

## What rules are waived for charter schools?

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At the present time, 39 states, the District of Columbia and Puerto Rico have enacted charter school laws, so this database contains information only for them. It does not contain any information for the 11 states that have not enacted charter school laws.

Maintenance of this database is a collective effort between ECS and the National Alliance for Public Charter Schools. Please contact Molly Ryan, 303.299.3614 or [mryan@ecs.org](mailto:mryan@ecs.org) with questions or comments about the database.

### What rules are waived for charter schools?

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| Alaska      | Charter schools are exempt from a school district's textbook, program, curriculum and scheduling requirements. Charter schools are exempt from a state law that requires superintendents of schools to select, appoint and otherwise control school district employees that serve under the superintendent. Local school boards may exempt a charter school from other school district requirements if the exemption is set out in the contract. |
| Arizona     | Except as provided in the state's charter school law and in a charter school's charter, a charter school is exempt from all statutes and rules relating to schools, governing boards and school districts.   |
| Arkansas    | Exemptions from particular laws, regulations and policies must be specified in the charter.  |
| California  | Charter schools are allowed an automatic waiver from most state laws, regulations and policies governing school districts.   |
| Colorado    | The state board of education promulgates rules identifying state statutes and state rules that are automatically waived for all charter schools. A school district or the state charter school institute, on behalf of a charter school, may apply to the state board for a waiver of a state statute or state rule that is not automatically waived for charter schools by rule.  |
| Connecticut | A charter school application may include, or a charter school may file, requests to waive provisions of the general statutes and   |

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|                      | regulations which are within the jurisdiction of the state board of education.  |
| Delaware             | Charter schools are exempt from all provisions of the state's education code and all school district regulations, except as specified in the state's charter school law.  |
| District of Columbia | Charter schools are exempt from D.C. statutes, policies, rules, and regulations established for the D.C. public schools by the superintendent, board of education, mayor, D.C. council, or authority, except as otherwise provided in the school's charter or D.C. charter school law.  |
| Florida              | Charter schools are exempt from all statutes of the state education code, except those: (1) Specifically applying to charter schools; or pertaining to (2) The student assessment program and school grading system; (3) The provision of services to students with disabilities; (4) Civil rights; (5) Student health, safety, and welfare; (6) Public meetings and records, public inspection, and criminal and civil penalties; and (7) Public records. Also, a local school board's policies do not apply to a charter school.  |
| Georgia              | Charter schools may request blanket waivers from state and local rules and regulations.   |
| Hawaii               | Charter schools are exempt from all applicable state laws except those regarding collective bargaining, discriminatory practices and health and safety requirements.  |
| Idaho                | Each public charter school is exempt from the rules governing school districts, with the exception of rules specifically pertaining to charter schools promulgated by the state board of education and rules relating to the following: (1) Waiver of teacher certification; (2) Accreditation of the school; (3) Qualifications of a student for attendance at an alternative school; and (4) Criminal history checks of all school employees. Charter schools are also subject to regulations pertaining to bribery and corrupt influence, prohibitions against contracts with officers, ethics in government, open public meetings, disclosure of public records, and financial reporting. |
| Illinois             | Charter schools are exempt from all state laws and regulations in the school code governing public schools and local school board policies, except the following: (1) The state's charter school law; (2) The sections of the school code regarding criminal background investigations of applicants for employment; (3) The sections of the school code regarding discipline of students; (4) The Local  |

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|                | <p>Governmental and Governmental Employees Tort Immunity Act; (5) The section of the General Not For Profit Corporation Act of 1986 regarding indemnification of officers, directors, employees, and agents; (6) The Abused and Neglected Child Reporting Act; (7) The Illinois School Student Records Act; and (8) The section of the school code regarding school report cards.</p>  |
| <p>Indiana</p> | <p>(1) Any state statute applicable to a governing body or school corporation; (2) A rule or guideline adopted by the state board of education; (3) A rule or guideline adopted by the professional standards board (except for those rules that assist a teacher in gaining or renewing a standard or advanced license); and (4) A local regulation or policy adopted by a school district unless specifically incorporated in the charter.</p> <p>Rules governing the following areas apply to charter schools: (1) Required audits by the state board of accounts; (2) Unified accounting systems; (3) Special education; (4) Criminal history; (5) Laws requiring regulation by state agencies; (6) Voiding of teacher contracts when 2 contracts are signed; (7) Nondiscrimination for teachers' marital status; (8) Teacher freedom of association; and (9) School counselor immunity.</p> <p>The following rules and guidelines apply only to conversion charter schools: (1) Compulsory school attendance; (2) Limitations on employment of children; (3) Student due process and judicial review; (4) Firearms and deadly weapons; (5) health and safety measures; (6) Reporting of student violations of law; (7) Patriotic commemorative observances; (8) Assessment programs, including remediation under the assessment programs; (9) Parental access to education records; and (10) Accountability for school performance and improvement.</p> |
| <p>Iowa</p>    | <p>Although a charter school may elect to comply with one or more provisions of a statute or rule, it is exempt from all statutes and rules applicable to a school, school board or a school district, except those pertaining to: (1) Health and safety, (2) Civil rights, (3) Non-discrimination, (4) Court-ordered desegregation, (5) Nonsectarian/nonreligious, (6) Tuition, (7) Special education, (7) Financial audits, (8) Student achievement, (9) Teacher quality, (10) Collective bargaining, (11) Transportation, and (12) Advisory council meetings. Also, in its application, a charter school must include the specific statutes, administrative rules and school board policies with which the charter school does not intend to comply.</p>  |
| <p>Kansas</p>  | <p>The charter must identify the school district policies and state board of education rules and regulations from which waiver is sought in order to facilitate operation of the school and explain the</p>  |

