



CHARTER SCHOOLS: ^{Today}
CHANGING THE FACE OF AMERICAN EDUCATION

THE Center for Education Reform



CHARTER SCHOOL LAWS ACROSS THE STATES

Rankings and Scorecard

10TH EDITION

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.

Through its storehouse of data and unique insights into American communities, CER uses information to turn parents into activists, policymakers into advocates, and educators into reform leaders.

The Center for Education Reform changes laws, minds and cultures to allow good schools to flourish.

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2008

**CHARTER SCHOOL LAWS
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10TH EDITION

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** Data and legislation current as of March 31, 2008.*

*Changes to legislation and rankings that occur after this date may be accessed at
www.edreform.com/charter_schools/laws/.*

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INTRODUCTION

In their recent report analyzing the politics of charter school laws, Christiana Stoddard and Sean P. Corcoran of *Education Next* relied upon The Center for Education Reform's (CER) Charter School Law Rankings and Profiles to study the success of the charter school movement.

As they recognized, the strength of a law could impact the way in which healthy charter schools grow and how they serve students. Having laws with certain components is critical.

CER welcomes this scrutiny and the dozens of other research reports, which utilize its rankings as a guide for assessing policy. We also recognize that not all researchers find the work we have done for ten years on law strength compelling. Researchers at the University of Colorado at Boulder find our data and conclusions a bit hard to swallow. They argue that what CER considers strong components of a law – flexibility, autonomy, equitable funding – are actually weaknesses. Despite their claims that the weakest are actually the strongest, the data do not lie. States with strong laws by our standards (and those shared almost universally by the research community whether friend or foe) create strong schools.

Put another way, strong laws matter.

Strong law states have better schools and fewer operational closures. Strong law states ensure more equitable funding, and stimulate growth of and in charter schools.

There are numerous components of strong laws, and they are tracked and ranked with objective, quantitative measurements. This exercise requires knowledge not just of the law on paper, but how it translates into practice. Numerous state regulations and additional requirements often yield results years after a law has been passed and may show up in different statutes.

Missouri allowed its charter schools to become their own local education agencies (LEA) in 2006, which means that money flows directly to these schools from state and federal sources as if they were school districts. This change in law resulted in a more equitable funding stream as well as more autonomy for the schools. That in turn has helped improve the programs and facilities in the charter schools, which are providing quality options to nearly a quarter of all Kansas City school kids. Their role has also sparked reform efforts in a district plagued by corruption and academic failure until recent years.

Contrast Missouri's rank of ten, graded a B, with that of Maryland's law, the lowest C grade, scoring a 33. Despite improvements, Maryland's law still remains dependent on over-regulation and school board micromanagement, assuming the school board even succeeds in opening a school. Baltimore is an anomaly in the state, one whose charter environment was pushed and prodded from top to bottom since the law's inception in 2003, resulting in a favorable court challenge guaranteeing equitable funding. But in other districts, life is not so easy and today, Maryland's difficult charter environment is keeping schools from opening and reducing opportunities for children.

The public in weak law states is often unaware of charters until someone applies for a charter, a school starts in a community, or there is a visible “bad news” story in the papers. Thus the support for charters in those states where laws favor the monopoly over the competitor rarely see improvements. In states where a healthy environment exists, support for and demand for charters is high.

Survey research shows stronger awareness of and, as a result, higher support for charters in states like California, Georgia, Missouri and New York, than in Connecticut or Wyoming, two states with troubled charter laws.

Strong laws result in more awareness. Knowledge breeds support. Support creates political pressure and movements are born when constituents for reform exist.

That’s the conclusion compelled not only by this, our tenth ranking of charter school laws, but also by the corresponding research and analysis we do throughout the year: our charter school survey results from nearly a third of all schools operating at least one year, our polling and our grassroots and legislative action activities in just under ten states each year.

Politics dictate developments in the legislative arena and politics influence people’s lives. This report is just as much a declaration about the state of a state’s political environment as it is about the law itself. The grades reflect the common understanding of what is excellent and what is deficient. Grades are a reliable way to help member of the general public understand the quality of their state’s law in the same way that report cards help them determine the quality of their child’s work.

The public should care about the actions of their legislators. They are not always in a position to demonstrate concern; but we are.

We care when legislators act because their actions affect children for years to come. We get agitated on children’s behalf when deals are cut that jeopardize the potential for healthy schools to flourish. And we get motivated when we learn that few people even know a charter school is public, let alone open by choice and more successful in most places than conventional public schools.

The words and analysis in this new report are the result of clear and compelling research and a rich understanding of the environment in the states and communities where charters operate. The goal is to help the public to know more, and to urge states to do better, which is the least we can ask of our elected officials and advocates.



Jeanne Allen
President

MAJOR FACTORS

Authorizers Matter: We have argued every year that strong laws matter. States that have authorizers in addition to local school boards experience not only more growth, but more quality growth. States with multiple authorizing agencies (new public boards, universities, nonprofit organizations, etc.) are home to 80 percent of all charter schools. School boards are often unable or unwilling to have fair and impartial processes to vet charter schools, and many that do approve charter schools create friction between the schooling entities. Charter schools grow and flourish in environments that provide multiple ways for groups to obtain charters to open schools. While multiple authorizers are one key to a strong charter law, it is important to note that not all authorizers are created equal, despite the best intentions. Our grades reflect what a real charter authorizer should be able to do.

Equity is Key: It is not okay that charter schools typically do not receive the same amount of money as conventional public schools. Most people assume that if a law states a charter school receives 100 percent of per pupil funding, this results in nearly equitable funding. But it doesn't. Charter schools often don't receive their fair share of local district funding, special education funding, or other federal funding, and may have administrative costs deducted by their sponsors. CER research has shown that charter schools, on average, receive 30 percent less funding than conventional public schools. Beyond that, most states do not lend a hand to charters when it comes to facilities. Actions speak louder than words when it comes to funding charter schools, and this year CER took a long hard look at what funding in each state really looks like.

Let Freedom Ring: States also lose points if charter schools are not allowed to be independent legal entities with few operational restrictions. Many states say a charter school has autonomy, but any time a school has to wait for the state or local agencies to decide what waivers they can and cannot have, freedom is lacking. A school should be considered its own independent entity, able to control budget, management, and all personnel decisions. States that allow charter schools to be their own LEA (local education agency) allow schools to receive their federal funds directly, with no interference from local districts. Without independence, charter operators are forced to focus on potential legal restrictions and must get costly legal advice on what actions require a waiver and how to ask for waivers, when all the while they could have been focusing on opening their school.

Variety is the Spice of Life: States receive high marks for inviting a variety of applicants and for allowing a wide variety of charter schools to open – from brand new brick and mortar schools to virtual schools and private school conversions. All types of schools need to be held accountable for their performance. Schools that fail to perform, or that do not meet the terms of their charters, do not have their charters renewed.

Other Factors: Do appeals work as the law says they should? Is there a cap on the number of charter schools that can open in the state, and has it been reached? Has the state placed a moratorium on opening any more charter schools? Does money flow to schools according to the law's design?

This year, CER carefully analyzed all of these questions to make sure that the law was being carried out in each state as it was intended - no "A" for effort. Trying to make a weakly worded law work in the real world, or diluting a strongly written law by imposing additional restrictions, does not translate into large numbers of high-quality charter schools, which is the ultimate goal.

WHAT MAKES A STRONG CHARTER SCHOOL LAW?

There are 10 necessary elements for a strong charter school law:

- 1) **Number of schools:** States that permit an unlimited or substantial number of autonomous charter schools encourage more activity than states that limit the number of autonomous schools.
- 2) **Multiple chartering authorities / binding appeals process:** States that permit a number of entities in addition to or instead of local school boards to authorize charter schools, or that provide applicants with a binding appeals process, encourage more activity.
- 3) **Variety of applicants:** States that permit a variety of individuals and groups both inside and outside the existing public school system to start charter schools encourage more activity than states that limit eligible applicants to public schools or public school personnel.
- 4) **New starts:** States that permit the creation of new schools or virtual schools encourage more activity than those that permit only public school conversions.
- 5) **Schools may start without third-party consent:** States that permit charter schools to form without consent from competing districts or the general public encourage more activity than states that require petitions or proof of parent and teacher support.
- 6) **Automatic waiver from laws and regulations:** States that provide automatic blanket waivers from most or all state and district education laws, regulations, and policies encourage more activity than states that provide no waivers or require charter schools to negotiate waivers on a case-by-case basis.
- 7) **Legal/operational autonomy:** States that allow charter schools to be independent legal entities that can own property, sue and be sued, incur debt, control budget and personnel, and contract for services, encourage more activity than states in which charter schools remain under district jurisdiction. In addition, legal autonomy refers to the ability of charter schools to control their own enrollment numbers.
- 8) **Guaranteed full funding:** States where 100 percent of per-pupil funding automatically follows students enrolled in charter schools encourage more activity than states where the amount is automatically lower or negotiated with the district.
- 9) **Fiscal Autonomy:** States that give charter schools full control over their own budgets, without the district holding funds, encourage more activity than states that do not.
- 10) **Exemption from collective bargaining agreements/district work rules:** States that give charter schools complete control over personnel decisions encourage more activity than states where charter school teachers must remain subject to the terms of district collective bargaining agreements or work rules.

THE FINAL TEN STATES WITHOUT CHARTER SCHOOL LAWS

Most non-charter states remain reluctant to adopt charter school legislation. And while some recent legislative attempts among “The Final Ten” show promise for the future, much more work is needed on the ground to educate lawmakers about charter schools and their nationwide success. The following is a brief explanation why these states remain un-“chartered,” including recent activities in South Dakota and Kentucky.

Alabama: In a state ranked 48th in terms of student achievement, it’s troubling to see very little effort put forth to introduce a charter school law. Clearly the Cotton State seems content with maintaining the status quo and perpetuating mediocrity.

North Dakota: The charter school concept has not taken off in North Dakota despite the state’s history in pioneering innovations like distance-learning. CER’s analysis of the Sioux State’s education reform climate over the years has led us to conclude that failure to see beyond the norm in isolated communities has prevented any meaningful attempts to introduce a charter school law.

South Dakota: Earlier this year, one reform-minded democrat in the Mt. Rushmore State’s senate introduced a charter school bill that included equitable funding and allowed for multiple authorizers. Again, a lack of knowledge about charter schools and a local school board hold on the political process tabled the initiative before it even left committee.

Kentucky: For over a decade, reform and parental outreach efforts have remained at the fore of the education debate in the Bluegrass State, yet its complete lack of interest in pursuing school choice proposals, like charters, is puzzling. In early 2008, a bill to establish charter schools was introduced and immediately sent to committee to die. Members close to the state teachers’ union wouldn’t even grant the charter proposal one hearing.

Maine: Despite a very organized and energetic grassroots effort to bring charters to Maine, legislators rejected this important reform in 2007, and have done so repeatedly each year for more than a decade. Plagued by the misconception that “our schools are fine,” Mainers remain hesitant to change even when population and student achievement in the Pine Tree State are on the decline.

Montana: This mountainous northwest state seems more comfortable with things the way they’ve been rather than they way they could be. A lone Bozeman legislator seems to bring up the idea almost every two years when the legislature convenes, but without a strong grassroots effort to support it, the charter concept is habitually silenced.

Nebraska: There have been repeated attempts to bring charter schools to Nebraska with overwhelming parental support, yet lawmakers continuously balk at the idea. The Cornhusker State suffers from the same delusions of student achievement and affinity for local school districts that plague many of the “Final Ten.”

Vermont: Despite championing the motto, “Freedom and Unity,” the locals of Vermont just can’t fathom how choices might actually help children who have fallen through the cracks. The irony is that this state has a 100-year-plus history of giving vouchers to children whose towns do not have public schools.

Washington: Education reformers in Washington state celebrated its retreat from the “Final Ten,” back in 2003 only to be pushed back in line in 2004 when the state and national teachers’ unions repealed the law by putting it on the ballot.

West Virginia: Lawmakers in the Mountain State remain silent about education reform and charter schools despite even its teachers’ union recognizing the need for alternatives and being ranked 44th out of 51 states and D.C. in terms of student achievement.

And then there’s the U.S. Territories...

Puerto Rico: There continues to be some confusion about Puerto Rico, which claims to have passed charter legislation. After years of review, however, CER has concluded that while a charter law may exist in theory, none exists in practice.

Guam: Recently, a charter school bill has been introduced on this Pacific island paradise suffering from underperforming schools. There seems to be much excitement about the idea, yet a lack of knowledge exists about what a charter school is and what this law could mean for students.

For an in-depth analysis of these final ten states without charter school laws download CER’s 2007 report “The Final Ten” at http://www.edreform.com/_upload/CER_FinalTenCharterStates.pdf.

2008 LAWS AT-A-GLANCE

Current Rankings from First to Worst

THE A LAWS

1. Minnesota
2. District of Columbia
3. Michigan
4. Arizona
5. California
6. Florida
7. Delaware
8. Indiana

THE B LAWS

9. Colorado
10. Missouri
11. New York
12. Pennsylvania
13. New Mexico
14. Massachusetts
15. Oregon
16. Ohio
17. North Carolina
18. Georgia*
19. Oklahoma
20. New Jersey
21. Wisconsin*
22. Nevada

THE C LAWS

23. Louisiana
24. South Carolina
25. Utah
26. Illinois*
27. Texas
28. Idaho
29. New Hampshire
30. Arkansas
31. Tennessee
32. Connecticut
33. Maryland

THE D LAWS

34. Wyoming
35. Hawaii
36. Alaska
37. Kansas
38. Virginia
39. Rhode Island

THE F LAWS

40. Iowa
41. Mississippi

** Recent or proposed changes may impact this state's ranking.*

RANKINGS CHART

State	A								B									
	MN	DC	MI	AZ	CA	FL	DE	IN	CO	MO	NY	PA	NM	MA	OR	OH	NC	GA
Year Law Passed	96	91	95	94	93	01	92	93	96	93	97	97	98	98	96	93	93	99
Multiple Chartering Authorities	4.5	3	4.5	3.5	4	4	3	4	3.5	3	4.5	2	4	3.5	1.5	4.5	3	2
Number of Schools Allowed	5	4	4.5	4	4.5	5	5	4.5	5	2	3.5	5	4	2.5	5	3	2	5
Types of Charter Schools Allowed	5	4.5	4.5	5	5	4.5	4	4	4	3.5	4	4.5	4	4	4.5	4.5	4.5	4
Eligible Charter Applicants	5	5	5	5	5	5	4	4	5	5	4	5	4	4	5	5	4	4
Schools May Be Started Without Third Party Consent	4	4	5	5	3	4	4	4	3	4	4	3	3	4	5	5	3	3
Automatic Waiver	5	5	3	4	3	3	5	5	3	4	3	4	3	3	2	2	4	5
Legal/Operational Autonomy	4	5	3	4	3.5	3	3	5	4	5	4	3	3	4	3	3	3	3
Guaranteed Per-Pupil Funding	4	5	5	3	4	3.5	4	3	3	4	3	3	4	3.5	2	2	4	3
Fiscal Autonomy	5	5	5	5	4	5	4	5	3	3	5	3	4	4	2	4	4	2
Exempt from Collective Bargaining/ District Work Rules	5	5	5	5	5	5	5	3.5	5	5	3.5	5	5	3.5	5	3	3	3
Other Changes/Improvements	0	0	0	0	1	0	0	-1	1	0	-0.5	0	-1	-0.5	-2	-2	-1	-1
Total Score	46.5	45.5	44.5	43.5	42	42	41	41.0	39.5	38.5	38	37.5	37	35.5	33	34	33.5	33
Rank 2008	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Rank 2006	2	1	5	4	7	9	3	6	8	14	13	11	17	10	18	12	15	16
Number of charters as of February 2008	147	72	244	482	710	379	19	41	144	34	99	127	67	62	81	315	102	66

Note: The scores on this table are based on the current status of each law (through February 2008). Amendments to the original law, state board regulations, legal rulings, department of education interpretation and actual implementation have all been factored into the ranking. Each state is ranked for each criterion on a scale of 0 to 5, based on how the state's provisions under that criterion support or restrict the development of a significant number of autonomous charter schools. States are listed from 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. Produced and published by The Center for Education Reform February 2008. www.edreform.com.

