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Assessing the Increasing Strength of Charter Laws

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Introduction

Since 2005, the National Alliance for Public Charter Schools (National Alliance) has advocated for high-quality public charter school laws. With the support of a working group with deep expertise in public charter school law, we released a model charter law in 2009 with 20 essential components focused on creating and supporting high-quality public charter schools (see Appendix A for a list of the 20 essential components).¹

After we released the model charter law, we then undertook an extensive review of all existing state charter laws in comparison to the model law and issued annual state charter laws rankings reports in 2010, 2011, 2012, 2013, 2014 and 2015.² Each year, we sought input on the rankings reports from a variety of charter stakeholders and made adjustments to the reports' scoring rubrics as needed. In the rankings reports, we showed where state scores shifted as a result of policy change, but we also noted where changes occurred as a result of adjustments in our scoring rubrics or further clarifications about existing policies in states that would affect the state's rankings score.

The purpose of this report is to sync the ratings from the multiple rankings reports so that rating changes over time are primarily the result of changes in policy, not from changes to our scoring rubrics and clarifications about existing policies.³

To accurately compare state laws over time, our first step was to re-score all of our state analyses within the 2010, 2011, 2012, 2013, 2014, and 2015 rankings reports based on the revised rubrics used for the 2015 rankings report. With these new analyses in hand, we can better gauge annual changes that have been made to state charter laws. In this report, we examine three questions:

- How many states received a higher score in our annual rankings report between the 2010 and the 2015 reports?
- How many states earned a higher percentage of the total available points in our annual rankings report between the 2010 and the 2015 reports?
- How many states made policy improvements for each one of the model law's 20 components between the 2010 and the 2015 reports?

1. National Alliance for Public Charter Schools, *A New Model Law For Supporting The Growth Of High-Quality Public Charter Schools*, Washington, D.C.: Author, June 2009.

2. National Alliance for Public Charter Schools, *How State Charter Laws Rank Against The New Model Public Charter School Law*, Washington, D.C.: Author, January 2010. National Alliance for Public Charter Schools, *Measuring Up to the Model: A Ranking of State Charter School Laws*, Second Edition, Washington, D.C.: Author, January 2011. National Alliance for Public Charter Schools, *Measuring Up to the Model: A Ranking of State Charter School Laws*, Third Edition, Washington, D.C.: Author, January 2012. National Alliance for Public Charter Schools, *Measuring Up to the Model: A Ranking of State Charter School Laws*, Fourth Edition, Washington, D.C.: Author, January 2013. National Alliance for Public Charter Schools, *Measuring Up to the Model: A Ranking of State Charter School Laws*, Fifth Edition, Washington, D.C.: Author, January 2014. National Alliance for Public Charter Schools, *Measuring Up to the Model: A Ranking of State Charter School Laws*, Sixth Edition, Washington, D.C.: Author, January 2015.

3. This report incorporates changes made to charter school laws and regulations between January 1, 2010 and December 31, 2014.

How Many States Received a Higher Score in our Annual Rankings Report?

One way to look at how states have changed their charter school laws is to examine how many have received a higher score in our annual rankings report. In the five years since the model law and first rankings report were released, our analysis shows that scores have significantly increased across the country:

- Thirty-two states have made policy improvements that resulted in increases in their scores.
- The three states that saw the highest increases in their five-year cumulative scores are Mississippi (110 points), Hawaii (60 points), and Indiana (46 points).
- Eight states made changes to their laws that led to an increase in their five-year cumulative scores by 30 points or higher: Hawaii, Idaho, Indiana, Mississippi, Nevada, New Mexico, North Carolina, and Rhode Island.
- Five states made changes to their laws that led to an increase in their scores by between 20 and 29 points: Colorado, Florida, Illinois, Louisiana, and South Carolina.
- Twelve states made changes to their laws that led to an increase in their scores by between 10 and 19 points: Alaska, Arizona, Delaware, Michigan, New Hampshire, New Jersey, New York, Ohio, Oregon, Tennessee, Texas, and Utah.
- Seven states made changes to their laws that led to an increase in their scores by between 1 point and 9 points: Arkansas, District of Columbia, Iowa, Massachusetts, Missouri, Oklahoma, and Virginia.
- The scores for five states remained the same (Georgia, Kansas, Maine, Washington, and Wyoming), and the scores for six states decreased (California, Connecticut, Maryland, Minnesota, Pennsylvania, and Wisconsin).
- Three states enacted brand new legislation relatively well aligned with the model law (Maine in 2011, Mississippi in 2013, and Washington in 2012).

