



THE Center for Education Reform



CHARTER SCHOOL LAWS ACROSS THE STATES

Rankings and Scorecard

12TH EDITION



EDUCATION REFORM

Today
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2011
CHARTER SCHOOL LAWS
ACROSS THE STATES
Rankings and Scorecard
12TH EDITION

Editor:

Alison Consoletti

** Data and legislation current as of December 1, 2010.*

THANK YOU!

Many people have contributed to this year's *Charter School Laws Across the States, Ranking and Scorecard*.

Our first thank you is to parents. When The Center for Education Reform opened its doors in 1993, we sought to harness the voices of the millions of parents who demanded reform in their children's schools. Many of these parents are now advocates, and they're training younger families across the country to fight for their children's futures, too. We're thankful to these parents for keeping us informed of—and involved in—the challenges they face and the successes they realize.

We also thank the people these parents call each and every day: policymakers. From coast to coast, lawmakers at all levels of government help shape charter school laws. While the lawmakers in states that receive high grades in this year's *Charter Laws Across the States* should be deservedly proud of their rankings, we want to thank the many legislators in states that don't receive high scores—for there are many lawmakers who, despite obstacles and the possibility they won't succeed, go back to the drawing board each year and fight to improve their respective states' laws. To them, we say: perseverance pays off.

This book would not be possible without CER's continuous contact with the 5,400 charter schools across the country, to the members of our *Charter School Leaders Council*, and to the individual charter authorizers across the country who provide the data points that allow us to delve deep into the different aspects of each state's law. Without this information, our evaluations of state laws would be impossible.

The staff of The Center for Education Reform also deserves a hearty “thank you” for their dedication to accuracy, their tireless commitment to tracking and vetting data, and their willingness to look beyond the news headlines and make reasoned evaluations of state laws. To provide any feedback, please e-mail the team at cer@edreform.com.

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

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INTRODUCTION

If you're reading this report, we hope you'll use it as a blueprint to change, improve and strengthen your state's charter school law—or to create a new law if your state does not permit charter schools.

Whether you are a parent, an advocate, or a legislator or governor—your leadership, and your decision to use this report as your guide, matters more in 2011 to the vital cause of education reform *than perhaps any other time in our history*. In 2010, Americans from all states and all walks of life were intrigued by charter schools. In 2011, Americans are demanding action.

For those of us who have been on the front lines of education reform for more than two decades, the public spotlight on charter schools in 2010 was more than welcome. And after fierce battles in many states to pass, protect, and strengthen charter school laws, it seemed that Americans had reached a consensus that charter schools work. From the \$4.3 billion federal Race to the Top spending program, to Hollywood documentaries such as *Waiting for Superman* and *The Lottery*, charter schools have received unprecedented attention.

But the work to create great schools for all parents who want them for their children is far from finished—and in many cases, has barely started. This is why 2011 must be a year of dramatic change—and why your action is vitally needed.

As this year's *Charter Laws Across the States* reveals, neither the nation's heightened awareness of charter schools, nor the promise of federal funding increases, actually yielded widespread changes in state laws. Without changes in state charter school laws, parental demand for charter schools will continue to rise, but new schools will face almost insurmountable obstacles to opening.

As The Center for Education Reform has warned—or prescribed—for years, *charter school laws matter*. States control these laws, and without strong charter school laws, the progress promised in 2010 can never be possible. Without a dramatic strengthening of charter school laws across America—a possibility in January when new legislative sessions commence—there is simply no way to “scale up” the charter school progress highlighted by the media and lawmakers this year.

What makes a good law? A look at some of the nation's most welcoming environments for quality charter schools—the states that receive strong A's in this report, Washington, DC, Minnesota, and California—reveals commonalities:

1. Great charter school laws set charters aside in creation and oversight from the conventional system.
2. Great charter school laws ensure that the same amount of money allotted for one child's education in a state follows that child to the school of choice—entirely.
3. Great charter school laws permit distinct, independent entities to open schools and hold them accountable for both growing those that are great and closing those that are not.
4. Great charter school laws educate children well and add value every year to the learning they receive.

5. Great charter school laws do not require adherence to the same failed layers of oversight and bureaucracy that have hindered progress in our conventional public schools.

This year, while some states made changes to their laws, none were bold or dramatic enough to catapult a state that, in 2010, received a failing or middling grade to receive an A or B this year. Indeed, the same states that received high marks in 2010, do so again in 2011. This is disappointing—especially given the billions of dollars doled out by the federal government for reform purposes—but it is not surprising.

Changing charter school laws, regardless of the public's demand for that change, is an uphill battle—one that is won only after overcoming the forces of the entrenched special interests who seek to maintain a status quo that isn't working for far too many children. If you use *Charter Laws Across the States* as a blueprint for effecting bold change, you will help us match the excitement we saw in 2010 with a new education reform reality in 2011.

Jeanne Allen
President

METHODOLOGY—COMPONENTS OF THE CHARTER RANKING

A numerical value is placed on the four major components of a charter law that have been determined to have the most impact on the development and creation of charter schools. States may earn a maximum of 55 points based on their laws—and practice—in the following areas:

- Independent or multiple authorizers
- Number of schools allowed
- Operational autonomy
- Equity

Definitions

1. Independent or Multiple Authorizers (15 points)

Does the state permit entities other than traditional school boards to create and manage charter schools independently, and does the existence of such a provision actually lead to the active practice of independent authorizing? Authorizers may vary in scope and degree of independence from pre-existing government school structures, and their score reflects such issues. The term “multiple authorizers” is used to describe a component in law that permits authorizing by entities such as universities, new independent state agencies, nonprofit organizations, and/or mayors.

2. Number of Schools Allowed (10 points)

How many charter schools are allowed to open, whether annually, in total throughout the state, or on a local level? Do the caps imposed through charter law hinder the growth and development of the charter school movement in the state? It is not enough to simply have an unlimited provision in a state law regarding the number of charters that can be approved. Delaware, Virginia and Wyoming, by law, allow an unlimited number of schools, but constrain growth in other ways. Restrictions are not only defined by how many schools exist—some states also restrict enrollment by school or even grade, as well as the funds permitted to be spent, to limit charter growth.

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? Early charter laws pioneered a provision known as the “blanket waiver,” which ensures that once opened, charter schools may set their own processes and rules for operations, while still adhering to important regulations concerning standards, safety and civil rights. That freedom to operate, combined with freedom from collective bargaining are considered essential elements.

4. Equity (15 points)

Fiscal equity requires that not only are the amounts of money allotted for each charter student the same, but that charter schools receive monies from the identical streams and routes as other public schools. If the law guarantees that charter schools receive money that is the same amount as 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 were able to earn—or lose—points for accountability and implementation.

CHARTER SCHOOL LAW RANKINGS AND SCORECARD

	A			B									C					
STATE	DC	MN	CA	AZ	MI	CO	NY	IN	MO	FL	UT	PA	LA	DE	GA	WI	MA	OH
Year Law Passed	96	91	92	94	93	93	98	01	98	96	98	97	95	95	93	93	93	97
Multiple Authorizers (15)	12	13	10	8	12	4	12	10	7	3	5	4	4	3	4	3	4	9
Number of Schools Allowed (10)	8	10	9	10	5	10	7	7	6	10	8	10	10	10	10	10	4	2
Operations (15)																		
• State Autonomy	4	3	4	4	3	4	2	3	3	3	2	5	4	3	4	5	3	3
• District Autonomy	5	4	4	4	5	3	3	5	3	3	2	3	3	4	2	3	4	4
• Teacher Freedom	5	5	5	5	3	4	2	3	5	5	5	5	3	5	4	3	3	3
Equity (15)																		
• 100% Funding	10	8	9	6	8	7	7	6	9	7	9	6	5	7	5	4	7	6
• Facilities Funds	3	2	2	1	0	0.5	0	0	0	1	1	0.5	0.5	0	0.5	0	0.5	0
Implementation Points	0	0	0	0	0	1	0	-1	0	0	0	-2	0	-3	-1	0	2	0
2011 Total Score	47	45	43	38	36	33.5	33	33	33	32	32	31.5	29.5	29	28.5	28	27.5	27
2011 Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
2010 Total Score	47	46	43	37.5	35	35	34	35	33	32	39	32.5	29	31	29	28	26.5	26
2010 Rank	1	2	3	5	6	7	9	8	10	12	4	11	15	13	14	16	18	19
Number of Charters as of November 2010	101	161	941	581	299	176	186	62	46	483	83	155	96	20	109	233	66	368

Note: The scores on this table are based on the current status of each law (through December 1, 2010). 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 influencing the effectiveness of their law, recent changes, and the number of schools currently operating. Produced and published by The Center for Education Reform, December 2010.

C								D								F						
NJ	SC	OR	ID	NV	NM	TN	OK	IL	RI	TX	NC	NH	AR	CT	AK	MD	HI	WY	KS	IA	VA	MS
96	96	99	98	97	93	02	99	96	95	95	96	95	95	96	95	03	94	95	94	02	98	10
3	5	3	5	4	4	2	3	2	2	3	3	2	2	2	1	1	2	1	1	1	1	2
10	10	10	4	10	4	5	3	4	4	2	2	5	2	5	10	4	2	10	10	10	10	1
1	4	2	3	2	2	1	2	3	1	2	2	3	1	1	1	1	3	2	0	0	0	1
4	2	1	3	2	3	1	2	2	1	2	3	2	2	2	1	2	2	0	0	0	0	0
3	3	5	5	3	5	5	5	4	2	3	3	5	3	3	0	0	0	0	0	0	0	0
6	3	5	5	8	5	6	5	4	8	7	4	2	5	3	4	5	4	2	0	0	0	0
0	0	0	0	0	1	0.5	0.5	0.5	0	0	0	0	0	0	0	0	0	0	0	0	0	0
0	0	0	0	-4	0	0	0	0	1	0	0	-3	0	-2	-3	0	-1	-5	-3	-3	-3	0
27	27	26	25	25	24	20.5	20.5	19.5	19	19	17	16	15	14	14	13	12	10	8	8	8	4
19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41
27	25	26	25	26	25	18	18.5	19	13	19	17	16	15	12	12	13	11	10	9	2	8	n/a
17	23	20	24	21	22	28	27	26	33	25	29	30	31	35	34	32	36	37	38	40	39	n/a
78	45	109	39	27	82	28	17	99	16	422	104	11	32	22	30	40	32	4	37	9	4	0





ALASKA

(Law passed in 1995; last amended in 2010; 8th weakest of the nation's 41 charter laws)



GENERAL DATA

- Ⓢ Small changes made to the law this year will not help growth
- Ⓢ Fiscal equity is a subjective decision made by school board
- Ⓢ Two-tiered authorization process is cumbersome

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	State Board of Education, with school board's approval.
Appeal	None

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	No. Waiver requests considered on a case-by-case basis by the State Board of Education. Virtual schools are allowed. Education Service Provider (ESPs) contracts subject to negotiation.
Local	No. Charters are considered part of the district and all operational and funding decisions are subject to negotiation.
Teacher Freedom	No. Teachers are covered by the district bargaining agreement unless an exemption is negotiated with their sponsor. Charter schools must participate in state's retirement system.