B				C										D						F		
OK	NJ	WI	NV	LA	SC	UT	IL	TX	ID	NH	AR	TN	CT	MD	WY	HI	AK	KS	VA	RI	IA	MS
93	96	99	95	98	96	98	95	97	96	95	95	96	02	95	95	94	03	94	98	95	02	97
3.5	3	2.5	3	2	3	3	1.75	2	2.5	2.5	3	1.75	1	1.5	1.75	1	1	1	1	1	1	1
1	5	5	5	3	5	5	2	3	2	3	3	3	1	1	5	2	3	5	5	1	1	1
4	4	5	4	4	4.5	4	4	4.5	4.5	4	5	4	4	4	4.5	4	5	4.5	4	4	0	1.5
5	4	5	3	3	4	4	4	4	5	3	2	4	4	4.5	5	3.5	5	4.5	5	2	0	0
5	4	3	5	3	4	4	2	3	3	1	2	3	2	2	2	3	1	1	2	2	2	1
2	1	2	2	3	2	1	3	0	3	4	1	0	1	1	0	3.5	1	1	0	1	2	1
1	2	2	2	2	1	1	2	2	1.5	2	2	0	1	0	0	1	0	0	0	0	0	0
3	2	2	3.5	3	1	2	3	3	3	1	2	3	3	4	1	1	3	1	0	3	2	0
3	3	2	1	4	2	0	3	3	1	2	1	1	3	2	1	1	0	0	0	1	0	0
5	3	3	4	3	3	5	4	3	2	5	3	4	3	1	0	0	1	1	0	0	0	0
0	0	-1	-2	0	0	0	-1	0	0	-1	0	0	0	0	0	0	0	0	-1	0	0	0
32.5	31	30.5	30.5	30	29.5	29	27.75	27.5	27.5	26.5	24	23.75	23	21	20.25	20	20	19	16	15	8	5.5
19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41
21	20	19	27	26	24	25	28	27	23	29	30	32	31	36	33	35	34	37	38	39	40	41
15	57	226	24	53	32	60	58	315	30	13	17	12	20	31	3	29	25	29	3	11	10	1



ALASKA

(Law passed in 1995; last amended in 2001; 6th weakest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	60
Number of Charters Operating (as of March 2008)	25

APPROVAL PROCESS

Eligible Chartering Authorities	State board of education, with local school districts first having to approve.
Types of Charter Schools	Converted public, converted private, new starts, home-based, virtual
Appeals Process	None
Schools May Be Started Without Third Party Consent	Determined by districts
Recipient of Charter	Any individual or group
Term of Initial Charter	10 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No, except curriculum; exemptions from particular laws, regulations, and policies must be specified in charter.
Legal Autonomy	No
Governance	Academic policy committee composed of parents, students, teachers, and other school employees.
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	Provided by district
Facilities Assistance	No
Reporting Requirements	Quarterly reports to local school board and annual reports for parents, local school board, and state board of education that indicate academic progress. Fiscal accounting and audits will be done by an independent certified accountant.

ALASKA

continued

FUNDING

Amount	100% of state and district operations funding follows students, based on average district per-pupil revenue, minus a portion for administrative costs (determined by applying an indirect cost rate approved by the department of education). Estimated portion is about \$6,022.
Path	Funds pass through district to school.
Fiscal Autonomy	No, local school board provides annual program budget. Charter school must provide fiscal information to school board and state board of education.
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers are covered by district bargaining agreement unless exemption is negotiated with sponsor.
Certification	Required
Leave of Absence from District	Teachers remain employees of the district.
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	Students in district
Preference for Enrollment	Specified in charter
Enrollment Requirements	Not permitted
Selection Method (in case of over-enrollment)	Charter school and local school board must try to accommodate excess applicants by providing additional space and attracting additional teachers to the charter school; if all students cannot be accommodated, a lottery will be used.
At-Risk Provisions	None
Accountability	Statewide assessments; district may require other assessments in charter. The academic policy committee must provide a description of the educational program with specific levels of achievement for the education program.

ARIZONA

(Law passed in 1994; last amended in 2003; 4th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited
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Number of Charters Operating (as of March 2008)	479
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APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards, state board for charter schools (department of education is under a self-imposed moratorium).
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Types of Charter Schools	Converted public, converted private, new starts, virtual
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Appeals Process	None
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Schools May Be Started Without Third Party Consent	Yes
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Recipient of Charter	Public body, private person, private organization
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Term of Initial Charter	15 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes
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Legal Autonomy	Yes
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Governance	Governing board
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Charter School May be Managed or Operated by a For-Profit Organization	Yes
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Transportation for Students	For charter schools authorized by local school boards, transportation may be provided by the district; other charter schools receive state transportation aid in order to provide transportation for students.
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Facilities Assistance	Department of education must publish a list of vacant buildings owned by the state which are suitable for charter schools. Non-profit charter schools may apply for financing from Industrial Development Authorities.
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Reporting Requirements	Charter schools, like all schools in state, must prepare an annual report card for parents and the department of education; charter schools must also undergo an annual audit.
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ARIZONA

continued

FUNDING

Amount	For charter schools authorized by local school boards, funding may be negotiated and is specified in the charter. For other charter schools, funding is determined by the same base support level formula used for all district schools. Estimated portion is about \$6,075.
Path	For charters authorized by local school boards, funds pass through district to school. For all others, funds pass from state to school.
Fiscal Autonomy	Yes
Start-up Funds	Federal and state funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers may remain covered by district bargaining agreement, negotiate as separate unit with charter school governing body, or work independently.
Certification	Not required
Leave of Absence from District	Up to 3 years
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	All students in state
Preference for Enrollment	District residents if sponsored by local school board; siblings of current students.
Enrollment Requirements	Not permitted
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	Students must participate in the Arizona standardized test and the nationally standardized norm-reference achievement test as designated by the state board. Also, the schools must complete and distribute an annual report card.

ARKANSAS

(Law passed in 1995; last amended in 2007; 12th weakest of the nation's 41 charter laws)

C

GENERAL STATISTICS

Number of Schools Allowed	24 new starts; unlimited conversions; KIPP charter schools and schools that have demonstrated success in student achievement gains are exempt from the cap and may apply for licenses for additional open enrollment charter schools.
Number of Charters Operating (as of March 2008)	18

APPROVAL PROCESS

Eligible Chartering Authorities	State board of education
Types of Charter Schools	Converted public, converted private, new starts, virtual
Appeals Process	None
Schools May Be Started Without Third Party Consent	No, public hearing required.
Recipient of Charter	Non-profits, government entities, and colleges; conversions must be created by the district. No private or parochial elementary school in existence on or before July 30, 1999, is eligible for open enrollment charter school status.
Term of Initial Charter	5 years with annual review

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No, exemptions from particular laws, regulations, and policies must be specified in charter.
Legal Autonomy	No for conversions; yes for new starts
Governance	For conversions, the school district superintendent. For new starts, the chief operating officer of the charter.
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	May be provided by the district, but transportation funds do not follow the child.
Facilities Assistance	For new starts, schools have right of first refusal to purchase or lease at fair market value a closed public school or unused portions of a public school facility located in a district from which the charter draws its students.
Reporting Requirements	Annual reports to parents, local school boards, and state board of education; state board must prepare biennial report for legislature.

ARKANSAS

continued

FUNDING

Amount	Specified in charter. Estimated portion is about \$5,900.
Path	For conversion schools, funds pass through district to school. For open enrollment schools, funds pass directly from the state to the school.
Fiscal Autonomy	No
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers in conversions remain covered by district bargaining agreement, but may request a waiver from certain provisions; teachers in open enrollment schools can negotiate as a separate bargaining unit, or work independently.
Certification	Required for teachers in "limited" charters. Some charters may request a waiver from certification requirements.
Leave of Absence from District	Teachers remain employees of the district.
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	Conversion school students attending existing schools prior to conversion and other students who reside in the district.
Preference for Enrollment	Must use a weighted lottery system for student selection in areas under desegregation orders.
Enrollment Requirements	None for conversion or new starts; virtual schools limited to 500 students.
Selection Method (in case of over-enrollment)	Lottery, but desegregated areas are authorized to conduct weighted lotteries.
At-Risk Provisions	The state board gives preference to applications from schools in districts with high at-risk populations.
Accountability	Student performance shall be based on assessment instruments adopted by the state board of education and in compliance with any accountability provision specified by the charter, by a deadline, or at specified intervals.

CALIFORNIA

(Law passed in 1992; last amended in 2007; the 5th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Currently 1,050, with 100 more permitted each year.
Number of Charters Operating (as of March 2008)	703

APPROVAL PROCESS

Eligible Chartering Authorities	Local school board, county board or state board of education can authorize if applications meet certain criteria.
Types of Charter Schools	Converted public, new starts, home-based schools, virtual
Appeals Process	Applications denied by the local school board may be appealed to county board of education. Decision by the state board is subject to judicial review. The board that ultimately approves the application becomes the school's sponsor.
Schools May Be Started Without Third Party Consent	No, 50% of teachers at school must support conversions and 50% of teachers and parents/guardians must support new starts.
Recipient of Charter	One or more persons
Term of Initial Charter	5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes, from state and most district rules, but district retains right to negotiate.
Legal Autonomy	No, the 3-tiered oversight language prevents true autonomy.
Governance	Specified in charter, but must ensure parental involvement.
Charter School May be Managed or Operated by a For-Profit Organization	Yes, charters may be managed by, and given directly to, for-profits.
Transportation for Students	Specified in charter (However, the department of education's interpretation is that charter school students are entitled to transportation).
Facilities Assistance	Local school boards are required to provide equivalent facilities to charter schools operating within their jurisdiction. Also, the Charter School Facility Grant Program was established to provide facilities rent and lease costs. Over \$10 million is appropriated for this program.
Reporting Requirements	Annual financial reports that indicate progress made by the charter school in the previous year.

CALIFORNIA

continued

FUNDING

Amount	100% of state and district operations funding follows students, based on average district per-pupil revenue for classroom-based charters. For non-classroom based charters, the state department of education makes the decision based on the school's ability to make Academic Performance Index (API) over a sustained period of time. A change in the categorical block grant allows charter schools to receive an additional \$500 per pupil in the 2007-2008 school year. Estimated portion is \$7,034.
Path	Funds pass from state to district to school.
Fiscal Autonomy	Yes, negotiated with sponsor district and specified in charter.
Start-up Funds	Federal funds available; state offers revolving loan fund.

TEACHERS

Collective Bargaining / District Work Rules	Teachers may remain covered by the district bargaining agreement, negotiate as a separate unit with charter school governing board, or work independently.
Certification	Required
Leave of Absence from District	Specified in charter
Retirement Benefits	If a charter school chooses to participate in the state teacher's retirement system, all qualified employees shall be covered.

STUDENTS

Eligible Students	All students in state
Preference for Enrollment	District residents and siblings. Charter must specify means by which school's student body will reflect racial and ethnic balance of the general population living in the school district.
Enrollment Requirements	None
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Priority is given to schools designated to serve low-achieving students.
Accountability	Charter schools shall meet all statewide standards and conduct the pupil assessments required and any other statewide standards required in statute or pupil assessments applicable to pupils in traditional public schools.

COLORADO

(Law passed in 1993; last amended in 2007; 9th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed Unlimited

Number of Charters Operating 140
(as of March 2008)

APPROVAL PROCESS

Eligible Chartering Authorities Local school board, Colorado Charter School Institute (CSI) in districts that have not retained exclusive authority to grant charters. State board may recommend conversion of "failing" schools.

Types of Charter Schools Converted public, new starts, virtual

Appeals Process Applications denied by the local school board or the Charter School Institute may be appealed to the state board of education, which may remand the decision back to the local school board for reconsideration. A second denial may be appealed again to the state board, which may instruct the local board to approve the charter.

Schools May Be Started Without Third Party Consent No. Teachers, parents, and/or students (in "adequate" numbers) must support; application procedures may be adopted by local school board.

Recipient of Charter Any person or organization (for-profit or non-profit)

Term of Initial Charter Up to 5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies Limited; exemptions from district policies must be negotiated with sponsor and specified in charter, and waivers from state statutes must be granted by state board of education. In practice, however, waivers from state statutes are invariably granted upon request, and many districts grant charter schools wholesale waivers from district policy as well.

Legal Autonomy Yes, but autonomy may depend on the district.

Governance Specified in charter

Charter School May be Managed or Operated by a For-Profit Organization Yes, charters may be given directly to a for-profit organization.

Transportation for Students Specified in charter

Facilities Assistance The Charter School Facilities Financing Act requires a portion of funds to be distributed to charters to use in funding capital construction. If space is available in district facility, charter school may not be charged for that space (other costs for facilities operations and maintenance are to be negotiated). Any governmental entity may issue bonds on behalf of charter schools. Also, charter schools are allowed to participate in district bond elections.

COLORADO

continued

Reporting Requirements

Charter school renewal application must include a report on school's progress in meeting its educational goals; state board of education must prepare a report for the legislature comparing the performance of charter school students with that of comparable students in other public schools and reviewing the regulations and policies for which waivers were sought.

FUNDING

Amount	A minimum of 95% of average per pupil revenue follows the students. Charter schools may seek bonds at a public rate. In districts of 500 or fewer, at least 85% of district per-pupil revenue is guaranteed. Estimated portion is about \$6,632.
Path	For district approved schools, funds pass through district to school. For schools sponsored by CSI, funds are dispersed directly from state.
Fiscal Autonomy	Relationship negotiated with sponsor district and specified in charter.
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers may remain covered by the district bargaining agreement, negotiate as a separate unit with charter school governing board, or work independently.
Certification	Required, may be waived
Leave of Absence from District	Up to 3 years
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	All students in state
Preference for Enrollment	District residents
Enrollment Requirements	Not permitted
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Priority in the approval process must be given to schools designed to serve low-achieving students.
Accountability	Charter schools must participate in statewide assessments administered under the Colorado student assessment program, and provide a timeline for achievement of the school's student performance standards, and the procedures for taking corrective action in the event that student performance at the independent charter school fails to meet such standards.

CONNECTICUT

(Law passed in 1996; last amended in 2006; 10th weakest of the nation's 41 charter laws)

C

GENERAL STATISTICS

Number of Schools Allowed	24
Number of Charters Operating (as of March 2008)	19

APPROVAL PROCESS

Eligible Chartering Authorities	State board of education for state charters, and local board with state board's approval for local charters.
Types of Charter Schools	Converted public, new starts
Appeals Process	None
Schools May Be Started Without Third Party Consent	No, public hearing and survey required to determine interest, and the local school board's approval for local charter schools. Public hearing in affected district and solicitation of comments from local school board and contiguous school boards for state charter schools required.
Recipient of Charter	Any person, group or regional school board, or regional educational service center
Term of Initial Charter	5 years, renewal up to 10 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No, charter schools, like other public schools, may seek waivers on a case-by-case basis from state board of education.
Legal Autonomy	No
Governance	Governing council as specified in charter; teachers and parents of students must be represented.
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	For students residing in the district in which charter is located, transportation is provided by district unless other arrangements are specified in charter. Districts, at their discretion, may provide transportation for resident students attending a charter outside their district and will be reimbursed for reasonable cost for such services by the state.
Facilities Assistance	No, but charter schools may apply for low-interest loans from CT Health and Educational Facilities Authority (CHEFA).
Reporting Requirements	Annual reports profiling the school sent to commissioner (state charters only) and annual report profiling school sent to local school boards (local charters only). Commissioner must prepare annual report for legislature on operation of charter schools.

CONNECTICUT

continued

FUNDING

Amount	For local charters, funding is specified in charter. For state charters, funding is directly dependent on state's annual appropriation, which fixes available funds at lower levels. Currently, charters receive \$8,000 per pupil from state allotment. State charters also receive special education money from district where students reside. Estimated total is about \$10,615.
Path	Funds pass through district to charter schools authorized by local school boards, and pass from state to school for state authorized charter schools.
Fiscal Autonomy	Yes, but state officials still maintain some control over funding, as specified in charter.
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers in local charter schools remain covered by district collective bargaining agreement, but may, by mutual agreement, apply for a waiver from specific provisions; teachers in state charters may negotiate as a separate unit with the governing body, or work independently.
Certification	50% must be certified, but law allows for alternative certification.
Leave of Absence from District	Up to 4 years
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	All students in state; however charters may enroll no more than 250 students, 300 in K-8, or 25% of enrollment in a district, whichever is less.
Preference for Enrollment	All charter schools may give preference to siblings of students in school. Local charters may give preference to students in district.
Enrollment Requirements	Charter schools are encouraged to target at-risk students.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Approval preference must be given to applicants for schools located in districts with a significant at-risk population (identified as "priority" districts). Preference is also given to applicants in districts with 75% or more minority enrollment and proposed state charters located at a work-site or proposed by institutions of higher learning.
Accountability	The charter school must describe a means to assess student performance that includes participation in statewide mastery examinations. Renewal may involve an independent appraisal of the school.

