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Overview Of State Charter School Laws

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ABSTRACT

Charter schools exist in thirty-three states and the District of Columbia and Puerto Rico. This report provides a brief summary of state charter school laws. The summaries are not exhaustive but are intended to give the reader an understanding of the charter school process in various states.

Overview Of State Charter School Laws

Summary

Charter schools exist in thirty-three states and the District of Columbia and Puerto Rico. Charter schools represent a contractual relationship between a public school and the local or state boards of education to provide a unique alternative educational program for teachers, parents, and students. Typically, state charter school laws address the issues of: (1) how to apply for a charter; (2) what information is required in a charter application; (3) restrictions or exemptions on charter schools; and (4) revocation or non-renewal of a charter.

Generally, teachers, parents, non-profit organizations and institutions of higher education may apply for or sponsor a charter school. Existing public schools may also seek to convert to a charter school. The application determines the terms of the contract between the charter applicant and the school board. Practically every state requires an applicant to detail its: (1) educational methodology, goals and mission; (2) how educational growth or success will be measured; (3) evidence that the school is supported and will maintain the support of the parents, faculty and community; (4) what population the school will serve in terms of age; (5) what are the qualifications and background of the applicant, sponsor and faculty to run a charter school; and (6) a description of the financial management and organizational structure of the school. Charters are normally granted for a specified number of years, typically between 3 and 5, with the option for renewal. The charter may not be renewed if the school fails to meet the goals of the charter or otherwise violates the terms of the contract.

Charter schools are different from most public schools because their organization and structure encourage, and in some states require, more collaboration among parents, teachers and students. Charter schools are typically exempt from most local rules, regulations, procedures and policies, allowing for more self-management. However, like other public schools charter schools are prohibited from charging tuition and from discriminating based on sex, race, national origin or disability and must comply with general health and safety laws. Admission to a charter school may be open to any student, but a preference may be given to student residing in the district (especially if a public school is converting to a charter school), and to a student who already has a sibling in the school. Religious, home-based organizations, private schools, and for-profit entities are prohibited from seeking a charter or converting to a charter school. Accountability is also a characteristic of charter schools. Because charter schools must seek renewal of their charters most charter school laws have oversight provisions. These same laws allow the approving authority, and in some cases the parents and faculty, to reject renewing the charter or to revoke the charter, if the school fails to fulfill its terms. Typically, charter schools receive the same funding as a similarly situated non-charter public school and must file reports describing its status. Listed below is a brief description of the states that currently allow for charter schools. The summaries are not exhaustive but are intended to give the reader an understanding of the charter school process in the various states.

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Overview Of State Charter School Laws

ALASKA

The State of Alaska currently permits the creation of not more than 30 charter schools in geographically diverse areas throughout the state.¹ The local school board may create its application procedure for charter schools with the input of parents, teachers, and school employees. The application should include information such as the mission of the school, a description of its administrative structure, and financial plan. Charters may be approved by the state board of education or the state board for charter schools. If approved the application becomes a contract between the school and the local school board. To that end, the application must detail the proposed educational program, expected achievement levels, administrative policies, budget, student-teacher ratio, and the proposed location of the facility.² To become effective, the charter application must be approved by both the local and state boards of education. Alaska charter schools are exempt from the local school districts' textbook, program, and curriculum requirements.³ However, the schools must comply with federal, state, and local laws concerning health, safety, and civil rights. Alaska charter schools are funded at the same levels as a comparable non-charter public school.⁴ A contract for a charter school may not exceed five years and may not be extended beyond July 1, 2005.⁵

ARIZONA

The State of Arizona established a State Board for Charter Schools consisting of the state superintendent of public instruction, three members of the general public who meet specific requirements, two members of the business community appointed by the governor, and three advisory members from the state legislature chosen by the leaders of both the state House and Senate.⁶ Among the duties of the Board are selection and supervision of charter schools. Applicants seeking to establish a charter school must submit a detailed plan describing, among other things, the charter

¹ Alaska Stat. § 14.03.250 (Michie 1996).

² Alaska Stat. § 14.03.255.

³ Alaska Stat. § 14.03.255.

⁴ Alaska. Stat. § 14.03.260.

⁵ Alaska Stat. § 14.03.275.

⁶ Ariz. Rev. Stat. Ann. § 15-182 (West Supp. 1996).

school's mission, organizational structure, financial plan, and grades served.⁷ Charter schools may be sponsored and the sponsor "may contract with a public body, private person or private organization for the purpose of establishing a charter school pursuant to this article."⁸ Applicants are required to submit to a federal and state criminal background check.⁹ Charters are granted for 15 years at which time the charter school may seek a renewal. The sponsor of the charter school may deny the request for a renewal if the charter school has not met the sponsor's expectation or is not in compliance with the school's charter.

ARKANSAS

Applicants for a charter school in Arkansas must petition the State Board of Education.¹⁰ An existing school may petition for a charter if: (1) the local school board approves; (2) the organization representing the majority of teachers approves; (3) two-thirds of certified employees approve; and (4) if the majority of parents approve.¹¹ If the local school board rejects a charter school petition a copy of the board's reasons for rejection are forwarded to the state board.¹² The state board may not approve a charter unless it has also been approved by the local board. Charters are approved for an initial 3-year period and may be renewed for one-year or multi-year periods not to exceed 3 years.¹³

CALIFORNIA

California limits the number of charter schools to no more than 100 operating in any school year.¹⁴ Applicants must submit a detailed plan for the charter school including, among other things, what type of educational program will be used, measurable pupil outcomes and how those outcomes will be measured, qualifications and criminal background of employees, and the school's organizational plan.¹⁵ An applicant for a charter school must obtain the signatures of at least 10% of teachers in the school district or 50% of the teachers at one school in the district. The petition must then be submitted to the governing board of the school district which must hold

⁷ Ariz. Rev. Stat. Ann. § 15.183.

⁸ Ariz. Rev. Stat. Ann. § 15-183(B). A sponsor may be a school district governing board, the state board of education or the state board for charter schools. Sponsors are not liable for debts or financial obligations of the charter school and most sponsors are immune from personal liability for acts taken in good faith. *Id.* at 15-183(P) & (Q).

⁹ *Id.*

¹⁰ Ark. Code Ann. § 6-10-116 (Michie Supp. 1995).

¹¹ Ark. Code Ann. § 6-10-116(c).

¹² Ark. Code Ann. § 6-10-116.

¹³ Ark. Code Ann. § 6-10-116(g).

¹⁴ Cal. Educ. Code § 47602 (West Supp. 1997).