Table 1 shows the score increase for each of the states from between the 2010 and the 2015 reports. The states are listed in alphabetical order, and their scores are readjusted using the 2015 rubric for all years. Using this adjusted rubric, the total points possible is 228 points per year.

Table 1: State Charter Law Point Totals and Differences Between the 2010 and the 2015 National Alliance Rankings Reports
(Listed in Alphabetical Order and Re-Adjusted Using 2015 Rubric for All Years)

State	2010	2011	2012	2013	2014	2015	Point Differential (2010 to 2015)
Alaska	59	65	65	66	67	78	19
Arizona	139	140	140	148	151	151	12
Arkansas	122	122	128	128	128	128	6
California	156	152	152	152	152	152	-4
Colorado	138	138	138	159	159	159	21
Connecticut	117	113	113	113	113	113	-4
Delaware	124	120	126	126	142	142	18
District of Columbia	148	148	151	153	153	153	5

State	2010	2011	2012	2013	2014	2015	Point Differential (2010 to 2015)
Florida	136	152	156	156	156	156	20
Georgia	137	133	133	137	137	137	0
Hawaii	76	83	83	83	136	136	60
Idaho	107	107	104	113	141	141	34
Illinois	106	106	127	127	127	129	23
Indiana	115	103	139	139	161	161	46
Iowa	54	63	63	63	63	63	9
Kansas	63	63	63	63	63	63	0
Louisiana	138	142	138	167	167	167	29
Maine	-	-	163	163	163	163	0
Maryland	42	38	41	41	41	41	-1
Massachusetts	141	150	150	147	147	147	6
Michigan	129	125	141	141	141	141	12
Minnesota	178	174	174	174	174	174	-4
Mississippi	-	39	39	39	149	149	110
Missouri	123	119	119	132	132	132	9
Nevada	118	118	135	135	150	150	32
New Hampshire	114	117	129	116	128	128	14
New Jersey	106	106	106	116	116	116	10
New Mexico	120	120	150	150	150	150	30
New York	146	156	156	156	156	157	11
North Carolina	114	118	136	136	148	148	34
Ohio	114	114	121	125	129	130	16
Oklahoma	104	109	109	112	112	112	8
Oregon	123	123	127	127	133	133	10
Pennsylvania	140	133	133	133	133	133	-7
Rhode Island	81	84	116	116	116	116	35
South Carolina	123	123	123	145	145	152	29
Tennessee	104	108	116	116	116	120	16
Texas	123	123	127	127	137	137	14
Utah	133	137	137	141	141	145	12
Virginia	69	73	73	73	76	76	7
Washington	-	-	-	162	162	162	0
Wisconsin	83	79	79	79	79	79	-4
Wyoming	87	87	87	87	87	87	0

Note: A “-” indicates that no charter school law was on the books in the state during that year.

How Many States Earned a Higher Percentage of the Total Available Points in our Annual Rankings Report?

A second way to look at how states have changed their laws is to examine how many states earned a higher percentage of the total available points in our annual rankings report. Table 2 shows the percentage point increase for each of the states between the 2010 and the 2015 reports, ranked in order from the highest percentage in the 2015 report to the lowest. Table 3 organizes the states into categories based upon their percentages of the total available points in the rankings reports in 2010 and 2015. The major takeaways from Tables 2 and 3 are:

- The number of states earning 70 percent or more increased from 1 to 6.
- The number of states earning 60 percent or more increased from 11 to 23.
- The number of states earning 50 percent or more increased from 26 to 35.
- The number of states earning 49 percent or less decreased from 14 to 8.
- Although significant improvements have occurred for many state laws, the highest rated state is still only at 76 percent.