DELAWARE

(Law passed in 1995; last amended in 2004; 7th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited
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Number of Charters Operating (as of March 2008)	19
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APPROVAL PROCESS

Eligible Chartering Authorities	Local school board for conversions, local school boards or state board of education for new starts.
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Types of Charter Schools	Converted public, new starts
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Appeals Process	None
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Schools May Be Started Without Third Party Consent	No, 50% of teachers and parents must support conversions.
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Recipient of Charter	Any person, university, college, or non-religious, non-home-based entity
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Term of Initial Charter	4 years, renewal up to 5 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes
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Legal Autonomy	Limited. Department of education has authority to promulgate rules and regulations regarding operations and procedures as they relate to charter schools.
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Governance	Board of directors including parents and teachers. Charter board of director members cannot also be an elected member of a local school board of education. Charter school may enter a contract with a religious or sectarian college or university that offers a nonsectarian teacher education program if the services are used in a nonsectarian manner.
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Charter School May be Managed or Operated by a For-Profit Organization	Yes
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Transportation for Students	Provided by district or charter school; if school provides transportation, it receives state transportation aid.
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Facilities Assistance	District must make unused buildings available for charter schools (and bargain in good faith over rent); department of education and department of administrative services must publish list of all vacant buildings owned by the state or school districts that may be suitable for charter schools.
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Reporting Requirements	Annual reports that include discussion of the school's progress in meeting overall student performance goals and standards and contain a financial statement setting forth appropriate categories of the school's revenues and expenditures and assets and liabilities.
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DELAWARE

continued

FUNDING

Amount	100% of computed state funding based on state unit funding formula and 100% of local funding based on previous year per-pupil expenditure (in students' district of residence) follows students. Estimated portion is about \$8,453.
Path	Funds pass from state and district to school.
Fiscal Autonomy	Yes, but district still maintains some control over funding.
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers are not covered by district bargaining agreement; they may negotiate as a separate unit with charter school governing body or work independently.
Certification	At least 65% must be certified; alternative certification criteria are specified in law.
Leave of Absence from District	One year, only for the first year in new starts
Retirement Benefits	A charter school may choose to be covered by the state retirement system or choose another retirement system in lieu of the state system.

STUDENTS

Eligible Students	All students in state
Preference for Enrollment	Siblings of enrolled students, and children of founders and employees.
Enrollment Requirements	Students with specific interests in subject matter or teaching philosophy may receive preference; charter school may set reasonable academic and disciplinary standards for students to remain enrolled.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	At-risk students may be given preference for enrollment; each charter must describe strategies to meet needs of at-risk and special education students. The requirement that charter schools serve at least 200 students may be waived if school targets at-risk or special education students.
Accountability	The school must set goals for student performance and will utilize satisfactory indicators to determine whether its students meet or exceed such goals and the academic standards set by the state. The indicators shall include the assessments required for students in other public schools, although the charter school may adopt additional performance standards or assessment requirements, and shall include timelines for the achievement of student performance goals and the assessment of such performance.

DISTRICT OF COLUMBIA

(Law passed in 1996; last amended in 2005; the 2nd strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	20 per year
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Number of Charters Operating (as of March 2008)	74
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APPROVAL PROCESS

Eligible Chartering Authorities	DC Public Charter School Board; DC City Council may designate an additional entity by enactment of a bill. (The DC Board of Education transferred all their authorized schools to the DCPCSB and are no longer an authorizer.)
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Types of Charter Schools	Converted public, converted private, new starts
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Appeals Process	None
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Schools May Be Started Without Third Party Consent	No, 51% of teachers and 66% of parents/guardians must support for conversions.
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Recipient of Charter	Person, group, organization, or post-secondary institution, including public, private, or quasi-private entities
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Term of Initial Charter	15 years with at least one review every 5 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes
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Legal Autonomy	Yes
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Governance	Board of trustees as specified in charter; board must have an odd number of members not to exceed 7 and must include at least 2 parents of enrolled students; majority of board members must be DC residents.
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Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
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Transportation for Students	Charter school students, like regular public school students, are eligible for reduced public transportation fares.
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Facilities Assistance	Preference over vacant district buildings is mandated (but not always applied). Conversion schools have a right of first offer to surplus properties under Mayor's jurisdiction. These schools must be given the right to lease or purchase surplus property 25% below the nonprofit rate.
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Reporting Requirements	Annual reports to the chartering authority and DC Financial Responsibility and Management Assistance Authority.
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DISTRICT OF COLUMBIA

continued

FUNDING

Amount	100% of operations funding follows students, based on DC per-pupil formula. Estimated portion is about \$11,154.
Path	Funds pass from state office to school
Fiscal Autonomy	Yes
Start-up Funds	Federal funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers may negotiate as separate unit with charter school governing body or work independently.
Certification	Not required
Leave of Absence from District	Up to 4 years
Retirement Benefits	A public charter school may establish a retirement system for employees.

STUDENTS

Eligible Students	All DC students
Preference for Enrollment	Students enrolled prior, district residents, and siblings
Enrollment Requirements	Charter school may not limit enrollment based on academic ability or achievement, but may limit enrollment based on the area of focus of the school (e.g. mathematics or the arts).
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Chartering authorities are to give preference to schools that target students with special needs.
Accountability	All state district standards/assessments apply to charter schools. Charter school must obtain accreditation from an accrediting body deemed appropriate by the chartering authority; if school includes preschool or kindergarten, it must be licensed as a child development center by the DC government.

FLORIDA

(Law passed in 1996; last amended in 2006, 6th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed Unlimited

Number of Charters Operating 348
(as of March 2008)

APPROVAL PROCESS

Eligible Chartering Authorities Local school boards, district school board may sponsor a charter school in the county over which the board has jurisdiction. Florida Schools of Excellence Commission has been established to authorize schools in districts that have not been granted exclusive authority over charters and may also approve cities and universities as co-sponsors of charters.

Types of Charter Schools Converted public, new starts, virtual

Appeals Process Applications denied by the local school board and the Schools of Excellence Commission may be appealed to the charter school appeal commission of the state board of education and their decision is binding.

Schools May Be Started Without Third Party Consent No, 50% of teachers and parents must support for conversions.

Recipient of Charter Any individual or group, a municipality or a legal entity; private, parochial or home education programs not eligible for charter status.

Term of Initial Charter 4 or 5 years with renewal after 5 years. Nonprofits are eligible for up to a 15 year charter, and charters operating for 3 years that have demonstrated success can renew for a 15 year term to facilitate financing.

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies Limited. Specific statutes apply to charters (including class size) but charter schools are exempt from local school board policies.

Legal Autonomy Yes, but autonomy may depend on the district.

Governance Specified in charter, including charter school's status as public or private employer, or governing body appointed by the municipal governing body.

Charter School May be Managed or Operated by a For-Profit Organization Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.

Transportation for Students Encouraged but not required. Provided by charter school for students within a reasonable distance of school; transportation must not be a barrier to equal access.

Facilities Assistance Available district facilities or property may be made available to charter schools. A charter school capital outlay trust fund was established. A maximum of 5% of the school buildings currently in use for instructional purposes in a district may be converted to charter schools. This limitation does not apply to vacant buildings or buildings not used for instructional purposes. Land developers may be given the option to provide new charter school facilities as an alternative to paying students' stationing impact fees to local school boards.

FLORIDA

continued

Reporting Requirements	Same as all other public schools
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FUNDING

Amount	100% of state and district operations funding follows students, based on average district per-pupil revenue fees. Administrative services may not exceed 5% of total funding. Estimated portion is about \$6,552.
Path	Funds pass through district to school
Fiscal Autonomy	Yes
Start-up Funds	Federal and state funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers may remain covered by district bargaining agreement, negotiate as a separate unit with the governing body, or work independently.
Certification	Required, with waivers in specific but narrow circumstances.
Leave of Absence from District	Contingent upon approval of the local school board.
Retirement Benefits	Teachers on approved leaves of absence must participate in state's retirement system.

STUDENTS

Eligible Students	Students in district (inter-district transfer agreements may be honored for charter schools as well as for regular public schools).
Preference for Enrollment	Students enrolled prior, siblings, and the children of employees. Charter schools may give preference for enrollment to at-risk students. Also, racial/ethnic balance of charter school may not differ from district or community.
Enrollment Requirements	A charter school can limit enrollment to students at-risk of dropping out or of academic failure and to students within certain boundaries.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Charter schools may give preference for enrollment to at-risk students.
Accountability	Students in charter schools shall, at a minimum, participate in the statewide assessment program, and, as appropriate, the FL Writes Assessment Test, the High School Competency Test, and other assessments administered. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation must be provided.

OTHER FEATURES

Impact Aid	Districts allowed to retain 5% administrative fee on the first 500 students.
Limit on Multiple Charters	Businesses are encouraged to form business partnership schools or satellite learning centers through charter school status.

GEORGIA

(Law passed in 1993; last amended in 2007; 18h strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited
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Number of Charters Operating (as of March 2008)	65
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APPROVAL PROCESS

Eligible Chartering Authorities	Local school board
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Types of Charter Schools	Converted public, new starts
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Appeals Process	The state board of education has the power to grant appeals and become the sponsor of a state charter provided a majority of teachers and parents from the appealing school support the application and it meets a set of state rules and regulations that the board has set and that are not specified in law.
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Schools May Be Started Without Third Party Consent	No, a majority of teachers and parents must submit a petition to local school board for conversions.
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Recipient of Charter	Individuals, organizations, or state or local public entities. School districts can apply to be entirely converted into a charter school district.
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Term of Initial Charter	5 to 10 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Blanket waiver from state and local rules and regulations reinstated in 2005.
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Legal Autonomy	Limited
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Governance	The majority of board members shall be parents of students enrolled at the school.
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Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
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Transportation for Students	Provided by district where feasible
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Facilities Assistance	State facilities fund provided for by law, but money has not yet been appropriated. Funding will be per pupil and need-based.
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Reporting Requirements	Same as all other public schools.
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GEORGIA

continued

FUNDING

Amount	School is included in the allotment of quality basic education (QBE) funds, which establish a minimum amount of funding a charter school will receive, minus 5% for administrative costs. Law states that charters should be treated no less favorably than other local schools in regards to funding for instruction and school administration, but districts may exercise discretion over other portions of funding and negotiate with the charter school. State-sponsored charters are not eligible to receive local tax dollars. Estimated portion is about \$6,740.
Path	Funds pass through district to school
Fiscal Autonomy	No
Start-up Funds	Federal and state funds available

TEACHERS

Collective Bargaining / District Work Rules	Details of employment specified in charter
Certification	Specified in the charter application
Leave of Absence from District	Specified in charter
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	Specified in charter, but students may be accepted from multiple districts.
Preference for Enrollment	District residents and siblings
Enrollment Requirements	Not permitted
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	A plan for improvement that addresses how the charter petitioner proposes to improve student learning and meet minimum state standards.

* HB 881 passed both houses in the 2008 session of the Georgia General Assembly. Governor Perdue had not yet signed the bill into law at the time this report went to press. The legislation creates a new authorizer called the Georgia Charter Schools Commission and makes some changes to funding and may affect CER's grade of this state's law upon complete evaluation.

HAWAII

(Law passed in 1994; amended in 2007; 7th weakest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	25 for conversions; 23 for new starts, 1 new school may be authorized for every new start that either has its charter revoked or has been accredited for 3 years or longer by an education accreditation authority.
Number of Charters Operating (as of March 2008)	29

APPROVAL PROCESS

Eligible Chartering Authorities	Charter School Review Panel, whose members are appointed by the state board of education.
Types of Charter Schools	Converted public, new starts
Appeals Process	Applications denied by the Charter School Review Panel may be appealed to the state board of education.
Schools May Be Started Without Third Party Consent	No, 60% of teachers, support staff, and parents at school must support.
Recipient of Charter	A group of teachers, any public school, non-profit organization, or any program within an existing school.
Term of Initial Charter	Up to 5 years, as specified in charter

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes
Legal Autonomy	Limited
Governance	Board must be composed of at least one principal, teacher, support staff member, parent, student, and community member.
Charter School May be Managed or Operated by a For-Profit Organization	No
Transportation for Students	Yes
Facilities Assistance	None, but may apply for supplemental grants available to all public schools.
Reporting Requirements	Self-evaluation at the end of each school year. Charter School Review Panel will conduct their own multi-year evaluation of schools that have been chartered 4 or more years.

HAWAII

continued

FUNDING

Amount	As determined annually, based on per-pupil funding but not guaranteed. Estimated portion is about \$7,230.
Path	Funds pass from state to school
Fiscal Autonomy	No
Start-up Funds	Federal and state funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers remain covered by district bargaining agreement.
Certification	Required
Leave of Absence from District	Teachers remain employees of the district.
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	Students in attendance area of public school prior to conversion.
Preference for Enrollment	Charter must include plan for identifying, recruiting, and selecting students to make certain that student participation is not exclusive, elitist, or segregationist.
Enrollment Requirements	None
Selection Method (in case of over-enrollment)	Not applicable
At-Risk Provisions	None
Accountability	The charter school must provide a plan for comprehensive assessment and an accountability system that meets or exceeds the established state educational content and performance standards as well as any other specific student outcomes to be achieved, and this plan must be accountable to the general public.

GENERAL STATISTICS

Number of Schools Allowed	Up to 6 new charters per year statewide, and only one per school district each year not including virtual charter schools. No whole school district may be converted to a charter district.
Number of Charters Operating (as of March 2008)	30

APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards for approval of conversions and new charter schools. Public Charter School Commission (PCSC) for virtual charters or for schools not acted upon by school boards or referred by school boards.
Types of Charter Schools	Converted public, new starts, virtual
Appeals Process	Applications denied by the local school board or the Public Charter School Commission may be appealed to a hearing officer selected by the state superintendent of public instruction. The hearing officer can make recommendations, but they are non-binding. Upon further disapproval by the local board or PCSC, an applicant may appeal to the state board of education. Decisions by the state board of education are subject to judicial review.
Schools May Be Started Without Third Party Consent	No, 60% of teachers and parents/guardians must support for conversions. For new starts, a petition signed by more than 30 qualified electors of the district.
Recipient of Charter	Any person
Term of Initial Charter	5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Limited from state, exempt from most local
Legal Autonomy	Limited
Governance	Specified in charter
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but schools may be managed by them.
Transportation for Students	Same as traditional public school. Transportation support paid to the charter school students living more than one and one-half (1 1/2) miles from the school at 85% of the actual cost.
Facilities Assistance	None
Reporting Requirements	Annual financial, operational, and student progress reports.

FUNDING

Amount	Computation of support units for each charter school shall be calculated according to the Idaho code. Funding from the state educational support program shall be equal to the total distribution factor, plus the salary-based apportionment provided in the Idaho Code. Estimated portion is about \$6,703 but varies with apportionment calculations.
Path	Funds pass through district to school
Fiscal Autonomy	Depends upon the amount of control exercised by the school board.
Start-up Funds	Federal funds available; some state funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers are not covered by district collective bargaining agreement, but are considered a separate unit.
Certification	Required
Leave of Absence from District	Specified in charter
Retirement Benefits	Specified in charter

STUDENTS

Eligible Students	All students
Preference for Enrollment	Students in a specific neighborhood, as opposed to all students within the district; children of founders (limited to 10% of student population) and siblings of current students.
Enrollment Requirements	None
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	Students of the charter school shall be tested with the same standardized test as other Idaho public school students.

