

SEPTEMBER 2016

## Assessing the Increasing Strength of Charter School Laws: Third Edition

By Todd Ziebarth

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

After we released the model charter school law, we then undertook an extensive review of all existing state charter school laws and how they compared to the model law and issued annual state charter school laws rankings reports in 2010, 2011, 2012, 2013, 2014, 2015, and 2016.<sup>2</sup> Each year, we sought input on the rankings reports from a variety of charter school 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 synchronize the ratings from the multiple rankings reports so that rating changes over time are primarily the result of changes in policy rather than from changes to our scoring rubrics and clarifications about existing policies.<sup>3</sup>

To accurately compare state laws over time, our first step was to rescore all of our state analyses within the 2010, 2011, 2012, 2013, 2014, 2015, and 2016 rankings reports based on the revised rubrics used for the 2016 rankings report. With these new analyses in hand, we can better gauge annual changes that have been made to state charter school laws. In this report, we examine three questions:

---

<sup>1</sup> 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.)

<sup>2</sup> 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); National Alliance for Public Charter Schools, *Measuring Up to the Model: A Ranking of State Charter School Laws, Seventh Edition* (Washington, D.C.: Author, January 2016).

<sup>3</sup> This report incorporates changes made to charter school laws and regulations between January 1, 2010, and December 31, 2015.

- How many states received a higher score in our annual rankings report between the 2010 and the 2016 reports?
- How many states earned a higher percentage of the total available points in our annual rankings report between the 2010 and the 2016 reports?
- How many states made policy improvements for each one of the model law's 20 components between the 2010 and the 2016 reports?

## 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 six years since the first rankings report was released, our analysis shows that scores have significantly increased across the country:

- Thirty-six states have made policy improvements that resulted in increases in their scores.
- The three states that saw the highest increases in their six-year cumulative scores are Mississippi (110 points), Indiana (62 points), and Hawaii (60 points). The total points possible are 228.
- Nine states made changes to their laws that led to an increase in their six-year cumulative scores by 30 or more points: Hawaii, Idaho, Indiana, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, and Rhode Island.
- Eight states made changes to their laws that led to an increase in their scores by between 20 and 29 points: Colorado, Florida, Illinois, Louisiana, Ohio, South Carolina, Tennessee, and Wisconsin.
- Thirteen states made changes to their laws that led to an increase in their scores of between 10 and 19 points: Alaska, Arizona, Arkansas, Connecticut, Delaware, Georgia, Michigan, New Hampshire, New Jersey, New York, Oregon, Texas, and Utah.
- Six states made changes to their laws that led to an increase in their scores of between one point and nine points: District of Columbia, Iowa, Maryland, Massachusetts, Missouri, and Virginia.
- The scores for three states remained the same (Kansas, Maine, and Wyoming), and the scores for three states decreased (California, Minnesota, and Pennsylvania).
- Three states enacted brand-new legislation relatively well aligned with the model law (Alabama in 2015, Maine in 2011, and Mississippi in 2013).

Table 1 shows the score increase for each of the states between the 2010 and the 2016 reports. The states are listed in alphabetical order, and their scores are readjusted using the 2016 rubric for all years.

**Table 1: State Charter School Law Point Totals and Differences Between the 2010 and the 2016 National Alliance Rankings Reports**

(Listed in Alphabetical Order and Readjusted Using 2016 Rubric for All Years; Total Points Possible Are 228)<sup>4</sup>

