolled in the charter school and, if applicable, 100% of preschool education aid. 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. Ann. § 18A:36A-12(b) (West)
FACILITIES FUNDS	No Additional Funds.
IMPLEMENTATION POINTS	
- 2	Two points are deducted for the slow growth of charter schools due to the reluctance of the state to approve independent charters or virtual charter schools.

LINK TO THE NEW JERSEY CHARTER SCHOOL LAW

NEW MEXICO

(Law passed in 1993; 19th strongest of the nation's 43 charter laws)

The only components of the law that are slightly better than average for New Mexico's charter school environment are the level of per-pupil funding and the fact that the state offers facilities assistance to charter schools. With a cap on the number of schools that can open and without any independent authorizers, New Mexico is stagnating its charter growth. A new rule that mandates charters move to public buildings or buildings that meet specific criteria in law could have implications on charter school growth down the road as well.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (2)	
APPROVAL	School boards and the State Board of Education (Public Education Commission) serve as authorizers.
APPEAL	Yes. Applications denied by the school board may be appealed to the State Secretary of Education and the 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. There is no blanket waiver but the state department must waive certain rules and regulations pertaining to length of school day, staffing, subject areas, evaluations for personnel and principal duties. The state can grant additional exemptions, but most often, charters do not receive them. Virtual schools are allowed. Management contracts are restricted to nonprofit education service providers (ESPs). Charter schools must move to public buildings by July 1, 2015 or meet other conditions in the law, such as owning the building or having a lease-purchase agreement pursuant to the Public School Lease Purchasing Act (see N.M. Stat. Ann. § 22-8B-4.2 for more information).
LOCAL	Limited. Some local exemptions are given to charter schools, but they must negotiate additional waivers from local rules on a case-by-case basis. Charters approved by the state board are exempt from district requirements and are their own LEA.
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. Public school conversions are not allowed. A charter in a district with 1,300 or fewer students may not enroll more than ten percent of students within that district.

NEW MEXICO
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the district. By law, charters are entitled to 98 percent of the school generated program costs. The remaining two percent is deducted for administrative fees by all authorizers. Charters approved by school boards by law should receive the portion of state and federal funds generated from their students, but in practice this does not always happen. "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." N.M. Stat. Ann. § 22-8B-13 (West).
FACILITIES FUNDS	Yes. Charter schools receive lease payments of $700 per student from a capital outlay fund and inflation will determine future increases. The NM Finance Authority can use public bond funds to construct charter facilities for up to seven schools. Charter schools can access public capital outlay grants similar to traditional public schools. Districts, by law, are supposed to share a proportionate share of facilities funds with charter schools, but implementation has been spotty. N.M. Stat. Ann. § 22-8B-4.2 (West).

LINK TO THE NEW MEXICO CHARTER SCHOOL LAW

NEW YORK

(Law passed in 1998; 6th strongest of the nation's 43 charter laws)

New York's charter sector has received a lot of print as of late. But a recent lawsuit has pointed out some of the deficiencies in the Empire State's law that despite its model actions in authorizing, the funding mechanism treats a student in Buffalo very differently than one in Brooklyn (41 percent gap in base aid has been frozen for years). New York has a strong charter school law regardless, featuring high-quality components: a variety of independent authorizers, including a model higher-education authorizer in SUNY; blanket waivers from most traditional rules and regulations; and strong accountability. The cap on the number of schools allowed is increasingly problematic once again, as NYC is close to its limit and 50,000 families remain on waiting lists in the Big Apple.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (3)	
APPROVAL	School boards, the state board of education (New York Board of Regents) or the board of trustees of the State University of New York (SUNY) can all be authorizers. The Board of Regents is the only body that can officially issue a charter. In New York City, the Chancellor also has direct authorizing power subject to the Board of Regents approval.
APPEAL	None
OPERATIONAL AUTONOMY	
STATE	Yes. Charter schools do receive a blanket waiver from most traditional public school rules and regulations. Virtual schools are not allowed. ESP management contracts are restricted to nonprofits for all charters that were approved after 2010, and there are strict conflict of interest provisions and additional regulations for providers. Additional rules and regulations from the state concerning charter school operations have been imposed over the years.
LOCAL	Limited. Districts impose many local rules and regulations on operations, facilities, etc. Charters are not considered their own LEA when it comes to special education.
TEACHER FREEDOM	Limited. Schools enrolling fewer than 250 students in the first year are exempt from collective bargaining agreements. For schools enrolling more than 250 students in the first two years, employees will be considered members of the union or employee organization within the district. 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 in the state, of which 114 are reserved for New York City, and 260 are evenly split between SUNY and the Board of Regents. There is no cap on conversion schools. While statewide the cap has not been reached, there are approximately only 25 charters left in New York City.