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|               | reasons such waivers are being requested.   |
| Louisiana     | Charter schools are exempt from all rules and regulations of the state board and those of any local school board that are applicable to public schools and to public school officers and employees, except as provided in the state's charter school law (specifically, La. Rev. Stat. Ann. § 3996) and as may be otherwise specifically provided for in an approved charter. |
| Maryland      | Charter schools may seek waivers on a case-by-case basis from the state board of education, except from provisions of law or regulation relating to audit requirements, the measurement of student academic achievement and the health, safety or civil rights of a student or an employee of the charter school.   |
| Massachusetts | Commonwealth charter schools do not receive automatic waivers from state education laws and regulations, but they do not fall under local school district work rules. Horace Mann charter schools may negotiate waivers with their local school boards and teachers unions. Employees must continue to be members of the local union.   |
| Michigan      | Charter schools may seek waivers on a case-by-case basis from the state superintendent of public instruction.   |
| Minnesota     | Except as provided in the state's charter school law, a charter school is exempt from all statutes and rules applicable to a school, a local school board, or a school district, although it may elect to comply with one or more provisions of statutes or rules.  |
| Missouri      | Except as provided in the state's charter school law, a charter school is exempt from all laws and rules relating to schools, governing boards and school districts.  |
| Nevada        | Certain exemptions from particular laws, regulations and policies may be negotiated and specified in charter or requested later through waiver process.   |
| New Hampshire | Except as provided in the state's charter school law, charter schools are fully exempt from state laws and rules which otherwise apply to public or nonpublic schools or local school boards or districts.  |
| New Jersey    | Exemptions from particular laws, regulations and policies may be requested in the charter application, except those pertaining to assessment, testing, civil rights and student health and safety.  |
| New Mexico    | Certain exemptions from particular laws, regulations and policies may be negotiated and specified in the charter or requested later   |

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|                | through a waiver process. The local school board may waive only locally imposed school district requirements. The state department of education must waive requirements relating to individual class load and teaching load, length of the school day, staffing patterns, subject areas and the purchase of instructional material. The state department may also waive requirements or rules and provisions of the public school code pertaining to graduation requirements, school principal duties and driver education.   |
| New York       | A charter school must meet the same health and safety, civil rights, and student assessment requirements applicable to other public schools, except as otherwise specifically provided in the state's charter school law. A charter school is exempt from all other state and local laws, rules, regulations or policies governing public or private schools, boards of education and school districts, including those relating to school personnel and students, except as specifically provided in the school's charter or in the state's charter school law. Also, nothing in the state's charter school law affects the requirements of compulsory education established in state law. |
| North Carolina | Except as provided in the state's charter school law and pursuant to the provisions of its charter, a charter school is exempt from statutes and rules applicable to a local school board or school district.   |
| Ohio           | Except as otherwise specified in the state's charter school law and in the contract between a charter school and a sponsor, a charter school is exempt from all state laws and rules pertaining to schools, school districts, and boards of education, except those laws and rules that grant certain rights to parents.  |
| Oklahoma       | Except as provided for in the state's charter school law and a charter school's charter, a charter school is exempt from all statutes and rules relating to schools, boards of education and school districts. There also are a limited amount of waivers available to charter schools.   |
| Oregon         | Automatic waiver from most state and school district education laws, regulations and policies   |
| Pennsylvania   | Automatic waiver from most state and school district laws, regulations and policies, except for those that directly apply to charter schools  |
| Puerto Rico    | Exempt from state laws, rules, regulations, policies and procedures other than those pertaining to charter schools  |

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| Rhode Island   | Exemptions from particular state statutes, state regulations, school district rules and collective bargaining provisions must be specified in charter.   |
| South Carolina | Except as provided in the state's charter school law, a charter school is exempt from all provisions of law and regulations applicable to a public school, a school board, or a district, although a charter school may elect to comply with one or more of these provisions of law or regulations.  |
| Tennessee      | A charter school may apply to the local school board or the state commissioner of education for a waiver of state board rules and statutes.  |
| Texas          | Charter schools receive an automatic waiver from most state and school district education laws, regulations and policies, except as provided in law.   |
| Utah           | A charter school may apply to the state board of education for a waiver of any state board of education rule that inhibits or hinders the charter school from accomplishing the mission or educational goals set out in its charter. The state board of education rules governing the following do not apply to charter schools, except that a charter school must comply with rules implementing statutes that prescribe how state appropriations may be spent: (1) School libraries; (2) Required school administrative and supervisory services; and (3) Required expenditures for instructional supplies. State statutes and implementing rules governing the following do not apply to charter schools: (1) The establishment of a school community council and school improvement plan; (2) The use of school buildings as civic centers; (3) The use of activity disclosure statements; (4) Notification of intent to dispose of textbooks; (5) Annual presentations on adoption; (6) Fiscal procedures of school districts and local school boards; and (7) Independent evaluation of instructional materials. Also, the following statutes governing public employees and officers do not apply to charter schools: (1) The Utah Orderly School Termination Procedures Act; (2) Educator Evaluation; and (3) Prohibiting Employment of Relatives. |
| Virginia       | Waivers of school district policies are granted at the discretion of the local school board. Waivers of state regulations are granted at the discretion of the state board of education.   |
| Wisconsin      | Most state education laws, regulations and policies  |
| Wyoming        | Pursuant to its contract, a charter school may operate free from specified state regulations and school district policies. A school  |

district may waive locally imposed school district requirements without state board of education approval. The state board of education may waive state statutory requirements or rules.

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