State	2010	2011	2012	2013	2014	2015	2016	Point Differential (2010 to 2016)
Alabama	—	—	—	—	—	—	177	N/A
Alaska	59	65	65	66	67	78	78	19
Arizona	139	140	140	148	151	151	154	15
Arkansas	122	122	128	128	128	128	132	10
California	156	152	152	152	152	152	152	-4
Colorado	138	138	138	159	159	159	165	27
Connecticut	117	113	113	113	113	113	129	12
Delaware	124	120	126	126	142	142	138	14
District of Columbia	148	148	151	153	153	153	153	5
Florida	136	152	156	156	156	156	156	20
Georgia	137	133	133	137	137	137	147	10
Hawaii	76	83	83	83	136	136	136	60
Idaho	107	107	104	113	141	141	141	34
Illinois	106	106	127	127	127	129	129	23
Indiana	115	103	139	139	161	161	177	62
Iowa	54	63	63	63	63	63	63	9
Kansas	60	60	60	60	60	60	60	0
Louisiana	138	142	138	167	167	167	167	29
Maine	—	—	163	163	163	163	163	0
Maryland	48	44	47	47	47	47	49	1
Massachusetts	147	156	156	153	153	153	153	6
Michigan	131	127	143	143	143	143	143	12
Minnesota	178	174	174	174	174	174	174	-4
Mississippi	—	39	39	39	149	149	149	110
Missouri	123	119	119	132	132	132	132	9
Nevada	118	118	135	135	150	150	162	44
New Hampshire	114	117	129	116	128	128	128	14
New Jersey	108	108	108	118	118	118	118	10
New Mexico	120	120	150	150	150	150	150	30
New York	148	158	158	158	158	159	162	14
North Carolina	114	118	136	136	148	148	152	38

<sup>4</sup>We did not include Washington State in this report because it did not have a charter school law on the books when we released the most recent version of our state charter school laws rankings report in January 2016. The state enacted its current charter school law in April 2016.

State	2010	2011	2012	2013	2014	2015	2016	Point Differential (2010 to 2016)
Ohio	118	118	125	129	133	134	140	22
Oklahoma	104	109	109	112	112	112	147	43
Oregon	123	123	127	127	133	133	133	10
Pennsylvania	140	133	133	133	133	133	133	-7
Rhode Island	83	86	118	118	118	118	118	35
South Carolina	123	123	123	145	145	152	152	29
Tennessee	106	110	118	118	118	122	124	18
Texas	123	123	127	127	137	137	137	14
Utah	133	137	137	141	141	145	145	12
Virginia	71	75	75	75	78	78	80	9
Wisconsin	83	79	79	79	79	79	110	27
Wyoming	87	87	87	87	87	87	87	0

Note: The symbol — 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 in the 2010 and the 2016 reports, ranked in order from the highest percentage in the 2016 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 2016. The major takeaways from Tables 2 and 3 are:

- The number of states earning 70 percent or more increased from 1 to 8.
- The number of states earning 60 percent or more increased from 11 to 26.
- The number of states earning 50 percent or more increased from 26 to 36.
- The number of states earning 49 percent or less decreased from 14 to 7.
- Although significant improvements have occurred in many state laws, the highest rated state is still only at 78 percent.

### Table 2: State Charter School Law Percentages of the Total Available Points in the 2010 and the 2016 National Alliance Rankings Reports

(Listed by 2016 Ranking, and Readjusted Using 2016 Rubric for Both Years)

State	Percentage in 2010	Percentage in 2016
Indiana	50	78
Alabama	N/A	77
Minnesota	78	76
Louisiana	61	73

State	Percentage in 2010	Percentage in 2016
Colorado	61	72
Maine	71 (2011)	71
New York	65	71
Nevada	52	71
Florida	60	68
Arizona	61	68
Massachusetts	64	67
District of Columbia	65	67
South Carolina	54	67
North Carolina	50	67
California	68	67
New Mexico	53	66
Mississippi	17 (2011)	65
Georgia	60	64
Oklahoma	46	64
Utah	58	64
Michigan	57	63
Idaho	47	62
Ohio	52	61
Delaware	54	61
Texas	54	60
Hawaii	33	60
Pennsylvania	61	58
Oregon	54	58
Arkansas	54	58
Missouri	54	58
Connecticut	51	57
Illinois	46	57
New Hampshire	50	56
Tennessee	46	54
Rhode Island	36	52
New Jersey	47	52
Wisconsin	36	48
Wyoming	38	38
Virginia	31	35
Alaska	26	34
Iowa	24	28
Kansas	26	26
Maryland	21	21

**Table 3: State Charter School Law Percentage Summary (2010 and 2016)**

Total Percentage Points (228)	2010	2016
70%+	1	8
60% to 69%	10 (11 states > 60%)	18 (26 states > 60%)
50% to 59%	15 (26 states > 50%)	10 (36 states > 50%)
40% to 49%	5	1
30% to 39%	5	3
20% to 29%	4	3
10% to 19%	0 (14 states < 49%)	0 (7 states < 49%)

*Note: The 2010 report covered 39 states and D.C. The 2016 report covered 42 and D.C., as Alabama, Maine, and Mississippi enacted laws in the intervening years.*

## 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 the progress states have made. 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 (through changes to components #4, #6, #7, #8, and #9).
- Eleven states made significant improvements to their facilities policies for charters (component #19).