NEW YORK
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the district. Each charter schools aid amount is determined as a proportion of what its spent per pupil by each student's host district (so a school drawing from 8 different districts will have 8 different per pupil funding rates it collects). As a district's spending goes up, thus so does the per-pupil amount a charter school gets. However, the base funding for charter schools has been frozen for years and a decision was made to freeze for an additional three years. Some qualifying charters will receive a temporary supplemental payment in the amount of $250 per pupil in 2014-15, $350 in 2015-16 and $500 in 2016-17 to "take the edge off" of the continuing funding freeze. "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: (i) for school years prior to the two thousand nine--two thousand ten school year and for school years following the two thousand sixteen--two thousand seventeen school year, 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" N.Y. Educ. Law § 2856 (McKinney).
FACILITIES FUNDS	In NYC beginning in 2014-15, the district must provide charters that request co-location in a public school building a no-cost co-location or space in a different facility at the district's expense. A charter could appeal the district's offer or failure of an offer, but a charter could end up paying for their own facilities if the appeal is not ruled in their favor. N.Y. Educ. Law § 2853(4)(d) (McKinney). A charter schools stimulus fund provides financial support for start-up costs or renovation and construction of facilities. The state has appropriated $3.1 million.

IMPLEMENTATION POINTS	
+ 1	One point awarded for the state's responsible authorizing – opening strong charter schools while holding current charters accountable to their contracts and closing them as necessary.

LINK TO THE NEW YORK CHARTER SCHOOL LAW

NORTH CAROLINA

(Law passed in 1996; 21st weakest of the nation's 43 charter laws)

North Carolina took a step forward in removing the cap on the number of schools allowed in 2011, but a step backward in 2013 by removing language that would allow universities and school boards to be charter authorizers. The new Charter Schools Advisory Board has been overly political and has slowed down the growth of charter schools in the Tar Heel State, with only 15 percent of applications being approved recently, one of the lowest approval rates in the state's history. The process of opening charters continues to remain restrictive and the state's leadership has not been strong advocates for opening more charter schools.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	The new North Carolina Charter Schools Advisory Board, a quasi-independent board with strong ties to the state department of education, reviews applications and makes recommendations to the State Board of Education, who makes the final decision.
APPEAL	None
OPERATIONAL AUTONOMY	
STATE	Yes. Charters do receive a blanket waiver from most state rules and regulations governing traditional public schools. Virtual schools are allowed and recently two pilot programs were approved. Management contracts with ESPs are not restricted, but the application does require evidence of student performance, governance stability and financial viability in addition to discussing potential conflicts of interest.
LOCAL	Limited. School boards impose various requirements, but by law charters are seen as fiscally and legally autonomous entities, and are exempt from many local rules and regulations.
TEACHER FREEDOM	Yes. Teachers are exempt from district work rules and negotiated agreements. Teachers have the option to participate in the state retirement system but it is not a requirement.
NUMBER OF SCHOOLS ALLOWED	
CAP	There is no legal limit on the number of charter schools that may be approved.

NORTH CAROLINA

(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the state and district. Funding allocation is supposed to be equal to the average per-pupil allocation for average daily membership from the local district where the charter is located, with an additional sum for students with special needs or ELL, but local funds have often been withheld. There is an application fee for initial and renewal charter applications, which has to be at least $500. "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-218.105]
FACILITIES FUNDS	No Additional Funds.
IMPLEMENTATION POINTS	
- 2	Two points are deducted because the Charter Advisory Board, due to politics and in-fighting, have hindered the approval and opening of charter schools with the lowest approval rate in years.

LINK TO THE NORTH CAROLINA CHARTER SCHOOL LAW

OHIO

(Law passed in 1997; 14th strongest of the nation's 43 charter laws)

As a politically reactionary response to several studies that questioned the performance of Ohio's charter schools and the accountability of its authorizers, we expect significant legislative activity in 2015 to "correct" the past. Well-intentioned legislation already introduced outlines what would be a comprehensive overhaul of most aspects of the state's charter law but falls short of addressing what has really plagued the Buckeye State's charter sector. Allowing all types of charter schools, brick-and-mortar and online, to open across the state without geographic restrictions, and improving charter funding, would go a long way in improving Ohio's ranking.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (4)	
APPROVAL	School boards including boards of joint vocational districts, boards of educational service centers; state universities and nonprofit entities as approved by the Ohio Department of Education; and the Department of Education itself. School boards can only serve as sponsors in "challenged" districts - those rated in the lowest five percent by the state's academic index or the Big 8 Districts. There are currently 39 "challenged" districts. All authorizers must apply to the State Board of Education for approval to serve as an authorizer if it is not currently an authorizer.
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, but applications must be approved by the authorizer and the state superintendent of instruction (rules do not apply to brick-and-mortar schools). Management contracts with ESPs are not restricted. The Ohio Department of Education can close a charter school if it has been labeled "academically failing" for two out of three years, or close an authorizer if it has authorized too many failing schools.
LOCAL	Yes, the blanket waiver also applies to district rules and regulations. Charters do follow any rules imposed by their sponsors. Under state law, the charter is the LEA for special education.
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 a majority of teachers petition to work independently or form their own unit. Conversions sponsored by the state are not subject to collective bargaining if 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, which are those districts in the lowest five percent academically, the "Big 8" Districts, and those within the former Lucas County area. There is no cap on the number of schools in these districts. Conversion charter schools can open across the state. 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. Only five virtual schools can open each year and there is an enrollment cap – a virtual school can't enroll more students than its enrollment limit, and the base enrollment is currently their enrollment number from the 2012 school year. For new schools, the base enrollment is 1,000. There are enrollment growth limits depending on the size of the virtual school – 15 percent for those with an enrollment over 3,000 and 25 percent for those under 3,000 students.
EQUITY	
STUDENT FUNDING	Funds pass through state. The funding formula is based on full-time enrollment plus adjustments for special education, career-technical categories, economically disadvantaged, etc. Funding formula intended but often fails to distribute money to charters equitably. State does not enforce equitable funding as outlined in the law. For example, transportation, while provided for in law, is not usually delivered. An authorizer fee must not exceed three percent. "C)(1) Except as provided in division (C)(2) of this section, and subject to divisions (C)(3), (4), (5), (6), and (7) of this section, on a full-time equivalency basis, for each student enrolled in a community school established under this chapter, the department of education annually shall deduct from the state education aid of a student's resident district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code and pay to the community school the sum of the following: (a) An opportunity grant in an amount equal to the formula amount; (b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25; (c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code" Ohio Rev. Code Ann. § 3314.08 (West).
FACILITIES FUNDS	Brick-and-mortar schools receive $100 per-pupil facilities funding. There are two other programs – a Community Schools Facilities Guaranteed Loan Program and a revolving loan program – but the state is funding neither. Ohio Rev. Code Ann. § 3314.08 (West).