ILLINOIS

(Law passed in 1996; last amended in 2005; 16th weakest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	60 total: 30 in Chicago, 15 in Chicago suburbs, and 15 in rest of the state.
Number of Charters Operating (as of March 2008)	61

APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards
Types of Charter Schools	Converted public, new starts, virtual
Appeals Process	Applications denied by the local school board may be appealed to the state board of education; if approved the state board becomes the school's sponsor.
Schools May Be Started Without Third Party Consent	No, a majority of parents, teachers, and local school council (if applicable) must support for conversions. For new starts, must show evidence that all seats will be filled and preferences given to charter schools that demonstrate high level of student, parent, teacher, and community support.
Recipient of Charter	Individuals or organizations including partnerships of parents, educators, existing public schools, businesses, colleges, universities, and community-based organizations.
Term of Initial Charter	Between 5 and 10 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes
Legal Autonomy	Limited in Chicago; no in rest of state
Governance	Specified in charter (non-profits are required to have at least 3 members on their board of directors)
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	Means by which charter school will meet transportation needs of its students, including low-income and at-risk students, is specified in charter.
Facilities Assistance	For conversions, school building is provided by district at no charge, subject to negotiation.
Reporting Requirements	Charter school must submit an annual financial and administrative audit (conducted by an independent outside auditor); local school board must submit annual evaluations of charter schools to state board of education; state board must submit annual report to legislature and governor comparing performance of charter school students with that of comparable students in other public schools.

ILLINOIS

continued

FUNDING

Amount	Negotiated with sponsor district and specified in charter, but not less than 75% or more than 125% of per-capita student tuition of district in which charter school is located. Estimated portion is about \$6,602.
Path	Funds pass through district to school
Fiscal Autonomy	Yes
Start-up Funds	Federal funds available; state offers a school loan fund

TEACHERS

Collective Bargaining / District Work Rules	Teachers may remain covered by district bargaining agreement, negotiate as separate unit with charter school governing body, or work independently.
Certification	Beginning in 2006, either 50% or 75% of teachers in Chicago charter schools must be certified, depending on year school was established. Uncertified teachers must have a bachelor's degree, 5 years of experience in area of degree, passing score on state teacher tests, and evidence of professional growth; mentoring must be provided to uncertified teachers.
Leave of Absence from District	Up to 5 years
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	Students in district
Preference for Enrollment	Students enrolled prior and siblings
Enrollment Requirements	Same as other public schools
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Approval preference is given to schools designated to serve a substantial proportion of at-risk children.
Accountability	The charter school must meet all achievement goals, standards, and assessments established by the state.

* In April of 2008, SB 2402 passed the Illinois senate and would raise the statewide cap from 60 charters to 100. Another proposal, SB 1956, also passed the senate and would shift five of the available charter "slots" from Chicago's suburbs or downstate to Chicago. Either proposal, if enacted into law, would affect CER's grade for Illinois, one more positively than the other.

INDIANA

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



GENERAL STATISTICS

Number of Schools Allowed	Unlimited for schools sponsored by local school boards; 20 per year by the mayor of Indianapolis (increases by 5 annually).
Number of Charters Operating (as of March 2008)	41

APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards, public state universities, and the mayor of Indianapolis.
Types of Charter Schools	Converted public, new starts, virtuals**
Appeals Process	Petition may be submitted to the Charter School Review Panel; the Panel may approve the proposal, but cannot act as the sponsor.
Schools May Be Started Without Third Party Consent	No, 60% of teachers and 51% of parents at school must support for conversions. For the mayor, a majority of members of the legislative body of the city must approve.
Recipient of Charter	Any group or entity that has been determined to be operating under non-profit status, or has applied for such a determination.
Term of Initial Charter	At least 3 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes
Legal Autonomy	Yes
Governance	Specified in charter
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	Local district must provide transportation, but the cost of services provided by district may not exceed 103% of the actual cost of the service.
Facilities Assistance	None
Reporting Requirements	Annual reports similar to those of traditional public schools. The charter school must also undergo an annual financial audit.

INDIANA

continued

FUNDING

Amount	Funding is determined by the same base support level formula used for all district schools. The Indiana Department of Education is required to apply for federal funds designated for charter schools. Estimated portion is about \$6,400. **A two-year moratorium on funding virtual schools was passed in 2007, essentially eliminating them.
Path	Funds pass from state or district to school
Fiscal Autonomy	Yes
Start-up Funds	State funds are available for first-year schools and those with growing enrollments. Federal funds available.

TEACHERS

Collective Bargaining / District Work Rules	Teachers in conversions will remain covered by district collective bargaining agreements, but may, by mutual agreement, apply for a waiver from a specific provision; teachers in new starts may organize as a separate bargaining unit.
Certification	Required, but allows for an alternative route, through the "Transition to Teaching" program.
Leave of Absence from District	Up to 2 years, an extension is possible for those teaching in new starts.
Retirement Benefits	A charter school may participate in state's retirement system, or establish a retirement system for its employees; specified in charter.

STUDENTS

Eligible Students	For start-ups, any student in the state; for conversions, any student from the local district, but can be waived upon agreement between sponsor and organizer.
Preference for Enrollment	Students enrolled prior, district residents, and siblings
Enrollment Requirements	Not permitted
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None specified
Accountability	The charter school must provide evidence of improvement in assessment measures, including ISTEP and Graduation Qualifying Exam, attendance rates, graduation rates (if appropriate), increased numbers of Core 40 diplomas (if appropriate), and increased numbers of academic honors diplomas (if appropriate).

IOWA

(Law passed in 2002; amended in 2007; 2nd weakest of the nation's 41 charter laws)

F

GENERAL STATISTICS

Number of Schools Allowed	1 per school district, 20 total, and sunsets in 2010
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Number of Charters Operating (as of March 2008)	10
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APPROVAL PROCESS

Eligible Chartering Authorities	State board of education only, with local board first having to approve.
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Types of Charter Schools	Converted public only
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Appeals Process	None
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Schools May Be Started Without Third Party Consent	No, 50% of parents and teachers required.
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Recipient of Charter	Teachers, parents, or principal of an existing school.
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Term of Initial Charter	4 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Limited
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Legal Autonomy	No
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Governance	School board, in conjunction with the charter school advisory council.
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Charter School May be Managed or Operated by a For-Profit Organization	No
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Transportation for Students	Specified in charter
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Facilities Assistance	Specified in charter
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Reporting Requirements	Charter school must report annually to the school board, advisory council, and state board the information required by any of those entities.
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IOWA

continued

FUNDING

Amount	100% of state and district funding follows the students, based on average district per-pupil revenue. Estimated portion is about \$7,529.
Path	Funds pass from state to district to school
Fiscal Autonomy	None
Start-up Funds	Federal funds are available

TEACHERS

Collective Bargaining / District Work Rules	Teachers are considered employees of the district.
Certification	100% required
Leave of Absence from District	None
Retirement Benefits	Teachers are required to participate in state's retirement program.

STUDENTS

Eligible Students	All students within the state
Preference for Enrollment	Siblings
Enrollment Requirements	None
Selection Method (in case of over-enrollment)	Lottery/random process.
At-Risk Provisions	None
Accountability	The school must comply with all state public school accountability measures, including annual testing.

KANSAS

(Law passed in 1994; last amended in 2004; 5th weakest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited
Number of Charters Operating (as of March 2008)	30

APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards with state board approval.
Types of Charter Schools	Converted public, new starts, virtual
Appeals Process	None
Schools May Be Started Without Third Party Consent	No, support from district employees, parents, and community must be documented in charter application.
Recipient of Charter	School or school district employee groups, educational services contractors, and other persons or entities.
Term of Initial Charter	3 years for schools created prior to July 1, 2004; 5 years for schools created after.

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No, exemptions from particular laws, regulations, and policies must be specified in charter.
Legal Autonomy	No
Governance	Specified in charter (but ultimate control over charter school remains with school district).
Charter School May be Managed or Operated by a For-Profit Organization	Not specified in law
Transportation for Students	District must provide transportation for students who qualify for the free-lunch program and live 2 miles or more from the school, and may provide transportation for other students.
Facilities Assistance	None
Reporting Requirements	Each year, local school boards must evaluate impact of charter schools on district educational system; those evaluations are compiled by the state board of education and submitted to legislature and governor.

KANSAS

continued

FUNDING

Amount	Discretion of district. Estimated portion is about \$6,331.
Path	Funds pass through district to school
Fiscal Autonomy	No
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers remain covered by district bargaining agreement (waiver may be granted if specified in charter).
Certification	Required (waiver may be granted)
Leave of Absence from District	Specified in charter
Retirement Benefits	All employees who are participating in the operation of a charter school and who qualify for membership in the Kansas public employees retirement system shall be members of the system.

STUDENTS

Eligible Students	Specified in charter (Kansas has a statewide open enrollment law for consenting districts, so statewide eligibility is possible.)
Preference for Enrollment	Specified in charter. Racial and socio-economic balance of charter school must approximate district.
Enrollment Requirements	Specified in charter
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	In funding district enhancement plans, state board of education must give preference to those plans that include the establishment of charter schools designed to serve at-risk students.
Accountability	Charter must describe manner of student participation in state assessment program, and include an explanation of how pupil performance in achieving the specified outcomes will be measured, evaluated, and reported.

LOUISIANA

(Law passed in 1995; last amended in 2004; 19th weakest of the nation's 41 charter laws)

C

GENERAL STATISTICS

Number of Schools Allowed	42; schools authorized in Statewide Recovery District are exempt from cap.
Number of Charters Operating (as of March 2008)	54

APPROVAL PROCESS

Eligible Chartering Authorities	Local school board and state board of education; in the case of certain types of charters in recovery districts (i.e. New Orleans) state board may charter directly.
Types of Charter Schools	Converted public, new starts (the state provides for 5 different types of charter schools that vary depending on sponsor and method of approval).
Appeals Process	Applications denied by the local school board may be appealed to the state board of education. If application is approved, the state board becomes the sponsor.
Schools May Be Started Without Third Party Consent	No, 2/3 of faculty/staff and a majority of parents must support for conversions.
Recipient of Charter	Non-profit organizations, of which 3 or more people hold current Louisiana teaching certificates.
Term of Initial Charter	5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes, but there are exceptions specified in law.
Legal Autonomy	Yes, but autonomy may depend on the district.
Governance	Specified in charter
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	Specified in charter
Facilities Assistance	Local school boards are directed to make unused facilities and their contents available to charters at fair market value, and at no cost for charter schools not constructed with local board money.
Reporting Requirements	Charter school must report to parents, community, local school board, and state board of education at end of each semester regarding progress toward performance objectives; school must prepare more comprehensive reports at end of school year; local school board must report annually to state board.

LOUISIANA

continued

FUNDING

Amount	For charters approved by the local board, 100% of state and district operations funding follows the students, based on average per-pupil revenue. For charters approved by the state board, schools receive 100% of funding, in the amount of the average per-pupil revenue of their resident district, directly from the state (state-approved charters receive no district funds). Estimated portion is about \$6,926. Charters may ask for a lesser per pupil amount from the sponsor in exchange for specific services that the chartering authority agrees to provide. Type II charters receive only state funds.
Path	Funds pass through district to charter schools authorized by local school boards; from state to charter schools authorized by the state.
Fiscal Autonomy	Yes
Start-up Funds	Federal funds available; state has no-interest loan fund

TEACHERS

Collective Bargaining / District Work Rules	Teachers are covered by district bargaining agreement, unless exemption is negotiated with sponsor and specified in charter.
Certification	75% must be certified; remaining must be seeking a permanent license, have a bachelor's degree, 10 years teaching experience, demonstrate expertise in their field, and teach under the supervision of a certified teacher.
Leave of Absence from District	Up to 3 years
Retirement Benefits	Charter schools must participate in the state's retirement system.

STUDENTS

Eligible Students	For locally-sponsored charters, students in district; for state-sponsored charters, all students in state.
Preference for Enrollment	Must comply with any desegregation order/regulations.
Enrollment Requirements	None
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Percentage of at-risk students in charter school must not be less than certain percentages in district as a whole; proposal must describe how at-risk students will be served.
Accountability	Charter schools must regularly assess the academic progress of their pupils, including participation in state testing programs, and share such information with parents. The state department of education shall work directly with each school regarding the implementation of the state testing program. No charter will be renewed unless the students demonstrate academic improvement over the term of the school's existence.

MARYLAND

(Law passed in 2003; 9th weakest of the nation's 41 charter laws)

C

GENERAL STATISTICS

Number of Schools Allowed	No state limit but school districts create their own limits.
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Number of Charters Operating (as of March 2008)	30
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APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards. (The state board of education can authorize under limited circumstances involving the conversion of "restructured schools" if the county board fails to act on an application within 45 days.)
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Types of Charter Schools	Converted public, new starts
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Appeals Process	Non-binding review; the state board can provide guidance to local boards. For restructured schools, the state board may become the authorizer if the proposal is rejected or ignored at the local level.
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Schools May Be Started Without Third Party Consent	Not specified in law, but in district charter school policies.
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Recipient of Charter	The staff of an existing school, a parent or guardian, a non-profit organization, an institution of higher education, or any combination of the above.
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Term of Initial Charter	Local board discretion
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No, schools must apply for a waiver on an issue-by-issue basis by appealing to the state board.
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Legal Autonomy	No
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Governance	Specified in charter
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Charter School May be Managed or Operated by a For-Profit Organization	Not specified in law
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Transportation for Students	None
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Facilities Assistance	None
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Reporting Requirements	Each charter school must submit an annual report to its authorizer and the parents of its students that discusses the progress made and the expenditures.
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MARYLAND

continued

FUNDING

Amount	100% of state and district operations funding follows students, based on average district per-pupil revenue minus 2% for administrative costs. Estimated portion is about \$8,000.
Path	Funds pass from school district to charter school
Fiscal Autonomy	Limited
Start-up Funds	None

TEACHERS

Collective Bargaining / District Work Rules	Teachers remain covered by the district's collective bargaining unit, but teachers and the employee organization may mutually agree to negotiate amendments to the existing contract.
Certification	Required
Leave of Absence from District	Not specified in law
Retirement Benefits	A charter school employee shall receive the same benefits as employees in traditional public schools.

STUDENTS

Eligible Students	Not specified in law, but in district charter school policies.
Preference for Enrollment	Not specified in law, but in district charter school policies.
Enrollment Requirements	Not specified in law, but in district charter school policies.
Selection Method (in case of over-enrollment)	Not specified in law, but in district charter school policies.
At-Risk Provisions	None
Accountability	The charter school must abide by the same federal and state assessments as a traditional public school.

MASSACHUSETTS

(Law passed in 1993; last amended in 2003; 14th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	72 state-approved charters (Commonwealth charters); 48 school district conversion charters (Horace Mann charters); state must approve 3 new charter schools in struggling districts.
Number of Charters Operating (as of March 2008)	62

APPROVAL PROCESS

Eligible Chartering Authorities	State board of education for Commonwealth start-up charters; jointly by local school committee, local teacher union and state board of education for Horace Mann conversions.
Types of Charter Schools	Converted public, new starts
Appeals Process	None
Schools May Be Started Without Third Party Consent	No, local school committee and local teachers union must approve Horace Mann conversions. Preference may be given to Commonwealth charters that demonstrate local support.
Recipient of Charter	Applicants may include (but are not limited to) non-profit organizations, 2 or more certified teachers, and 10 or more parents.
Term of Initial Charter	5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No from state, yes from district for new starts. Conversions negotiate with district.
Legal Autonomy	Limited
Governance	Board of trustees
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	Provided by district for students in district where charter school is located.
Facilities Assistance	None
Reporting Requirements	Annual report including audited financial statement and description of progress toward academic goals, same state reports required of all public schools; each charter school must prepare an accountability contract that specifies performance goals and assessment procedures in greater detail than the charter does; state will commission an independent evaluation under direction of state Education Reform Review Commission.