**Table 4: Model Law Component Improvements (2010 to 2016)**

Model Law Component	Specific States that Made Policy Improvements	# of States that Made Policy Improvements
<b>1) No Caps</b>	Alaska, Arkansas, Hawaii, Idaho, Indiana, Iowa, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee, Texas	18
<b>8) Comprehensive Charter School Monitoring and Data Collection Processes</b>	Colorado, Connecticut, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Michigan, Mississippi, Nevada, New Mexico, Ohio, Oklahoma, Rhode Island, South Carolina, Wisconsin	17
<b>7) Performance-Based Charter School Contracts Required</b>	Arizona, Connecticut, Delaware, Florida, Idaho, Mississippi, Nevada, New Jersey, New Mexico, Ohio, Oklahoma, Rhode Island, South Carolina, Texas, Utah, Wisconsin	16

Model Law Component	Specific States that Made Policy Improvements	# of States that Made Policy Improvements
<b>6) Transparent Charter School Application, Review, and Decision-making Processes</b>	Colorado, Florida, Georgia, Indiana, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, North Carolina, Oregon, South Carolina, Tennessee, Virginia	15
<b>10) Educational Service Providers Allowed</b>	Colorado, Connecticut, Florida, Hawaii, Illinois, Indiana, Louisiana, Michigan, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Oregon, Rhode Island	15
<b>4) Authorizer and Overall Program Accountability System Required</b>	Arizona, Georgia, Hawaii, Illinois, Indiana, Louisiana, Maine, Mississippi, Missouri, Nevada, New Mexico, North Carolina, Oklahoma, Texas	14
<b>15) Multi-School Charter School Contracts and/or Multi-Charter-School Contract Boards Allowed</b>	Colorado, Delaware, Hawaii, Indiana, Louisiana, Massachusetts, Mississippi, Nevada, New Jersey, New York, Oklahoma, Wisconsin	12
<b>5) Adequate Authorizer Funding</b>	Alaska, Hawaii, Idaho, Illinois, Indiana, Mississippi, Nevada, New Mexico, Ohio, South Carolina, Tennessee	11
<b>9) Clear Processes for Renewal, Nonrenewal, and Revocation Decisions</b>	Arizona, Colorado, Delaware, Hawaii, Idaho, Indiana, Louisiana, Mississippi, New Mexico, Oklahoma, Rhode Island	11
<b>19) Equitable Access to Capital Funding and Facilities</b>	Arkansas, Delaware, Hawaii, Idaho, Indiana, Mississippi, Nevada, New York, Ohio, Texas, Utah	11
<b>3) Multiple Authorizers Available</b>	Alaska, Idaho, Illinois, Indiana, Nevada, Oklahoma, South Carolina, Wisconsin	8
<b>12) Clear Student Recruitment, Enrollment, and Lottery Procedures</b>	Indiana, Maryland, Mississippi, Rhode Island, Tennessee, Virginia, Wisconsin	7
<b>11) Fiscally and Legally Autonomous Schools with Independent Charter Public School Boards</b>	Georgia, Hawaii, Indiana, Mississippi, Wisconsin	5
<b>14) Automatic Collective Bargaining Exemption</b>	Indiana, Michigan, Mississippi, North Carolina, Virginia	5
<b>16) Extra-Curricular and Interscholastic Activities Eligibility and Access</b>	Alaska, District of Columbia, Mississippi, Ohio, South Carolina	5

Model Law Component	Specific States that Made Policy Improvements	# of States that Made Policy Improvements
17) Clear Identification of Special Education Responsibilities	Mississippi, New Hampshire, Oklahoma, Oregon, Wisconsin	5
2) A Variety of Charter Public Schools Allowed	Florida, Mississippi, Oklahoma	3
18) Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding	Alaska, Hawaii, Mississippi	3
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, 2015, and 2016 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 charter school laws between January 1, 2010, and December 31, 2015, bringing more states in alignment with the model law created by the National Alliance. Obviously, there were several factors affecting such improvements. For example, the U.S. Department of Education’s Race to the Top grant competition motivated several states to change their charter school laws in 2010. We also believe that charter school 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 received only 78 percent of the total available points. Most glaringly, there is still much to do to improve policies for charter school operational and capital funding equity. The quality of state charter school laws has yet to catch up to the demand for high-quality 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 school supporters across the country to advocate for better state charter laws.



