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What Policymakers Need to Know: Highlights of State Charter School Laws

By Molly Ryan

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This *StateNote*, derived from information from ECS' Charter Schools database (http://www.ecs.org/html/educationIssues/CharterSchools/CHDB_intro.asp) provides information on seven key areas of charter school policy:

Charter School Law: 40 states and the District of Columbia currently have laws allowing for the creation of start-up and conversion charter schools. This *StateNote* does not include policies related to converting underperforming schools into charter schools.

Charter School Caps: 21 states set caps on the number of charter schools that may be created (either overall or by geographic area or type of charter); 19 states set no limits on the number of charter schools that may be created.

Charter School Is Its Own LEA: In 17 states, a charter school is its own local educational agency (district) or LEA — making it free of district control — while in 16 states it is not. In seven states, there are two types of charter schools, with one type serving as its own LEA and the other type not.

Source of Charter School Funding: In 17 states, a charter school receives funding through the local school district, while in six states it is funded through the state. In one state, a charter school receives funding through its authorizing body, and in 16 states, a charter school receives funding through both the local district and the state.

Charter School Facilities Assistance: In 29 states, the state provides a charter school with some form of facilities assistance, while in 11 states it is not.

Charter School Teacher Certification: In 14 states, charter school teachers are required to be certified, while in three states they are not. In 21 states, charter teachers are required to be certified, but waivers are available and exceptions exist. In two states, a certain classification of teachers is required to be certified, while other classifications are not.

Charter School Bound By Collective Bargaining Agreements: In two states, a charter school is bound by collective bargaining agreements, while in 19 states it is not. In six states, a charter school is bound by an agreement, but waivers are available and exceptions exist. In 13 states, a certain charter schools are bound by agreements, while other charter schools are not.

Charter School Renewal Appeals Process: In 24 states, an appeals process is in place for charter school renewals, while in 16 states it is not.

Key:

LEA = Local Education Agency, also known as a school district
 DISTRICT = Local school district, also known as an LEA
 AUTHORIZING BODY = Entity that authorized the charter school.

State	Charter School Law?	Caps on Number of Charters?	Charter School Independent LEA?	Through Whom Does Charter Receive Funding?	State Provides Facilities Assistance?	Teachers Required To Be Certified?	Bound By Collective Bargaining Agreements?	Appeals Process for Charter Renewals?
Alabama	NO	--	--	--	--	--	--	--
Alaska	YES	NO	NO	DISTRICT	NO	YES	YES, unless exempted	NO
Arizona	YES	NO	YES	DISTRICT, for district-authorized STATE, for others	YES	NO	NO	YES
Arkansas	YES	YES 24 start-up charters	YES, for open enrollment charters NO, for conversion charters	DISTRICT, for conversion charters STATE, for open enrollment charters	YES	YES, unless waiver in charter	YES, for conversion charters NO, for open enrollment charters	NO
California	YES	YES 1,450, but may increase by 100 each year	YES, upon election of charter	DISTRICT, for district-authorized STATE, for state-authorized	YES	YES	NO	YES
Colorado	YES	NO	NO	DISTRICT, for district-authorized STATE, for state-authorized	YES	YES, unless waiver in charter	NO	YES

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Connecticut	YES	YES – The cap is based on the lesser of 250 students per state-authorized charter or 25% enrollment in the district where the charter is located. For state-authorized K-8 charters, the cap is based on the lesser of 300 students per state-authorized charter or 25% enrollment in the district where the charter is located. For charters with a record of achievement, caps may be waived.	YES – However, for special education purposes, charters are part of the LEA in which they are located.	DISTRICT, for district-authorized STATE, for state-authorized	YES	YES While at least 50% must have standard certification, up to 50% may be working toward standard certification.	YES However, district-authorized charters may modify agreement by a majority of charter teachers and charter’s governing council.	NO
Delaware	YES	NO	YES	DISTRICT, for local revenue STATE, for state revenue	NO	YES, with exceptions	NO	YES
District of Columbia	YES	YES 20 per year	YES However, for special education purposes, charters may choose to be part of an LEA.	CITY government	YES	NO	NO	YES
Florida	YES	NO	NO	DISTRICT	YES	YES	NO	YES
Georgia	YES	NO	YES, for state-authorized NO, for district-authorized	DISTRICT, for district-authorized STATE, for state-authorized	YES	YES, unless waiver in charter	NO	NO
Hawaii	YES	YES – 25 conversions and 23 start-ups, plus three additional start-ups for every start-up accredited for three or more years	NO	STATE	YES	YES	YES, unless otherwise addressed in supplemental agreements	YES