MASSACHUSETTS

continued

FUNDING

Amount	100% of state and district operations funding follows students, based on average cost per pupil of student's home district; if student lives in an above-foundation district (i.e. wealthier district), charter school receives amount equal to the lesser of (a) average cost per pupil in home district and (b) average cost per pupil in the district where charter school is located. If student lives in a below-foundation district (i.e. poorer district), charter school receives amount equal to average cost per pupil in the sending district. Estimated portion is about \$10,107.
Path	Funds pass from state to school, minus deductions from state aid to affected districts.
Fiscal Autonomy	Yes for both Commonwealth and Horace Mann charters.
Start-up Funds	Federal funds available; some state funds available

TEACHERS

Collective Bargaining / District Work Rules	Horace Mann teachers remain covered by district bargaining agreement, but may negotiate separately on certain provisions. Commonwealth teachers are not covered by district bargaining agreement. A charter school must recognize a teachers union as the exclusive collective bargaining unit for all teachers if 60% of teachers are members of that unit.
Certification	All teachers must be certified or pass the MA Educator Test.
Leave of Absence from District	Up to 2 years
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	All students in state, however there is priority given for students that were already attending Horace Mann charter schools.
Preference for Enrollment	City/town residents and siblings for Commonwealth charters; students enrolled prior and siblings first, then city/town residents for Horace Mann charters.
Enrollment Requirements	The total number of students attending Commonwealth charters cannot exceed 4% of the total number of students attending public schools in the state. No public school district's total charter school payment to Commonwealth charter schools shall exceed 9% of the districts net school spending.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Preference may be given to schools located in poor-performing districts.
Accountability	Students in charter schools shall be required to meet the same performance standards, testing and portfolio requirements set by the board of education for students in other public schools.

OTHER FEATURES

Impact Aid	As of 1999, districts receive reimbursement for students lost to charter schools if the number of students attending charters is greater than the previous year. Districts receive 100% of cost the 1st year, 60% the 2nd, and 40% the 3rd year.
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MICHIGAN

(Law passed in 1995; last amended in 2001; 3rd strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited for number of charters authorized by local school boards, intermediate school boards, or community colleges. 150 authorized by state universities although no single university may authorize more than 50% of university total; 15 high schools in Detroit can be opened by groups meeting certain funding criteria.
Number of Charters Operating (as of March 2008)	245

APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards, intermediate school boards, community colleges, and state public universities.
Types of Charter Schools	Converted public, converted private, new starts
Appeals Process	If petition to local school board is rejected, applicant may have it placed on local ballot; applicant denied by any chartering authority may petition a different chartering authority.
Schools May Be Started Without Third Party Consent	Yes
Recipient of Charter	One or more persons or an entity (partnership, non-profit organization, labor organization, or any other legal entity).
Term of Initial Charter	Up to 10 years, with mandatory review at least every 7 years (however, most charters awarded thus far have been for 5 years with 5 year renewal).

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No automatic waivers; charter schools, like regular public schools, may seek waivers on a case-by-case basis from state board of education.
Legal Autonomy	Limited
Governance	Board of directors, which may not include charter school employees.
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	Not required of any public school (but if transportation is provided for any students it must be provided for all).
Facilities Assistance	Charters sponsored by school districts can access district bond levies for facilities.
Reporting Requirements	State board must prepare annual report for legislature that includes, among other items, aggregate test scores of charter school students.

MICHIGAN

continued

FUNDING

Amount	100% of state and district operations funding follows students, based on average district per-pupil revenue, not to exceed a certain amount that rises from year to year based on state aid formula. Estimated portion is about \$7,128.
Path	Funds pass from state to the authorizing body acting as fiscal agent to the public school academy.
Fiscal Autonomy	Yes
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers in schools authorized by local district remain covered by district collective bargaining agreement. Teachers in all other charter schools may negotiate as a separate unit with the governing body, or work independently.
Certification	Required, except that faculty at a university or community college may teach in a charter school sponsored by the institution.
Leave of Absence from District	No
Retirement Benefits	Employees hired by charter school board are eligible for state retirement benefits; employees hired by for-profit corporation contracting with a charter school are not.

STUDENTS

Eligible Students	For charter schools authorized by universities, all students in state; for others, students in district where charter school is located.
Preference for Enrollment	Students enrolled prior and siblings
Enrollment Requirements	Not permitted
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	The progress of the pupils in the public school academy shall be assessed using at least a Michigan education assessment program (MEAP) test or an assessment instrument to administer a state-endorsed high school diploma.

MINNESOTA

(Law passed in 1991; last amended in 2006; strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited
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Number of Charters Operating (as of March 2008)	148
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APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards, colleges and universities, cooperatives (districts working in conjunction) and non-profit organizations that meet certain criteria. All are subject to approval by commissioner of education, who may also grant charters on appeal.
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Types of Charter Schools	Converted public, converted private, new starts, virtual
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Appeals Process	Applications denied by the local school board may be appealed to the state board of education.
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Schools May Be Started Without Third Party Consent	No, 60% of full-time teachers must support for conversions.
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Recipient of Charter	Anyone
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Term of Initial Charter	Up to 3 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes
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Legal Autonomy	Limited
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Governance	Requirement that the majority on the board of directors be licensed teachers may be waived. A person who does not hold a valid administrator license may perform administrative, supervisory, or instructional leadership duties.
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Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
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Transportation for Students	Provided by district or by charter school for students in district where charter school is located. If school provides transportation, it receives state transportation aid; school may reimburse parents outside district for transportation expenses if the family is below federal poverty level.
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Facilities Assistance	Charter schools may lease space from public or private non-profit, non-sectarian organizations, with approval of department of education. Law provides lesser of up to \$1,200 dollars per pupil or 90% of actual lease cost.
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Reporting Requirements	Annual reports to the chartering authority and state board of education; must report to sponsoring body at end of contract, prior to renewal.
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MINNESOTA

continued

FUNDING

Amount	State portion of operations funding follows students, based on average state per-pupil revenue. Estimated portion is about \$10,302.
Path	Funds pass from state to school
Fiscal Autonomy	Yes
Start-up Funds	Federal and state funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers may remain covered by district collective bargaining agreement if all parties agree. Teachers may also negotiate as a separate unit with the governing body, or work independently.
Certification	Required
Leave of Absence from District	Up to 5 years; request to extend at discretion of school board
Retirement Benefits	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. The retirement association may impose reasonable requirements to efficiently administer this subdivision.

STUDENTS

Eligible Students	All students in state
Preference for Enrollment	Siblings; racial balance of charter school may not differ from enrollment area if located in a high-concentration minority area. If a student lives within 2 miles of a charter and the next closest public school is more than 5 miles away, student gets preference in charter.
Enrollment Requirements	Not permitted
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	A charter school must design its programs to at least meet the outcomes adopted by the commissioner for public school students. In the absence of the commissioner's requirements, the school must meet the outcomes contained in the contract with the sponsor. The achievement levels of the outcomes contained in the contract may exceed the achievement levels of any outcomes adopted by the commissioner for public school students.

MISSISSIPPI

(Law passed in 1997; last amended in 2005; weakest of the nation's 41 charter laws)

F

GENERAL STATISTICS

Number of Schools Allowed	15; 5 charters per year between 2005 and 2008. No more than 50% of the public schools in one district may be conversions.
Number of Charters Operating (as of March 2008)	1

APPROVAL PROCESS

Eligible Chartering Authorities	State board of education (petition must first be approved by local school board).
Types of Charter Schools	Converted public only
Appeals Process	None
Schools May Be Started Without Third Party Consent	No, majority of school faculty, instructional staff, and parents must support. Must show school, community, and parental involvement in the development and operation of charter.
Recipient of Charter	Existing public schools
Term of Initial Charter	4 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No, exemptions may be negotiated with the district.
Legal Autonomy	No
Governance	Charter school governing body
Charter School May be Managed or Operated by a For-Profit Organization	No
Transportation for Students	Not addressed
Facilities Assistance	None
Reporting Requirements	Annual reports that indicate progress to parents, community, local school board, and state board of education.

MISSISSIPPI

continued

FUNDING

Amount	Basic funding not addressed; no additional funds appropriated. Estimated portion is about \$5,229.
Path	Funds pass through district to school
Fiscal Autonomy	No
Start-up Funds	No state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers remain employees of district
Certification	At least 90% must be certified
Leave of Absence from District	Teachers remain employees of the district.
Retirement Benefits	Charter schools must participate in the state's retirement system.

STUDENTS

Eligible Students	Students of local district and children of school staff
Preference for Enrollment	Students enrolled prior, then children of employees, and then district residents.
Enrollment Requirements	Number of schools is limited to 1 per congressional district and one in the state's Delta region.
Selection Method (in case of over-enrollment)	Selection method for over-enrollment will be specified in the charter.
At-Risk Provisions	None
Accountability	The charter school must describe a plan for school improvement that addresses how the school proposes to work toward improving student learning and meeting state education goals. An assessment has to be made of the students' academic progress in the charter school as measured, where available, against the academic year immediately preceding the first year of the charter school's operation.

MISSOURI

(Law passed in 1998; last amended in 2006; 10th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited in St. Louis and Kansas City only
Number of Charters Operating (as of March 2008)	36

APPROVAL PROCESS

Eligible Chartering Authorities	The school boards of the Kansas City or St. Louis districts, 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, a community college.
Types of Charter Schools	Converted public (up to 5% of operating public schools), new starts
Appeals Process	Applications that are 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.
Schools May Be Started Without Third Party Consent	Yes
Recipient of Charter	Any person, group, or organization
Term of Initial Charter	No less than 5, no more than 10 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Limited
Legal Autonomy	Limited
Governance	Specified in charter
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	School districts are required to provide transportation aid to schools with pupils attending a charter school located in the district.
Facilities Assistance	A school district may incur bonded indebtedness or take other measures to provide facilities for charter schools that the district either sponsors or with whom they contract.
Reporting Requirements	Annual report cards distributed to sponsor, the local school district, and the state board of education that include teaching methods, any educational innovations, and the performance results.

MISSOURI

continued

FUNDING

Amount	100% of state and district operations funding follows students, based on average district per-pupil revenue. Estimated portion is about \$9,515.
Path	Specified in charter
Fiscal Autonomy	Specified in charter
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers may choose to remain covered by district collective bargaining agreement, or can work independently.
Certification	At least 80% of full-time staff must be certified.
Leave of Absence from District	Up to 3 years
Retirement Benefits	Employees of the charter school must participate in the retirement system of the school district in which the charter school is located.

STUDENTS

Eligible Students	All students
Preference for Enrollment	The charter school may establish a geographical area around the school whose residents will receive admission preference, as long as such preferences do not result in the establishment of racially or socio-economically isolated schools. Preference may also be given to siblings or children of parents who are employed at the school.
Enrollment Requirements	None
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Priority given to charter schools oriented to high-risk students and to the re-entry of dropouts into the school system. At least one-third of the charters granted by sponsors shall be to schools that actively recruit dropouts or high-risk students.
Accountability	Design a method to measure pupil progress toward the academic standards adopted by the state board of education, collect baseline data during at least the first three years for determining how the charter school is performing and participate in the statewide system of assessments. Also, complete and distribute an annual report card to its sponsor, the local school district, and the state board of education as to its teaching methods and any educational innovations and the results thereof.

NEVADA

(Law passed in 1997; last amended in 2007; 22nd strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited (Moratorium on state-approved charters and some districts also have moratoriums.)
Number of Charters Operating (as of March 2008)	24

APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards, following an initial review by the state committee on charter schools. Applicants may apply directly to the state board of education and any public college or university. Schools approved by the state or college become part of the Charter School District, a statewide LEA.
Types of Charter Schools	New starts, virtual
Appeals Process	If the local school board takes no action or denies an application, it can be appealed back to the state committee on charter schools, which will recommend sponsorship to the state board of education. If the state approves the charter, it will be the sponsor. If the state denies the application, the decision can be appealed to the district or county court in which the proposed charter will be located.
Schools May Be Started Without Third Party Consent	Yes
Recipient of Charter	Committee must consist of at least 3 certified teachers; in addition, committee members can be from general public, non-profit organizations, or a college or university in Nevada.
Term of Initial Charter	6 years (possibility of renewal after 3 years)

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Limited
Legal Autonomy	Limited
Governance	Contracts and services are negotiated with the district.
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	Specified in charter
Facilities Assistance	May use any public facility located within the school district. May use existing public school facilities, but only during times that are not regular school hours, with approval from the local school board.
Reporting Requirements	Annual reports as required of district public schools.

NEVADA

continued

FUNDING

Amount	100% of per-pupil funding. Estimated portion is about \$6,291.
Path	Funds pass from state to school
Fiscal Autonomy	Yes, but district still maintains some control over funding, as specified in charter.
Start-up Funds	State funding available through revolving loan fund.

TEACHERS

Collective Bargaining / District Work Rules	Teachers are covered by district bargaining agreement.
Certification	70% must be certified; in vocational schools, 50% must be certified; teachers may hold alternate licenses.
Leave of Absence from District	Up to 3 years
Retirement Benefits	Charter schools must participate in the state's retirement system.

STUDENTS

Eligible Students	All students
Preference for Enrollment	District residents for schools in counties with a population of over 100,000; for at-risk focused schools, siblings and students living within 2 miles of school. Racial balance of charter school may not differ from district by more than 10%.
Enrollment Requirements	None
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	All statutes regarding student proficiency and achievement apply.

NEW HAMPSHIRE

(Law passed in 1995; last amended in 2003; 13th weakest of the nation's 41 charter laws)

C

GENERAL STATISTICS

Number of Schools Allowed	Unlimited for local boards, up to 20 for the state board of education. No more than 10% of the resident pupils, in any grade, shall be eligible to transfer to a charter school in any school year without school board approval.
Number of Charters Operating (as of March 2008)	13

APPROVAL PROCESS

Eligible Chartering Authorities	Local school board and state board of education
Types of Charter Schools	Converted public, new starts, virtual
Appeals Process	Applications denied by the local school board may be appealed to the state board of education whose decision is non-binding.
Schools May Be Started Without Third Party Consent	No, teachers in the school (majority or two-thirds of teachers in a district that has only one school), school principal, and superintendent.
Recipient of Charter	Non-profit organizations, 2 or more certified teachers, or 10 or more parents
Term of Initial Charter	5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes
Legal Autonomy	Limited
Governance	Board of trustees, including at least 2 parents; teachers may serve on board.
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	Transportation plan, including reasonable provision for students outside district, must be specified in charter.
Facilities Assistance	State aid available for building leased from district/buildings of conversion schools.
Reporting Requirements	Quarterly reports to local school board and annual report for parents, local school board, and state board of education that indicate academic progress. Charters will perform fiscal accounting and audit by an independent certified accountant.

NEW HAMPSHIRE

continued

FUNDING

Amount	80% (minimum) of district's prior year average cost per pupil, as determined by department of education, follows students to school; in addition, special education funding also follows students. Estimated portion is about \$4,300.
Path	Funds pass through district to school
Fiscal Autonomy	Yes, but stipulations exist for special education funds/programs.
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers are not covered by district bargaining agreements; they may negotiate as separate unit with charter school governing body or work independently.
Certification	50% of charter school teacher staff must be certified or have three years teaching experience.
Leave of Absence from District	Up to 2 years
Retirement Benefits	A charter school may choose to participate in the state teacher retirement system.

STUDENTS

Eligible Students	All students including out-of-state students; as specified in charter
Preference for Enrollment	Students enrolled prior and district residents
Enrollment Requirements	Charter schools may screen students based on academic aptitude, academic achievement or need, provided that such screening is related to the academic mission of the school. Also, each local school board determines the percentage of students who can enroll in charter schools, subject to the approval of the voters in that school district.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	Charter school students must participate in statewide assessment program. Also, by the end of its final contract year, the charter school shall meet or exceed the objective academic test results or standards and goals as set forth in its application. If the school does not meet these results or standards and goals, it shall not be eligible for renewal of its charter.