¹⁵ Cal. Educ. Code § 47605(b)(1)-(5). "Pupil outcomes . . . means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school's educational program."

a hearing regarding the petition. While the school district cannot force students to attend charter schools,¹⁶ a school district may petition to convert all of its schools into charter schools.¹⁷ A petition for conversion must contain at least 50% of the signatures of teachers in the school district and meet the requirements required for submission of a charter school petition. The school district must also arrange an alternative public school for students in the district who do not want to attend the charter school. A charter, if granted, may not exceed 5 years at which point the school may seek a renewal, not to exceed 5 years. A charter may be terminated if it is found that the school violated a material part of the charter petition, failed to meet the pupil outcomes identified in the petition, or is fiscally mismanaged.¹⁸

COLORADO

The local board of education evaluates and approves applications for charter schools.¹⁹ The board must hold hearings and must act on an application within 60 days.²⁰ An application for a charter school must include, among other things, the goals of the school, evidence that a charter school is supported by parents, teachers or pupils, how pupil performance will be evaluated and how the school will be governed.²¹ Colorado also restricts the number of charter schools to be created and specifies that a certain number of those schools must serve at-risk pupils.²² Charters or renewal of a charter may not exceed a time period of 5 years. A charter school seeking a renewal must submit a financial statement and a report on the progress of the school and its pupils.

CONNECTICUT

The Connecticut State Board of Education reviews and grants charters for both local and state charter schools.²³ Between July 1, 1997 and June 30, 1999, the State Board may grant no more than 12 local charter schools and no more than 12 state charter schools. An application for a charter school in Connecticut should contain, among other things, a detailed description of the goals, educational program and methodology of the school, the interest of the community, its financial plan and organizational structure, and qualifications of the school personnel.²⁴ The local school board reviews the application and holds hearings to determine the community interest within 60 days of receipt of the application. Upon approval the application

¹⁶ Cal. Educ. Code § 47605(f).

¹⁷ Cal. Educ. Code § 47606.

¹⁸ Cal. Educ. Code § 47607.

¹⁹ Colo. Rev. Stat. Ann. § 22-30.5-101 *et seq.* (West 1995).

²⁰ If the board rejects the charter school petition, the applicant may appeal to the state board of education. Colo. Rev. Stat. Ann. § 22-30.5-107(3).

²¹ Colo. Rev. Stat. Ann. § 22-30.5-106.

²² Colo. Rev. Stat. Ann. § 22-30.5-109.

²³ Conn. Gen. Stat. Ann. § 10-66bb (West Supp. 1997).

²⁴ Conn. Gen. Stat. Ann. § 10-66bb(d).

is sent to the State Board of Education who must vote on the application within 75 days of receipt. A charter may be granted for a period not to exceed 5 years, at which time the charter may seek a renewal. Applications for state charter schools are similar. The state board of education evaluates the charter application and holds hearings in the district where the state charter school is to be located. The state board must vote within 75 days of receipt of the proposal.

DELAWARE

Delaware's Charter School Act of 1995 allows interested groups to submit proposals for establishment of charter schools.²⁵ An application for a charter school must be submitted to a local or state school board on or before December 31, if the school plans to operate during the next school year.²⁶ If an existing school wishes to convert to a charter school they must apply by October 30 to begin the charter school the next school year. Upon receipt of the proposal the school board must conduct hearings within 20 days. The school board must vote on the application within 90 days. Delaware lists a series of criteria to be reviewed in considering and approving a charter.²⁷ Some of the criteria includes the charter's educational goals, evidence of community support, a plan to evaluate student progress and the financial organization of the school. If approved, the approving authority is responsible for oversight of the school and must conduct an evaluation 3 years after the school begins operation.²⁸ If the evaluation is unsatisfactory the charter school may be put on probationary status pending improvement.²⁹ If the charter is revoked or placed on probationary status, the applicant may seek arbitration by contacting the American Arbitration Association with both parties splitting the arbitration fees equally.³⁰

DISTRICT OF COLUMBIA

The District of Columbia Charter Schools Act of 1996 gives the D.C. Board of Education the authority to evaluate and grant charter applications.³¹ Under D.C. law, an eligible applicant includes "a person, group, or organization, including a private, public, or quasi-public entity, that is nonprofit, nonreligious, nonsectarian, and nonhome-based, or an institution of higher learning that seeks to establish a public charter school or to renew a charter pursuant to this chapter."³² After an application is submitted, the D.C. School's Superintendent will review the application to ensure it is complete, and if not, inform the applicant of any deficiency and provide

²⁵ Del. Code Ann. Educ. § 501-516 (Supp. 1996).

²⁶ Del. Code Ann. Educ § 511.

²⁷ Del. Code. Ann. Educ. § 512.

²⁸ Del. Code. Ann. Educ. § 515. (Oversight & Revocation Process)

²⁹ Del. Code Ann. Educ. § 516.

³⁰ Del. Code Ann. Educ. § 515(h).

³¹ D.C. Code Ann. § 31.2801 -31.2853 (Supp. 1997).

³² D.C. Code Ann. § 31.2801(2).

reasonable assistance to the applicant.³³ Once the superintendent deems the application complete (in any case no longer than 60 days after submission), it is forwarded to the Board of Education and a hearing is held within 30 days of receipt of the application by the Board. The Board must either accept or reject the charter application within 30 days of the hearing. If the application is denied, the Board must describe its reasoning in writing and inform the applicant of the appeals process. An applicant may appeal a denial to the Council of the District of Columbia whose decision shall be final and not subject to judicial review.³⁴

Typical of most charter school applications, D.C. requires applicants to detail their instructional goals and methods, methods of student evaluation, school operational structure and budget, and the policies of the school.³⁵ The Board of Education will give preference to applications that address at-risk students and those that seek to locate in existing public school facilities.³⁶ An existing public school may apply to convert into a charter school if a majority of parents, students and faculty agree in the form of a petition. If granted, initial charter terms and renewals are for 5-year periods.³⁷ A Board of Trustees elected pursuant to procedures established in the charter application and consisting of faculty and parents govern the charter school.³⁸ Charter schools receive the same amount of funding as a comparable non-charter public school.³⁹ While the charter school may focus on certain grade levels or academic subject areas, it may not base admission solely on intellectual or athletic ability.⁴⁰ Current public school teachers may seek a 2-year unpaid leave of absence to teach in a charter school.⁴¹ Employees of charter schools are not considered employees of the District of Columbia school system or government.⁴² The charter school must submit an annual report to the Superintendent detailing student performance, graduation rates and test scores, the level of parental involvement and a financial statement.⁴³ The Board of Education may revoke or refuse to renew a

³³ D.C. Code Ann. § 31-2813. The Superintendent may charge a \$150 application fee and may charge an administrative fee to cover the costs of administering and monitoring the charter school. However the fee must not exceed one-half of one percent of the school's annual operating budget. D.C. Code Ann. § 31-2820.

³⁴ D.C. Code Ann. § 31-2811.

³⁵ D.C. Code Ann. § 31.2812.

³⁶ D.C. Code Ann. § 31.2811.

³⁷ D.C. Code Ann. § 31-2811.

³⁸ D.C. Code Ann. § 31.2816.

³⁹ D.C. Code Ann. § 31-2823.

⁴⁰ D.C. Code Ann. § 31.2817.

⁴¹ D.C. Code Ann. § 31-2818.

⁴² D.C. Code Ann. § 31-2818.