LINK TO THE OHIO CHARTER SCHOOL LAW

OKLAHOMA

(Law passed in 1999; 22nd strongest of the nation's 43 charter laws)

Oklahoma has made some improvements to its charter school law, but it still has a long way to go to be considered one of the best. The Sooner State has added university authorizers, virtual charter schools, and a blanket waiver, although inequitable funding and a cap on where charters can open continue to be problematic for growth.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (5)	
APPROVAL	School boards and technology center school districts in certain locations and schools that are members of the Oklahoma state system of higher education can serve as authorizers. A federally recognized Indian tribe can open a charter if it offers native language immersion and is located on a reservation or within treaty boundaries. The state board can sponsor two charters operated by the Office of Juvenile Affairs. The state virtual charter school board can only open full-time statewide virtual schools.
APPEAL	If a second attempt at approval is denied, applicant may proceed to mediation and/or binding arbitration. Decisions by the state virtual charter school board may be appealed to the state.
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. The blanket waiver applies to some local education rules and regulations. Charters are their own LEAs for the purpose of special education.
TEACHER FREEDOM	Yes. Teachers are exempt from district work rules and collective bargaining agreements. Charter school employees have the option to 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.) Charters are also unlimited in districts with a school on the school improvement list (currently 21 of 521 districts.)

OKLAHOMA
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the district for locally-approved charters. Charters receive funds from the same state aid funding formula as conventional schools. Law grants authority to the state to determine local funding policy (local funding not guaranteed by law), so large inequities are often present. All authorizers may deduct up to five percent administrative fees from the school's state aid allocation. "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)]
FACILITIES FUNDS	Yes. The charter school 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. Charters also have access to the State Public Common School Building Equalization Fund, which gives funds for buildings, provided schools fulfill certain obligations like securing matching funds. Grants could be as high as $4 million. [70 Okl. St. § 3-144]

LINK TO THE OKLAHOMA CHARTER SCHOOL LAW

OREGON

(Law passed in 1999; 18th weakest of the nation's 43 charter laws)

Oregon has a weaker charter school law, largely because only school boards are allowed to authorize schools. Although the school boards have been active in their approval of schools totaling 125, the funding for charter school students is far from equitable as districts can take up to 20 percent of their funding in fees. The freedom of charter schools is limited because while they do receive a blanket waiver from most rules and regulations, there are restrictions on online/blended schools and district boards maintain power.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	School boards are the only authorizers in the state.
APPEAL	Yes. Applications that are denied by the school board may be appealed to the State Board of Education or a college or university, which may become the sponsor of the application if it is approved.
OPERATIONAL AUTONOMY	
STATE	Yes. Charters do receive a blanket waiver from most traditional public school rules and regulations. Virtual schools are allowed but there are operational restrictions. Management contracts with for-profit ESPs have additional regulations that contracts with nonprofit organizations do not.
LOCAL	Limited. Charters do receive a waiver from some local rules and regulations, but school boards still have some discretion regarding funding and special education, for example.
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 cap on the number of charter schools that can open. For online schools, no more than three percent of a district's students can enroll in a virtual school not sponsored by their district without permission from their home district. A state appeal is possible if the district rejects the permission.

EQUITY	
STUDENT FUNDING	Funds pass through the school district. Per-pupil funding is 80 percent of the weighted average daily maintenance formula for students in K-8 and 95 percent of the formula for students in grades 9-12. This formula assumes a charter serves the same percentage of low-income students as the district, which often results in inequity. Special education funds are given to the school district and the law sets a minimum percentage that districts must give to charters. Authorizers can retain up to 20 percent of funding for "administrative" fees, which results in a huge funding disparity between charter schools and traditional public schools. "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)]
FACILITIES FUNDS	No Additional Funds.