EQUITY

Student Funding*	<ul style="list-style-type: none">• School board provides the charter with their annual budget, deducts any operational expenses and sets their own administrative costs.• Funds pass through the district. <p>“A local school board shall provide an approved charter school with an annual program budget. The budget shall be not less than the amount generated by the students enrolled in the charter school less administrative costs retained by the local school district, determined by applying the indirect cost rate approved by the Department of Education and Early Development. The ‘amount generated by students enrolled in the charter school’ is to be determined in the same manner as it would be for a student enrolled in another public school in that school district.” [AK Stat. § 14.03.260]</p>
Facilities Funds	Yes. School facilities construction, lease and major projects grant aid program—dependent on state appropriations. [AK Stat. §14.03.290]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



ARIZONA

(Law passed in 1994; last amended in 2008; 4th strongest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ High degree of freedom offered to charters
- Ⓢ Independent authorizer is leader in growing and supporting schools
- Ⓢ Persistent funding inequities have resulted in various lawsuits, the last one filed in 2009 and signed onto by charter and conventional public school leaders

MULTIPLE AUTHORIZERS—YES (4)

Approval	School boards or the State Board for Charter Schools, an independent board. In 2010, public universities and community colleges with at least 15,000 students enrolled were given the power to authorize. State Department of Education may approve applications, but has chosen not to approve any since 2003.
Appeal	None. The only course of action is to revise the application and submit it for reconsideration.

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	Yes. Blanket waiver from most rules and regulations. Virtual schools are allowed. Management contracts with ESPs are not restricted.
Local	Limited. Charters are included in district's budget and fiscal autonomy depends on the control of district.
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 state's retirement system.

ARIZONA

continued

EQUITY

Student Funding*

- Funding is not equitable for charters because some categories used to calculate funds for conventional schools are not used.
- For charters authorized by school boards, funds pass through the district. For all others, funds pass through the state.

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

Facilities Funds

Yes. Charter schools receive equalization assistance to help with facilities and other overhead costs. Charters receive \$1,474 per pupil for students in kindergarten through eighth grade and \$1,718 per pupil for students in grades nine through twelve.
[AZ Stat. 15-185(B)4]

** Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.*



ARKANSAS

(Law passed in 1995; last amended in 2010; 10th weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Cumbersome approval system has made growth difficult throughout state
- Ⓢ Pulaski County suing state to prevent new charters from opening in Little Rock
- Ⓢ Equitable funding not guaranteed
- Ⓢ Number of schools allowed very low

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	State Board of Education, with school board's approval.
Appeal	No binding appeal. However, if the school board rejects the application, the charter may continue the process with a written notice of appeal to the state board.

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. 24 new starts. Only one campus per charter contract is allowed, except for KIPP and similar schools with demonstrated success in student achievement gains (and meet other criteria outlined in law), which may apply directly to the state board for additional licenses to open other schools after receiving their initial charter. Unlimited conversion schools.
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OPERATIONAL AUTONOMY

State	No. Waiver requests are considered on a case-by-case basis. The State Board of Education establishes rules and regulations that are not in law. Virtual schools are allowed, although there is a cap on enrollment. Management contracts with ESPs are not mentioned in law. Charter School Review Council was created for additional oversight.
Local	No. Charters are regulated heavily by the school board.
Teacher Freedom	Yes for new starts. Teachers may negotiate as a separate bargaining unit, or work independently. No for conversions. Teachers remain covered by district bargaining agreement, but may request a waiver from certain provisions. Charter schools must participate in state's retirement system.

ARKANSAS

continued

EQUITY

Student Funding*

- Funding determined separately in annual state appropriations.
- For new starts, funds pass through the state and for conversion schools, funds pass through the district.

“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 pursuant to rules promulgated by the State Board of Education. (2) Funding for an open-enrollment public charter school shall be based upon the current year three-quarter average daily membership of the open-enrollment public charter school as follows: (A) The initial funding estimate for each school year shall be based on enrollment as of July 30 preceding the school year in which the students are to attend; (B) In December, funding will be adjusted based on the first-quarter average daily membership. (b) An open-enrollment public charter school may receive any state and federal aids, grants, and revenue as may be provided by law.”
[A.C.A. 6-23-501(et al)]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



CALIFORNIA

(Law passed in 1992; last amended in 2010; 3rd strongest of the nation's 41 charter laws)

GENERAL DATA

- ☉ State has most charter schools in the nation because of consistent improvements to law
- ☉ High-performing charters may get direct state approval to replicate
- ☉ Highly equitable funding measures, although continued struggle for facilities
- ☉ New “parent trigger” law allows parents to petition to convert their failing school into a charter school

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

Approval	School boards. The State Board of Education can authorize charters if applications meet certain criteria. A state charter school application, which operates multiple campuses throughout the state, may be submitted directly to the state board for approval. High Tech High and Aspire Schools are examples of state charter schools that were given permission to open multiple campuses across California.
Appeal	Yes. Applications that are denied by the school board may be appealed to the county board of education or the State Board of Education. Decisions by the state board are subject to judicial review, and the board that ultimately approves the application becomes the school's sponsor.

NUMBER OF SCHOOLS ALLOWED

Cap	100 additional charters each year and unused charters roll over to the following year.
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OPERATIONAL AUTONOMY

State	Yes. Blanket waiver from most state and district regulations. Charters must submit annually a preliminary budget, two interim audits, a final audit, and various other financials. Virtual schools are allowed. Management contracts with ESPs are not restricted.
Local	Yes. Blanket waiver applies to local regulations. Fiscal autonomy is negotiated with the district 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 teacher's retirement system, all qualified employees shall be covered.

CALIFORNIA

continued

EQUITY

Student Funding*

- Charters receive per pupil funding and additional categorical grants and funds from property taxes, state aid and lottery funds.
- Virtual schools receive base funding from a formula, which is less than conventional schools.
- Funds pass through the district

“If an elementary school petitions either the governing board of the local school district or the State Board of Education to become a charter school, as specified in Section 47621 or 47622, that school shall receive state apportionments equal to the statewide average revenue limit for elementary schools plus funding as specified in paragraphs (2) and (3) of subdivision (a) of Section 47612. The superintendent shall annually compute the statewide average amount of general-purpose funding per unit of average daily attendance received by school districts for each of four grade level ranges. The superintendent shall apportion to each charter school this amount, less local funds allocated to the charter school pursuant to Section 47635. The State Board of Education shall adopt regulations setting forth criteria for the determination of funding for nonclassroom-based instruction.” [Cal Ed Code § 47623, 47634.1(c) and 47607(b)]

Facilities Funds

Yes

- Proposition 39—School districts are required to provide equivalent facilities to charter schools.
- Propositions 1 and 47—Charters may access facility funding directly from the state or through their school district.
- The Charter School Revolving Loan Fund provides low-interest loans to new charter schools for facilities and other purposes. [Cal Ed Code § 41365]
- The Charter School Facility Grant Program provides assistance with facilities, rent and lease costs for charter schools. Eligible schools can receive up to \$750 per unit of average daily attendance. [Cal Ed Code § 47614.5]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



COLORADO

(Law passed in 1993; last amended in 2008; 6th strongest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Independent authorizer limited in approval authority
- Ⓢ Funding is not 100 percent guaranteed, but facilities assistance helps bridge the gap
- Ⓢ Autonomous charter schools are held accountable
- Ⓢ Denver Public Schools has a thriving, successful charter environment

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

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

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

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

COLORADO

continued

EQUITY

Student Funding*

- At least 95 percent of the average per pupil revenue follows students. In districts of 500 or fewer students, only 85 percent of the district per pupil revenue is guaranteed.
- Additional funding is negotiated with school sponsor.
- For district approved schools, funds pass through district. For CCSI sponsored schools, funds pass through the state.

“...each charter school and the chartering school district shall negotiate funding under the contract. 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.” [C.R.S. 22-30.5-112(2)(a)(III)]

Facilities Funds

Yes. The Charter School Facilities Financing Act requires a portion of funds (currently \$5 million) to be distributed to charters for use in funding capital construction. Funding is currently only \$98 per pupil. [C.R.S. 22-30.5-401]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



CONNECTICUT

(Law passed in 1996; last amended in 2010; 9th weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ State board exerts strong control over charter operations
- Ⓢ Cap on schools eliminated in 2010, but it's not likely more schools will open
- Ⓢ Funding based on unpredictable annual state appropriation

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	State Board of Education for all charters (state and local). School boards approve local charters (of which there are none).
Appeal	None

NUMBER OF SCHOOLS ALLOWED

Cap	No school cap. 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 can request a waiver from the enrollment cap.
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OPERATIONAL AUTONOMY

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

CONNECTICUT

continued

EQUITY

Student Funding*

- State legislature sets annual appropriation rather than allow the same funding to follow students.
- Schools do not receive other types of monies.
- For state authorized charters, funds pass through state and for district authorized schools, funds pass through district.