⁴³ D.C. Code Ann. § 31.2815.

charter if it finds that the school is financially unstable, not meeting the terms of its charter, or failing to make satisfactory academic progress.⁴⁴

FLORIDA

The State of Florida allows for the formation of charter schools through creation of a new school or by conversion of a currently existing public school.⁴⁵ An application for a charter school may be submitted by an individual, teachers, parents, a group of individuals, or a legal entity organized under the laws of the State of Florida. Regarding a currently existing public school, an application for conversion may be made by the principal, teachers, parents, and/or the school advisory council at the school. At least half of the school's teachers and parents must support conversion to a charter school. A charter application should describe, among other things, the school's mission, curriculum, instructional methods, and achievement goals.

The district school board may accept, review, and sponsor a charter school in the county in which it has jurisdiction. A decision to grant an application for a charter school is made by the district school board no later than 60 days after receipt of the application. If the application is rejected, the applicant may appeal to the state board of education. Once the state board decides on the application, the state board makes a recommendation that the district school board accept or reject the application consistent with the state board's decision. Charters are granted or renewed in 3-year increments. A charter will not be renewed if the school (1) fails to fulfill the requirements of the charter; (2) fails to meet standards of fiscal management; (3) violates the law; or (4) for good cause.⁴⁶

GEORGIA

The State of Georgia defines a charter as "an academic and or vocational performance based contract between the state board, a local board of education, and a local school. . . ."⁴⁷ Charters are granted for 5 year periods and are exempt from state and local rules, regulations, policies and procedures.⁴⁸ Requests for a charter school are first approved by the local school board and then forwarded to the state board. If the local board rejects the charter application then the reasons for the rejection are forwarded to the state board. After the initial five year period, the board may extend the charter for periods not exceeding five years. The charter proposal must include

⁴⁴ D.C. Code Ann. § 31-2820. Before revoking or failing to renew a charter, the Board of Education must send notice of such action to the charter school's board of trustees. The charter school may request, in writing, a hearing regarding the proposed revocation. The Board must render a detailed decision in writing after the hearing if it votes to revoke the charter. The charter school may appeal to the D.C. City Council whose decision is final and not subject to judicial review.

⁴⁵ Fla. Stat. Ann. § 228.056 (West Supp. 1998).

⁴⁶ Fla. Stat. Ann. § 228.056(10).

⁴⁷ Ga. Code Ann. § 20-2-255-256 (1997).

⁴⁸ Id.

a detailed plan on how the school will meet state and national education goals. A charter may be revoked if the faculty and parents request revocation based on the failure of the school to fulfill the terms of the charter.

HAWAII

Hawaii's "student-centered schools" allow for "implementation of alternative frameworks with regard to curriculum; facilities management; instructional approach; length of the school day, week, or year; and personnel management; and may include any two or more schools acting jointly."⁴⁹ Student-centered schools are exempt from most state laws except for those laws concerning state procurement, collective bargaining, discrimination and health and safety standards. A local school board is established which consists of persons representing principals, instructional staff, support staff, parents, student body representatives and a community-at-large representative. Each representative is chosen by the corresponding group of the school. The principal is usually the chief operating officer of the school and, along with the board, is responsible for the maintenance of the academic standards and financial management of the school. The educational goals of the school must correspond to Hawaii's statewide educational performance standards. Charter schools must conduct annual self-evaluations and the department of education will review the school 4 years after its initial start-up. The board of education, based on a two-thirds vote, may discontinue the student-centered school if it fails to meet educational standards.

IDAHO

The Idaho legislature recently passed the Public Charter Schools Act of 1998.⁵⁰ The Act limits the number of charter schools to no more than 60 during the first 5 years of enactment. No more than 12 charter schools may be approved within one year. A charter school may be created as a new school or by converting an existing public school. However, an entire school district may not convert to charter schools. Private, parochial and for-profit entities are prohibited from becoming a charter school. Requests for a charter should be submitted to the board of trustees of a school district. An already existing public school seeking to convert to a charter must submit a petition signed by at least 60% of teachers and parents of the petitioning school. A petition for a new charter school must be signed by at least 30 "qualified electors" of the district. The board of trustees must hold a public hearing before deciding on a petition. A decision of the board of trustees may be appealed to the state superintendent of public instruction.

The charter application should define the school's education curriculum, standards, testing methods, the school's administrative structure, qualifications of employees, and admissions procedures. Charter schools are required to submit annual reports regarding student progress and fiscal operations. Charter schools are funded

⁴⁹ Haw. Rev. Stat. Ann. § 302A-1123 (Michie Supp. 1997).

⁵⁰ Public Charter Schools Act of 1998, 1998 Idaho Laws Ch. 92 (H.B. 517)(West 1998).

similarly as other public schools. An initial charter and subsequent renewals may be granted for a period not to exceed 5 years. A charter may be revoked if it is found that the charter school has committed a material violation of the charter, failed to meet student educational standards, or for fiscal mismanagement. If the charter is revoked, an appeal may be made to the state board of education.

ILLINOIS

The Illinois Charter School Law allows for no more than 45 charter schools.⁵¹ Illinois charter schools are exempt from most state laws except those concerning background checks of school employees, tort liability, state student discipline code, abused and neglected children reporting requirements, and the Illinois School Student Records Act.⁵² A proposal for a charter school should include a description of the school's educational program, how the success of the program will be measured and how the school will be governed.⁵³ Preference is given to a proposal that sets high academic standards, addresses at-risk students and represents "a high level of local pupil, parental, community, business and school personnel support."⁵⁴ Charters are granted for between 3-5 years and are renewed in increments not to exceed five school years. Charters may be revoked or not renewed if the school fails to fulfill the requirements of the charter, or the charter school is fiscally mismanaged or the school is in violation of applicable law. Illinois sets minimum requirements for instructional charter school personnel.⁵⁵

KANSAS

Kansas's Charter School law limits the number of charter schools to fifteen.⁵⁶ Similarly, Kansas requires a detailed application for a charter school. The application must address the school's educational program, level of interest of the community, parents, students and teachers, program goals and how they will be measured, governance structure, qualifications of faculty and staff, health and safety standards, criteria for admission, student disciplinary policy, and the school's budget.⁵⁷ Upon submission of a charter school application, the local board of education will conduct hearings. If approved, the state board of education will be notified and will approve the charter pending an evaluation of whether the charter is in compliance with applicable state and federal laws and regulations. An applicant may seek a waiver of local and state requirements which will be granted if the board of education finds the reasons for the waiver "meritorious and legitimately related to successful operation

⁵¹ 105 Ill. Comp. Stat. Ann. § 5/27A-4 (West Supp. 1998).

⁵² 105 Ill. Comp. Stat. Ann. § 5/27A-5.

⁵³ 105 Ill. Comp. Stat. Ann. § 5/27A-7.

⁵⁴ 105 Ill. Comp. Stat. Ann. § 5/27A-8.

⁵⁵ 105 Ill. Comp. Stat. Ann. § 5/27A-10.

⁵⁶ Kan. Stat. Ann. § 72-1904-10 (1996).