LINK TO THE OREGON CHARTER SCHOOL LAW

PENNSYLVANIA

(Law passed in 1997; 18th strongest of the nation's 43 charter laws)

Pennsylvania lawmakers have been engaged – unsuccessfully – for more than four years in an effort to improve and expand the state's charter law to allow for independent and multiple authorizers, since many school districts oppose charters and withhold needed resources as a condition of their oversight. The law has little hope of improving in the near future with the election of a new governor who has repeatedly opposed school choice. The School Reform Commission of Philadelphia, for the first time in seven years, was forced to accept and approve charter applications. Thirty-nine applied and only five were approved in early 2015. Yet 40,000 students remain on waiting lists in just that city alone.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (2)	
APPROVAL	School boards, two or more school boards can authorize regional charters, and the Pennsylvania Department of Education act as authorizers in the state. Virtual charter schools can only apply to the 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 (except for the SRC) may be appealed to the state Charter Schools Appeals Board and its decision is binding.
OPERATIONAL AUTONOMY	
STATE	Yes. Charter schools do receive a blanket waiver from most traditional public school rules and regulations. However, over time the state has begun imposing new, non-statutory requirements. Virtual schools are allowed. Management contracts with ESPs are not restricted and the law is silent regarding any arrangements between them and the charter schools.
LOCAL	Yes. Charter schools do receive a blanket waiver from most district rules and regulations, except for those explicitly for charter schools. However, additional restrictions and red tape are often imposed on charter schools. Charter schools are considered an LEA for special education purposes.
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 the number of schools that may be approved. This year, for the first time in seven years, Philadelphia approved applications, although they only approved five out of 39.

PENNSYLVANIA

(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the district. Charter funding is calculated based on the average district per-pupil budgeted expenditure of the previous school year. The funding is inequitable because it is based on expenditure calculations made by the individual districts. The state can intervene if districts are not making scheduled payments to the charter schools. Charters do not receive the same in categorical federal funding as traditional public schools. "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	The department of education calculates a reimbursable annual rental charge for charters leasing a building or part of a building as part of the Charter School Lease Reimbursement Program. It's calculated by the lesser of the annual rental cost payable under the lease agreement or the product of the charter enrollment times a specific amount ($160 for elementary, $220 for secondary, $270 for vocational). 24 Pa. Cons. Stat. Ann. § 25-2574.3 (West).

IMPLEMENTATION POINTS	
- 1	One point is deducted because Philadelphia has refused to authorize new charters even with the parental demand, and to permit charter growth through expansions and turnarounds only.

LINK TO THE PENNSYLVANIA CHARTER SCHOOL LAW

RHODE ISLAND

(Law passed in 1995; 11th weakest of the nation's 43 charter laws)

D

Rhode Island has a very weak charter law across the board. Only the state can approve charter schools, there is a cap on the number of charters that can be opened, and charters that do open are given little freedom to determine how to operate or to manage their teachers.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	The State Board of Regents is the sole authorizer in the state, after the local school committee has approved the charter or the state Commissioner of Elementary and Secondary Education. There are three types of charter schools: independent charters (those first approved by the commissioner), district charters (those first approved by local school committee) and mayoral academies.
APPEAL	None
OPERATIONAL AUTONOMY	
STATE	No. Waiver requests from state rules and regulations are considered on a case-by-case basis. Virtual schools are not allowed. Contracts or ESP partnerships are limited to nonprofit companies and charters can only contract with them for specific services such as book purchasing, materials and other goods and services not provided by the district. Charter schools must disclose past academic success, conflicts of interest, compensation and evaluation measures with the chosen ESP in their application.
LOCAL	No. Waiver requests from district rules are considered on a case-by-case basis, and district schools have the least amount of freedoms. Fiscal autonomy is subject to district terms. Mayoral academies have more freedoms than other charter schools regarding personnel.
TEACHER FREEDOM	Limited. District charter schools are bound by district collective bargaining agreements unless variances are approved. Independent charters and mayoral academies are exempt from district bargaining agreements, although they must identify these exemptions in their application. Mayoral academy employees are the only teachers that are exempt from mandatory participation in retirement system.
NUMBER OF SCHOOLS ALLOWED	
CAP	Yes. 35 charters are allowed in the state and half must be reserved for at-risk students.

RHODE ISLAND
(Continued)

D

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, and is supposed to fund charters at 100 percent of traditional public school funding by the end of the seven-year policy rollout. Local monies will come direct from the district. State deducts five percent from the state revenue 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). R.I. Gen. Laws Ann. § 16-77.3-5 (West).
FACILITIES FUNDS	Charter schools not sponsored by a school district may apply for a 30 percent reimbursement of school housing costs from the state. R.I. Gen. Laws Ann. § 16-77.1-5 (West).

LINK TO THE RHODE ISLAND CHARTER SCHOOL LAW

SOUTH CAROLINA

(Law passed in 1996; 8th strongest of the nation's 43 charter laws)

Slowly but surely, South Carolina continues to improve its charter law year by year. Although universities have been slow to approve schools, this needed alternative is finally on the books. In the past, the largest issue in the Palmetto State was inequitable funding for charters not authorized by school boards since those charters do not receive local funds. That has been largely remedied as the state budget has included additional funds for those schools, thereby putting them on nearly equitable footing with district charter schools.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (3)	
APPROVAL	School boards, public or private two- or four-year colleges and universities that must register with the State Department of Education if they want to serve as authorizers, and the South Carolina Public Charter School District (SCPCSD), a statewide district, can serve as authorizers. One university is currently in the process of opening their first school. Conversion schools can only apply to school boards directly.
APPEAL	Yes. Applications denied by an authorizer may be appealed to the Administrative Law Courts.
OPERATIONAL AUTONOMY	
STATE	Yes. Charters receive a blanket waiver from most traditional public school state rules and regulations, although a charter school could comply with some of the regulations if they choose. Virtual schools are allowed. Management contracts with ESPs are not restricted.
LOCAL	Yes. Charters do receive a blanket waiver from most district rules and regulations applicable to traditional public schools however, some language in the law permits the district to have control over employment and dismissal of teachers at conversion charters (there are three conversion schools in the state). Local program funding often carries operational restrictions. The authorizer is the LEA and the charter school is within that LEA.
TEACHER FREEDOM	Yes for new-start charter schools, teachers are exempt from district work rules and negotiated agreements unless otherwise agreed to in district-awarded charter. No for conversion charter schools; 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.