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

Facilities Funds

None

** Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.*



DISTRICT OF COLUMBIA

(Law passed in 1996; last amended in 2008; the strongest of the nation's 41 charter laws)

GENERAL DATA

- ☉ Law provides maximum independence and flexibility to charters
- ☉ New mayor has begun to restore charter facility funding to conventional school levels
- ☉ Strong independent authorizer holds charter schools accountable to performance and management goals

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES

Approval	The DC Public Charter School Board is currently the only authorizer. Law permits the DC Board of Education to authorize, but they relinquished their authority in 2006 and now operate as a state education agency. The DC City Council may designate an additional entity by enactment of a bill.
Appeal	None

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. Up to 20 charter schools per year may be authorized.
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OPERATIONAL AUTONOMY

State	Yes. Blanket waiver from all public school rules and regulations. Virtual schools are not allowed. Management contracts with ESPs are not restricted.
Local	Yes. Charters have almost full control over budgeting, operations and personnel.
Teacher Freedom	Yes. Teachers may negotiate as a separate unit with charter school governing body or work independently. A public charter school may establish a retirement system for employees or educators may choose to stay within the parameters of the DC government retirement system.

EQUITY

Student Funding*	<ul style="list-style-type: none"> • Public charter schools are funded equitably through the same formula and from the same streams that fund the traditional public school system in the District. • Funds pass through the district. <p>“The DC Council in 1998 passed the Uniform Per Student Funding Formula for Public School and Public Charter Schools Act, which is the foundation of the funding formulas. The Act provides a foundation amount that increases annually to account for inflation, plus additional amounts depending on grade levels, limited English proficiency, summer school, special education and residential schools.” [D.C. Official Code § 38-2901 to 2912]</p>
Facilities Funds	Yes. Charter schools receive a facilities allowance of \$3,000 per pupil. There is also a credit enhancement fund and a direct loan fund for construction, purchase, renovation or maintenance of facilities. [D.C. Official Code § 38-2908]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

DELAWARE

(Law passed in 1995; last amended in 2008; 14th strongest of the nation's 41 charter laws)

C

GENERAL DATA

- ☉ Law offers many opportunities but hostile school boards discourage applicants
- ☉ State board moratoriums over time have hindered growth
- ☉ No facilities funding makes it very difficult for charter schools to succeed

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

Approval	School boards or the State Department of Education.
Appeal	None

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	Yes. Blanket waiver from most rules and regulations. The Department of Education has the authority to create additional rules and regulations at will. Virtual schools are not allowed. Management contracts with ESPs are not restricted.
Local	Limited. School district has some control over a charter's budget and funding decisions.
Teacher Freedom	Yes. Teachers are not covered by the district bargaining agreement and may negotiate as a separate unit or work independently. A charter school may choose to be covered by the state retirement system or choose another retirement system in lieu of the state system.

EQUITY

Student Funding*	<ul style="list-style-type: none">• State monies based on unit funding formula and local funding amount based on previous year per pupil expenditure (in students' district of residence).• Districts do not always pass full funding to the charter.• Funds pass from state and district to school. <p>“Charter schools shall be eligible for public funds under procedures established by this section. Notwithstanding that this Code may establish procedures for the funding of a public school choice program and that such program may include charter schools among those schools which students may choose, funding for charter schools shall be as provided in this section.” [14 Del. C. § 509.]</p>
Facilities Funds	None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



FLORIDA

(Law passed in 1996; last amended in 2008; 10th strongest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Steady growth despite increased state regulations, including class size requirements
- Ⓢ Approval limited to school boards due to unchallenged lawsuit eliminating an independent authorizer
- Ⓢ Funding is complicated and inadequate
- Ⓢ School districts retain large amounts of charter funds and continue to challenge their authority

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	School boards (In December 2008, the state's First District Court of Appeals ruled the Florida Schools of Excellence Commission, an independent authorizer, unconstitutional. The state did not appeal the ruling despite legal opinions supporting its constitutionality and it ceased operations.)
Appeal	Yes. Applications denied by the school board may be appealed to the State Board of Education whose decision is binding.

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	Yes. Blanket waiver from state and local rules and regulations. 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.
Local	Yes. Charter schools are exempt from most local school rules and regulations with certain exceptions as prescribed by the district.
Teacher Freedom	Yes. Teachers choose to remain covered by district bargaining agreement, negotiate as a separate unit, or work independently. Teachers on approved leaves of absence must participate in state's retirement system.

FLORIDA

continued

EQUITY

Student Funding*

- Funding for charter schools follows same formula used for all other public schools minus administrative fees retained by school boards.
- Funds pass through the district.

“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.” [Fla. Stat. § 1002.33(17)(b)]

Facilities Funds

Yes. The state has appropriated \$57 million in its capital outlay program for per pupil facilities funding, which may be used for purchasing, construction, or maintenance of facilities. It is limited to charters that meet certain criteria, including: operation for at least three years, accredited by the Southern Association of Colleges and Schools, financially and academically stable, and is an expanded feeder chain or charter within the same district (meaning an elementary charter serves a middle school which serves a high school charter.) Charters receive between \$500 and \$750 per pupil. [Fla. Stat. § 1013.62(e)]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



GEORGIA

(Law passed in 1993; last amended in 2008; 15th strongest of the nation’s 41 charter laws)

GENERAL DATA

- Ⓢ “Independent authorizer” is only semi-autonomous, operating through the state education agency
- Ⓢ Hostile school boards filed a lawsuit accusing the Commission and charter funding as unconstitutional—decision is pending
- Ⓢ Funding varies based on the authorizer; local boards have control over monies

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (3)

Approval School boards, and the Georgia Charter Schools Commission, a quasi-independent board. (The Commission operates through the state education agency and relies on it for staffing and funding.) The State Board of Education may approve the state chartered special schools (in the event that a school district rejects the initial charter application).

Appeal Yes. The State Board of Education may grant appeals and become the sponsor for schools rejected by the Georgia Charter Schools Commission. The State Board of Education may approve a charter application to be a state chartered special school after being denied by the school board.

NUMBER OF SCHOOLS ALLOWED

Cap No cap

OPERATIONAL AUTONOMY

State Yes. Blanket waiver from all state and local rules and regulations. Virtual schools are allowed. Management contracts with ESPs are not restricted.

Local Yes. Charter schools may be exempt from some district rules. However, districts subject charters to extensive control and oversight including over funding.

Teacher Freedom Yes. Charter schools are exempt from collective bargaining. All charters are required to participate in and pay to be covered by the state retirement system.

EQUITY

Student Funding*

- State's basic funding formula (QBE) applies to all charters—each type of charter is funded differently.
- School districts dictate funding for locally approved charter schools, often resulting in inequities.
- State chartered special schools receive only state and federal funds unless approved by local referendum.
- Funding for virtual schools is so low that the schools approved were unable to open.
- For district charters, funds pass through the district. For all other schools, funds pass through the state.

“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

Yes. Competitive need-based per-pupil facilities grant program. Approximately 23 charters received funds. [O.C.G.A. § 20-2-2068.2]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



HAWAII

(Law passed in 1994; last amended in 2010; 6th weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Hawaii charter schools struggle to open and have few freedoms
- Ⓢ Inequitable funding and no guarantee of annual support
- Ⓢ No renewal process or accountability plan addressed in the law

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	Charter School Review Panel makes recommendations to the State Board of Education.
Appeal	Yes. Applications denied by the Charter School Review Panel may be appealed to the State Board of Education.

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. 25 conversions. One new school may be authorized for every new start that has its charter revoked or three new schools may be authorized for every one that has been accredited for three years or longer by an education accreditation authority.
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OPERATIONAL AUTONOMY

State	Yes. Blanket waiver from most state rules and regulations. Virtual schools are allowed. Management contracts with ESPs restricted to nonprofits.
Local	Limited. The school board is responsible for the finances, operations, academics, and management of the school.
Teacher Freedom	No. Teachers remain covered by district bargaining agreement. Charter schools must participate in state's retirement system.

HAWAII

continued

EQUITY

Student Funding*

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

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

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



IDAHO

(Law passed in 1998; last amended in 2008; 20th weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Low cap has stunted growth
- Ⓢ Independent authorizer allowed to approve only certain types of schools
- Ⓢ Highly regulatory environment

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

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

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. Only 6 new charters per year statewide may be approved, with only 1 per school district each year not including virtual schools.
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OPERATIONAL AUTONOMY

State	Limited. All rules for charters come directly from the State Board of Education. Virtual schools are allowed. Management contracts with ESPs are not restricted.
Local	Limited. Charters are exempt from most local rules and regulations. Fiscal autonomy depends on the school board.
Teacher Freedom	Yes. Teachers are not covered by district collective bargaining agreement, but are considered a separate unit. Retirement benefits specified in the charter.

EQUITY

Student Funding*

- Similar to other public schools.
- Charters are treated differently if they suffer a large enrollment drop - public schools may receive 99 percent of the previous year's funds, while charters do not and suffer large revenue losses.
- Funds pass through the district.

“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

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



ILLINOIS

(Law passed in 1996; last amended in 2009; 15th weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Mostly a Chicago movement—downstate school boards are hostile
- Ⓢ Legislation to increase cap last year also prevents successful charter schools from opening additional campuses
- Ⓢ Inequitable funding a result of negotiations between district and charter
- Ⓢ Local autonomy is limited

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	School boards
Appeal	Yes. Applications denied by the school board may be appealed to the State Board of Education, which becomes the school's sponsor upon approval.

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. 120 total schools allowed, with a total of 70 now permitted in Chicago (5 of these for dropout recovery) and 45 reserved for the remainder of the state. Charters approved before July 2009 are permitted to open additional campuses, those after may not.
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OPERATIONAL AUTONOMY

State	Yes. Charters are exempt from almost all state regulations through a blanket waiver. Virtual schools are allowed. Management contracts with ESPs are not restricted.
Local	Limited. All proposed schools must meet certain guidelines and gather a certain amount of approval from the community to be considered. Charter schools in Chicago have to follow many rules of the city, including teacher certification minimums.
Teacher Freedom	Yes. Teachers are considered employees of the charter school, unless a collective bargaining agreement or charter contract provides otherwise. Charter schools must participate in state's retirement system.

