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STATE LEGISLATIVE SESSION HIGHLIGHTS FOR PUBLIC CHARTER SCHOOLS

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There were a number of historic public charter school policy wins across the country in 2017. Kentucky became the 44th state (along with the District of Columbia) to enact a charter school law. Colorado and Florida provided charter school students with unprecedented access to locally raised dollars for facilities. Tennessee and Texas created new funding streams to specifically support charter school facility costs—the first time either state had done so. Wisconsin added to the number of authorizing entities in the state, which will allow for truly independent charter schools across the state. And, Illinois and Washington overhauled their public school funding systems in ways that will provide more equitable funding for all students, including those in charter schools.

At a time when we see an increasing amount of pushback from long-time opponents like the teacher unions, it is notable that charter school supporters achieved these game-changing policy victories. We don't want to minimize the threats we are facing—we need to take them very seriously—but we are achieving some major policy wins for students across the country. We should not lose sight of this progress.

This report provides a summary of this year's state legislative activity, organized into the following categories: no-law states, authorizing and accountability, funding and facilities, and other issues.

NO-LAW STATES

As of January 2017, seven states had yet to enact a charter school law. This number decreased to six when Kentucky enacted a charter school law in March 2017. As of this writing, 44 states and the District of Columbia have laws on the books.

We also saw notable activity in three of the remaining states without charter school laws:

MONTANA: The House passed one version of a charter school bill, while the Senate passed another. The two chambers were unable to reconcile their differences and pass a bill out of the legislature.

NEBRASKA: A bill was introduced in the Education Committee. It will be carried over to the 2018 session.

WEST VIRGINIA: A bill was introduced, but died in the House Education Committee.

AUTHORIZING AND ACCOUNTABILITY

GEORGIA: Established a code of principles and standards of charter school authorizing in order to set a baseline minimum standard by which all charter school authorizers must abide by or risk penalties.

Provided locally approved charter schools in districts failing to meet the new authorizing principles and standards for two years the opportunity to seek approval from the State Charter Schools Commission.

IDAHO streamlined the procedures for opening new charter schools by simplifying the process, compressing the timeline for authorization, and clarifying expectations for schools and authorizers, while still maintaining a high standard of review for new charter petitions.

The **ILLINOIS** legislature passed a bill to eliminate the state's appellate body (i.e., the Illinois Charter School Commission). The governor will likely veto this bill.

MARYLAND pushed a bill that would have created a new authorizing path via the state (as well as enhanced charters' flexibility to innovate and improved charter school funding). This bill did not make it out of committee in either chamber.

MISSOURI advocated for a bill that would have allowed non-district authorizing in more parts of the state. This bill passed the House but died in the Senate.

NEVADA stopped a bill that would have required charter schools to "consult" with school districts before expanding.

TENNESSEE required a performance framework as part of charter contracts.

The **VIRGINIA** legislature passed a bill that would have created regional charter school authorizers for low-performing districts and enhanced charter school flexibility. The governor vetoed the bill.

WISCONSIN gave statewide authorizing ability to the Office of Educational Opportunity at the University of Wisconsin-Madison, any University of Wisconsin Chancellor, and any technical college district board.

FUNDING AND FACILITIES

ARKANSAS: Required each school district to annually identify all unused or underutilized facilities to the Arkansas Department of Education.

Allowed public charter schools to lease or purchase a school district's unused or underutilized facilities for fair-market value.

Gave public charter schools a right of first refusal to purchase for fair-market value a facility that a district intends to sell. Gave the school district a right of first refusal to purchase a facility back if the charter school ceases to use the facility.

COLORADO provided charter schools with equitable access to a local funding stream that most districts had refused to share with charter schools (i.e., local mill levy override)

FLORIDA required school districts to share local property taxes (i.e., mills) with charter schools.

Enacted new provisions to better ensure that charter schools receive Title I dollars for eligible students.

Created a “Schools of Hope” program to incentivize successful charter school operators to serve more students in areas with persistently low-performing district-run schools. Provided \$140 million in funding to it.

GEORGIA: Increased the current state facilities grant to provide charter schools with an annual grant disbursement of \$100,000 per charter school or such other amount as determined by the state board of education to address day to day facility operations. However, this funding is contingent on the governor including the monies for it in next year’s budget.

Updated the definition of the term “unused” district facility and provided for a third party mediator when there is a disagreement between a charter school or petitioner and a local board on whether a facility is unused or not.

Addressed holes in state law that prevent all federal title funds earned from flowing appropriately to charter schools.

ILLINOIS overhauled its public school funding systems in ways that will provide more equitable funding for their states’ students, including those in charter schools. The new system requires that every charter school in Illinois be funded between 97% and 103% of the host district’s per capita tuition charge (PCTC), up from 75% to 125% per the current law. PCTC is a calculation by the Illinois State Board of Education (ISBE) to quantify the amount a school district pays from its own resources for each student. This represents a major win for the charter community and will require operational funding parity for the first time in Illinois history.

MICHIGAN prohibited any local unit of government from putting a deed restriction on any property that would prohibit its use as a charter school.

OHIO preserved access to \$7.9 million in unused facilities funds to support the replication and expansion of high performing charter schools.

TENNESSEE: Created a new facilities funding stream of \$18 million over three years.

Provided a framework for authorizer funding for school districts, including accountability for use of the funds.

TEXAS provided \$60 million in annual facilities funds to charter schools that have received at least an acceptable rating within the state's accountability system.

WASHINGTON enacted a new school funding plan in response to ongoing school funding litigation (*McCleary v. State*). As a result, charter schools will see a significant increase in per pupil funding, along with all other public schools in Washington. This plan increases funding for all public schools primarily via increased funding for teacher salaries and increases to student support services for special education students, low-income students, and English language learners.

OTHER ISSUES

ARIZONA allowed schools and private entities to develop teacher preparation programs for authorization by the state.

ILLINOIS successfully played defense against a moratorium on charter schools.

LOUISIANA: Successfully played defense against a moratorium on charter schools.

Defeated a bill that would have required all charter schools to participate in the state's retirement system.

MINNESOTA codified that charter schools can have pre-kindergarten and pre-school programs.

NEW MEXICO successfully played defense against a moratorium on charter schools.