⁵⁷ Kan. Stat. Ann. § 72-1906,

of the charter school."⁵⁸ The state board of education makes the final decision of whether the waiver will be granted. The charter will be approved for an initial 3 years, after which time the charter will be reviewed for renewal or revocation. If the board of education opts not to renew or revoke the charter, a hearing must be held addressing the reasons for revocation or non-renewal.⁵⁹

LOUISIANA

The Louisiana Charter School Demonstration Programs Law establishes four types of charter schools.⁶⁰ Type 1 is a new school established pursuant to a charter between a nonprofit corporation and a local school board. Admission to a Type 1 charter school is limited to students who would be eligible to attend a public school operated by the local school board within the same city or parish. A Type 2 charter school is a new school established pursuant to a charter between a nonprofit corporation and the State Board of Elementary and Secondary Education. Admission to a Type 2 charter school is available to students residing in the state. Type 3 is a preexisting public school converted to a charter established between a nonprofit corporation and the local school board. A Type 3 charter requires the approval of faculty and parents of the preexisting school. Admission to a Type 3 school is limited to students who would be eligible to attend a public school operated by the local school board within the same city or parish. Type 4 is a preexisting public school converted to a charter school pursuant to a charter between a local school board and the State Board of Elementary and Secondary Education. The requirements and admission criteria for a Type 4 charter school are the same as for a Type 3 charter school.

The State Board of Elementary and Secondary Education and the local school boards must review proposed charter applications in a timely manner and render a decision after holding a public hearing. Applicants for a charter school must come from one of six groups: teachers, citizens, public service organizations, business or corporate entities, a Louisiana college or university or the faculty or staff of any city or parish public school or any local school board.⁶¹ Applications for Types 1, 2, and 3 charter schools must be submitted to the local school board that has jurisdiction where the school is to be located. If the local school board rejects a charter application, the applicant may submit a proposal for a Type 2 charter school to the State Board of Elementary and Secondary Education. The State Board must notify the local school board upon receipt of a Type 2 proposal and must allow the local school board and other interested groups to provide written information regarding the proposal and to appear at a public hearing prior to a final decision of the State Board. A proposal for a Type 3 charter school may only be submitted to a local school board and a rejection by the local school board terminates the Type 3 application process. The local school board must notify the State Board of charters entered into by the local school board. After May 31, 2001 only a local school board may enter into a

⁵⁸ Kan. Stat. Ann. § 72-1906.

⁵⁹ Kan. Stat. Ann. § 72-1907.

⁶⁰ La. Rev. Stat. Ann. § 17:3971-4001 (West Supp. 1998).

⁶¹ La. Rev. Stat. Ann. § 17:3983.

charter if the total number of charter schools allowed by the law has not been exceeded. The law allows for a possible maximum of 42 charter schools.

Louisiana requires that 75% percent of the instructional staff at a charter school be certified teachers, while the remaining 25% must meet minimum state requirements.⁶² Private schools, parochial schools and home-based schools are prohibited from becoming charter schools. A charter will be granted for 5 years, but will be evaluated after the third year. They may be renewed for additional 5-year periods. According to Louisiana law, "[N]o charter shall be renewed unless the charter renewal applicant can demonstrate, using standardized test scores, improvement in the academic performance of students over the term of the charter school's existence."⁶³ Charter schools are exempt from most state and local school regulations, except health and safety requirements, minimum requirements for graduation from public schools, open meetings and public records, school attendance, required courses of study, religious liberty of students, and sex education, among others.⁶⁴ Charter schools must adhere to state and federal laws concerning "civil rights and individuals with disabilities."⁶⁵

MASSACHUSETTS

Massachusetts provides for two types of charter schools, commonwealth charter schools and Horace Mann charter schools. Commonwealth charter schools are typically those schools newly created by a charter. Horace Mann charter schools are currently existing public schools that have converted to charter school status or a charter school within a public school. Applications for charter schools must be submitted to the board of education each year by November 15. The board must review applications and render decisions by February of the next year.⁶⁶ The board of education may grant charters for 5-year periods. If the charter is approved, the school is managed by a board of trustees which is independent of any school committee. The board of trustees is responsible for establishing the school's curriculum and annual budget. Private and parochial schools are prohibited from applying for a charter, but businesses, teachers and parents are encouraged to apply. Colleges, universities and museums are also encouraged to seek charters. Only 50 charters may be granted under Massachusetts law. Out of that 50, 37 must be commonwealth charter schools while the remaining 13 are reserved for Horace Mann charter schools.⁶⁷ Preference for admission to a charter school is given to students residing in the school district where the school is located and to applicants whose siblings are already at the school. Massachusetts charter schools "operate in accordance with its charter and the provisions of law regulating other public

⁶² La. Rev. Stat. Ann. § 17:3991.

⁶³ La. Rev. Stat. Ann. § 17:3992.

⁶⁴ La. Rev. Stat. Ann. § 17:3996.

⁶⁵ La. Rev. Stat. Ann. § 17:3996.

⁶⁶ Mass. Gen. Laws Ann. ch. 71, § 89 (West Supp. 1998).

⁶⁷ If less than thirteen applications are received for Horace Mann charter schools within three years of the statute, then the limit of Horace Mann charter schools is reduced to five.

schools."⁶⁸ Charter school students are "required to meet the same performance standards, testing and portfolio requirements set by the board of education for students in other public schools."⁶⁹ Public school teachers wishing to teach in a charter school will be granted a two year leave of absence. An additional two year extension may be granted and at the end of four years the teacher has the option of returning to the old assignment or resigning to continue teaching in the charter school. Probationary status may be given to a failing charter school to allow for a remedial plan. If the remedial plan fails or if the charter school is otherwise not fulfilling its charter, the charter may be revoked.

A Horace Mann charter school is a charter operated by the local school committee and the local collective bargaining agent in which the school is located.⁷⁰ Charters for Horace Mann schools are granted by the board of education and the schools operate independently of the school committees which approve them. The charter application for both types of charter schools are the same, except Horace Mann charter applications must describe the non-instructional services that will continue to be provided by the local school district. A preference in admission to Horace Mann charter schools will be given to students actually enrolled in the school on the date the application for a charter is filed, then to their siblings, then students actually enrolled in the public schools of the district where the Horace Mann charter school is located, and finally to other resident students. Horace Mann charter schools are exempt from local collective bargaining agreements but employees remain members of the collective bargaining unit and accrue benefits entitled to them under the collective bargaining agreement.

MICHIGAN

Michigan's "Public School Academies" are public schools operating as a corporate body and governmental agency.⁷¹ An "authorizing body" consisting of a school board, community college or state university may seek to enter into a contract for a public school academy with the state board. The authorizing body's responsibilities include selecting and setting the terms of the public academies' board of directors. The authorizing body receives the state school aid payment which they are responsible for distributing to the public school academy.⁷² The state board must submit annual comprehensive reports on public school academies which describe the school's mission statement, attendance statistics, dropout rate, test scores and financial stability.⁷³ An application for a public school academy should include, among other things: (1) articles of incorporation; (2) purpose of the academy; (3) copy of proposed bylaws for the academy; (4) description of governance structure;

⁶⁸ Mass. Gen. Laws Ann. ch. 71, § 89(h).

⁶⁹ Mass. Gen. Laws Ann. ch. 71, § 89(h).

⁷⁰ Massachusetts Charter Schools Amendments, ch. 46, S.B. 1849 (July 11, 1997).