SOUTH CAROLINA

(Continued)

EQUITY

STUDENT FUNDING	All funds pass through the district for charters sponsored by them. SCPCSD-authorized and university-authorized schools receive state funds directly from them. Schools under these authorizers do not receive local funding, but do receive additional money on top of the base student cost per student, which is approximately $3,600 per student and $1,900 per virtual student, which has helped close the funding gap between district charters and charters authorized by the SCPCSD. This money is a line item in the budget and it is not part of South Carolina code. Authorizers distribute the proportionate federal funds to charter schools. Only the SCPCSD can retain no more than two percent for administrative fees. "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	There is a Charter School Facility Revolving Loan Program, and in 2014, $500,000 was provided to the program. S.C. Code Ann. § 59-40-175

LINK TO THE SOUTH CAROLINA CHARTER SCHOOL LAW

TENNESSEE

(Law passed in 2002; 20th strongest of the nation's 43 charter laws)

In 2014, legislation was passed creating a much-needed binding appeal to the State Board of Education for when districts like Nashville Public Schools refuse to comply with a state board ruling. Codifying the state board on appeal was a major step forward in a state that has approached charter schooling incrementally despite tremendous parent demand. Thanks in large part by its leadership and not necessarily in law, there has been significant activity by the Achievement School District (ASD) to take over failing schools and turn them over to charters. Limitations do remain on a charter's ability to contract for management/curriculum services like all other public schools in the Volunteer State enjoy.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (2)	
APPROVAL	School boards and the Achievement School District (ASD) are authorizers. The ASD is similar to the Recovery School District (RSD), where charter applications can be submitted for schools in areas of the state with a demonstrated history of failing schools.
APPEAL	Yes. Applications denied by a local board may be appealed to the State Board of Education. The state board's decision is binding.
OPERATIONAL AUTONOMY	
STATE	No. Charter schools do not receive a blanket waiver from most public school rules and regulations. Schools must apply to the state commissioner for waivers and they are considered on a case-by-case basis. Virtual schools are not allowed. Management contracts with education service providers are restricted to only nonprofit organizations. Automatic closure policies were enacted that if a charter performs poorly enough that it could be taken over by the ASD, then the school is automatically closed.
LOCAL	No. Waiver requests from local rules and regulations are considered on a case-by-case basis. Districts can reject charter applications for having a "negative fiscal impact", which has nothing to do with the merit of the application or the need for the charter school.
TEACHER FREEDOM	Yes. Teachers may form a bargaining unit, be represented by the local bargaining unit or work independently with a charter school governing body unless otherwise specified by the charter. Charter schools are required to participate in the state retirement systems.
NUMBER OF SCHOOLS ALLOWED	
CAP	No legal limit on number of schools that may be approved.

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. Funds pass through the district. The funding allocated to a charter school is equal to the per-pupil state and local funds received by the district and all appropriate allocations under federal law. The state department of education enacts rules and regulations to determine the allocation of state and local funds based on some minimum criteria. For charters authorized by the state, funding is the same except the LEA pays the department 100 percent of the per-pupil share of state, local and federal funding for the charter and the LEA will give the money directly to the charter. LEAs can charge charter school applicants up to $500 per application. "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, including, but not limited to, Title I and ESEA funds. The allocation shall be in accordance with rules and regulations promulgated by the department of education. Each LEA shall include as part of its budget submitted pursuant to § 49-2-203, the per pupil amount of local money it will pass through to charter schools during the upcoming school year...All funds received by a charter school shall be spent according to the budget submitted or as otherwise revised by the public charter school governing body, subject to the requirements of state and federal law. At the request of the charter school governing body, a local board of education may act as fiscal agent for a public charter school in accordance with the charter agreement and applicable state and federal law. [Tenn. Code Ann. § 49-13-112]
FACILITIES FUNDS	Capital outlay funding based on prior year average daily membership under the basic education program to be used solely for charter facilities. Some LEAs may match funding. State portion is between approximately $215 and $315 per student. Tenn. Code Ann. § 49-13-112 (West).