ILLINOIS

continued

EQUITY

Student Funding*

- Charters may receive as little as 75 percent of conventional public school funding.
- Per pupil funding is negotiated with the district and specified in the charter.
- Impact aid reimbursements “reward” districts that lose students – 90 percent in the first year, 65 percent the next year, and 35 percent the third year.
- Funds pass through the district.

“Except for a charter school established by referendum under Section 27A-6.5 [105 ILCS 5/27A-6.5], as part of a charter school contract, the charter school and the local school board shall agree on funding and any services to be provided by the school district to the charter school. Agreed funding that a charter school is to receive from the local school board for a school year shall be paid in equal quarterly installments with the payment of the installment for the first quarter being made not later than July 1, unless the charter establishes a different payment schedule...In no event shall the funding be less than 75% or more than 125% of the school district's per capita student tuition multiplied by the number of students residing in the district who are enrolled in the charter school.” [105 ILCS 5/27A-11(b)]

Facilities Funds

Yes. Charter Schools Revolving Loan Fund provides interest free-loans that cannot exceed \$250 per student. [105 ILCS 5/27-A11.5 (3)]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



INDIANA

(Law passed in 2001; last amended in 2007; 8th strongest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Governor's 2011 education agenda calls for more and improved charters
- Ⓢ Operating charters have many freedoms
- Ⓢ Funding formula is vague

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (3)

Approval	School boards, public state universities, and the mayor of Indianapolis.
Appeal	Yes. If an application is rejected, it may be submitted to another sponsor or the Charter School Review Panel. The Panel may approve the proposal, but cannot act as the sponsor.

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. Unlimited for charters sponsored by school boards. Five per year sponsored by the mayor of Indianapolis (unused charters may be transferred to following year).
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OPERATIONAL AUTONOMY

State	Yes. Charters are exempt from almost all state and district rules. While permitted in the original law, a funding moratorium stunted the creation of virtual schools. Currently, there is a small pilot program with potential to expand. Management contracts with ESPs are not restricted.
Local	Yes. A blanket waiver also exempts charters from local district regulations.
Teacher Freedom	Yes for new starts. Teachers may organize as a separate bargaining unit. No for conversions. Teachers remain covered by district collective bargaining agreements, but may apply for a waiver from specific provisions. Charter schools may participate in state's retirement system, or establish a retirement system for its employees.

INDIANA

continued

EQUITY

Student Funding*

- Funding is supposed to be proportionate, but a complex formula often results in problems receiving money.
- Funds pass from the state and district.

“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.” [Burns Ind. Code Ann. § 20-24-7-2 and 3]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



IOWA

(Law passed in 2002; last amended in 2010; 3rd weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓞ Considered “charter in name only”
- Ⓞ Removing cap does not improve law, which gives charters no autonomy

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	State Board of Education, with school board's approval.
Appeal	None

NUMBER OF SCHOOLS ALLOWED

Cap	No cap.
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OPERATIONAL AUTONOMY

State	Limited. Law does say charters are exempt, but in reality, they must comply with extensive regulations (paperwork, personnel policies, transport). Money may also be withheld. Virtual schools are not allowed. Management contracts with ESPs not permitted.
Local	No. Charters must comply with many local rules and regulations, including transportation of students, personnel, etc.
Teacher Freedom	No. Teachers are considered employees of the district. Teachers are required to participate in state's retirement program.

EQUITY

Student Funding*	<ul style="list-style-type: none"> • Funding is ignored in law, leaving it up to districts entirely. • Funds pass through district. <p>“A charter school shall be considered a part of the school district in which it is located for purposes of state school foundation aid pursuant to chapter 257.” [Iowa Code § 256F.4]</p>
Facilities Funds	None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

KANSAS

(Law passed in 1994; last amended in 2008; 4th weakest of the nation's 41 charter laws)

GENERAL DATA

- ☉ Law in name only—most charter schools serve as “alternative schools”
- ☉ No legal autonomy

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	State Board of Education, with school board's approval.
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Appeal	None
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NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	No. Exemptions from particular laws, regulations, and policies must be specified in charter, and the State Board of Education approves or denies the requests. Virtual schools are allowed. School boards determine all other operating rules.
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Local	No. Ultimate control over charter remains with school district. Charter must file for specific waivers from school district regulations, and the state board must approve them.
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Teacher Freedom	No. Teachers remain covered by district bargaining agreement. All employees who are participating in the operation of a charter school and who qualify for membership must participate in state's retirement system.
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EQUITY

Student Funding*	Funding for charter schools is not addressed in the charter law, nor is there a section that offers guidelines or other points of reference.
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Facilities Funds	None
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* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



LOUISIANA

(Law passed in 1995; last amended in 2010; 13th strongest of the nation's 41 charter laws)

GENERAL DATA

- ⦿ Five different types of charter schools complicate the application process and results in inequity
- ⦿ Charter school leaders complain of highly regulatory oversight
- ⦿ Bright spot New Orleans has a 61 percent market share, but other districts still fight charters
- ⦿ Recovery District successful in converting failing schools to charters

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

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

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	Yes. There is a blanket waiver, however, exceptions are specified in the law. Specific rules for each of the five types of charter school, so autonomy varies. Virtual schools not permitted. Management contracts with ESPs are not restricted.
Local	Limited. Charter schools in some districts experience heavier regulation. Charter schools (except Type 2) are not LEAs for the purpose of funding or special education.
Teacher Freedom	Yes in the Recovery District. Teachers may organize as a separate bargaining unit. No for all other types. Teachers are covered by district bargaining agreement, unless exemption is negotiated with sponsor and specified in charter. Charter schools must participate in the state's retirement system.

LOUISIANA

continued

EQUITY

Student Funding*

- Funds often vary by district and by type.
- Law was changed in 2008 to give Type 2 charters state funding, and also a share of local sales and property taxes.
- For schools authorized by local boards, funds pass through district. For schools authorized by state, funds pass through state.

“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. Only Types 1–3 are eligible, but the majority of charters are Types 4–5. [LA stat. 3971.4001 Part VI (2)]

** Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.*



MARYLAND

(Law passed in 2003; last amended in 2010; 7th weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Law has limitations with district-only authorizing and union requirements
- Ⓢ School boards having full control results in few charters opening outside of Baltimore
- Ⓢ Courts affirmed for the need for equitable funding but districts rarely comply

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	School boards. (The State Board of Education may authorize under limited circumstances involving the conversion of "restructured schools" if the county board fails to act on an application within 45 days. Has not yet occurred.)
Appeal	Yes. If the school board denies an application, it may be appealed to the state board. The state board may direct the school board to grant a charter and shall act as mediator. Decision is non-binding.

NUMBER OF SCHOOLS ALLOWED

Cap	Technically there is no cap, but districts create their own limits.
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OPERATIONAL AUTONOMY

State	No. Waiver requests considered on a case-by-case basis. The charter law was written to ensure that school boards maintain their authority over the charter schools. Virtual schools are permitted. Management contracts with ESPs are not restricted.
Local	No. The law gives school districts the power to make most decisions for charter schools. Each county board develops its own public charter school policy for schools in their districts to follow.
Teacher Freedom	No. Teachers remain covered by the district's collective bargaining contract. Charter schools must participate in the state's retirement system.

EQUITY

Student Funding*	<ul style="list-style-type: none"> • A 2007 Maryland Court of Appeals ruling affirmed the State Board of Education's decision that the law requires charter students be funded in the same manner and at the same level. • Funding still rests first with the district, which does not always respond favorably to charter schools. • Funds pass through district. <p>"In general. -- A county board shall disburse to a public charter school an amount of county, State, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction." [Md. Educ. Code Ann. § 9-109]</p>
Facilities Funds	None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

MASSACHUSETTS

(Law passed in 1993; last amended in 2010; 17th strongest of the nation's 41 charter laws)

C

GENERAL DATA

- Ⓒ Two of the state enrollment restrictions were eliminated or increased in early 2010, but some operational autonomy was lost in negotiations
- Ⓒ State board authorizer consistently approves strong schools
- Ⓒ Impact aid requirement provides disincentives for districts to approve charters

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	The State Board of Education authorizes two types of charter schools: Commonwealth charters are those approved directly by the state board; Horace Mann charters are normally conversion schools approved by the school board and teachers union before state approval.
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Appeal	None
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NUMBER OF SCHOOLS ALLOWED

Cap	Yes. Two types of caps. 72 Commonwealth charters and 48 Horace Mann charters allowed. 9 percent cap on the total district spending for Commonwealth charters. In the lowest-scoring districts, this cap is increased to 12 percent and then incrementally by 1 percent each year until the cap reaches 18 percent.
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OPERATIONAL AUTONOMY

State	Yes. There is no blanket waiver but the law gives schools a wide range of autonomy. New restrictions mandating enrollment percentages for certain student categories (ELL, at-risk, etc.) and new rules on funding reserves. Virtual schools not allowed. Management contracts with ESPs are not restricted.
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Local	Yes. Commonwealth charters are free from district rules governing operations and funding. Horace Mann schools get their oversight and budgets from the district.
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Teacher Freedom	Yes for Commonwealth charters. Teachers not covered by district bargaining agreement. No for Horace Mann charters. A charter school must recognize a teachers union as the exclusive collective bargaining unit for all teachers if 60 percent of teachers are members of that unit. Charter schools must participate in the state's retirement system.
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MASSACHUSETTS

continued

EQUITY

Student Funding*

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

“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 of education 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.” [MA Gen Law 89(nn)]

Facilities Funds

Yes. Charters receive a per pupil capital needs allowance, which was \$893 per pupil in FY 2009. [MA Gen Law 89(nn)]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

MICHIGAN

(Law passed in 1993; last amended in 2009; 5th strongest of the nation's 41 charter laws)



GENERAL DATA

- ☉ System of strong, independent university authorizers
- ☉ Cap modified in 2009 to allow some growth of high-achieving schools
- ☉ Charters funded similarly to conventional public schools, except for facilities

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

Approval	School boards and state public universities, including community colleges
Appeal	Yes. If the charter petition to a school board is rejected, applicant may have it placed on a local ballot. An applicant denied by any chartering authority may petition a different chartering authority.