NEW JERSEY

(Law passed in 1996; amended in 2002; 20th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited
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Number of Charters Operating (as of March 2008)	56
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APPROVAL PROCESS

Eligible Chartering Authorities	State commissioner of education
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Types of Charter Schools	Converted public, new starts
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Appeals Process	Applications denied may be appealed to the state board of education.
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Schools May Be Started Without Third Party Consent	No, 51% of teachers and parents for support for conversions.
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Recipient of Charter	Teachers and parents in district, college, university or private entity in conjunction with teachers and parents.
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Term of Initial Charter	4 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No, exemptions from particular laws, regulations, and policies may be requested in charter application.
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Legal Autonomy	Limited
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Governance	Board of trustees; if charter school is established by private entity, its representatives may not constitute a majority of the board.
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Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
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Transportation for Students	Provided by district
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Facilities Assistance	No (unless the school is located in the Abbott Districts), and charter schools cannot use public funds to build a facility.
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Reporting Requirements	Annual reports to parents, local school board, and state board of education verify compliance with statutes, regulations and the terms of the charter; state board must prepare biennial report for legislature. Same financial report as other school districts.
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NEW JERSEY

continued

FUNDING

Amount	90% of the lesser a) state and district operations funding based on average district per-pupil revenue or b) state-mandated minimum per-pupil spending. District also pays categorical aid. Estimated portion is about \$9,579.
Path	Funds pass through district to school
Fiscal Autonomy	Yes
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers in conversions remain covered by district collective bargaining agreement; teachers in new starts may negotiate as a separate unit with the governing body, or work independently.
Certification	Required
Leave of Absence from District	Up to 3 years
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	All students in state
Preference for Enrollment	District residents and siblings. Charter must have plans to enroll cross section of school age population, taking into account racial and academic factors.
Enrollment Requirements	Charter school may not base enrollment on academic achievement or ability; school may establish reasonable criteria for students (for example, school may request that prospective students attend an orientation meeting).
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Law encourages formation of charter schools in urban areas with participation of higher education institutions.
Accountability	The attainment of Core Curriculum Content Standards and the delivery of an educational program leading to high student academic achievement. Statewide Assessment Program results and local assessment results of students.

NEW MEXICO

(Law passed in 1993; last amended in 2006; 13th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	75 new, with only 15 authorized per year; 25 conversions (No new conversions as of July 1, 2007).
Number of Charters Operating (as of March 2008)	66

APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards, Public Education Commission (new as of 2006).
Types of Charter Schools	Converted public, new starts, virtual
Appeals Process	Applications denied by the local school board may be appealed to the state board of education. If the local school board does not act on an application within 60 days, it will automatically be reviewed by the secretary of education.
Schools May Be Started Without Third Party Consent	No, 65% of teachers must support for conversions; must be evidence of support and substantial involvement of parents in developing charter proposal.
Recipient of Charter	One or more teachers, parents or community members, or by a public post-secondary educational institution or non-profit organization.
Term of Initial Charter	Up to 6 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No, exemptions from particular laws, regulations, and policies may be negotiated and specified in charter or requested through waiver process from different parties.
Legal Autonomy	No
Governance	Specified in charter
Charter School May be Managed or Operated by a For-Profit Organization	Not specified in law
Transportation for Students	Shall negotiate with district
Facilities Assistance	Local school district shall provide available facilities unless currently used for other educational purposes. Charter schools must be included in a district's application for capital grants.
Reporting Requirements	Annual accountability reports to parents, local school board, and department of education.

NEW MEXICO

continued

FUNDING

Amount	98% (minimum) of state and district funding follows students, based on average per-pupil revenue. The school district may withhold 2% for administrative costs. Estimated portion is about \$8,811.
Path	Funds pass through district to school
Fiscal Autonomy	Yes, charter school submits a school-based budget to local school board for approval. Local board authority is limited to ensuring that sound fiscal practices are followed.
Start-up Funds	State stimulus fund available

TEACHERS

Collective Bargaining / District Work Rules	Teachers can organize as a separate unit, or work independently.
Certification	Required
Leave of Absence from District	Up to 3 years if teachers take a leave of absence
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	All students in district
Preference for Enrollment	Students enrolled prior and siblings
Enrollment Requirements	Not permitted
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	Charter schools must provide a description of the student performance plan that will be used to measure student progress toward achievement of the state's standards and the school's performance standards, the timeline for achievement of the standards, and the procedures for taking corrective action if student achievement falls below the standards.

NEW YORK

(Law passed in 1998; last amended in 2007; 11th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	200 new starts, 50 are reserved for New York City and can be approved by any of the 3 authorizers; unlimited conversions
Number of Charters Operating (as of March 2008)	99

APPROVAL PROCESS

Eligible Chartering Authorities	The board of trustees of the State University of New York (SUNY), or the board of regents can authorize new schools statewide. Conversions must be approved by local school boards, which can approve new schools within their boundaries (In NYC, this authority rests with Chancellor-approved charters subject to board of regents' approval).
Types of Charter Schools	Converted public, new starts
Appeals Process	None
Schools May Be Started Without Third Party Consent	No, support of majority of parents required for conversions. For new starts, support sufficient to meet projected enrollment.
Recipient of Charter	Teachers, parents, school administrators, community residents or any combination thereof.
Term of Initial Charter	Up to 5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes, with some exceptions
Legal Autonomy	Yes
Governance	Specified in charter
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	Same as for private schools, details specified in charter.
Facilities Assistance	The state must publish annually a list of vacant and unused buildings or portions of buildings that are owned by the state and may be suitable for a charter school. A stimulus fund exists if activated by legislative appropriations.
Reporting Requirements	Annual report that includes progress to educational objectives, financial statement, indications of parental and student satisfaction. SUNY charters require annual accountability plan progress reports. Renewal is dependent upon the reporting. Reporting is statutory for all public schools.

NEW YORK

continued

FUNDING

Amount	Formula results in about 70% of traditional school's per pupil allotment. Estimated portion is about \$12,205.
Path	Funds pass through district to school
Fiscal Autonomy	Yes
Start-up Funds	Federal funds available, as well as state stimulus fund

TEACHERS

Collective Bargaining / District Work Rules	Schools enrolling up to 250 students in the first year are exempt, but schools approved after July 1, 2007, enrolling more than 250 students in the first 2 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. When the law was first passed, 10 SUNY-approved schools were exempt from union requirement.
Certification	30% or no more than 5 teachers per school are permitted to have alternative certification; uncertified teachers must meet specified criteria.
Leave of Absence from District	Up to 3 years
Retirement Benefits	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.

STUDENTS

Eligible Students	Open enrollment, at-risk encouraged
Preference for Enrollment	Students enrolled prior, district residents, and siblings. In addition, a school may create a preference for at-risk students. Single-sex schools also are allowed.
Enrollment Requirements	At least 50 children and 3 teachers are required unless compelling justification is presented.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at-risk of academic failure.
Accountability	State performance standards and regents' requirements apply as they do for other public schools.

OTHER FEATURES

Impact Aid	In 2007, school districts whose enrollment and per pupil funding to students in charters exceeds 2%, are entitled to receive funds equal to 80% of their charter payments phased down to 60, 40 and 0 in the subsequent 3 years. This aid will be applied to 8 districts: Albany, Buffalo, Lackawanna, Niagara Falls, Rochester, Roosevelt, Schenectady and Syracuse.
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NORTH CAROLINA

(Law passed in 1996; last amended in 1998; 17th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	100; 5 per school district per year
Number of Charters Operating (as of March 2008)	103 (CER tracks the number of campuses in each state, which may fall under the same charter.)

APPROVAL PROCESS

Eligible Chartering Authorities	State board of education; local school boards subject to state board's approval. (University of North Carolina may authorize, but has chosen not to do so).
Types of Charter Schools	Converted public, converted private, new starts
Appeals Process	Applications denied by the local school board or UNC institution may be appealed to the state board of education.
Schools May Be Started Without Third Party Consent	No, majority of teachers, majority of uncertified staff at school, and a significant number of parents must support for conversions. Districts must provide and sponsors must consider impact statements.
Recipient of Charter	Person, group of persons, non-profits
Term of Initial Charter	Up to 5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes, except for local board-sponsored charters, which must negotiate for waivers from district rules.
Legal Autonomy	Yes, but state and local officials exercise additional oversight.
Governance	Specified in charter
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the school may be managed by them.
Transportation for Students	Charter schools must provide same transportation assistance as district public schools.
Facilities Assistance	Districts may lease or provide free-of-charge facilities for charter school. State facility leasing funds are available to be used by charter school.
Reporting Requirements	Charter school must comply with reporting requirements established by state board of education in the Uniform Education Reporting System. School must prepare annual report for chartering authority and state board; state board must prepare annual report on academic progress, best practices, and effect of charter schools on districts, for legislature.

NORTH CAROLINA

continued

FUNDING

Amount	100% of state and district operations funding follows students, based on average district per-pupil revenue; special needs funding also follows the student. Estimated portion is about \$7,234.
Path	Funds pass from state and district to school
Fiscal Autonomy	Yes
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	For charter school sponsored by local school board, teachers remain subject to district work rules unless they negotiate to work independently; for all other charter schools, teachers are not subject to district work rules.
Certification	In elementary schools, 75% must be certified; in secondary schools, 50% must be certified.
Leave of Absence from District	Up to 6 years
Retirement Benefits	Teachers have the option to participate in the state system. Charter boards decide whether to participate or not.

STUDENTS

Eligible Students	All students in state
Preference for Enrollment	Children of employees; in a charter's first year of operation the lesser of 10% or 20 slots may be reserved for children of founding members. For public conversions, students in attendance area of former public school (for private conversions, students enrolled prior may not receive preference). After one year, charter school must reasonably reflect racial balance of district (or, if serving special population, must resemble the balance of that population in the district).
Enrollment Requirements	Charter schools must have a minimum number of students (65) and teachers (3), though exceptions are allowed; may increase by 10% without additional approval from sponsor.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Preference in the approval process is given to charter schools designed to serve at-risk students.
Accountability	The school shall design its programs to at least meet the student performance standards adopted by the State Board of Education and the student performance standards contained in the charter. A charter school shall conduct the student assessments required for charter schools by the State Board of Education.

GENERAL STATISTICS

Number of Schools Allowed	No new charters may open. However, charters meeting state performance targets are exempt and may open one new school for each school that meets the targets. Unlimited conversions may open, however, there is a moratorium on virtual schools.
Number of Charters Operating (as of March 2008)	295

APPROVAL PROCESS

Eligible Chartering Authorities	For conversion charter schools, local school boards. For start-up charter schools in "big eight" school districts, "academic emergency" school districts, "academic watch" school districts and districts that are part of the pilot project area: local school boards; boards of joint vocational school districts; boards of educational service centers; state universities, as approved by the state department of education; federally tax-exempt entities, as approved by the state department of education; or, when another authorizer fails to comply with its obligation as a sponsor, the state department of education.
Types of Charter Schools	Converted public, new starts, virtual
Appeals Process	None
Schools May Be Started Without Third Party Consent	Yes
Recipient of Charter	Any individual or group
Term of Initial Charter	Up to 5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes, except for a few non-education regulations identified in the charter law.
Legal Autonomy	Yes
Governance	Specified in charter
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	School districts must provide transportation to and from a community school located within the district or within another district, but districts are not required to provide transportation if student lives more than 30 minutes away from school.
Facilities Assistance	Charter school may negotiate with the district to lease a public school facility; charter schools also have access to lease-purchase agreements.
Reporting Requirements	Annual reports to parents and sponsor as required of district public schools that include program and financial audits.

FUNDING

Amount	100% of the funds equal to the community school's base formula amount, as adjusted by the cost-of-doing business factor of the school district where the student is entitled to attend school. Estimated portion is about \$6,098.
Path	Funds pass from state to school
Fiscal Autonomy	Yes
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers in conversions remain part of district collective bargaining agreement, unless a majority of them petition to organize as a separate unit or work independently; charter school teachers in new starts may work independently or form a separate bargaining unit.
Certification	Required, but law allows for alternative certification; uncertified employees may teach up to 12 hours/week.
Leave of Absence from District	At least 3 years
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	All students in state
Preference for Enrollment	Students enrolled prior, district residents, and siblings. Racial balance of charter school may not differ from district, and charter school must comply with any desegregation order/regulations.
Enrollment Requirements	School may choose to limit enrollment to students in a particular geographic area, or at-risk students; school must enroll at least 25 students.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	School may restrict enrollment to at-risk students.
Accountability	Requirements passed in 2005 state that charter schools must demonstrate annual yearly gains for at least 55% of their students over three year period or be closed; authorizers subject to new sanctions for any schools chartered that do not meet minimum proficiency requirements, and lose slots for charters they authorized that are closed.

OKLAHOMA

(Law passed in 1999; last amended in 2007; 19th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited in school districts with 5,000 or more students with a population of at least 500,000 (e.g. Oklahoma City and Tulsa); Starting January 1, 2008, only 3 new schools may be approved each year.
Number of Charters Operating (as of March 2008)	15

APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards, technology center school districts, a public college or university located in Oklahoma with an accredited teacher education program and a campus located within the school district where the charter will be located.
Types of Charter Schools	Converted public, new starts
Appeals Process	No, only binding arbitration and mediation paid for by the school district.
Schools May Be Started Without Third Party Consent	Yes
Recipient of Charter	Any person or organization
Term of Initial Charter	Up to 5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Limited waiver
Legal Autonomy	No
Governance	Charter school governing board
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	The charter school is responsible for providing transportation, but only within boundaries of the school district where it is located.
Facilities Assistance	Charter Schools Incentive Fund money can be used to renovate or remodel existing buildings used by a charter school.
Reporting Requirements	Same as other public schools

OKLAHOMA

continued

FUNDING

Amount	At least 95% of average daily expenditure; up to 5% can be retained by school district for administrative fees. Estimated portion is \$4,600.
Path	Funds pass through district to school
Fiscal Autonomy	Limited
Start-up Funds	Federal funds available; state Charter School Incentive Fund can be used for start-up costs.

TEACHERS

Collective Bargaining / District Work Rules	Teachers may remain part of district collective bargaining agreement, negotiated as a separate unit with the charter school governing body, or work independently.
Certification	Specified in charter application
Leave of Absence from District	3 years
Retirement Benefits	Employees of a charter school may participate as members of the Teachers' Retirement System of Oklahoma.

STUDENTS

Eligible Students	All students
Preference for Enrollment	District residents and siblings
Enrollment Requirements	None
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	Academic enterprise zones may be designated for areas where 60% of residing children qualify for free or reduced-price lunch.
Accountability	A charter school shall participate in testing as required by the Oklahoma School Testing Program Act and the reporting of test results as is required of a school district. A charter school shall also provide any necessary data to the Office of Accountability.

OREGON

(Law passed in 1999; last amended in 2005; 15th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited
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Number of Charters Operating (as of March 2008)	81
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APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards
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Types of Charter Schools	Converted public, new starts, virtual
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Appeals Process	Applications denied by the local school board may be appealed to the state board of education. Decisions by the state board of education may be appealed to the circuit court.
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Schools May Be Started Without Third Party Consent	Yes
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Recipient of Charter	Any person or group
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Term of Initial Charter	Up to 5 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes, but local school boards have limited discretion over applicable rules and statutes.
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Legal Autonomy	Yes, but autonomy may depend on the district.
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Governance	Charter school governing board
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Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
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Transportation for Students	Charter school is responsible but may negotiate with the district.
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Facilities Assistance	Districts should make available a list of open public school buildings or portions of buildings that could be used by a charter school.
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Reporting Requirements	Annual audit and yearly report on academic progress.
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OREGON

continued

FUNDING

Amount	At least 80% of the district's average expenditure for K-8; 95% for 9-12. For schools through state board: 90% for K-8 and 95% for 9-12. Estimated portion is \$5,612.
Path	Funds pass through district to school
Fiscal Autonomy	No
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers may negotiate as a separate unit with the governing body, or work independently.
Certification	At least 50% of teachers must be certified or have a license.
Leave of Absence from District	2 years
Retirement Benefits	Eligible to participate in all benefits programs open to public school employees.

STUDENTS

Eligible Students	All students
Preference for Enrollment	District residents and siblings
Enrollment Requirements	50% of students enrolled in a virtual school must reside in the district.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	All charter schools must abide by the statewide assessment system developed by the Department of Education. The school district in which the public charter school is located shall offer a high school diploma, certificate, Certificate of Initial Mastery or Certificate of Advance Mastery to any public charter school student who meets the district's and state's standards for a high school diploma, certificate, Certificate of Initial Mastery or Certificate of Advanced Mastery.