Table 2: State Charter Law Percentages of the Total Available Points in the 2010 and the 2015 National Alliance Rankings Reports

(Listed by 2015 Ranking, and Re-Adjusted Using 2015 Rubric for Both Years)

State	Percentage in 2010	Percentage in 2015
Minnesota	78	76
Louisiana	61	73
Maine	71 (2011)	71
Washington	71 (2012)	71
Indiana	50	71
Colorado	61	70
New York	64	69
Florida	60	68
District of Columbia	65	67
South Carolina	54	67
California	65	67
Arizona	61	66
New Mexico	53	66
Nevada	52	66
Mississippi	17 (2011)	65
North Carolina	50	65
Massachusetts	62	64
Utah	58	62
Delaware	54	62
Idaho	47	62
Michigan	57	62
Texas	54	60

State	Percentage in 2010	Percentage in 2015
Georgia	60	60
Hawaii	33	60
Pennsylvania	61	58
Oregon	54	58
Missouri	54	58
Ohio	50	57
Illinois	46	57
Arkansas	54	56
New Hampshire	50	56
Tennessee	46	53
Rhode Island	36	51
New Jersey	46	51
Connecticut	51	50
Oklahoma	46	49
Wyoming	38	38
Wisconsin	36	35
Alaska	26	34
Virginia	30	33
Iowa	24	28
Kansas	28	28
Maryland	18	18

Table 3: State Charter Law Percentage Summary (2010 and 2015)

Percentage of Total Points (228)	2010	2015
70%+	1	6
60% to 69%	10 (11 states > 60%)	17 (23 states > 60%)
50% to 59%	15 (26 states > 50%)	12 (35 states > 50%)
40% to 49%	5	1
30% to 39%	5	4
20% to 29%	3	2
10% to 19%	1 (14 states < 49%)	1 (8 states < 49%)

Note: The total number of states in the 2010 report was 39 and D.C. The total number in the 2015 report was 42 and D.C., as Maine, Mississippi, and Washington enacted laws in the intervening time period.

How Many States Made Policy Improvements for Each One of the Model Law’s 20 Components?

A third way to look at how states have changed their laws is to examine how many states enacted policy improvements for each one of the model law’s 20 components. Table 4 shows how many states made policy improvements for each one of the model law’s 20 components. From our perspective, the major takeaways from this data are:

- States made the most progress in lifting caps (component #1), with 16 states doing so.
- States also made significant progress in strengthening charter school and authorizer accountability, with 28 states enacting such policies (via changes to components #4, #6, #7, #8, and #9).
- Ten states made significant improvements to their facilities policies for charters (component #19).

Table 4: Model Law Component Improvements (2010 to 2015)

Model Law Component	Specific States that Made Policy Improvements	# of States that Made Policy Improvements
1) No Caps	Alaska, Arkansas, Hawaii, Idaho, Indiana, Iowa, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee, Texas	18
7) Performance-Based Charter Contracts Required	Arizona, Delaware, Florida, Idaho, Mississippi, Nevada, New Jersey, New Mexico, Ohio, Rhode Island, South Carolina, Texas, Utah	13
6) Transparent Charter Application, Review, and Decision-making Processes	Colorado, Florida, Georgia, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Oregon, South Carolina, Tennessee, Virginia	12
8) Comprehensive Charter School Monitoring and Data Collection Processes	Colorado, Florida, Hawaii, Idaho, Illinois, Indiana, Michigan, Mississippi, Nevada, New Mexico, Rhode Island, South Carolina	12
10) Educational Service Providers Allowed	Colorado, Florida, Hawaii, Illinois, Indiana, Louisiana, Michigan, Mississippi, Missouri, New Mexico, Oregon, Rhode Island	12