LINK TO THE TENNESSEE CHARTER SCHOOL LAW

TEXAS

(Law passed in 1995; 19th weakest of the nation's 43 charter laws)

Some improvements over the last couple of years have been made, including slowly expanding the school cap to 305 by 2019 and giving charters facilities funds or unused space. However a full overhaul, especially one that adds university or independent authorizers, would greatly improve the charter school environment in the state. Also, an automatic closure law that was enacted to close under-performing charter schools has been taken advantage of by the state, revoking almost as many charters in one year as they had in all previous years combined. While performance-based accountability is the hallmark of charters, the auto-closure law has resulted in some unintended closures without due process.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (2)	
APPROVAL	School boards and the state commissioner of education serve as charter authorizers. The commissioner must notify the state board of education of each charter s/he proposes to grant and the board can overturn with a majority vote.
APPEAL	None
OPERATIONAL AUTONOMY	
STATE	Limited. All types of charter schools are exempt from many rules and regulations governing traditional public schools. Over the years, bills have been passed that have increased the administrative responsibilities of charter schools, forcing them to adhere to state regulations. Virtual schools are allowed. Management contracts with ESPs are not restricted but are highly regulated, and ESPs must meet a lot of requirements to enter into a contract with a charter. The automatic closure law implemented in 2013 had good intentions, but has been used to close schools without proper due process.
LOCAL	Limited. 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 and have a lot less of autonomy.
TEACHER FREEDOM	Texas is an at-will state and collective bargaining is not permitted, with exceptions. Therefore teachers are free from participating in collective bargaining. Open-enrollment charters are exempt from school district personnel policies, but district-authorized charters are not. Charter schools must participate in the state's retirement system.
NUMBER OF SCHOOLS ALLOWED	
CAP	Yes. Cap on open-enrollment charter schools will expand slowly from 215 in 2014 up to 305 in September 2019. There is no cap on open-enrollment charters authorized by school districts (campus charters) or university-partnered charters. Charters focused on dropout recovery and five schools that serve students with disabilities are not counted against the cap. Highly effective open-enrollment charter schools may expand without pre-approval from the Texas Education Agency.

EQUITY	
STUDENT FUNDING	For district charters, funds pass through the district. For open-enrollment charters, funds pass through the state. The law mandates a funding formula for open-enrollment charters and there is no formula outlined in law for district-authorized charters. Open-enrollment charters are entitled to funds from state grants and discretionary funding that are available to school districts. State-authorized charter schools that meet certain financial criteria can apply to have their bonds guaranteed by the Permanent School Fund. "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]
FACILITIES FUNDS	A credit enhancement program has been created by law, but it has yet to be funded. Tex. Educ. Code Ann. § 12.132 (West).
IMPLEMENTATION POINTS	
- 1	The state's lone authorizer, the state, poorly implemented an automatic closure law, adopted in 2013. The TEA could look to SUNY in New York or CMU in Michigan for closure policies that could be applied to ensure full due process in the future.

LINK TO THE TEXAS CHARTER SCHOOL LAW

UTAH

(Law passed in 1998; 10th strongest of the nation's 43 charter laws)

Utah's charter school law is considered strong because it provides nearly equitable funding to charter schools, facilities funding, and a strong authorizing system that includes capable independent bodies such as universities and the semi-independent state charter board. However, enrollment caps imposed by the state board threaten true parent power.

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 can serve as authorizers. Designated 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. Automatic exemptions for a small number of rules and regulations exist, but in most cases, waiver requests are considered on a case-by-case basis. Virtual schools are allowed. Management contracts with education service providers are not restricted in any way. The state charter board can impose additional restrictions, rules and regulations 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. Charter schools are LEAs for the purpose of special education.
TEACHER FREEDOM	Yes. Teachers are exempt from district collective bargaining agreements. Charter schools may opt in or opt out of the state's retirement system.
NUMBER OF SCHOOLS ALLOWED	
CAP	No cap on the number of schools in the state. The state charter school enrollment cap is regulated by the state board and is subject to legislative appropriation of funds. For the 2015-16 school year, an additional 8,450 students were allowed to attend charters over the 2014-15 enrollment of 66,578.

EQUITY	
STUDENT FUNDING	Funds pass through the state. State sends the local share directly to schools after deducting the amount from the total the district receives. The district operating funds fluctuate year to year meaning funding inequity persists. University authorizers can charge up to three percent administrative fees in the first two years of operation. "(b) For the 2013-14 and 2014-15 school years, the number of weighted pupil units assigned to a charter school for the kindergarten and grades 1 through 12 programs of the Basic School Program shall be: (i) based on the higher of: (A) October 1 enrollment in the current school year; or (B) average daily membership in the prior school year plus growth as determined under Section 53A-17a-106; and (ii) weighted as provided in Subsection (3)(c). (c) In distributing funds under Chapter 17a, Minimum School Program Act, to charter schools, charter school pupils shall be weighted, where applicable, as follows: (i) .55 for kindergarten pupils; (ii) .9 for pupils in grades 1 through 6; (iii) .99 for pupils in grades 7 through 8; and (iv) 1.2 for pupils in grades 9 through 12. (4)(a)(i) 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: (A) district per pupil local revenues; or (B) charter school students' average local revenues. (ii) Nothing in this Subsection (4)(a) affects the school bond guarantee program established under Chapter 28, Utah School Bond Guaranty Act. (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 Chapter 17a, Minimum School Program Act; and (ii) remit the money to the student's charter school" Utah Code Ann. § 53A-1a-513 (West).
FACILITIES FUNDS	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 2012, charters received $170 per pupil. There is also a School Building Revolving Account. [Utah Code Ann. §53A-21-401]

LINK TO THE UTAH CHARTER SCHOOL LAW

VIRGINIA

(Law passed in 1998; 2nd weakest of the nation's 43 charter laws)