PENNSYLVANIA

(Law passed in 1997; last amended in 2002; 12th strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited
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Number of Charters Operating (as of March 2008)	132
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APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards; two or more local boards may grant regional charters; state department of education for virtual schools.
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Types of Charter Schools	Converted public, new starts, virtual
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Appeals Process	Applications denied by the local school board may be appealed to the state appeals board.
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Schools May Be Started Without Third Party Consent	No, majority of teachers and majority of school's parents must support for conversions; all charter applications must demonstrate local support.
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Recipient of Charter	Individuals, parents, teachers, non-sectarian institutions of higher education, museums, non-sectarian corporations, non-profits, corporations, associations, or any combination thereof.
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Term of Initial Charter	Up to 5 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes
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Legal Autonomy	Yes, but autonomy may depend on the district.
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Governance	Board of trustees, to be established according to terms in the charter; no member of a local school board may serve on the board.
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Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
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Transportation for Students	Students who attend a charter school located in their school district of residence, a regional charter school of which the school district is a part, or a charter school located outside district boundaries at a distance not exceeding 10 miles by the nearest highway shall be provided free transportation by their school district of residence.
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Facilities Assistance	None
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Reporting Requirements	Annual reports to the local school board and state secretary of education. Every five years the secretary of education must commission an evaluation by an independent consultant for the governor, secretary and general assembly, including recommendations for continuation, modification, expansion or termination of the program.
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PENNSYLVANIA

continued

FUNDING

Amount	Funding follows students, based on average district per-pupil budgeted expenditure of the previous year (depending on the district, charter funding will be 70-82% of district's per-pupil revenue); for regional charters and non-resident students, funds come from the district of student's residence; charters receive additional funding for special needs students, or may request the intermediate unit to assist in providing special-needs services at the same cost as provided to district schools. Estimated portion is about \$7,802.
Path	Funds pass through district to school
Fiscal Autonomy	Yes
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers may negotiate as a separate unit with governing board.
Certification	At least 75% must be certified
Leave of Absence from District	Up to 5 years
Retirement Benefits	Charter schools must participate in the state's retirement system.

STUDENTS

Eligible Students	All students in state
Preference for Enrollment	District residents, children of parents who actively participated in the development of the school, and siblings.
Enrollment Requirements	Charter school may limit enrollment to a particular grade level or area of concentration and may set reasonable criteria to evaluate prospective students, consistent with the charter.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	All charter schools shall participate in the Pennsylvania state assessment system. Every year, the school must provide results of tests including criterion-referenced tests, curriculum-based assessments, ecological life skills assessments, and other equivalent measures.

RHODE ISLAND

(Law passed in 1995; last amended in 2004; 3rd weakest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	20 charters serving no more than 4% of students statewide. Moratorium on new charters until Fall 2008.
Number of Charters Operating (as of March 2008)	11

APPROVAL PROCESS

Eligible Chartering Authorities	State Board of Regents, only after charter school has been approved by local school committee or state commissioner of elementary and secondary education.
Types of Charter Schools	Converted public, new starts
Appeals Process	None
Schools May Be Started Without Third Party Consent	No, 66% of teachers and 50% of parents at school must support for conversions. 66% of teachers necessary to staff school and 50% of parents necessary to enroll must support new starts. Local bargaining unit may review charter, state objections, and have local school committee and commissioner of education respond before recommending the charter.
Recipient of Charter	School districts, school personnel, public colleges and universities, and established Rhode Island nonprofit organizations existing for more than 2 years and not for the purpose of operating a school.
Term of Initial Charter	Up to 5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No, exemptions from particular laws, regulations, and policies must be specified in charter.
Legal Autonomy	No
Governance	Specified in charter
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
Transportation for Students	Specified in charter
Facilities Assistance	A traditional district may access aid for reimbursement of school housing costs for district sponsored charter schools. Charter schools not sponsored by a district may apply for 30% reimbursement of school housing cost on a need basis.
Reporting Requirements	Annual reports to parents, the community, the local school committee, and the commissioner of elementary and secondary education that indicate the progress made by the charter public school during the previous year in meeting the charter objectives.

RHODE ISLAND

continued

FUNDING

Amount	100% of state and district operations funding follows students, based on average district per-pupil revenue minus 5% of the state's share which the district retains for administration and impact. Charter school and district negotiate cost of services school wants district to provide. Estimated portion is about \$11,241.
Path	Funds pass from state and district to school
Fiscal Autonomy	Specified in charter
Start-up Funds	Federal funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers are covered by district bargaining agreement, unless negotiated.
Certification	Required
Leave of Absence from District	Up to 4 years
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	Students in district
Preference for Enrollment	Students enrolled prior. No charter shall be authorized for a school with a student population that does not include students eligible for free or reduced lunch, students with limited English proficiency, and special education students in a combined percentage which is at least equal to the combined percentage of those student populations enrolled in the school district as a whole.
Enrollment Requirements	Schools may establish reasonable academic standards for enrollment. Limited to 1% statewide student enrollment if there are 10 charter schools, 2% if there are 20 charters.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	At least 10 of the 20 total charters shall be reserved for charter school applications which are designed to increase the educational opportunities for at-risk pupils.
Accountability	The charter school must describe a plan for education, including the mission, objective, method of providing a basic education, and process for improving student learning, fulfilling the charter, and fulfilling state and national education goals and standards.

SOUTH CAROLINA

(Law passed in 1996; amended in 2007; 18th weakest of the nation's 41 charter laws)

C

GENERAL STATISTICS

Number of Schools Allowed	Unlimited
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Number of Charters Operating (as of March 2008)	30
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APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards for new starts and conversions; South Carolina Public Charter School District for new starts only.
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Types of Charter Schools	Converted public, new starts, virtual
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Appeals Process	Applications denied by the local school board may be appealed to the state board of education.
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Schools May Be Started Without Third Party Consent	No, 2/3 of teachers and parents must support for conversions.
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Recipient of Charter	Parents, teachers, community members, and nonprofit organizations.
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Term of Initial Charter	5 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Limited
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Legal Autonomy	Yes
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Governance	Governing body is elected annually by employees and parents (one vote per child enrolled) and must include at least one teacher.
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Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.
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Transportation for Students	Charter school must provide transportation plan as specified in charter.
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Facilities Assistance	Department of education must publish list of vacant buildings owned by the state or by school districts. Charters must be given right of first refusal on surplus district buildings.
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Reporting Requirements	Annual reports to sponsor and the department of education that include all information required including, at a minimum, the number of students enrolled in the charter school, the success of students in achieving the specific educational goals for which the charter school was established, and the identity and certification of the teaching staff.
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SOUTH CAROLINA

continued

FUNDING

Amount	100% of state and district operations monies are supposed to follow students, based on average district per-pupil revenue. Estimated portion is about \$4,682. Schools approved by Public Charter School District will not receive any district funding.
Path	Funds pass through district to school
Fiscal Autonomy	Limited; districts take control over funding distribution
Start-up Funds	Federal funds available

TEACHERS

Collective Bargaining / District Work Rules	For conversions, teachers remain covered by district employment policy. For new starts, teachers may remain covered by district policy, negotiate as separate unit with charter school governing body, or work independently.
Certification	In conversions, 90% must be certified; in new starts, 75% must be certified.
Leave of Absence from District	Up to 5 years
Retirement Benefits	For start ups, 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. The South Carolina Retirement System may impose reasonable requirements to administer this section.

STUDENTS

Eligible Students	All students in state
Preference for Enrollment	The racial composition of the charter must not exceed that of district schools by more than 20%. If a charter school fails to be within 20%, this provision is waived if there is no evidence of discrimination. If a conversion school, preference is given to students previously enrolled.
Enrollment Requirements	Not permitted
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	Statewide assessments; charter school also must meet or exceed standards of district.

TENNESSEE

(2002; amended in 2005; 11th weakest of the nation's 41 charter laws)

C

GENERAL STATISTICS

Number of Schools Allowed	No more than 50 schools statewide, 24 of which will be located within Shelby County, which includes Memphis.
Number of Charters Operating (as of March 2008)	12

APPROVAL PROCESS

Eligible Chartering Authorities	Local school board
Types of Charter Schools	Converted public, new starts
Appeals Process	Applications denied by the local board may be appealed to the state board of education. The state board's decision is binding.
Schools May Be Started Without Third Party Consent	No, 60% of parents and 60% of teachers required.
Recipient of Charter	Any individual, group, or nonprofit organization
Term of Initial Charter	5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No
Legal Autonomy	No
Governance	Governing board
Charter School May be Managed or Operated by a For-Profit Organization	No
Transportation for Students	Transportation shall be provided by school or by an agreement with school district. School not required to provide transportation for students living outside the charter school district.
Facilities Assistance	No
Reporting Requirements	Annual reports that include a discussion of the school's progress in meeting overall student performance goals and standards and contain a financial statement setting forth by appropriate categories the school's revenues and expenditures and assets and liabilities.

TENNESSEE

continued

FUNDING

Amount	100% of state and local funds calculated on per pupil expenditures from the previous year. Estimated portion is about \$7,067.
Path	Funds pass through district to school
Fiscal Autonomy	Limited
Start-up Funds	Federal funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers may remain covered by district bargaining agreement, or negotiate as separate unit with charter school governing body.
Certification	100% required
Leave of Absence from District	Negotiated with district
Retirement Benefits	Charter schools may participate in state's retirement system.

STUDENTS

Eligible Students	Students previously enrolled in another charter school or who come from failing public schools. Also, students in grades 3-8 who failed to test proficient on state exams, or high school students who failed to test proficient on gateway exams.
Preference for Enrollment	Siblings, children of teachers, founders, or members of the governing body, and students enrolled in the school prior to conversion not to exceed 10% or 25 students, whichever is less.
Enrollment Requirements	None
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	See "eligible students"
Accountability	The school must comply with all state public school accountability measures, including annual testing. Charter schools must administer state value-added assessments for its students.

TEXAS

(Law passed in 1995; last amended in 2001; 15th weakest of the nation's 41 charter laws)

C

GENERAL STATISTICS

Number of Schools Allowed	215, not including schools started by public universities
Number of Charters Operating (as of March 2008)	314

APPROVAL PROCESS

Eligible Chartering Authorities	Local school board for conversions and state board of education for open-enrollments (new starts).
Types of Charter Schools	Converted public, converted private, new starts
Appeals Process	None
Schools May Be Started Without Third Party Consent	No, majority of teachers and parents must support for a conversion charter. For open-enrollment charters, state board may require applicants to submit a petition signed by a certain number of parents in the area and hold public hearings to determine support; open-enrollment charter must include a statement from school district on the impact of charter school on district's enrollment and financial status.
Recipient of Charter	For conversion charters, parents and teachers at existing public schools; for open-enrollment charters, existing public or private schools, parents, teachers, public or private institutions of higher education, non-profit organizations, governmental entities.
Term of Initial Charter	Specified in charter, usually 5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Limited; exemptions determined by commissioner
Legal Autonomy	No
Governance	Governing board is restricted to individuals with no substantial interest in a school management company. The commissioner will issue rules regarding training of governing board members.
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the schools may contract with them for services.
Transportation for Students	Neither regular public schools nor charter schools are required to provide transportation for students, though many do.
Facilities Assistance	Non-profit corporation established to issue bonds in order to finance construction, renovations, and maintenance of open-enrollment charter schools.
Reporting Requirements	Charters must participate in state's general public-school reporting system (PEIMS); Commissioner shall designate an impartial annual evaluation of open-enrollment charter schools.

TEXAS

continued

FUNDING

Amount	State funds are guaranteed; local revenue is determined based on statewide averages. Estimated portion is about \$6,620.
Path	Funds pass through districts to charter schools authorized by local school boards; from state to open-enrollment charter schools.
Fiscal Autonomy	Limited
Start-up Funds	Federal funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers at conversions remain part of district; teachers at open-enrollments work independently.
Certification	Not required
Leave of Absence from District	For conversions, no leave of absence necessary (charter school teachers remain employees of district).
Retirement Benefits	Charter schools must participate in the state's retirement system.

STUDENTS

Eligible Students	Students in geographic area specified in charter.
Preference for Enrollment	District residents if it's a local charter.
Enrollment Requirements	None
Selection Method (in case of over-enrollment)	Not addressed
At-Risk Provisions	None
Accountability	Charters must participate in statewide testing system in which scores are publicly reported to state.

GENERAL STATISTICS

Number of Schools Allowed Unlimited

Number of Charters Operating 60
(as of March 2008)

APPROVAL PROCESS

Eligible Chartering Authorities Local school boards, state charter school board, with approval by state board of education.

Types of Charter Schools Converted public, new starts

Appeals Process Applications denied by local school board or state charter school board may be appealed to the state board of education. The state board's decision is final.

Schools May Be Started Without Third Party Consent No, 2/3 of teachers and parents at school must support for conversions.

Recipient of Charter Any individual, group or non-profit organization.

Term of Initial Charter 3 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies No, may seek waivers on a case-by-case basis from state board of education.

Legal Autonomy No

Governance Specified in charter

Charter School May be Managed or Operated by a For-Profit Organization Charters may not be granted directly to for-profit organizations, but the schools may be managed by them.

Transportation for Students The charter school may provide transportation through a contract with the local school board, a private provider, or with parents, but they are not eligible to receive any state transportation funding.

Facilities Assistance State Charter School Finance Authority was created to handle financing charter school facilities. Charter schools can apply directly to Authority for government-rate bonds to finance facilities.

Reporting Requirements Annual financial audit reports as required of district public schools. The governing body of a charter school shall make annual progress reports to the state board of education and the legislature through its Education Interim Committee.

UTAH

continued

FUNDING

Amount	Charter schools receive the same state funds as other public schools. Qualified students receive all their federal funds. Schools receive an appropriation of funds to replace some of the local property tax revenue they are not eligible to receive. Estimated portion is about \$4,907.
Path	Funds pass from state and district to school
Fiscal Autonomy	No
Start-up Funds	Federal and state funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers are employees of charter school, and are not required to be district employees.
Certification	Required, but law allows for alternative certification.
Leave of Absence from District	Contingent upon approval of the local school board.
Retirement Benefits	Charter schools can participate in state's retirement system, or may opt out of the state's system and establish their own retirement system for its employees.

STUDENTS

Eligible Students	All students
Preference for Enrollment	Students enrolled prior, district residents, children of founding parents or staff of school, and siblings.
Enrollment Requirements	Same as other public schools. Maximum enrollment of 27,921 students in Utah charter schools for the 2007-08 school year, and 32,921 students for the 2008-09 school year.
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	None
Accountability	Each school shall develop an accountability plan to measure student achievement against targets established by the school including state core assessments and required Stanford Achievement Tests.

VIRGINIA

(Law passed in 1998; amended in 2004; 4th weakest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited
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Number of Charters Operating (as of March 2008)	3
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APPROVAL PROCESS

Eligible Chartering Authorities	Local school board; all of the relevant school boards must authorize regional charter schools.
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Types of Charter Schools	Converted public, new starts
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Appeals Process	None. Applications may be submitted to state board of education for examination, but the state board is prohibited from making any recommendations. Local board retains sole chartering authority.
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Schools May Be Started Without Third Party Consent	No, adequate number of parents and teachers required.
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Recipient of Charter	Any person, group, or organization.
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Term of Initial Charter	Up to 5 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No, exemptions are made at the discretion of the school board.
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Legal Autonomy	No
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Governance	Charter school governing body
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Charter School May be Managed or Operated by a For-Profit Organization	Yes
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Transportation for Students	Specified in charter
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Facilities Assistance	District boards shall make available to approved charter holders unused facilities upon request; other fees negotiable.
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Reporting Requirements	Annual reports as required of district public schools.
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VIRGINIA

continued

FUNDING

Amount	Basic funding not addressed; charters treated as public schools with fees negotiated. Estimated portion is about \$6,450.
Path	Funds pass through district to school
Fiscal Autonomy	No
Start-up Funds	Federal funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers remain covered by district bargaining agreement.
Certification	Required
Leave of Absence from District	Teachers given one year contract, but reassignment to the charter school is dependent upon governing board's approval.
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	All students in state, but charter schools that cater to at-risk students will have a better chance of being approved.
Preference for Enrollment	District residents and at-risk students. Charters must comply with any desegregation orders and regulations.
Enrollment Requirements	Not permitted
Selection Method (in case of over-enrollment)	Lottery/random process
At-Risk Provisions	At least one-half of the public charter schools must be for at-risk with priority given to applications designed to increase at-risk opportunities. An at-risk charter school may be established as a residential school.
Accountability	Same as public schools, charter schools shall be subject to the requirement of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation. The school must describe the assessments to be used to measure pupil progress towards achievement of the school's performance standards; the timeline for achievement of such standards; and the procedure for taking corrective action in the event that pupil performance at the public charter school falls below such standards.