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. Unlimited for charters authorized by school boards or community colleges. 150 for state universities and no single university may approve 50 percent or more. 15 high schools in Detroit may be opened by groups meeting certain funding criteria. 10 Schools of Excellence will be created (high-performing charters authorized by universities) and will be able to replicate. Charters already operating may convert to a School of Excellence if criteria are met.
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OPERATIONAL AUTONOMY

State	Limited. Waiver requests considered on a case-by-case basis from State Board of Education. Virtual schools not permitted. Management contracts with ESPs are not restricted.
Local	Yes
Teacher Freedom	Yes for all charters, except local. Teachers may negotiate as a separate unit with the governing body, or work independently. For charters authorized by district, teachers remain covered by district collective bargaining agreement. Employees hired by charter school board are eligible for state retirement benefits; employees hired by for-profit corporations contracting with a charter school are not.

EQUITY

Student Funding*

- State School Aid Act guarantees that the charter school receives funding in the same manner as conventional public schools.
- Authorizer administrative fee may be no more than 3 percent of a charter’s state aid.
- Funds pass from state to the authorizing body acting as fiscal agent to the public school academy.

“Beginning in 2008–2009, subject to subsection (7) and except as otherwise provided in this subsection, for pupils in membership, other than special education pupils, in a public school academy or a university school, the allocation calculated under this section is an amount per membership pupil other than special education pupils in the public school academy or university school equal to the sum of the local school operating revenue per membership pupil other than special education pupils for the district in which the public school academy or university school is located and the state portion of that district's foundation allowance, or the state maximum public school academy allocation, whichever is less.” [MI Act 1979 PA 94 388.1620(4)]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

MINNESOTA

(Law passed in 1991; last amended in 2009; 2nd strongest of the nation's 41 charter laws)



GENERAL DATA

- Ⓢ New authorizer accountability enacted in 2009 will improve school quality
- Ⓢ Schools afforded great amount of freedom to innovate
- Ⓢ Equitable funding and lease aid

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (3)

Approval	School boards, colleges and universities, and nonprofit organizations that meet certain criteria, subject to final commissioner of education approval.
Appeal	Yes. Applications denied by the school board may be appealed to the State Board of Education.

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	Yes. Blanket waiver from the state's rules and regulations. Virtual schools are allowed. Management contracts with ESPs are not restricted. All current and would-be authorizers must re-apply to state board according to new criteria, and many school boards and universities are choosing to end sponsorship.
Local	Yes. Charter schools are their own LEAs. Blanket waiver from rules and regulations apply to local school districts.
Teacher Freedom	Yes. Teachers may remain covered by district collective bargaining agreement if all parties agree, or may negotiate as a separate unit with the governing body, or work independently. During leave, the teacher may continue to aggregate benefits and credits in the teachers' retirement association account by paying both the employer and employee contributions based upon the annual salary of the teachers for the last full pay period before the leave began.

MINNESOTA

continued

EQUITY

Student Funding*

- Schools are intended to receive all special education funds, and other aids, grants and revenue as if it were a school district.
- Charters cannot use state money to purchase land or buildings.
- Funds pass through the state.

“General education revenue must be paid to a charter school as though it were a district. The general education revenue for each adjusted marginal cost pupil unit is the state average general education revenue per pupil unit, plus the referendum equalization aid allowance in the pupil's district of residence, minus an amount equal to the product of the formula allowance according to section 126C.10, subdivision 2, times .0485, calculated without basic skills revenue, extended time revenue, alternative teacher compensation revenue, transition revenue, and transportation sparsity revenue, plus basic skills revenue, extended time revenue, basic alternative teacher compensation aid according to section 126C.10, subdivision 34, and transition revenue as though the school were a school district. The general education revenue for each extended time marginal cost pupil unit equals \$4,378.” [MN 2009 Statute 124D.11]

Facilities Funds

Yes. \$1,200 dollars per pupil or 90 percent of actual lease cost goes to charters in the form of lease aid. [MN 2009 Statute 124D.11 Subd4]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

MISSISSIPPI

(Law passed in 2010; the weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓞ Considered charter law “in name only”—only allows failing school conversions
- Ⓞ Enacted to increase chances of winning Race to the Top funds

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval State Board of Education

Appeal None

NUMBER OF SCHOOLS ALLOWED

Cap 12 conversions allowed in 6 years with geographic limitations. Only schools deemed failing for three years or conversions of low-performing schools allowed.

OPERATIONAL AUTONOMY

State No. Exemptions must be requested on a case-by-case basis and most rules cannot be exempted. Virtual schools are allowed. ESP management contracts restricted.

Local No. Ultimate control remains with district.

Teacher Freedom No. Teachers are considered employees of the school district. Teachers must participate in state's retirement system.

EQUITY

Student Funding*

- Funds pass through district.
- Funding section in law is written too vaguely to draw real conclusions until a charter is actually established.

“Public schools converted to conversion charter school status receive equitable state and federal funding compared to traditional public schools, as required by the federal “Race to the Top” program.”
[MS SB 2293 Section 16]

Facilities Funds None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



MISSOURI

(Law passed in 1998; last amended in 2010; 9th strongest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Regional limitations limit charters to metropolitan school districts with a population greater than 350,000 (Kansas City and St. Louis)
- Ⓢ Authorizing permitted among range of colleges and universities
- Ⓢ Charter schools may be their own LEA, ensuring more equitable funding

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

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

NUMBER OF SCHOOLS ALLOWED

Cap	No cap (Charters limited to Kansas City and St. Louis.)
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OPERATIONAL AUTONOMY

State	Limited. Waiver from some state rules and regulations. Virtual schools are not allowed. Management contracts with ESPs are not restricted.
Local	Limited in cases where schools are not LEAs.
Teacher Freedom	Yes. Teachers may choose to remain covered by district collective bargaining agreement, or may work independently. Employees of the charter school must participate in the retirement system of the school district in which the charter school is located.

MISSOURI

continued

EQUITY

Student Funding*

- LEA charter schools receive all funding streams and categories.
- Funds are now nearly comparable to conventional public schools.
- Funds pass through the state for LEAs and through district for others.

“A charter school that has declared itself as a local educational agency shall receive from the department of elementary and secondary education an annual amount equal to the product of the charter school's weighted average daily attendance and the state adequacy target, multiplied by the dollar value modifier for the district, plus local tax revenues per weighted average daily attendance from the incidental and teachers funds in excess of the performance levy as defined in section 163.011, RSMo, plus all other state aid attributable to such pupils. If a charter school declares itself as a local education agency, the department of elementary and secondary education shall, upon notice of the declaration, reduce the payment made to the school district by the amount specified in this subsection and pay directly to the charter school the annual amount reduced from the school district's payment.” [§ 160.415.4 R.S.Mo.]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



NEVADA

(Law passed in 1997; last amended in 2007; 19th weakest of the nation's 41 charter laws)

GENERAL DATA

- ☉ Newly elected governor supports improving and increasing charter schools
- ☉ School boards do not actively charter
- ☉ Limited operational autonomy discourages applicants

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (3)

Approval	School boards upon approval from the state board. Applicants may apply directly to the state committee of charter schools and any public college or university. No university has yet to authorize.
Appeal	Yes. If an application is denied, it may be appealed to the State Board Subcommittee on Charter Schools, which will recommend approval or denial to the state board. If the state approves the charter, it will be the sponsor. If the state denies the application, the decision may be appealed to the district county court in which the proposed charter will be located.

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	Limited. Schools do not receive a blanket waiver and must comply with various rules relating to curriculum and governance. Conversion charter schools are not allowed. Virtual schools are allowed. Management contracts with ESPs are not restricted.
Local	Limited. There is no waiver for rules and regulations. Schools must get permission from sponsor for various actions, including purchasing property.
Teacher Freedom	Yes. Teachers are not covered by district bargaining agreement, unless they are on leave from district. Employees of the charter school must participate in the retirement system of the school district in which the charter school is located.

EQUITY

Student Funding*

- Schools are supposed to be funded through the same means as other public schools.
- Authorizers may deduct up to 3 percent for administrative fees.
- Funds pass through the state.

“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

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



NEW HAMPSHIRE

(Law passed in 1995; last amended in 2010; 11th weakest of the nation’s 41 charter laws)

GENERAL DATA

- Ⓢ Student funding is nearly half of conventional public school funding, causing charters to close due to lack of money
- Ⓢ School boards typically hostile
- Ⓢ Cumbersome “town hall” style approval process

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	School board with three-step approval process involving town votes and a final state board approval. A ten-year pilot program created in 2003 allows some applicants to bypass this process and apply directly to the state. (Because of limitations of both agencies this is not considered an independent authorizing route.)
Appeal	Yes. Applications denied by the school board may be appealed to the State Board of Education.

NUMBER OF SCHOOLS ALLOWED

Cap	No for charters approved by the local board. However, no more than 10 percent of resident pupils shall be eligible to transfer to a charter school in any school year without board approval. Up to 20 charters may be approved by the State Board of Education in the pilot program.
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OPERATIONAL AUTONOMY

State	Yes. Charters receive a blanket waiver from state rules and regulations. Virtual schools are allowed. Management contracts with ESPs are not restricted.
Local	No. There is no general waiver for local rules and regulations.
Teacher Freedom	Yes. Teachers are not covered by district bargaining agreements and may negotiate as separate unit with charter school governing body or work independently. A charter school may choose to participate in the state teacher retirement system.

NEW HAMPSHIRE

continued

EQUITY

Student Funding*

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

“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

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



NEW JERSEY

(Law passed in 1996; last amended in 2009; 19th strongest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Single state authorizer limits expansion and has a cumbersome approval process
- Ⓢ Legislation pending to create a university authorizer
- Ⓢ Teachers union and governor continue to fight over charter reform
- Ⓢ School districts openly hostile to charters and have withheld funds

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	State Commissioner of Education
Appeal	Yes. Applications denied may be appealed to the State Board of Education within 30 days of the date of the receipt of the denial.