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Idaho	YES	YES – Six per year, with not more than one per district per year	YES, for state-authorized NO, for district-authorized	STATE	YES	YES – However, teachers may apply for waiver.	NO	YES
Illinois	YES	YES – 120, 75 of which must be in Chicago; up to five of the charters in Chicago are reserved for high school drop-out recovery schools	YES, for charters approved on appeal by state board of education NO, for district-authorized	DISTRICT	YES	YES – 50% of teachers in Chicago charters established after April 16, 2003 must be certified, and 75% of teachers in charters established before April 15, 2003 must be certified. NO, if meet certain requirements	NO	YES
Indiana	YES	YES – Five per year in Indianapolis; virtual charter schools were capped at 200 students in 2009-10 and 500 in 2010-11 (at least 75% of whom must have been enrolled in public schools the previous year).	YES	STATE	YES	YES, or must be in transition to teaching program	YES, for conversion charters, but staff may seek waiver NO, for start-ups	NO
Iowa	YES	NO	NO	DISTRICT	NO	YES	YES	YES
Kansas	YES	NO	NO	DISTRICT	NO	YES	YES, unless waiver in charter	YES
Kentucky	NO	--	--	--	--	--	--	--

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Louisiana	YES	NO	YES, for state-authorized NO, for district-authorized	DISTRICT, for district-authorized STATE, for state-authorized	YES	YES – However, 25% may meet other requirements	YES, unless waiver in charter NO, for conversions under jurisdiction of the state board (“Type 5 charters”)	NO
Maine	NO	--	--	--	--	--	--	--
Maryland	YES	NO	NO	DISTRICT	NO	YES	YES – However, charters may negotiate amendments to address needs.	NO
Massachusetts	YES	YES – 120, 48 of which must be Horace Mann charters, and 72 of which must be Commonwealth charters; a Commonwealth charter is not permitted in a community with a population of less than 30,000, unless it is a regional charter.	YES – However, some aspects of Horace Mann charters are determined through negotiations with the district.	DISTRICT, for Horace Mann charter STATE, for Commonwealth charters	YES	YES, for Horace Mann charter teachers NO, for Commonwealth teachers who pass state test	YES, for Horace Mann charters NO, for Commonwealth charters	YES
Michigan	YES	YES – 150, with no single university authorizing more than 50% of the 150; an additional 15 are permitted in Detroit, and an additional 10 “schools of excellence” are permitted in districts with a graduation rate of less than 75%.	YES	AUTHORIZING BODY	NO	YES, with some exemptions	YES, for district-authorized charters NO, for other charters	NO
Minnesota	YES	NO	YES	STATE	YES	YES	NO	YES

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Mississippi	YES	YES – Up to 12 conversion charters with no more than three in any given congressional district; charters may not open until the 2012-13 school year.	NO	DISTRICT	NO	YES, unless waiver in charter	NO	NO
Missouri	YES	YES – Charters are only allowed in the Kansas City and St. Louis districts, and only 5% of district's schools may be converted to charters.	YES	DISTRICT STATE, for charters that are independent LEAs	YES	YES – However, up to 20% of full-time equivalent staff may be non-certified.	NO	YES
Montana	NO	--	--	--	--	--	--	--
Nebraska	NO	--	--	--	--	--	--	--
Nevada	YES	NO	NO	STATE	NO	YES – However, up to 30% may be non-certified and for vocational charters, up to 50% may be non-certified.	YES, for employees on leave of absence from school district NO, for others	NO
New Hampshire	YES	YES – 10 per year and an additional 20 pilots by June 30, 2013	YES	DISTRICT, for district-authorized STATE, for state-authorized	YES	YES, at least 50% must be certified or have three years teaching experience	NO	NO
New Jersey	YES	NO	YES	DISTRICT	NO	YES	YES, for conversion charters NO, for start-ups	NO
New Mexico	YES	YES – 15 per year with a five-year cap of 75; charters in districts with 1,300 or fewer students may only enroll 10% of district population.	NO	DISTRICT	YES	YES	NO	YES