## APPENDIX A

### 20 Essential Components of the National Alliance Model Law

1	No Caps on the growth of public charter schools in a state.
2	A Variety of Public Charter Schools Allowed, including new start-ups, public school conversions, and virtual schools.
3	Multiple Authorizers Available, including non-local school board authorizers, to which charter applicants may directly apply.
4	Authorizer and Overall Program Accountability System Required, whereby all authorizers must affirm interest to become an authorizer (except for a legislatively created state public charter school commission) and participate in an authorizer reporting program based on objective data, as overseen by some state-level entity with the power to remedy.
5	Adequate Authorizer Funding, including provisions for guaranteed funding from state or authorizer fees, and public accountability for such expenditures.
6	Transparent Charter Application, Review, and Decisionmaking Processes, including comprehensive academic, operational, governance, and performance application requirements, with such applications reviewed and acted upon following professional authorizer standards.
7	Performance-Based Charter Contracts Required, with such contracts created as separate postapplication documents between authorizers and public charter schools detailing at least academic performance expectations, operational performance expectations, and school and authorizer rights and duties.
8	Comprehensive Charter School Monitoring and Data Collection Processes so that all authorizers can verify public charter school compliance with applicable law and their performance-based contracts.
9	Clear Processes for Renewal, Nonrenewal, and Revocation Decisions, including school closure and dissolution procedures to be used by all authorizers.
10	Educational Service Providers Allowed, provided there is a clear performance contract between the independent public charter school board and the service provider and there are no conflicts of interest between the two entities.
11	Fiscally and Legally Autonomous Schools with Independent Public Charter School Boards, whereby public charter schools are created as autonomous entities with their boards having most of the powers granted to other traditional public school district boards.
12	Clear Student Recruitment, Enrollment, and Lottery Procedures, which must be followed by all public charter schools.

13	Automatic Exemptions from Many State and District Laws and Regulations, except for those covering health, safety, civil rights, student accountability, employee criminal history checks, open meetings, freedom of information requirements, and generally accepted accounting principles.
14	Automatic Collective Bargaining Exemption, whereby public charter schools are exempt from any outside collective bargaining agreements, while not interfering with laws and other applicable rules protecting the rights of employees to organize and be free from discrimination.
15	Multischool Charter Contract and/or Multicharter Contract Boards Allowed, whereby an independent public charter school board may oversee multiple schools linked under a single charter contract or may hold multiple charter contracts.
16	Extracurricular and Interscholastic Activities Eligibility and Access, whereby (a) public charter school students and employees are eligible for state- and district-sponsored interscholastic leagues, competitions, awards, scholarships, and recognition programs to the same extent as traditional public school students and employees; and (b) students at charters that do not provide extracurricular and interscholastic activities have access to those activities at traditional public schools for a free via a mutual agreement.
17	Clear Identification of Special Education Responsibilities, including clarity on which entity is the local education agency responsible for such services and how such services are to be funded (especially for low-incident, high-cost cases).
18	Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding, flowing to the school in a timely fashion and in the same amount as district schools following eligibility criteria similar to all other public schools.
19	Equitable Access to Capital Funding and Facilities, including multiple provisions such as a per-pupil facility allowance (equal to statewide average per-pupil capital costs); facility grant and revolving loan programs; a charter school bonding authority (or access to all relevant state tax-exempt bonding authorities available to all other public schools); the right of first refusal to purchase or lease at or below fair market value a closed or unused public school facility or property; and clarity that no state or local entity may impose any facility-related requirements that are stricter than those applied to traditional public schools.
20	Access to Relevant Employee Retirement Systems, with the option to participate in a similar manner to all other public schools.