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	No. Waiver requests considered on a case-by-case basis. Virtual schools are not allowed. Management contracts with ESPs are not restricted.
Local	Limited. Waiver requests considered on a case-by-case basis. While charters do not have to account to the district, decisions regarding special education students are made by the LEA, not the charter school.
Teacher Freedom	Yes for new starts. Teachers may negotiate as a separate unit with the 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.

NEW JERSEY

continued

EQUITY

Student Funding*

- Law requires schools to be funded at 90 percent of per pupil district aid. However, it is often less than 80 percent because charter students don't receive adjustment aid given to districts under the School Funding Reform Act.
- Funds pass through the district.

“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 federal funds attributable to the student.” [N.J. Stat. § 18A:36A-12(b)]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



NEW MEXICO

(Law passed in 1993; last amended in 2010; 18th weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Funding issues hamper school progress
- Ⓢ Charters comply with unnecessary regulation
- Ⓢ State authorizer neglects oversight role

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

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

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. 15 new start charters may be authorized per year, with up to 75 approved in a five-year period. New conversions are not allowed. A charter in a district with 1,300 or fewer students may not enroll more than 10 percent of students.
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OPERATIONAL AUTONOMY

State	Limited. There is no blanket waiver. The state education agency grants waivers for curriculum, evaluation, and some staffing, and may extend the waiver to graduation requirements. For all other waivers, charters must request on a case-by-case basis. Virtual schools are not allowed. Management contracts restricted to nonprofit ESPs.
Local	Limited. Charters must negotiate waivers on a case-by-case basis. State-chartered schools are considered their own LEA.
Teacher Freedom	Yes. Teachers may organize as a separate unit, or work independently. Charter schools must participate in state's retirement system.

NEW MEXICO

continued

EQUITY

Student Funding*

- By law, charters are entitled to 98 percent of per pupil revenues. The remaining 2 percent is deducted for administrative fees.
- Funds pass through the district.

“The amount of funding allocated to a charter school shall be not less than ninety-eight percent of the school-generated program cost. The school district or division may withhold and use two percent of the school-generated program cost for its administrative support of a charter school. B. That portion of money from state or federal programs generated by students enrolled in a locally chartered charter school shall be allocated to that charter school serving students eligible for that aid. Any other public school program not offered by the locally chartered charter school shall not be entitled to the share of money generated by a charter school program.” [NM 22-8B-13]

Facilities Funds

Yes. Charter schools receive \$700 per student from a capital outlay fund, which assists charter schools to cover building costs. The charter schools stimulus fund contains appropriations for initial start-up costs and initial facilities costs. [NM 22-8B-14]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



NEW YORK

(Law passed in 1998; last amended in 2010; 7th strongest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Charter cap was increased in 2010, but concessions on autonomy were made
- Ⓢ Per-pupil funding freeze could be re-introduced with new legislature and governor
- Ⓢ Highly regarded authorizer opportunities for charters
- Ⓢ Union-forced rules dominate some aspects of charter contracts

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (3)

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

Cap	Yes. In 2010, cap was increased to 460 new starts. 114 are reserved for New York City. 260 new charters to be evenly split between SUNY and Board of Regents. SUNY and the Board of Regents are each limited to issuing up to 32 or 33 charters per year through 2014. No cap on conversion schools.
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OPERATIONAL AUTONOMY

State	Yes. Blanket waiver from most public school rules and regulations. Virtual schools are not allowed. ESP management contracts restricted to only nonprofits. Additional rules regarding the enrollment of certain student categories, audits, and lotteries were added in 2010.
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Local	Limited. Districts like NYC impose many local rules and regulations and additional regulations regarding facilities were implemented in 2010.
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Teacher Freedom	Limited. Schools enrolling fewer than 250 students in the first year are exempt. Schools enrolling more than 250 students in the first two years must negotiate with all staff as a separate bargaining unit of the local union. Teachers in conversions remain covered by district collective bargaining agreement, but may, by mutual agreement, negotiate waivers from contract provisions. The employees of the charter school may be deemed employees of the local school district for the purpose of providing retirement benefits, including membership in the teachers' retirement system and other retirement systems open to employees of public schools.
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EQUITY

Student Funding*

- The pupil unit formula counts many students greater than one, which changes the calculations and gives charters less funding (approximately 75 percent).
- The freeze on charter funding ended in 2010 and could give charters an additional \$2,000 per-pupil. However, freeze could be reinstated by newly elected officials in 2011.
- Funds pass through the district.

“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 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 subdivision eleven of section thirty six hundred two of this chapter from two years prior to the base year to the base year. The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly.” [NY CLS Educ § 2856.1]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



NORTH CAROLINA

(Law passed in 1996; last amended in 2009; 12th weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Constrictive cap has prevented charter school growth
- Ⓢ Charters have had to sue districts to gain access to equitable funds
- Ⓢ Weak state charter law likely to be amended in new legislature

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

Approval	State Board of Education, with school board's approval. UNC has the power to authorize, but has never created a mechanism to do so.
Appeal	Yes. Applications denied by the school board may be appealed to the State Board of Education.

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. 100 total schools allowed in state. Five charters may be approved each year per school district.
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OPERATIONAL AUTONOMY

State	Limited. Blanket waiver provided from most, not all rules and regulations. Virtual schools are not allowed. Management contracts with ESPs are not restricted.
Local	Limited. School boards impose various requirements.
Teacher Freedom	Yes. Teachers are not subject to district work rules. Teachers have the option to participate in the state system; charter boards decide whether to participate or not.

EQUITY

Student Funding*	<ul style="list-style-type: none"> • Funding allocation is supposed to be equal but often is not. • Local funds often withheld; charters have won lawsuits over this issue. • Charters are suing over not receiving lottery funds. • Funds pass through state and district. <p>“The State Board of Education shall allocate to each charter school: (1) An amount equal to the average per pupil allocation for average daily membership from the local school administrative unit allotments in which the charter school is located for each child attending the charter school except for the allocation for children with disabilities and for the allocation for children with limited English proficiency; (2) An additional amount for each child attending the charter school who is a child with disabilities; and (3) An additional amount for children with limited English proficiency attending the charter school, based on a formula adopted by the State Board.” [N.C. Gen. Stat. § 115C-238.29H(a)]</p>
Facilities Funds	None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

OHIO

(Law passed in 1997; last amended in 2010; 18th strongest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Accountability improvements brought new regulations that impose operational burdens on schools
- Ⓢ Replication of successful charters has allowed strong growth even with other caps in place
- Ⓢ Funding formulas shortchange charter schools

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (3)

Approval	School boards including educational service centers, state universities and nonprofit entities as approved by the Ohio Department of Education, in the “big eight” school districts (Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo, and Youngstown), “academic emergency” and “academic watch” school districts.
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Appeal	None
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NUMBER OF SCHOOLS ALLOWED

Cap	Yes. Only charters meeting state performance targets or those managed by ESPs that are performing strong academically may open charter schools. Moratorium on virtuals and no cap on conversions.
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OPERATIONAL AUTONOMY

State	Limited. Charter schools do receive a blanket waiver but regulations impose restrictions and additional rules, some of which may be unnecessary. Virtual schools are allowed, although no new ones may open. Management contracts with ESPs are not restricted.
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Local	Yes. Charters only follow rules imposed by their sponsors.
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Teacher Freedom	Yes for new starts. Teachers may work independently or form a separate bargaining unit. No for conversions. Teachers remain part of district collective bargaining agreement, unless a majority of them petition to organize as a separate unit, or work independently. Charter schools must participate in state's retirement system.
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EQUITY

Student Funding*

- Funding formula intended but often fails to distribute money to charters equitably.
- Funding varies by type of school.
- Funds pass through state.

“An amount equal to the sum of the amounts obtained when, for each community school where the district’s students are enrolled, the number of the district’s students reported under divisions (B)(2)(a), (b), and (e) of this section who are enrolled in grades one through twelve, and one-half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the sum of the base formula amount of that community school plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code.” [OH 3314.08(C)(1)]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

OKLAHOMA

(Law passed in 1999; last amended in 2010; 16th weakest of the nation's 41 charter laws)

C

GENERAL DATA

- Ⓢ Regional limitations hinder charter growth
- Ⓢ Courts upheld constitutionality of charter law, but local opposition remains strong
- Ⓢ New state superintendent supports charters but anti-charter governor could halt progress

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (3)

Approval	School boards. Universities meeting certain requirements: must be a public state university located in a school district with 5,000 or more students in counties with at least 500,000, shall have an accredited teacher education program, and have a campus located within the school district of the charter school. Federally recognized Indian tribes currently operating a high school can open a charter if it offers native language immersion and is located on a reservation.
Appeal	No

NUMBER OF SCHOOLS ALLOWED

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

State	Limited. Charters are exempt from some rules and regulations of public schools. Virtual schools are allowed. Management contracts with ESPs are not restricted.
Local	Limited. Charters are also exempt from some local education rules and regulations.
Teacher Freedom	Yes. Teachers may remain part of district collective bargaining agreement, negotiate as a separate unit with the charter school governing body, or work independently. Employees of a charter school may participate as members of the Teachers' Retirement System of Oklahoma.

EQUITY

Student Funding*

- Charters receive funds from same State Aid funding formula as conventional schools, but school district may deduct up to 5 percent administrative fees.
- Law grants authority to the state to determine district funding policy.
- Funds pass through the district.

“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 total, which may be retained by the school district as a fee for administrative services rendered.” [70 Okl. St. § 3-142(A)]

Facilities Funds

Yes. Incentive fund provides up to \$50,000 per school to cover costs of renovating or remodeling existing facilities, and any additional start-up costs they might have. [70 Okl. St. § 3-144]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

OREGON

(Law passed in 1999; last amended in 2007; 21st strongest of the nation's 41 charter laws)

C

GENERAL DATA

- Ⓢ Moratorium on virtual schools' enrollment limits this option
- Ⓢ Charter school growth has been consistent, but creating an independent authorizer is key to high-quality schools
- Ⓢ Local boards do not adhere to the written state law

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

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

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	Limited. Charters receive a blanket waiver from most rules and regulations. Virtual schools are allowed but an enrollment moratorium was issued on enrollment in 2009 unless certain conditions are met. Management contracts with ESPs are not restricted.
Local	No. School boards have discretion.
Teacher Freedom	Yes. Teachers may negotiate as a separate unit with the governing body, or work independently. Eligible to participate in all benefits programs open to public school employees.

