

THE Center for Education Reform



A Report to the Nation's New Governors and State Lawmakers

CHARTER SCHOOL LAWS ACROSS THE STATES

Ranking and Scorecard

A Blueprint to Make Schools Work Better for All Children

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.

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CHARTER SCHOOL LAW RANKING AND SCORECARD 2011

	A			B								
STATE	DC	MN	CA	AZ	MI	CO	NY	IN	MO	FL	UT	PA
Year Law Passed	96	96	92	94	93	93	98	01	98	96	98	97
Multiple Authorizers (15)	12	13	10	8	12	4	12	10	7	3	5	4
Number of Schools Allowed (10)	8	10	9	10	5	10	7	7	6	10	8	10
Operations (15)												
• State Autonomy	4	3	4	4	3	4	2	3	3	3	2	5
• District Autonomy	5	4	4	4	5	3	3	5	3	3	2	3
• Teacher Freedom	5	5	5	5	3	4	2	3	5	5	5	5
Equity (15)												
• 100% Funding	10	8	9	6	8	7	7	6	9	7	9	6
• Facilities Funds	3	2	2	1	0	0.5	0	0	0	1	1	0.5
Implementation Points	0	0	0	0	0	1	0	-1	0	0	0	-2
2011 Total Score	47	45	43	38	36	33.5	33	33	33	32	32	31.5
2011 Rank	1	2	3	4	5	6	7	8	9	10	11	12
2010 Total Score	47	46	43	37.5	35	35	34	35	33	32	39	32.5
2010 Rank	1	2	3	5	6	7	9	8	10	12	4	11
Number of Charters as of November 2010	101	161	941	581	299	176	186	62	46	483	83	155

Note: The scores on this table are based on the current status of each law (through November 29, 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.

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CHARTER SCHOOL LAW RANKING AND SCORECARD 2011

	C													
STATE	LA	DE	GA	WI	MA	OH	NJ	SC	OR	ID	NV	NM	TN	OK
Year Law Passed	95	95	93	93	93	97	96	96	99	98	97	93	02	99
Multiple Authorizers (15)	4	3	4	3	4	9	3	5	3	5	4	4	2	3
Number of Schools Allowed (10)	10	10	10	10	4	2	10	10	10	4	10	4	5	3
Operations (15)														
• State Autonomy	4	3	4	5	3	3	1	4	2	3	2	2	1	2
• District Autonomy	3	4	2	3	4	4	4	2	1	3	2	3	1	2
• Teacher Freedom	3	5	4	3	3	3	3	3	5	5	3	5	5	5
Equity (15)														
• 100% Funding	5	7	5	4	7	6	6	3	5	5	8	5	6	5
• Facilities Funds	0.5	0	0.5	0	0.5	0	0	0	0	0	0	1	0.5	0.5
Implementation Points	0	-3	-1	0	2	0	0	0	0	0	-4	0	0	0
2011 Total Score	29.5	29	28.5	28	27.5	27	27	27	26	25	25	24	20.5	20.5
2011 Rank	13	14	15	16	17	18	19	20	21	22	23	24	25	26
2010 Total Score	29	31	29	28	26.5	26	27	25	26	25	26	25	18	18.5
2010 Rank	15	13	14	16	18	19	17	23	20	24	21	22	28	27
Number of Charters as of November 2010	96	20	109	233	66	368	78	45	109	39	27	82	28	17

Note: The scores on this table are based on the current status of each law (through November 29, 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.

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CHARTER SCHOOL LAW RANKING AND SCORECARD 2011

	D											F			
STATE	IL	RI	TX	NC	NH	AR	CT	AK	MD	HI	WY	KS	IA	VA	MS
Year Law Passed	96	95	95	96	95	95	96	95	03	94	95	94	2	98	10
Multiple Authorizers (15)	2	2	3	3	2	2	2	1	1	2	1	1	1	1	2
Number of Schools Allowed (10)	4	4	2	2	5	2	5	10	4	2	10	10	10	10	1
Operations (15)															
• State Autonomy	3	1	2	2	3	1	1	1	1	3	2	0	0	0	1
• District Autonomy	2	1	2	3	2	2	2	1	2	2	0	0	0	0	0
• Teacher Freedom	4	2	3	3	5	3	3	0	0	0	0	0	0	0	0
Equity (15)															
• 100% Funding	4	8	7	4	2	5	3	4	5	4	2	0	0	0	0
• Facilities Funds	0.5	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Implementation Points	0	1	0	0	-3	0	-2	-3	0	-1	-5	-3	-3	-3	0
2011 Total Score	19.5	19	19	17	16	15	14	14	13	12	10	8	8	8	4
2011 Rank	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41
2010 Total Score	19	13	19	17	16	15	12	12	13	11	10	9	2	8	n/a
2010 Rank	26	33	25	29	30	31	35	34	32	36	37	38	40	39	n/a
Number of Charters as of November 2010	99	16	422	104	11	32	22	30	40	32	4	37	9	4	0

Note: The scores on this table are based on the current status of each law (through November 29, 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.

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Methodology and Definitions

Methodology

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:

Definitions

1. Multiple Authorizers (15 points). Does the state permit entities other than traditional school boards to create and manage charter schools independently, and does the existence of such a provision actually lead to the active practice of independent authorizing? Independent authorizers may vary in scope and degree of independence from pre-existing government school structures, and their score reflects 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, all allow an unlimited number of schools, but constrain growth in other ways. Restrictions are not only defined by the number of schools that exist, as some states limit growth by placing limitations on enrollment (by school or even grade) or restricting the funds permitted to be spent.

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 the amount of money allotted for each charter school student is the same and the monies charter schools receive come from the same funding streams as all other public schools. If the law guarantees that charter schools receive money that is the same amount as 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.

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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.