Model Law Component	Specific States that Made Policy Improvements	# of States that Made Policy Improvements
4) Authorizer and Overall Program Accountability System Required	Hawaii, Illinois, Indiana, Louisiana, Maine, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Texas	11
9) Clear Processes for Renewal, Nonrenewal, and Revocation Decisions	Arizona, Colorado, Delaware, Hawaii, Idaho, Indiana, Louisiana, Mississippi, New Mexico, Rhode Island	10
19) Equitable Access to Capital Funding and Facilities	Delaware, Hawaii, Idaho, Indiana, Mississippi, Nevada, New York, Ohio, Texas, Utah	10
5) Adequate Authorizer Funding	Alaska, Hawaii, Idaho, Illinois, Indiana, Mississippi, Nevada, New Mexico, South Carolina	9
15) Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed	Delaware, Hawaii, Indiana, Louisiana, Massachusetts, Mississippi, New Jersey, New York	8
3) Multiple Authorizers Available	Alaska, Idaho, Illinois, Indiana, Nevada, South Carolina	6
14) Automatic Collective Bargaining Exemption	Indiana, Michigan, Mississippi, North Carolina, Virginia	5
16) Extra-Curricular and Interscholastic Activities Eligibility and Access	Alaska, District of Columbia, Mississippi, Ohio, South Carolina	5
17) Clear Identification of Special Education Responsibilities	Mississippi, New Hampshire, Oklahoma, Oregon	4
2) A Variety of Public Charter Schools Allowed	Florida, Mississippi, Oklahoma	3
12) Clear Student Recruitment, Enrollment, and Lottery Procedures	Mississippi, Rhode Island, Tennessee	3
18) Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding	Alaska, Hawaii, Mississippi	3
11) Fiscally and Legally Autonomous Schools with Independent Public Charter School Boards	Hawaii, Mississippi	2
13) Automatic Exemptions from Many State and District Laws and Regulations	Louisiana, Mississippi	2
20) Access to Relevant Employee Retirement Systems		0

Note: While we primarily base our analyses on state policy changes, we do factor in changes in practice for a few of the components (#1, #3, and #18). In 2014, the University of Arkansas released a study that provided new data on charter school funding for the 2010-11 school year (Charter School Funding: Inequity Expands). We used that data in our 2014 and 2015 reports and in our updated analyses for the 2011, 2012, and 2013 reports. As a result of this data, 15 states saw their scores decrease for #18, three states saw their scores increase, and the scores for 13 states stayed the same.

Conclusion

The data in this report reveal significant improvements to public charter school laws between January 1, 2010 and December 31, 2014, bringing more states in alignment with the model law created by the National Alliance. Obviously, there were several factors impacting such improvements. For example, the U.S. Department of Education's Race to the Top grant competition motivated several states to change their charter laws in 2010. We also believe that charter advocates across the country, including the National Alliance, state charter support organizations, the National Association of Charter School Authorizers, and broader-based education reform groups, were able to leverage Race to the Top and other opportunities to make substantial gains.

Yet, as noted, even our best state only received 76 percent of the total points. Most glaringly, there is still much to do to improve policies for public charter school operational and capital funding equity. The quality of state charter laws has yet to catch up to the demand for high-quality public charter schools, as hundreds of thousands of students linger on waiting lists to get into a charter school. To get more states into a better position to meet this demand, we plan to continue to work in partnership with charter supporters across the country to advocate for better state charter laws.

Appendix A

Essential Components of Strong Public Charter School Law
1) No Caps
2) A Variety of Public Charter Schools Allowed
3) Multiple Authorizers Available
4) Authorizer and Overall Program Accountability System Required
5) Adequate Authorizer Funding
6) Transparent Charter Application, Review, and Decision-making Processes
7) Performance-Based Charter Contracts Required
8) Comprehensive Charter School Monitoring and Data Collection Processes
9) Clear Processes for Renewal, Nonrenewal, and Revocation Decisions
10) Educational Service Providers Allowed
11) Fiscally and Legally Autonomous Schools, with Independent Public Charter School Boards
12) Clear Student Recruitment, Enrollment, and Lottery Procedures
13) Automatic Exemptions from Many State and District Laws and Regulations
14) Automatic Collective Bargaining Exemption
15) Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed
16) Extra-Curricular and Interscholastic Activities Eligibility Access
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20) Access to Relevant Employee Retirement Systems