F

Virginia has continually had one of the weakest charter school laws in the country, allowing all chartering power to rest solely in the hands of school boards. Despite the continued animosity of these boards to charters, the state's elected leaders have failed to make meaningful changes to the charter law, and the results have been very few opportunities in a surprisingly diverse state when it comes to its student population.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	School boards are the only authorizer following the State Board of Education's review and approval of charter school applications. If one or more school boards initiate an application, it can bypass the state board review process.
APPEAL	None
OPERATIONAL AUTONOMY	
STATE	No. Charter schools must ask the State Board of Education for waivers from state rules and regulations. Law does not allow virtual schools. Charters are allowed to contract with management companies without restriction.
LOCAL	No. Charters must request rules and regulation waivers from the local district. Charter schools are run by a management committee (parents, teachers and community representatives) that manages the school to the satisfaction of both the charter applicant and the school board. School boards are in full control of charter school operations. Charter schools remain part of the school district LEA.
TEACHER FREEDOM	No. All employment rules apply unless specified by local board authorizer. 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.

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

WASHINGTON

(Law passed in 2012; 16th weakest of the nation's 43 charter laws)

Colleagues point to Washington as a model law, but after nearly two decades of legislative attempts to bring charters to Washington, a far less than average charter school law was created in 2012. The Evergreen State allows the creation of up to only 40 charter schools over five years. One opened in 2014 with already a troubled history. The law gives authorizing power to a state commission and school boards after applying, but it is still unclear how autonomous charters will be and whether funding will be even close to equitable.

INDEPENDENT OR MULTIPLE AUTHORIZERS – YES (2)	
APPROVAL	The Washington Charter School Commission (a quasi-independent body) can authorize charter schools across the state. Local boards can be authorizers, but only after approval to do so by the State Board of Education.
APPEAL	None.
OPERATIONAL AUTONOMY	
STATE	Yes. Charters do receive a blanket waiver from most rules and regulations governing traditional public schools, however they must comply with any rules made applicable in their charter contract. The Department of Education oversees the charter commission and manages charter processes, adding bureaucracy where it is not needed. Virtual schools are allowed. Management contracts are restricted to only nonprofit ESPs that meet certain criteria and additional information is required to be included in the charter school application about the provider.
LOCAL	Limited. Charters are free from some district rules and regulations, but districts acting as authorizers can specify exemptions, or lack thereof, in their schools' contracts. Charter schools do function as their own LEA according to state law.
TEACHER FREEDOM	Yes. Teachers are not covered by the district bargaining agreement and may negotiate as a separate unit, or work independently. Any bargaining unit established in a charter must be separate from all other units and only include employees of that school. The state statute includes charters as members of relevant state retirement systems as long as their participation does not jeopardize the status of the state's retirement systems. It's unclear if this is mandatory.
NUMBER OF SCHOOLS ALLOWED	
CAP	Yes. Forty schools can be approved during the first five years of the charter school law. No more than eight can be approved annually, and the unused spots can be rolled over to the next year.

EQUITY	
STUDENT FUNDING	Funds pass from the state and district to the school. The law states that per-pupil funding will be calculated from a statewide average of a variety of funding categories (special education, general funding, categorical) for public schools and shall be allocated based on the same funding criteria for traditional public schools. All authorizers can retain a maximum four percent authorizer oversight fee. With only one school open, there is no evidence as to whether or not charters are receiving funding to which they are entitled. "(2) According to the schedule established under RCW 28A.510.250, the superintendent of public instruction shall allocate funding for a charter school including general apportionment, special education, categorical, and other nonbasic education moneys. Allocations must be based on the statewide average staff mix ratio of all noncharter public schools from the prior school year and the school's actual full-time equivalent enrollment. Categorical funding must be allocated to a charter school based on the same funding criteria used for noncharter public schools and the funds must be expended as provided in the charter contract. A charter school is eligible to apply for state grants on the same basis as a school district." Wash. Rev. Code Ann. § 28A.710.220 (West).
FACILITIES FUNDS	Charter schools are eligible for state matching funds for common school construction. Wash. Rev. Code Ann. § 28A.710.230 (West).

LINK TO THE WASHINGTON CHARTER SCHOOL LAW

WISCONSIN

(Law passed in 1993; 15th strongest of the nation's 43 charter laws)

While there are a lot of charters in the state, they are concentrated in Milwaukee because that city has multiple authorizers, where other areas in Wisconsin do not. Governor Walker unsuccessfully attempted to expand authorizing to all four-year state universities but the legislature stripped it from his budget. Until authorizing is expanded statewide, growth will continue to be concentrated in Milwaukee. Funding also continues to be a problem, with charters receiving significantly less and no help with facilities.