⁷¹ Mich. Comp. Laws Ann. § 380-501-517a (West Supp. 1998).

⁷² Mich. Comp. Laws Ann. § 380.507.

⁷³ Mich. Comp. Laws Ann. § 350.501a.

and (5) description of school's educational goals, curricula and pupil assessment.⁷⁴ The authorizing body is responsible for oversight of the academy unless the state board of education finds that the authorizing body is not properly evaluating the academy. An authorizing body may not charge a fee or seek reimbursement of expenses for considering an application for a contract or oversight for an "amount that exceeds a combined total of 3% of the total state school aid received by the public school academy in the school year in which the fees or expenses are charged."⁷⁵ A proposal may be presented to the local school board. If the proposal is rejected, the applicant may petition the board to "place the question of issuing the contract on the ballot to be decided by the school electors of the school district."⁷⁶ Teachers in public school academies must be certified unless the academy is operated by a state university or community college and the teacher is a full-time tenured or tenure-track professor of the institution. In addition to meeting the requirement listed above, an academy operated by a community college can employ non-certified teachers if the teacher has 5 years of teaching experience in the subject.⁷⁷

Michigan also allows for "chartered educational clinics". "A chartered educational clinic is a specialty public school academy and shall only serve public school pupils . . . during hours outside the pupil's normal class hours by providing special assistance for up to 3 hours per week, pursuant to a written prescription by the principal of the public school in which the pupil is regularly enrolled on recommendation of a teacher of the pupil."⁷⁸ The requirements for chartered educational clinics are the same for public school academies. The contract for both public school academies and chartered educational clinics may be revoked for failure to fulfill terms of the charter, violation of the law or failure to meet general public sector accounting principles. A decision to revoke by the authorizing body is not subject to administrative or judicial review.⁷⁹

MINNESOTA

The goals of Minnesota's "results-oriented charter schools" are to "improve pupil learning; increase learning opportunities for pupils; encourage the use of different and innovative teaching methods; require the measurement of learning outcomes and create different and innovative forms of measuring outcomes; establish new forms of accountability for schools; or create new professional opportunities for teachers, including the opportunity to be responsible for the learning program at the school site."⁸⁰ To this end, Minnesota allows for the authorization of no more than

⁷⁴ Mich. Comp. Laws Ann. § 380.502.

⁷⁵ Mich. Comp. Laws Ann. § 380.502(6).

⁷⁶ Mich. Comp. Laws Ann. § 380.503).

⁷⁷ Mich. Comp. Laws Ann. § 380.505.

⁷⁸ Mich. Comp. Laws Ann. § 380.505a.

⁷⁹ Mich. Comp. Laws Ann. § 380.507.

⁸⁰ Minn. Stat. Ann. § 120.064 (West Supp. 1998).

40 charter schools in the state.⁸¹ To apply for a charter school application, a sponsor⁸² may seek approval from the local school board. The sponsor must submit a written contract listing how the charter school plans to meet the goals outlined by the state.⁸³ If the local school board refuses to sponsor a charter school the applicant may appeal to the state board of education.⁸⁴

A charter school is operated by an elected board of directors chosen by staff members and parents. Licensed teachers of the school must constitute a majority of the school's board of directors. Similar to most charter schools, Minnesota's charter school law explicitly states that the charter schools are nonsectarian public schools and are prohibited from charging tuition.⁸⁵ While exempt from most state laws and regulations, Minnesota charter schools must still satisfy health and safety standards. The charter school must submit annual reports to its sponsor and the state board of education.⁸⁶ Charter school contracts "may be up to three years."⁸⁷ A sponsor may opt not to renew for "failure to meet the requirements for pupil performance contained in the contract; failure to meet generally accepted standards of fiscal management; for violations of law; or other good cause shown."⁸⁸

MISSISSIPPI

The State of Mississippi recently enacted a Charter Schools Pilot Program.⁸⁹ Mississippi's charter schools program is limited to currently existing public schools. The Pilot Program is limited to six local schools throughout the state. A local school may submit an application requesting charter school status after such application is approved by the local school board, a majority of school faculty, and a majority of the parents of enrolled students. The application must also describe how the school plans to improve student learning and meet state education goals and how the school plans to measure such progress.

After a school sends a petition for a charter to the local school board, the school board will consider the request and then forward it to the state board of education. If a petition is rejected by the school board, the state board of education may request a

⁸¹ A currently operating public school may convert to a charter school upon approval by at least ninety percent of the school's full-time teachers.

⁸² A sponsor is defined as, "A school board, community college, state university, technical college, or the University of Minnesota." Minn. Stat. Ann. § 120.064 subd. 3.

⁸³ Minn. Stat. Ann. § 120.064 subd. 5.

⁸⁴ An applicant may only appeal to the state board of education if at least two members of the local school board vote in favor of the charter application. If approved, the state board sponsors the charter school. Minn. Stat. Ann. § 120.064 sub. 4.

⁸⁵ Minn. Stat. Ann. § 120.064 subd. 8.

⁸⁶ Minn. Stat. Ann. § 120.064 subd. 14.

⁸⁷ Minn. Stat. Ann. § 120.064 subd. 5.

⁸⁸ Minn. Stat. Ann. § 120.064 subd. 21.

⁸⁹ Miss. Code Ann. § 37-28-1 (West Supp. 1997).

hearing to gather further information. The state board of education grants charters for a 4-year term and such charters may be renewed on a one-year or multi-year basis not to exceed four years. A charter school may receive funding from public and private sources. A charter may be terminated if a majority of the faculty and parents make such a request to the state board of education. The state board of education may nullify the charter if it finds that the school is not meeting the terms of the charter. The state board of education must submit annual reports regarding the status and progress of charter schools in the state. The Mississippi Charter Schools Pilot Program contains a sunset provision that the program will end after July 1, 2001.

NEVADA

The State of Nevada recently enacted legislation creating charter schools.⁹⁰ A board of trustees of a school district must apply to the state department of education to sponsor charter schools within the school district. Once the state board of education accepts the board of trustees application, the trustees shall provide public notice of its ability to sponsor charter schools and solicit charter school applications. Applicants for a charter school should include three licensed teachers. These licensed teachers may apply for a charter alone or with ten or more members of the general public, representatives of an organization devoted to service to the general public, representatives of a private business, or representatives of certain state colleges and universities. This group of applicants is referred to in the Nevada statute as a "committee." A committee seeking a charter must submit an application to the department of education. The charter application must describe what educational programs will be offered by the charter school, what educational services will be offered to at-risk students, the admissions policy, the standard of achievement and how that achievement will be measured. Applicants must agree to provide a written report to parents, the school's community, and the state education officials at the end of each school semester. While a charter school is exempt from most state education regulations, Nevada does require that 75% percent of charter school teachers be licensed.

NEW HAMPSHIRE

New Hampshire offers two educational alternatives, open enrollment public schools and charter schools.⁹¹ An open enrollment school is defined as "any public school which, in addition to providing educational services to pupils residing within its attendance area or district, chooses to accept pupils from other attendance areas within its district and from outside its district."⁹² A charter school is defined as "an open enrollment public school, operated independent of any school board and managed by a board of trustees."⁹³ Charter schools operate as nonprofit secular organizations under a charter granted by the state board. Before a school district may consider a charter school open enrollment contract, it must adopt the provisions of

⁹⁰ Nev. Rev. Stat. Ann. § 386.500-610 (Michie Supp. 1997).