WISCONSIN

(Law passed in 1993; last amended in 2005; 21st strongest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited
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Number of Charters Operating (as of March 2008)	247
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APPROVAL PROCESS

Eligible Chartering Authorities	Statewide: local school boards only. Milwaukee: school board, city of Milwaukee, University of Wisconsin-Milwaukee, and Milwaukee Area Technical College. Also, the University of Wisconsin-Parkside can authorize one school in the Racine school district.
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Types of Charter Schools	Converted public, non-sectarian private, new starts, virtual
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Appeals Process	None
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Schools May Be Started Without Third Party Consent	No, 50% of teachers in a school or 10% of teachers in a school district must sign a petition, except for board-initiated charter schools, which may open without the signature or petition process.
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Recipient of Charter	Any individual or group
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Term of Initial Charter	Up to 5 years
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OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	Yes from state, no from district (except Milwaukee)
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Legal Autonomy	Yes in Milwaukee, no in other districts
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Governance	Specified in charter
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Charter School May be Managed or Operated by a For-Profit Organization	Yes
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Transportation for Students	Not addressed
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Facilities Assistance	None
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Reporting Requirements	Charter schools must file same reports with Department of Public Instruction as other public schools must file.
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FUNDING

Amount	Negotiated with sponsor district and specified in charter; district is permitted to spend more on charter schools than regular public schools. Estimate portion is about \$7,996.
Path	Funds pass through district to school
Fiscal Autonomy	Negotiated with sponsor district and specified in charter.
Start-up Funds	Federal funds available

TEACHERS

Collective Bargaining / District Work Rules	Teachers in "instrumentality" charter schools remain covered by district collective bargaining agreement, but may organize as separate unit. Teachers in "non-instrumentality" charter schools are not district employees and are eligible to negotiate as a separate unit with charter school governing body, or work independently.
Certification	Required, but if search for licensed teacher is unsuccessful, a special charter school license is available for persons with bachelor's degree in their field who take 6 credits of training each year and are supervised by a teacher with a regular license.
Leave of Absence from District	Teachers remain employees of the district
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	Students in sponsoring district or state, if space is available.
Preference for Enrollment	Students enrolled prior. Racial balance of charter school may not differ from district.
Enrollment Requirements	Charter schools may not use academic ability criteria; they may, however, define certain other criteria for enrollment, such as at-risk.
Selection Method (in case of over-enrollment)	Not addressed in law, but uses a lottery/random process.
At-Risk Provisions	Local school boards must give preference in awarding charters to schools designed to serve at-risk children.
Accountability	Each operator of a charter school shall adopt pupil academic standards in mathematics, science, reading and writing, geography and history, but must administer the state's reading comprehension exam and grade knowledge and concepts exam in the appropriate grades. Also, every charter high school must administer the state's high school graduation examination that is designed to measure whether pupils meet the pupil academic standards.

* SB 396 was signed into law by Governor Doyle on April 7, 2008. The bill caps enrollment in virtual schools at 5,250 students and imposes additional regulations on virtual teachers. This legislative activity may alter CER's grade for Wisconsin's charter school law after careful review.

WYOMING

(Law passed in 1995; last amended in 2006; 8th weakest of the nation's 41 charter laws)



GENERAL STATISTICS

Number of Schools Allowed	Unlimited
Number of Charters Operating (as of March 2008)	3

APPROVAL PROCESS

Eligible Chartering Authorities	Local school boards
Types of Charter Schools	Converted public, new starts, virtual
Appeals Process	Applications denied by the local school board may be appealed to the state board of education.
Schools May Be Started Without Third Party Consent	No, 50% of teachers and parents in a school must support.
Recipient of Charter	Any person
Term of Initial Charter	Up to 5 years

OPERATIONS

Automatic Waiver from Most State and District Education Laws, Regulations, and Policies	No, charter schools, like other public schools, may seek waivers on a case-by-case basis from state board of education.
Legal Autonomy	Limited
Governance	Specified in charter, including process to ensure parental involvement.
Charter School May be Managed or Operated by a For-Profit Organization	Charters may not be granted directly to for-profit organizations, but the school may be managed by them.
Transportation for Students	Provided by district
Facilities Assistance	District boards shall make available to approved charter holders unused facilities upon request. Charter facilities are included among the public school facilities eligible for funds to cover facilities repair/replacement.
Reporting Requirements	Local school board must prepare annual report for state board of education on each charter school operating within the district. After three years, state board must prepare report for legislature.

WYOMING

continued

FUNDING

Amount	100% of the district per pupil amount. Estimated portion is about \$6,800.
Path	Funds pass through district to school
Fiscal Autonomy	Negotiated with sponsor district to school.
Start-up Funds	Federal funds available; no state funding

TEACHERS

Collective Bargaining / District Work Rules	Teachers remain part of the district and are subject to district rules.
Certification	Required
Leave of Absence from District	One year, with option to renew for a total of 3 years; after 3 years, relationship between teacher and district shall be determined by district.
Retirement Benefits	Charter schools must participate in state's retirement system.

STUDENTS

Eligible Students	All students in state
Preference for Enrollment	Students enrolled prior. Racial balance of charter school may not differ from district. Means by which this balance is to be achieved must be specified in charter.
Enrollment Requirements	Enrollment requirements are permitted, but enrollment may not be based exclusively on academic ability or achievement.
Selection Method (in case of over-enrollment)	Not addressed
At-Risk Provisions	None
Accountability	Charter schools shall meet the state uniform educational program standards imposed upon public schools and the uniform state student performance standard prescribed by the state board of education, including compliance with requirements under the statewide assessment system.

APPENDIX A

The following model charter school legislation was adopted by the American Legislative Exchange Council (ALEC), based on CER's recommendations. A variety of other components of model charter school legislation can be found at www.edreform.com.

NEXT GENERATION CHARTER SCHOOLS ACT

Draft Model Legislation

Summary

The state of [insert name] recognizes establishment of charter schools as necessary to improving the opportunities of all families to choose the public school that meets the needs of their children, and believes that charter schools serve a distinct purpose in supporting innovations and best practices that can be adopted among all public schools. Further, the state of [insert name] recognizes that there must be a variety of public institutions that can authorize the establishment of charter schools as defined by law, and recognizes that independent but publicly accountable multiple authorizing authorities, such as independent state commissions or universities, contribute to the health and growth of strong public charter schools. Therefore, the purpose of this act is to establish that existing [or new] public entities may be created to approve and monitor charter schools in addition to public school district boards. This act also removes procedural and funding barriers to charter school success.

Section 1: Title

This article will be entitled “The Next Generation Charter Schools Act”

Section 2: Declaration of Purpose

(A) The General Assembly hereby finds and declares that

- (i) The Charter School Act of [year] as approved by this body has provided students in our state with high-quality public school choices while advancing overall academic excellence¹ and helping to close the achievement gap; and
- (ii) The demand for quality public school choices in our state consistently outstrips the supply; and
- (iii) National research and accumulated experience have documented that quality public charter schools best fulfill their potential when they have the resources, autonomy and accountability they need to succeed.

(B) The General Assembly further finds and declares that the provisions established in this article update and improve our Charter School Act to meet our state’s 21st Century educational needs.

Section 3: Definitions

- (A) “Charter authorizer” as used in this article means an entity or body established in Section 4 to approve charter schools.
- (B) “Charter Board” means the independent, state-level entity created pursuant to Section 4 as a charter authorizer.
- (C) “Charter applicant” means an eligible person(s), organization or entity as defined by the Charter School Law that seeks approval from a charter authorizer to found a charter school.
- (D) “Charter school” means:
 - (i) Any new school or a distance-learning program which is not currently being operated as a public or private school that is approved by a charter authorizer to operate as a public school under the Charter School Law;
 - (ii) Any school converted from an existing public or private school and approved by a charter authorizer to operate as a public charter school under the Charter School Law.
- (E) “School district” means each school district now or hereafter legally organized as a body corporate pursuant to [insert statute];
- (F) “State Board” means the state board of education appointed pursuant to [insert statute].

Section 4:² Charter Authorizers³

- (A) Upon the effective date of this article and thereafter, a charter applicant seeking to establish a public charter school may submit the charter petition to one of several charter authorizers:
 - (i) The elected governing authority of a county or municipality [define limitations, if any];
 - (ii) The mayor of a city [define limitations, if any];
 - (iii) The state board of education;
 - (iv) The board of trustees of a two or four year institution of higher learning as defined by [insert statute], as described in subsection 4(B);
 - (v) The Public Charter School Board established in subsection 4(C).
- (B) Establishment – University Authorizer
 - (i) In general, there is established within the state public university authorizers.
 - (ii) The ultimate responsibility for choosing to sponsor a charter school and responsibilities for maintaining sponsorship shall rest with the university’s board of trustees.
 - (iii) Notwithstanding subsection (ii), the university’s board of trustees may vote to assign sponsorship authority and sponsorship responsibilities to another person

or entity that functions under the direction of the university's board. Any decisions made under this subsection shall be communicated in writing to the department of education and the charter school review panel.

- (iv) Before a university may sponsor a charter school, the university must conduct a public meeting with public notice in the county where the charter school will be located.
- (v) The total number of charter schools that may be approved and opened in a calendar year by all university sponsors may not exceed [add restriction, if any]. This subsection expires [XXXX].

(C) Establishment – Public Charter School Board.

- (i) There is established within the state a Public Charter School Board (in this section referred to as the "Board").
- (ii) Membership. – The Governor shall solicit from the Speaker of the House and the President of the Senate a list of 15 individuals they determine are qualified to serve on the Board. The Governor shall appoint 7 individuals from the list to serve on the Board. The Governor shall choose members to serve on the Board so that a knowledge of each of the following areas is represented on the Board:
 - (a) Research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools;
 - (b) The operation of a financially sound enterprise, including leadership and management techniques, as well as the budgeting and accounting skills critical to the startup of a successful enterprise;
 - (c) The educational, social, and economic development needs of the state; and
 - (d) The needs and interests of students and parents in the state, as well as methods of involving parents and other members of the community in individual schools.
- (iii) Vacancies. –
 - (a) Other than from expiration of term. – Where a vacancy occurs in the membership of the Board for reasons other than the expiration of the term of a member of the Board, the Governor, not later than 30 days after the vacancy occurs, shall request from the leaders of the Legislature a list of 3 people they determine are qualified to serve on the Board. The Governor shall appoint 1 person from the list to serve on the Board. The Legislature shall recommend, and the Governor shall appoint, such member of the Board taking into consideration the criteria described in paragraph (2) of this subsection. Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.
 - (b) Expiration of term. – Not later than the date that is 60 days before the expiration of the term of a member of the Board, the Governor shall appoint 1 person from a list of 3 people that the Legislative leaders determines are qualified to serve on the Board. The Speaker and Senate

President shall recommend, and the Governor shall appoint, any member of the Board taking into consideration the criteria described in paragraph (2) of this subsection.

- (iv) Time limit for appointments. – If, at any time, the Governor does not appoint members to the Board sufficient to bring the Board’s membership to 7 within 30 days after receiving a recommendation from the legislative leadership under paragraph (ii) or (iii) of this subsection, the Speaker, not later than 10 days after the final date for such an appointment, shall make such appointments as are necessary to bring the membership of the Board to 7.
- (v) Terms of members. –
 - (a) In general. – Members of the Board shall serve for terms of 4 years, except that, of the initial appointments made under paragraph (2) of this subsection, the Governor shall designate:
 - (i) Two members to serve terms of 3 years;
 - (ii) Two members to serve terms of 2 years; and
 - (iii) One member to serve a term of one year.
 - (b) Reappointment. – Members of the Board shall be eligible to be reappointed for one 4-year term beyond their initial term of appointment.
 - (c) Independence. – No person employed by the state’s public schools or a public charter school shall be eligible to be a member of the Board or to be employed by the Board.
- (vi) Operations of the Board. –
 - (a) Chair. – The members of the Board shall elect from among their membership 1 individual to serve as Chair. Such election shall be held each year after members of the Board have been appointed to fill any vacancies caused by the regular expiration of previous members’ terms, or when requested by a majority vote of the members of the Board.
 - (b) Quorum. – A majority of the members of the Board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the Board.
 - (c) Meetings. – The Board shall meet at the call of the Chair, subject to the hearing requirements of [cite statute here].
- (vii) No compensation for service. – Members of the Board shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Board.
- (viii) Personnel and resources. –
 - (a) In general. – Subject to such rules as may be made by the Board, the Chair shall have the power to appoint, terminate, and fix the pay of an Executive Director and such other personnel of the Board as the Chair considers necessary.

- (b) Special rule. – The Board is authorized to use the services, personnel, and facilities of the state of [insert state].
- (ix) Expenses of Board. – Any start-up expenses of the Board shall be paid from such funds as may be available to the State Department of Education; provided, That within 45 days of [implementation date], the State Department of Education shall make available not less than \$130,000 to the Board.
- (x) Audit. – The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.
- (xi) Authorization of appropriations. – For the purpose of carrying out the provisions of this section and conducting the Board's functions required by this subchapter, there are authorized to be appropriated to the Board \$300,000 for fiscal year [XXXX] and such sums as may be necessary for each of the 3 succeeding fiscal years.
- (xii) Fees – For the purposes of approval and oversight of charter schools, the Board may charge fees not to exceed 1.5 percent of per pupil enrollment revenues for each student in each school approved by the Board.

Section 5: Application Process

- (A) Each charter authorizer must establish a charter petition process and timeline that conform to the requirements of the Charter School Act while optimizing effective review of its proposed charter schools and oversight of its approved charter schools. A charter authorizer is not required to approve a charter and may require an applicant to modify or supplement an application as a condition of approval. An applicant shall submit an application to a charter authorizer for approval. [insert requirements]
- (B) Charters may be renewed, upon application, for a term of up to five years in accordance with the provisions of this article for the issuance of such charters; provided, however, that a renewal application shall include:
 - (i) A report of the progress of the charter school in achieving the educational objectives set forth in the charter.
 - (ii) A detailed financial statement that discloses the cost of administration, instruction and other spending categories for the charter school that will allow a comparison of such costs to other schools, both public and private. Such statement shall be in a form prescribed by the state superintendent of public instruction.
 - (iii) Copies of each of the annual reports of the charter school required by [section XX of] the Charter School Law, including the charter school report cards and the certified financial statements.
 - (iv) Indications of parent and student satisfaction.
- (C) Such renewal application shall be submitted to the charter entity no later than six months prior to the expiration of the charter; provided, however, that the charter entity may waive such deadline for good cause shown.

Section 6: Blanket Waiver

A charter school is a public school and is part of the state's system of public education. Except as provided in [add relevant citation in state code], a charter school is exempt from all statutes and rules applicable to a school, a board, or a district, although it may elect to comply with one or more provisions of statutes or rules.

Section 7: Equitable Funding

A charter school is a public school and is part of the state's system of public education. A charter school shall receive funding for each of its pupils from federal, state and local sources that is equal to the amount that a traditional public school would receive for that same pupil.

Section 8: Caps

This article hereby removes the limit [of XXX] as established in the Charter School Law on the number of approved charter schools as of the effective date in Section 9.

Section 9: Effective Date

The Next Generation Charter Schools Act will be in effect beginning no later than July 1, [XXXX].

DRAFTING NOTES

¹ Insert supporting references of studies of charter school achievement and/or test-score/achievement comparisons. Some examples can be found at www.edreform.com.

² States may use one or several of the options provided for in Section 4. As of 2007, seven states authorize the administration of a public university to take on chartering authority, separate from any of the specific departments representing a discipline. In this case, the individual campuses of a state university, for example, may open an office that is subsidized by state start up grants and or/per pupil enrollment fees. Other states have independent charter school Boards or commissions that are established, and some have a combination of the above. In states where the political environment is hostile, university authorizers may be a preferable route over a Board which is appointed by the Governor and state legislative leaders. Having additional authorizers (both Boards and universities) might help alleviate any negative political influences as there will be other alternatives for applicants and therefore less power concentrated in the hands of one authorizer.

³ In some states, there is a perceived constitutional barrier to allowing an entity other than a school district or the state board of education to authorize public schools. States with multiple charter authorizers have established case law that can be useful for policy-makers in establishing the constitutionality of multiple charter school authorizers.

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