INDEPENDENT OR MULTIPLE AUTHORIZERS – (LIMITED)	
APPROVAL	School boards can serve as authorizers in the entire state. In Milwaukee, the City of Milwaukee, the University of Wisconsin-Milwaukee (also an authorizer is any adjacent county to Milwaukee County), and Milwaukee Area Technical College may approve schools. In Racine, the University of Wisconsin-Parkside can authorize one school with not more than 480 students.
APPEAL	Yes. Applications denied by the school board may be appealed to the State Superintendent of Public Instruction, and its decision is binding.
OPERATIONAL AUTONOMY	
STATE	Yes, all charter schools receive a blanket waiver from most state rules and regulations that apply to public schools. Virtual schools are allowed. Management contracts with ESPs are not addressed specifically in the state charter law, but schools are allowed to contract with individuals or groups to operate schools. If the City of Milwaukee contracts with a for-profit ESP to manage a charter school, that school is an "instrumentality" school, meaning the school is under the school board's control.
LOCAL	Yes, charters authorized by any group other than a school board is given a blanket waiver from district rules and regulations. Charters authorized by the district are considered "instrumentality" schools and do not receive waivers from school district regulations, laws or policies. This affects their hiring of personnel, budgeting, and operations of the school.
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 because they are part of the school district, but may organize as separate unit. Only charter school employees that are part of the school district are eligible to participate in the state retirement system.
NUMBER OF SCHOOLS ALLOWED	
CAP	No legal limit on number of schools that may be approved. However, in Milwaukee, there is a cap of eight percent on the percentage of district students that can enroll in non-unionized schools, which includes "non-instrumentality" charters.

WISCONSIN
(Continued)

EQUITY	
STUDENT FUNDING	Funds pass through the authorizer of the charter school, which is usually the local board. The law does not specify how charters authorized by the district are funded, ensuring funding inequity. Charter schools funded by all other authorizers receive per-pupil funding equal to the payment amount of the prior year plus any revenue increase adjustments in the current school year. No discussion of additional funding for special education, low-income, ELL, or other types of students. For the 2014-15 school year, the amount is $8,075 per pupil and 2015-16 will be determined by a new formula. "(e)2m. In the 2013-14 school year, from the appropriation under s. 20.255(2)(fm), the department shall pay to the operator of the charter school an amount equal to $7,925 multiplied by the number of pupils attending the charter school" Wis. Stat. Ann. § 118.40 (West).
FACILITIES FUNDS	No Additional Funds.

LINK TO THE WISCONSIN CHARTER SCHOOL LAW

WYOMING

(Law passed in 1995; 6th weakest of the nation's 43 charter laws)

D

Because only school boards can sponsor charter school applications, there are still, after 20 years, only four quasi-charters operating in the state. Until there are multiple authorizers, or at least a binding appeals process, expect charter growth — and new options for parents and students — to be slow going.

INDEPENDENT OR MULTIPLE AUTHORIZERS – NO	
APPROVAL	School boards are the only authorizer in the state.
APPEAL	No. Applications denied by the school board may be appealed to the State Board of Education for review, but its decision is only binding after the second appeal.
OPERATIONAL AUTONOMY	
STATE	Limited. Waiver requests from rules and regulations are considered on a case-by-case basis. Virtual schools are allowed. Management contracts with ESPs are not restricted, but schools must receive written consent by local board prior to contract agreement.
LOCAL	No. A school district may waive local rules and regulations without seeking approval of the state board, but rarely do so.
TEACHER FREEDOM	No. Teachers remain part of the district and are subject to district work rules, but charters are not bound by collective bargaining 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.

WYOMING
(Continued)

D

EQUITY	
STUDENT FUNDING	Funds pass through the district to the charter school. Funding is inequitable because decisions are left up to the school district to negotiate with the charter school. The law states that charter schools are entitled to 100 percent of the foundation program funding amount computed under state law based "average daily membership" and 100 percent of the charter's proportion of major maintenance payments. However, there is no way to hold districts accountable to this statute. The state has no legal authority over the 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. Ann. § 21-3-314 (West)
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

AND THEN THERE WERE EIGHT...

A majority of the 43 charter school laws that currently exist were created in the mid to late 1990's, after the first charter school law was passed in Minnesota in 1991. Progress in the last decade and a half has substantially slowed.

After years of legislative attempts, the most recent state to pass charter school legislation is Washington in 2012. Today, eight states remain without charter school laws:

Alabama

Kentucky

Montana

Nebraska

North Dakota

South Dakota

Vermont

West Virginia

Every year, these remaining eight try to introduce charter school legislation, and 2015 already appears to be no different, as West Virginia and Alabama are the first of these states to introduce inaugural charter school legislation. However, even if these bills, or a bill in one of the other states was to pass, what is proposed is usually mediocre and would not produce a strong charter school environment.

Charter laws need to be enacted in these remaining states, but it must 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.

APPENDIX B

RESOURCES

The Essential Guide to Charter School Lawmaking: Model Legislation for States
CER has developed a roadmap for policymakers and advocates that focuses on essential elements of charter school law: Independent and Multiple Authorizers, Number of Schools Allowed, Operations, and Quality. This framework is based on 20 years of experience working with charter school leaders, policymakers, and legal experts, and reflects what actually works – and what doesn't – when it comes to ensuring sound charter school policy.

2014 Survey of America's Charter Schools
CER's national overview of the day-to-day operations of charters reveals that charter schools are experiencing stronger parental demand than ever before, with the length of the average waiting list increasing from 233 in 2009 to 277 in 2012.

Charter School Achievement Data
Access to various reports & studies highlighting charter school achievement across the U.S.

Parent Power Index
The Parent Power Index (PPI) measures the ability in each state of a parent to exercise choices – no matter what their income or child's level of academic achievement – engage with their local school and board, and have a voice in the systems that surround their child. The Parent Power Index gives parents an interactive tool to discover whether the state affords them power –and if not, what they can do to get it.

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