⁹¹ N.H. Rev. Stat. Ann. § 194-B:1-22 (West Supp. 1997).

⁹² N.H. Rev. Stat. Ann. § 194-B:1(VI).

⁹³ N.H. Rev. Stat. Ann. § 194-B:1 (III).

state law establishing charter schools during its annual meeting. If the school district does not conduct annual meetings, the legislative body of the school district must seek a petition from a percentage of registered voters, hold hearings, and place the issue on the ballot during a regular election.⁹⁴

New Hampshire exempts its charter schools from state and local rules that are applicable to non-charter public schools, while providing charter schools with the same rights and privileges as non-charter public schools. Charter schools are governed by a board of trustees which must apply to the local school board for a charter before July 1 of the year before the school is scheduled to open. Eligible trustees include nonprofit organizations, a group of two or more state certified teachers, or a group of ten or more parents.⁹⁵ Currently existing public schools may apply to convert to a charter school if they obtain school board approval, a percentage of teachers approve such a conversion, and the school superintendent and principal agree to the conversion in writing.⁹⁶ The board of trustees' application should be in the form of a contract addressing elements required by the state. There are twenty-four elements ranging from the school's proposed curriculum to proposals for encouraging parental involvement.⁹⁷ The school board evaluates and decides to either approve or reject the prospective board of trustees' contract. The board's decision is then forwarded to the state board which will also evaluate the prospective trustees' contract. If the state board approves the contract, it will issue a charter. If approved by the state board the contract is sent to the school district for a vote by the school district's legislative body which may ratify the contract submitted by the trustees or reject it. The decision of the school district's legislative body is final. Charters are granted for 5-year terms, but the state provides for termination, renewal, or amendment of a charter. Renewal terms are for 7 years. An applicant seeking to amend its charter contract must submit a written amendment to the school board which has thirty days to approve or reject the amendment. If the amendment is rejected, the school may appeal to the state board which also has thirty days to evaluate and issue a decision. If the state board, approves the amendment, the local school board must execute it; but final approval or rejection rests with the school district legislature.⁹⁸

NEW JERSEY

New Jersey's Charter School Program Act of 1995 allows for the creation of 135 charter schools within a four year period, with a minimum of three charter schools per county.⁹⁹ Charters are granted for an initial four year period and then may be renewed for a 5-year period. New Jersey also limits the number of students in a

⁹⁴ N.H. Rev. Stat. Ann. § 194-B:5.

⁹⁵ N.H. Rev. Stat. Ann. § 194-B:3(V). See also N.J. Rev. Stat. Ann. § 194-B:5 describing the duties and responsibilities of the board of trustees.

⁹⁶ N.H. Rev. Stat. Ann. § 194-B:3(VI).

⁹⁷ N.H. Rev. Stat. Ann. § 194-B:3.

⁹⁸ N.H. Rev. Stat. Ann. § 194-B:3(XI).

⁹⁹ N.J. Stat. Ann. § 18A:36A-1 - 18 (West Supp. 1997).

newly created charter school to no more than 500 students or 25% of the district's student body, whichever is less.¹⁰⁰ Parents, teachers, institutions of higher education, and private entities may submit an application for a charter school.¹⁰¹ Currently existing public schools may convert to a charter school if 51% of the school's teachers and 51% of the school's parents sign a petition requesting conversion to a charter school. A board of trustees manages the school on behalf of the sponsors and the school district subject to the school's charter. Charter school applications must be submitted to the commissioner and the local board of education or to the state superintendent, if the school district is state operated. The commissioner of the school board has final authority to accept or reject a charter application. However, the local board of education may appeal to the state board of education. Information required in the charter school application does not differ substantially from what is required in other states. However, some distinctions do exist. Significantly, New Jersey charter schools are not automatically exempt from state and local regulations, but they must describe and justify in their application any waiver from state or local regulations they seek.¹⁰² However, teachers are required to be certified by the state.

Public schools converting to charter schools are subject to the applicable bargaining agreement. Newly created charter school employees are subject to the collective bargaining agreement only if the board of trustees agrees pursuant to the school's charter. Public school teachers may seek a three year leave of absence from the local school board or state superintendent to pursue work in a charter school. If a charter is granted, the commissioner conducts annual assessments of the school to ensure compliance with its charter and the commissioner's findings are used in determining if a charter should be renewed. The commissioner may revoke a charter if the school fails to satisfy the charter's terms. A charter school may be placed on probationary status pending the outcome of remedial efforts to gain compliance with the charter. If remedial efforts fail, the commissioner has authority to revoke the charter.

NEW MEXICO

New Mexico enacted its charter school legislation with the hope that it would "encourage the use of different and innovative teaching methods."¹⁰³ The act allows for the authorization of five charter schools. Charters are granted for periods not exceeding 5 years and may be renewed at 5-year intervals. Applicants apply through their local school board to the state board of education. The local school board is encouraged, but not required, to evaluate and make a recommendation regarding the charter application. The state board may authorize a charter school if the applicant

¹⁰⁰ N.J. Stat. Ann. § 18A:36A-4.

¹⁰¹ N.J. Stat. Ann. § 18A:36A-4.

¹⁰² See N.J. Stat. Ann. § 18A:36A-10 describing the facility that a charter school may be located in and how such facilities are exempt from most facility regulations, except those concerning health or safety. See also N.J. Stat. Ann. § 18A:36A-11 which allows the commissioner to grant waivers to state and local regulations, except those concerning "assessment, testing, civil rights and student health and safety."

¹⁰³ N.M. Stat. Ann. § 22-8A-1 - 7(West Supp. 1997).

submits an application showing that at least 65% of the school's teachers signed a petition in support of becoming a charter school, parents support the charter proposal, and present a detailed operational plan and budget.¹⁰⁴ New Mexico does not automatically exempt its charter schools from state and local regulations but does allow them to seek waivers.

NORTH CAROLINA

North Carolina's charter school program has at least six goals: (1) improve student learning; (2) increase learning opportunities for at-risk students; (3) encourage innovative teaching methods; (4) create new opportunities for teachers; (5) expand educational choices available to parents; and (6) hold schools accountable through measurable results of student outcomes.¹⁰⁵ North Carolina limits itself to 100 charter schools statewide with no more than five charter schools per year in one local school district. Charters are granted for 5-year periods and are renewable for periods not to exceed 5 years. A board of directors governs the operation of the school. Eligible applicants include any person, group of persons, or non-profit corporation.¹⁰⁶ Existing public schools may convert to a charter school if the majority of teachers and parents support conversion. An application may be submitted to either the local board of education, the state board of education, or to the University of North Carolina. The state board of education has final authority to accept or reject a charter school application. Charter schools are bound to follow applicable health and safety standards, minimum academic standards, and civil rights laws.¹⁰⁷ A percentage of charter school teachers must be certified. A teacher in an already existing public school who wishes to teach in a charter school must be granted a leave of absence for an unlimited duration. A charter may be terminated or not renewed for violation of the charter, applicable laws, or at the request of the school's faculty.¹⁰⁸

OHIO

In the State of Ohio, charter schools are referred to as "Community Schools." A community school is defined as "a public school, independent of any school district, and is part of the state's program of education."¹⁰⁹ A community school may be sponsored by a city, local, exempted village, or joint vocational board of education of the school district where the school is to be located, or by the state board of education. An existing public school may convert to a community school.

