

## CHARTER SCHOOL CAPS August 2009



*States have used a variety of strategies, some straightforward and some convoluted, to keep a lid on charter growth. Of the 41 jurisdictions with charter laws, 26 states and DC have arbitrary restrictions on charter growth - with some states imposing more than one kind of limit. While state-imposed limits on charter schools are problematic wherever they exist, they are most severely constraining growth in seven states. **These seven states are highlighted in red in the table below.***

State	Cap/s
Alaska	Limited to 60 public charter schools in the state.
Arkansas	Limited to 24 start-up public charter schools (no cap on conversion schools).
California	Limited to 1,250 charters in the state, with increases of no more than 100 each year.
Connecticut (three caps)	250 students per state board of education-authorized charter or 25 percent of the enrollment of the district in which the charter is located, whichever is less.
	300 students per state board of education-authorized K-8 charter or 25 percent of the enrollment of the district in which the charter is located, whichever is less.
	For charters with a demonstrated record of achievement, 85 students per grade may be added.
District of Columbia	Limited to 20 new charter schools per year.
Hawaii (two caps)	A total of 25 conversion charters are allowed.
	A total of 23 start-up charters are allowed. Beginning in July 2007, though, the state board of education, with the recommendation of the charter school oversight panel, may authorize one new start-up charter school for each existing start-up charter school that has received a three or more year accreditation from the Western Association of Schools and Colleges or a comparable accreditation authority as determined by the charter school oversight panel.
Idaho	Allows six start-up charters to open per school year, with no more than one start-up charter per district.
Illinois	A limit of 120 charter schools, with a maximum of 75 in Chicago and 45 in the rest of the state. Five of the charters in Chicago are reserved for drop-out recovery schools.
Indiana	The mayor of Indianapolis may approve no more than five charters per year.
	Allows up to 200 students to enroll in virtual charters in 2009-10 and up to 500 students to enroll in virtual charters in 2010-11 (at least 75% of such students must have been enrolled in public schools the previous year)
Iowa	Allows 20 conversion charters, with not more than one per district.
Massachusetts (three caps)	Limit of 120 charters, with 48 reserved for Horace Mann charters and 72 reserved for Commonwealth charters.
	Commonwealth charters cannot serve more than four percent of the state's public school population.
	A school district's payments to charters cannot exceed nine percent of their net school spending.
Michigan	State universities may authorize 150 charters, with no single university authorizing more than 50 percent of the 150. While the state universities have hit this cap, they may still authorize 15 charter high schools in the Detroit School District.
Missouri	Only allows charter schools to open in the Kansas City and St. Louis school districts. While there is no cap on start-ups, no more than five percent of the existing public schools in each district may convert to charters. The biggest constraint on growth, though, is that the state prohibits charters from opening up in other districts.
New Hampshire (two caps)	Through a pilot program, the state board of education can grant up to 20 charters by June 30, 2013.
	There is a moratorium on the approval by the state board of education of any new charter schools until June 30, 2011.
New Mexico (two caps)	Allows 15 start-ups and five conversions per year and 75 start-ups and 25 conversions over five years.
	An application for a charter school in a district with 1,300 or fewer students may not enroll more than 10% of the students in the district in which the charter school will be located.
New York	Allows 200 start-up charters – 100 by the State University of New York and 100 by the State Board of Regents.
North Carolina	Allows 100 charters, with five charters per district per year.
Ohio	Allows 30 start-up charters authorized by non-district entities and 30 start-up charters authorized by districts above the number open as of May 5, 2005. Operators of charter schools with a track record of success are not subject to these restrictions, though.

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Oklahoma (two caps)	Allows up to six charter schools to open per year in the state (up to three in Oklahoma County and up to three in Tulsa County).
	Allows charters to open in 10 districts in Oklahoma County and Tulsa County (there are 537 districts in Oklahoma).
Oregon	There is a moratorium on new virtual charters that don't have 50% or more of their students residing in the school district in which the school is located and a moratorium on the expansion of existing virtual charters that don't have 50% or more of their students residing in the school district in which the school is located beyond the number of students enrolled as of May 1, 2009.
Rhode Island (two caps)	20 charters are allowed.
	Charter schools may serve no more than four percent of the state's school age population.
Tennessee	90 start-up charters are allowed, 35 of which must be located in Memphis, four of which must be located within Shelby County, and 20 of which must be located in Davidson County.
	Three charter schools devoted exclusively to the re-enrollment of high school students who have dropped out of school are allowed, with no more than one such charter school created in any local education agency. These schools don't count against the cap of 90.
	Charter schools may only serve students who a) were previously enrolled in a charter school; b) assigned to, or were previously enrolled in a school failing to make adequate yearly progress (AYP), as defined by the state's accountability system, giving priority to at-risk students; c) failed to test proficient in the subjects of language arts/reading or mathematics in grades three through eight on the Tennessee comprehensive assessment program examinations; d) in the previous school year, failed to test proficient on the gateway examinations in language arts/reading or mathematics; e) who are eligible for free and reduced-price lunch and who are enrolled in LEAs that have an average daily membership of 14,000 or more and three or more schools which have missed the same benchmark for adequate yearly progress for two or more consecutive years resulting in such schools being designated as high priority schools, while allowing any LEA to choose by a two-thirds vote of the local school board to allow students eligible for free or reduced-price lunch to be eligible to attend charters; f) or are under the jurisdiction of a juvenile court and who in the court's judgment would benefit from a work experience and career exploration program.
Texas	The state board of education can approve up to 215 charters.
Utah	The number of charter students may grow on an annual basis by an amount up to 1.4% of the total number of Utah public education students.
Wisconsin	For the most part, there are no caps in Wisconsin. However, the University of Wisconsin-Parkside may only sponsor one charter school in the Racine School District that may not enroll more than 480 students. The university has sponsored its one school. And, the number of students attending virtual charters may not exceed 5,250.