EQUITY

Student Funding*

- Formula funds charters anywhere between 80–95 percent based on daily expenditures not revenue.
- If enrollment drops annually, funding decreases, but the same is not true for conventional schools.
- Funds pass through district.

“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(2-3)]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

PENNSYLVANIA

(Law passed in 1997; last amended in 2008; 12th strongest of the nation's 41 charter laws)



GENERAL DATA

- Ⓢ School boards are inconsistent in their approval and oversight
- Ⓢ Reform-minded governor and proposed legislation to create an independent authorizer would strengthen law
- Ⓢ Charters suffer from inequitable funding
- Ⓢ Impact aid requirement provides disincentives for districts to approve charters

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (3)

Approval	School boards, and the Pennsylvania Department of Education for virtual schools. The Philadelphia School Reform Commission (SRC) is an independent city board.
Appeal	Yes. Applications denied by the school board (but not SRC) may be appealed to the state Charter Schools Appeals Board and their decision is final.

NUMBER OF SCHOOLS ALLOWED

Cap	No cap. While not a formal cap, Philadelphia has instituted a moratorium on charter approval.
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OPERATIONAL AUTONOMY

State	Yes. Blanket waiver from public school rules and regulations. Virtual schools are allowed. Management contracts with ESPs are not restricted.
Local	Yes. Blanket waiver from district regulations. Some additional restrictions and red tape on charter schools.
Teacher Freedom	Yes. Teachers may negotiate as a separate unit with governing board. Charter schools must participate in the state's retirement system.

PENNSYLVANIA

continued

EQUITY

Student Funding*

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

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

Facilities Funds

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

** Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.*

RHODE ISLAND

(Law passed in 1995; last amended in 2010; 14th weakest of the nation's 41 charter laws)



GENERAL DATA

- Ⓢ Charter freedoms limited by contract rules
- Ⓢ Modest cap improvements in 2010 led to new growth but narrow approval process remains
- Ⓢ Mayoral academies, operated by successful ESPs, are given more operational and personnel freedom

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	State Board of Regents, after the charter has been approved by the local school committee or the state commissioner of elementary and secondary education. Mayoral academies apply directly to Regents.
Appeal	None

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. 35 charters allowed in state and half of charters in state must be reserved for at-risk students. (New approvals contingent on approval and appropriation by state.)
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OPERATIONAL AUTONOMY

State	No. Waiver requests considered on a case-by-case basis. Virtual schools are not allowed. Contracts or ESP partnerships limited to mayoral academies.
Local	No. Waiver requests considered on a case-by-case basis. Fiscal autonomy dependent on negotiation with school district. Mayoral academies have more freedoms than other charter schools regarding personnel.
Teacher Freedom	No. Teachers are covered by district bargaining agreement, unless otherwise negotiated and approved. Mayoral academy employees exempt from collective bargaining. Charter schools must participate in state's retirement system.

RHODE ISLAND

continued

EQUITY

Student Funding*

- Funding follows students based on district of residence.
- State deducts 5 percent from the formula and gives that money to the school district as impact aid.
- The new weighted student formula, which will begin in 2011-12 will give charters more equitable funding. Charter schools will be funded using the same proposed funding formula for conventional schools. Local monies will come direct from the district.
- Funds pass through the district and state.

“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 a charter school. Funding for each charter public school shall consist of state revenue and municipal or district revenue in the same proportions that funding is provided for other schools within the school district in which the charter public school is located. (b) The amount of funding which shall be allocated to the charter public school by the school district shall be equal to a percentage of the total budgeted expenses of the district which is determined by dividing the number of students enrolled in the charter public school by the total resident average daily number of students in the school district.” [§ RI 16-77-6]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

SOUTH CAROLINA

(Law passed in 1996; last amended in 2007; 20th weakest of the nation's 41 charter laws)

C

GENERAL DATA

- Ⓢ School districts foster highly contentious relationships with charters
- Ⓢ Addition of semi-independent authorizer was intended to bypass this, but state funding formula limits growth
- Ⓢ Newly elected governor supportive of charter growth

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

Approval	School boards. South Carolina Public Charter School District (SCPCSD) for new starts only. School boards are given authority to appeal decisions by the SCPCSD.
Appeal	Yes. Applications denied by the school board may be appealed to the State Board of Education.

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	Yes. Most schools receive a blanket waiver. SCPCSD is its own LEA and may create and modify rules as necessary. Virtual schools are allowed. Management contracts with ESPs are not restricted.
Local	Limited. The language in the law permits the district to negotiate a variety of services with charters, which gives the district excessive control. Local program funding often carries operational restrictions.
Teacher Freedom	Yes for new starts. Teachers may remain covered by district policy, negotiate as separate unit with charter school governing body, or work independently. No for conversions. Teachers remain covered by the district employment policy. For new starts, the employee may continue to accrue benefits and credits in the South Carolina Retirement System by paying the employee contributions based upon the annual salary of the employee, and the charter school shall pay the employer contribution.

SOUTH CAROLINA

continued

EQUITY

Student Funding*

- SCPCSD-authorized schools receive only state and federal funds. The average SCPCSD school receives \$3,400 per student.
- Complex formula involving more than 33 budget categories allow school district manipulation.
- Funds pass through the district.

“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

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

TENNESSEE

(Law passed in 2002; last amended in 2009; 17th weakest of the nation's 41 charter laws)

C

GENERAL DATA

- Ⓢ In 2009, Tennessee raised the number of charters allowed and the types of students that could attend but the impact on chartering has been limited
- Ⓢ New governor supports raising the charter cap further
- Ⓢ Charters have few freedoms and fewer dollars

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	School boards
Appeal	Yes. Applications denied by the local board may be appealed to the State Board of Education. The state board's decision is binding.

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. 90 new start charters are allowed in the state with 35 restricted to Shelby County (Memphis). Eligibility to open charters limited to school systems with at least 14,000 students who qualify for free or reduced price lunches. Only 7 districts are eligible. Preference for enrollment is given to students with failing grades or those from failing schools. Districts without the 14,000 F&RL students can allow F&RL students to attend charters with a 2/3 vote of the local board. No cap on conversions.
-----	--

OPERATIONAL AUTONOMY

State	No. Waiver requests considered on a case-by-case basis. Virtual schools are not allowed. Management contracts with ESPs restricted to nonprofits.
Local	No. Waiver requests considered on a case-by-case basis.
Teacher Freedom	Yes. Teachers may remain covered by district contracts agreement, or negotiate as separate unit with charter school governing body. Charter schools may participate in state's retirement system.

TENNESSEE

continued

EQUITY

Student Funding*

- Funding formula was changed to base it on per-pupil revenue, not expenditures which should increase equity.
- Lack of transparency in budgeting process.
- Funds pass through the district.

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

Facilities Funds

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

** Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.*

TEXAS

(Law passed in 1995; last amended in 2007; 13th weakest of the nation's 41 charter laws)



GENERAL DATA

- Ⓢ No blanket waiver from rules and regulations and over time, highly regulatory environment has resulted
- Ⓢ Lack of facilities funds are a huge challenge with few available buildings
- Ⓢ Charter law needs to be amended to include independent authorizers, remove the cap and offer facilities assistance

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

Approval	School boards and the State Board of Education.
Appeal	None

NUMBER OF SCHOOLS ALLOWED

Cap	Yes. 215 open enrollment charter schools, sponsored by the State Board of Education, which allows multiple campuses in state. There is no cap on charters authorized by school districts (campus charters) or university-partnered charters.
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OPERATIONAL AUTONOMY

State	Limited. Waiver requests considered on a case-by-case basis. Over the years, bills have been passed that have increased the administrative responsibilities of charter schools, forcing them to adhere to regulations not even required by conventional schools. Virtual schools are not allowed. Management contracts with ESPs are not restricted.
Local	No. Waiver requests considered on a case-by-case basis. Certain government code regulations of school boards also apply to open-enrollment charter schools.
Teacher Freedom	Yes for open-enrollment schools. Teachers may remain covered by district bargaining agreement, or negotiate as separate unit with charter school governing body. No for district-approved schools. Teachers remain part of district. Charter schools must participate in the state's retirement system.

TEXAS

continued

EQUITY

Student Funding*

- Charter schools receive state funds based on average daily attendance, but only certain types of categorical funding.
- For district charters, funds pass through the district. For open-enrollment charters, funds pass through the state.

“A charter holder is entitled to receive for the open-enrollment charter school funding under Chapter 42 as if the school were a school district without a tier one local share for purposes of Section 42.253 and without any local revenue (“LR”) for purposes of Section 42.302. In determining funding for an open-enrollment charter school, adjustments under Sections 42.102, 42.103, 42.104, and 42.105 and the district enrichment tax rate (“DTR”) under Section 42.302 are based on the average adjustment and average district enrichment tax rate for the state.

(b) An open-enrollment charter school is entitled to funds that are available to school districts from the agency or the commissioner in the form of grants or other discretionary funding unless the statute authorizing the funding explicitly provides that open-enrollment charter schools are not entitled to the funding.” [Tex. Educ. Code § 12.106]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

GENERAL DATA

- Ⓢ State Charter Board is less autonomous than originally designed
- Ⓢ Freedoms are limited but funding base is strong

INDEPENDENT OR MULTIPLE AUTHORIZERS—YES (2)

Approval	School boards and the Utah State Charter School Board. (This board is independent but gains its authority from the State Board of Education and has become more bureaucratic.)
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.