A proposal to create a new school as a community school may be submitted by a big eight school district. A "big eight school district" is defined as a school district that for fiscal year 1997 had a percentage of children residing in the district and

¹⁰⁴ N.M. Stat. Ann. § 22-8A-5.

¹⁰⁵ N.C. Gen. Stat. § 115C-238.29A - 29G (Michie Supp. 1997).

¹⁰⁶ N.C. Gen. Stat. § 115C-238.29B(a).

¹⁰⁷ N.C. Gen. Stat. § 115C-238.29F.

¹⁰⁸ N.C. Gen. Stat. § 115C-238.29G.

¹⁰⁹ Ohio Rev. Code Ann. § 3314.01 *et seq.* (Anderson Supp. 1997).

participating in Ohio Works First greater than thirty percent and had an average daily membership greater than 12,000.¹¹⁰ In the case of a new school in a big eight district, the sponsor may be the board of education of the big eight district, the board of education of any joint vocational school district, the board of education of any other city, local, or exempted village school district, or the state board of education.

A proposal for a contract for a community school should describe a comprehensive program detailing the school's academic goals, education program, fiscal management, and qualifications of teachers, among other things. An initial contract for a community school may not exceed 3 years.

OREGON

While Oregon does not have legislation specifically addressing charter schools, charter schools do exist. The legislature and the Governor of Oregon support the creation of charter schools through Oregon's Alternative Education Programs law.¹¹¹ An "alternative education program" is defined as a "school or separate class group designed to assist students to achieve the goals of the curriculum in a manner consistent with their learning styles and needs."¹¹² The Oregon Legislature enacted legislation that would expand the Alternative Education Programs law to cover the creation of charter schools.¹¹³ Shortly thereafter, the Governor of Oregon issued an Executive Order directing the State Board of Education to issue regulations regarding the formation of charter schools under the Alternative Education Programs law.¹¹⁴

PENNSYLVANIA

The Pennsylvania Charter School Law seeks "to provide opportunities for teachers, parents, pupils and community members to establish and maintain schools that operate independently from the existing school district structure . . ."¹¹⁵ A charter school may be established by individuals, teachers, parents, colleges or universities, corporations or an association. A charter school may be a newly created school or a public school wishing to convert to a charter school.¹¹⁶ To convert a currently existing public school to a charter school, an applicant must show by way of a written petition that at least fifty percent of faculty and parents support a charter school. A charter school application should describe the involvement of teachers, parents, and the community and the educational program of the charter school.

¹¹⁰ *Id.*

¹¹¹ Or. Rev. Stat. § 329.860 (1996).

¹¹² Or. Rev. Stat. § 336.615 (1996).

¹¹³ Oregon Alternative Education Programs, Ch. 164 (S.B. 184)(May 20, 1997).

¹¹⁴ Steven Carter, Kitzhaber Order Seeks to Boost Charter Schools, *Portland Oregonian*, Aug. 7, 1997, at B01.

¹¹⁵ 24 Pa. Cons. Stat. Ann. § 17-1725-A (West Supp. 1998).

¹¹⁶ Section 1718-A establishes the option of Regional Charter Schools. A Regional Charter School may be established by the boards of school directors of one or more school districts.

To start a new school, an application must be submitted to the local board of school directors. The local board of school directors must hold at least one public hearing within 45 days of receiving the charter application. The local board must allow for at least 45 days after the first public hearing before rendering a decision on the application.¹¹⁷ In any case, a final decision must be rendered not later than 75 days after the first public hearing.¹¹⁸ A charter may be approved for a period of no less than 3 years and no more than 5 years. Charters may be renewed for 5-year periods.

If an application is denied, the local board of school directors should notify the applicant in writing clearly describing the deficiencies in the application. A denied application may be revised and resubmitted. In addition, a denied application may be appealed to the Charter School Appeal Board, which was established under the Pennsylvania Charter Schools Law.¹¹⁹ To appeal an application denied by the local board of directors, the applicant must obtain signatures of at least 2% of the residents, 18 or older, in the school district or one thousand residents, whichever is less, within 60 days of the denial. The appeal board must act on the application within 60 days of receipt. A denial of a charter by the appeal board is reviewable by the Commonwealth Court.

A charter may be revoked or not renewed if the local board of school directors finds that the charter school has violated a material term of the charter, failed to meet student performance requirements, failed to meet fiscal management requirements or any violation of applicable laws. Notice of revocation or non-renewal should be given to the governing board of the charter school. The local board of school directors must hold a hearing and render a final decision within 30 days of the hearing. The charter school may appeal to the State Charter School Appeal Board. A decision by the Appeal Board is reviewable by the Commonwealth Court.

PUERTO RICO

Puerto Rico provides for Special School Districts that are used "for the purposes of testing pedagogical innovations . . ." ¹²⁰ The Secretary of Education is authorized to establish the Special School Districts and the necessary rules and procedures for maintaining them.

RHODE ISLAND

¹¹⁷ An exception of thirty days is made for charter schools beginning during the 1997-1998 school year. Pennsylvania Charter Schools Law, S.B. 123, Section 1717-A(b)(3)(d).

¹¹⁸ Again, the statute makes a provision limiting the time to 60 days for charter schools beginning during the 1997-1998 school year.

¹¹⁹ Section 1721-A establishes the State Charter School Appeal Board. The Board consists of seven members, one of which is the state secretary of education. The other members are appointed by the governor with the consent of a majority of the Senate. The board members must include a parent of a school aged child, school board member, active certified teacher, school faculty member or administrator, member of the business community and a member of the state board of education.

¹²⁰ P.R. Laws Ann. tit. 18, § 1901-1904.

The Charter Public School Act of Rhode Island allows for a maximum of twenty charters by July 1, 1997.¹²¹ Eligible applicants for a charter school are public school personnel, public school districts and existing public schools.¹²² Applicants must apply to either the commissioner of elementary and secondary education or the school committee in the district where the school would be located. An existing public school may convert to a charter school if a majority of parents support the conversion and two-thirds of certified teaching personnel approve the charter. A charter school proposal should include, among other things, a description of "a plan for education, including the mission, objective, method of providing a basic education, and process for improving student learning and fulfilling the charter, and fulfilling state and national educational goals and standards."¹²³ Charter schools are bound by most state laws and regulations.¹²⁴ Charters are granted for a 5-year period subject to 5-year renewal periods. Proposals for a newly created charter school must show that one-half of parents and at least two-thirds of certified teaching personnel would support the charter school. Once an eligible group has submitted a complete application, the commissioner or board conducts a public comment period and holds at least two public hearings.¹²⁵ The commissioner or school board will either accept or reject the charter school application within ninety (90) days after the conclusion of the public comment period. Rhode Island charter schools are funded at the same level as non-charter public schools. Other services provided to schools districts such as transportation, food services and maintenance may be contracted between the school district and the charter school and paid for out of charter school revenue. Complaints regarding the performance of a charter school may be made to the charter school's governing body, and if not adequately addressed, then to the commissioner.