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New York	YES	YES 460	YES	DISTRICT	YES	YES – However, the lesser of 30% of the charter’s teachers or five teachers may meet other criteria.	YES, for conversion charters and start-ups with more than 250 students within the first two years of operation; such start-ups may apply a waiver NO, for other start-ups	NO
North Carolina	YES	YES – 100 with only five per district per year	NO	DISTRICT ¹ and STATE	YES	YES - However, up to 25% in grades K-5 and up to 50% in grades 6-12 may be uncertified.	YES – District-approved charters are subject to school district work rules. ² NO, for others	YES
North Dakota	NO	--	--	--	--	--	--	--
Ohio	YES	YES – Start-ups are limited to "challenged" districts and may be opened only by an operator with a track record of success. There is also a moratorium on new virtual schools.	YES	STATE	YES	YES – However, may engage noncertified teachers to teach up to 12 hours per week.	YES, for conversions, unless a majority of teachers petition otherwise NO, for start-ups	YES
Oklahoma	YES	YES – Charters are only allowed in Oklahoma and Tulsa county districts that have more than 5,000 students and in districts that have schools on the state’s school improvement list.	YES	DISTRICT	YES	YES, unless waiver in charter	NO	YES

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Oregon	YES	NO – However, moratoriums exist on virtual charter schools.	NO	DISTRICT	NO	YES – However, up to 50% may be unlicensed if registered by the Teacher Standards and Practices Commission.	NO	YES
Pennsylvania	YES	NO	YES	DISTRICT	YES	YES – However, up to 25% may be non-certified.	NO	YES
Rhode Island	YES	YES – 35, at least half of which must be reserved for at-risk students	YES	DISTRICT ³ and STATE	YES	YES	YES, for district-approved charters, unless waiver approved	NO
South Carolina	YES	NO	NO	DISTRICT	YES	YES – However, up to 10% may be non-certified in conversion charters and 25% in start-ups (core subject teachers must either be certified or hold a degree in the subject taught).	YES, for conversions NO, for start-ups	YES
South Dakota	NO	--	--	--	--	--	--	--
Tennessee	YES	YES – 90, 35 of which must be in Memphis, four of which must be in Shelby County and 20 of which must be in Davidson County ⁴	NO	DISTRICT	YES	YES	NO	YES

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Texas	YES	YES – 215 state-authorized open-enrollment charters	YES, for state-authorized NO, for district-authorized	DISTRICT, for district-authorized STATE, for open-enrollment charters	YES	NO	YES – District-authorized charters are subject to school district personnel policies ⁵ NO, for state-authorized charters	NO
Utah	YES	YES – 48,000 students in 2011-12; however, the state board of education may increase capacity for 2012-13, subject to appropriation of funds.	YES, for state-authorized NO, for district-authorized	DISTRICT, for district-authorized charters that are either conversions or located in a district facility STATE, for others	YES	NO – Teachers may qualify under alternative certification.	NO	YES
Vermont	NO	--	--	--	--	--	--	--
Virginia	YES	NO	NO	DISTRICT	YES	YES	YES	YES
Washington	NO	--	--	--	--	--	--	--
West Virginia	NO	--	--	--	--	--	--	--
Wisconsin	YES	NO	YES – Charters approved by Milwaukee city or certain colleges are own LEA. Charters approved by local school board may choose to be part of an LEA or own LEA. ⁶	DISTRICT, for district-authorized STATE, for city, university or technical college-authorized	NO	YES – However, uncertified individuals may apply for a special charter school permit if they meet certain requirements.	YES, for district-authorized NO, for others	NO
Wyoming	YES	NO	NO	DISTRICT	YES	YES	NO	YES
STATE TOTALS:	YES = 40 NO = 10	YES = 21 NO = 19	YES = 17 NO = 16 YES & NO = 7	DISTRICT = 17 STATE = 6 DISTRICT & STATE = 16 AUTHORIZING BODY = 1	YES = 29 NO = 11	YES = 14 NO = 3 YES & NO = 2 YES with waivers = 21	YES = 2 NO = 19 YES & NO = 13 YES with waivers = 6	YES = 24 NO = 16

¹ State law requires the LEA in which the student resides to transfer to the charter school an amount equal to the per-pupil local current expense appropriation to the LEA for the fiscal year.

² North Carolina is an at-will state and does not permit collective bargaining agreements.

³ The LEA the student formerly attended pays the charter school whatever part of the required per-pupil amount is not paid by the state. Also, the LEA continues to claim the student for all aid programs.

⁴ Three charters 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 LEA. These schools don't count against the cap of 90.

⁵ Texas is an at-will state and does not permit collective bargaining agreements.

⁶ Charters that are part of the LEA are known as instrumentality charter schools, and their employees are employees of the school district. Charters that are their own LEA are known as non-instrumentality charter schools, and their employees are not employees of the school district.

ECS is available to work with individual states to improve education policy. For more information, please contact:

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