NUMBER OF SCHOOLS ALLOWED

Cap	No cap on schools. There is an enrollment cap on the total number of students that may attend charters, which is now around 35,000 students. Each year, the cap increases by 1.4 percent of total school district enrollment. Because of enrollment cap, if a school board wants to approve a charter, it must first notify the State Charter Board to ensure there is room.
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OPERATIONAL AUTONOMY

State	Limited. Waiver requests considered on a case-by-case basis. State restrictions such as curriculum and scheduling rules, keeps charters from being truly independent. Virtual schools are allowed. Management contracts with ESPs are not restricted.
Local	Limited. Waiver requests considered on a case-by-case basis Employment and personnel decisions are left up to the charter school.
Teacher Freedom	Yes. Teachers are employees of charter school, and are not required to be district employees. Charter schools may participate in state's retirement system, or may opt out of the state's system and establish their own retirement system for its employees.

EQUITY

Student Funding*

- Schools receive same funding streams as conventional public schools.
- Funds pass through the state. State sends local share directly to schools after deducting from the district.

“Except as provided in Subsection (3)(b), a charter school shall receive state funds, as applicable, on the same basis as a school district receives funds. (b) In distributing funds under Title 53A, Chapter 17a, Minimum School Program Act, to charter schools, charter school pupils shall be weighted, where applicable, as follows: (4) (a) (i) Except as provided in Subsection (4)(a)(ii), a school district shall allocate a portion of school district revenues for each resident student of the school district who is enrolled in a charter school on October 1 equal to 25% of the lesser of...

(b) The State Board of Education shall: (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from state funds the school district is authorized to receive under Title 53A, Chapter 17a, Minimum School Program Act; (ii) remit the money to the student’s charter school.”
[Utah Code Ann. § 53A-1a-513]

Facilities Funds

Yes. 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 10 percent of this money must be used on facilities. For FY 2009, charters received \$143 per pupil. [Utah Code Ann. §53A-21-401]

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.

VIRGINIA

(Law passed in 1998; last amended in 2010; 2nd weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓢ Charter law in name only
- Ⓢ There is no cap, but the law's restrictions have created a disincentive to open schools
- Ⓢ Despite a pro-charter governor, there has been no effort to improve the law

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	School boards, with state board of education review and approval.
Appeal	None. The only course of action is to reapply to the school board after the state board reviews the application.

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	No. Exemptions from rules are solely at the discretion of the school board. Virtual schools are not allowed. Management contracts with ESPs are not restricted.
Local	No
Teacher Freedom	No. All employment rules apply. Charter schools must participate in state's retirement system.

EQUITY

Student Funding*	<ul style="list-style-type: none">• School board negotiates all funding.• Funds pass through district. <p>“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.</p> <p>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]</p>
Facilities Funds	None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



WISCONSIN

(Law passed in 1993; last amended in 2009; 16th strongest of the nation’s 41 charter laws)

GENERAL DATA

- Ⓢ Growth steady, but recent unnecessary regulations and caps on virtual school enrollment limits freedom
- Ⓢ State superintendent and incoming legislators in support of eliminating virtual school cap
- Ⓢ Multiple authorizers limited to Milwaukee

INDEPENDENT OR MULTIPLE AUTHORIZERS—LIMITED

Approval	School boards for entire state. In Milwaukee, the City of Milwaukee, University of Wisconsin-Milwaukee, and Milwaukee Area Technical College may approve schools. In Racine, the University of Wisconsin-Parkside authorizes one school.
Appeal	Yes. Applications denied by the school board may be appealed to the Wisconsin Department of Education and their decision is final.

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	Yes. Blanket waiver from all state rules and regulations that apply to public schools. Virtual schools are allowed, although there is an enrollment cap of 5,250 students beginning in 2009-10. Management contracts with ESPs are not restricted.
Local	Yes. Charter schools receive a blanket waiver from most rules and regulations, except regarding personnel. The school board may designate a charter as an instrumentality of the school district or not, which determines if they may hire staff and whether they are covered by the district bargaining agreement.
Teacher Freedom	Yes for “non-instrumentality” charters. Teachers are not district employees and are eligible to negotiate as a separate unit with charter school governing body, or work independently. No for “instrumentality” charters. Teachers remain covered by district collective bargaining agreement, but may organize as separate unit. Charter schools must participate in state’s retirement system.

EQUITY

Student Funding*

- Vague formula based on previous school’s year per pupil funding results in inequity.
- No discussion of special education, additional funding for low-income, ELL, other types of students.
- Milwaukee school district receives state and federal aid for qualified students that attend independent charters in the city.
- Funds pass to the “operator” of the charter school, ie. school board.

“From the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this subdivision in the previous school year and the increase in the per pupil amount paid to private schools under s. 119.23 (4) (b) 2. in the current school year as compared to the previous school year, multiplied by the number of pupils attending the charter school. The amount paid per pupil may not be less than the amount paid per pupil under this subdivision in the previous school year.” [WI Statute 118.40(ar)(e)(1)]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



WYOMING

(Law passed in 1995; last amended in 2007; 5th weakest of the nation's 41 charter laws)

GENERAL DATA

- Ⓒ Charter law in name only
- Ⓒ Law gives all control to school boards

INDEPENDENT OR MULTIPLE AUTHORIZERS—NO

Approval	School boards
Appeal	Yes. Applications denied by the school board may be appealed to the State Board of Education, but their decision is non-binding.

NUMBER OF SCHOOLS ALLOWED

Cap	No cap
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OPERATIONAL AUTONOMY

State	Limited. Waiver requests considered on a case-by-case basis. Virtual schools are allowed. Management contracts with ESPs are not restricted.
Local	No. A school district may waive local rules and regulations without seeking approval of the state board, but there is no incentive to do so.
Teacher Freedom	No. Teachers remain part of the district and are subject to district contracts. Charter schools must participate in state's retirement system.

WYOMING

continued

EQUITY

Student Funding*

- Funding is negotiated with school district and is inequitable
- The law states that charter schools are entitled to 100 percent funding but it is not mandatory.
- Funds pass through the district.

“Each student attending a charter school shall be counted among the average daily membership of the school district in which the school is located and the school shall be included in the district’s configuration of schools reported to the state superintendent under W.S. 21-13-309(m)(iv). Average daily membership of the charter school shall be calculated as follows:

(c) As part of the charter school contract, the charter school and the school district shall agree on funding and any services to be provided by the school district to the charter school. The charter school and the school district shall begin discussions on the contract using the following revenue assumptions:

(i) The charter school shall be entitled to the benefit of one hundred percent (100%) of the foundation program amount computed under W.S. 21-13-309(m) based upon the average daily membership of the charter school, less any district level amounts generated by the charter school’s membership under W.S. 21-13-309(m) and less amounts specified under W.S. 21-13-309(m)(v)(E).” [Wyo. Stat. § 21-3-314]

Facilities Funds

None

* Note: Because state charter school per-pupil funding data changes frequently, it is stored at http://www.edreform.com/charter_schools/funding/ to enable constant updates.



APPENDIX A

The Last Ten States Without Charter Laws

When this book was last published, there were 11 states without charter laws because Mississippi's law expired in July 2009. Money will make people do almost anything, and the gleam of Race to the Top funding forced Mississippi's hand—the legislature drafted, passed and signed the worst charter law in the country. The law will only allow charter school conversions of failing schools, and because they have to fail for three consecutive years, the first possible school won't open until at least the 2012 school year.

South Dakota passed a “charter bill” that was contingent on Race to the Top funds—since the Mt. Rushmore State did not win, the charter bill does not exist. A few other states, such as Kentucky, Alabama and West Virginia tried for their own charter bill, but ultimately couldn't get anything passed. Even if they did, the proposed bills weren't strong and would not have produced strong charter schools.

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

And then there were ten...

Alabama	South Dakota
Kentucky	Vermont
Maine	Washington (state)
Montana	West Virginia
Nebraska	
North Dakota	

APPENDIX B

At a Glance – How the States Stack Up

	Year Law Passed	Law Grade	Total Operating Charters	Total Enrollment
Alaska	1995	D	30	6,169
Arizona	1994	B	581	142,848
Arkansas	1995	D	32	10,099
California	1992	A	941	348,686
Colorado	1993	B	176	66,186
Connecticut	1996	D	22	4,992
Delaware	1995	C	20	9,581
DC	1996	A	101	29,557
Florida	1996	B	483	150,199
Georgia	1993	C	109	57,987
Hawaii	1994	D	32	7,668
Idaho	1998	C	39	14,951
Illinois	1996	D	99	37,860
Indiana	2001	B	62	19,669
Iowa	2002	F	9	1,413
Kansas	1994	F	37	5,003
Louisiana	1995	C	96	33,083
Maryland	2003	D	40	9,792
Massachusetts	1993	C	66	25,167
Michigan	1993	B	299	111,397
Minnesota	1991	A	161	30,184
Mississippi	2010	F	0	0
Missouri	1998	B	46	17,684
Nevada	1997	C	27	8,033
New Hampshire	1995	D	11	2,162
New Jersey	1996	C	78	20,626
New Mexico	1993	C	82	14,932
New York	1998	B	186	47,364
North Carolina	1996	D	104	36,577
Ohio	1997	C	368	114,554
Oklahoma	1999	C	17	5,970
Oregon	1999	C	109	17,261
Pennsylvania	1997	B	155	85,142
Rhode Island	1995	D	16	3,402
South Carolina	1996	C	45	12,627
Tennessee	2002	C	28	4,963
Texas	1995	D	422	139,665
Utah	1998	B	83	35,019
Virginia	1998	F	4	341
Wisconsin	1993	C	233	40,645
Wyoming	1995	D	4	505
TOTAL			5,453	1,729,963

CHARTER SCHOOL LAWS ACROSS THE STATES

Rankings and Scorecard

The Center for Education Reform drives the creation of better educational opportunities for all children by leading parents, policymakers and the media in boldly advocating for school choice, advancing the charter school movement, and challenging the education establishment.

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The Center for Education Reform
910 Seventeenth Street, NW • Suite 1100
Washington, DC 20006

tel (800) 521-2118
fax (301) 986-1826
www.edreform.com

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910 Seventeenth Street, NW • Suite 1100 • Washington, DC 20006

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