SOUTH CAROLINA

South Carolina is one of the latest states to enact charter school legislation. The South Carolina Charter Schools Act of 1996 was enacted to allow additional educational opportunities for students and parents, as well as, greater professional development for teachers.¹²⁶ Applications for charter schools must be submitted to the local school board of trustees of the school district where the charter school would be located.¹²⁷ Potential applicants must elect a charter committee which will submit an application and organize the charter school as a non-profit corporation.¹²⁸

¹²¹ R.I. Gen. Laws. § 16-77-1 - 16-77-11 (1997).

¹²² R.I. Gen. Laws § 16-77-3.

¹²³ R.I. Gen. Stat. § 16-77-4.

¹²⁴ R.I. Gen. Stat. § 16-77-11.

¹²⁵ R.I. Gen. Stat. 16-77-5.

¹²⁶ S.C. Code Ann. § 59-40-10 - 59-40-190 (Law Co-op. 1996).

¹²⁷ S.C. Code Ann. § 59-40-60.

¹²⁸ The local school district must provide technical assistance to those interested in establishing a charter school. S.C. Code Ann. § 59-40-140(H). The state board of education is responsible for providing information regarding charter schools and the application (continued...)

The charter application constitutes a contract between the charter school and its sponsor. The sponsor may be either the local board of education or the state board of education, depending on which approves the charter application.¹²⁹ Once approved the application becomes a contract between the governing board of the charter school and the local school district. An existing public school may convert to a charter school if both two-thirds of the school's faculty and parents agree to the conversion.¹³⁰ The approval and renewal period of the charter school is 3 years.¹³¹ A progress report of the charter school must be submitted along with the renewal application.¹³²

The local school board, before granting or denying a charter school application, must hold community meetings. The board must issue a decision within 90 days of receiving the application.¹³³ If an application is denied, a written explanation for the denial must be forwarded to the state board of education. The applicant has the option of addressing the reasons for denial and re-submitting the application or appealing to the state board of education.¹³⁴ Upon receipt of an appeal, failure to renew or revocation of a charter, the state board of education must hold a public hearing. If the state board disagrees with the local board's decision, it must remand the application back to the local board with its findings and instructions.¹³⁵ Upon remand, the local school board has thirty days to conduct a public hearing and reconsider its decision, which becomes final. A final decision of the local school board or of the state board of education is subject to judicial review in the circuit court for the county where the applicant sought to locate the charter school.¹³⁶

An employee of the local school district may seek a leave of absence for up to 5 years to teach in a charter school.¹³⁷ However this provision does not apply to

¹²⁸(...continued)

process to interested applicants. S.C. Code Ann. § 59-40-150.

¹²⁹ S.C. Code Ann. § 59-40-70(E).

¹³⁰ S.C. Code Ann. § 59-40-100(A). The principal submits the application on behalf of the school. In terms of employee benefits and compensation, teachers and other employees of the converted charter school remain employees of the local school district. The converted charter school must reimburse the local school district for employer contributions paid on behalf of these teachers and employees. S.C. Code Ann. § 59-40-100(C).

¹³¹ S.C. Code Ann. § 59-40-110(A).

¹³² S.C. Code Ann. § 59-40-110(B).

¹³³ S.C. Code Ann. § 59-40-70. If a decision is not rendered within ninety days, the charter is considered approved.

¹³⁴ S.C. Code Ann. § 59-40-70(D).

¹³⁵ S.C. Code Ann. § 59-40-90(C)(1).

¹³⁶ S.C. Code Ann. § 59-40-90(C)(2).

¹³⁷ S.C. Code Ann. § 59-40-130(A). Upon termination of the leave of absence, a teacher may return to his former employee status but is not guaranteed a return to the same school. An employee on leave under this provision continues to accrue employee benefits under the
(continued...)

employees of a converted public school.¹³⁸ Charter schools receive the same amount of state and federal funding as a comparable non-charter public school would receive.¹³⁹ Charter schools must submit annual reports to the local school district and the state department of education detailing its progress in meeting the goals of its charter. The state board of education must evaluate and publish its findings on existing state charter schools.¹⁴⁰

A charter may be revoked if it is found that the school has violated the terms of the charter, failed to meet the goals of the charter contract, is mismanaged or violated any applicable laws.¹⁴¹ The governing body of the charter school must receive 60 days notice of any adverse action and be given the opportunity to hold a hearing to address the concerns of the sponsor.¹⁴² Any action regarding the charter school is abated upon conclusion of the hearing and is appealable to the state board of education.¹⁴³

South Carolina charter schools are exempt from state and local regulations that govern public schools, but they may choose to comply with such regulations. However, charter schools are required to meet health and safety requirements, minimum attendance requirements, financial management, and civil rights laws, among others.¹⁴⁴

TEXAS

The State of Texas allows for the creation of no more than twenty charter schools.¹⁴⁵ Those eligible to apply for a charter include an institution of higher education, non-profit organization, or a governmental entity.¹⁴⁶ Charter schools are subject to state, federal and local regulations governing public schools.¹⁴⁷ The state board of education is responsible for creating and implementing the application process and criteria for charter school applicants according to requirements of state

¹³⁷(...continued)

South Carolina Retirement System.

¹³⁸ S.C. Code Ann. § 59-40-130(C).

¹³⁹ S.C. Code Ann. § 59-40-140. The charter school must contract with the local school district for services such as: custodial, food, maintenance, curriculum and media services, libraries and warehousing.

¹⁴⁰ S.C. Code Ann. § 59-40-160.

¹⁴¹ S.C. Code Ann. § 59-40-110.

¹⁴² S.C. Code Ann. § 59-40-110(E). Any assets or property belonging to the charter school upon dissolution reverts back to the local board of education.

¹⁴³ S.C. Code Ann. § 59-40-110(F).

¹⁴⁴ S.C. Code Ann. § 59-40-50.

¹⁴⁵ Tex. Educ. Code Ann. § 12.101-118 (West 1998).

¹⁴⁶ Tex. Educ. Code Ann. § 12.101.

¹⁴⁷ Tex. Educ. Code Ann. § 12.103-104.

law.¹⁴⁸ At a minimum, a charter application should include, among other things, a description of the educational program offered, a minimum level of student performance, grade levels to be served, school's organizational structure, and the qualifications of the teachers.¹⁴⁹ If approved, the charter becomes a contract between the state board of education and the chief operating officer of the charter school.¹⁵⁰ Charter schools are evaluated annually.¹⁵¹

Teachers in charter schools are eligible to participate, or in the case of a conversion, to continue to participate in the state's retirement plan.¹⁵² Charter schools receive the same level of funding as a comparable non-charter school.¹⁵³ A charter may be revised, revoked or terminated if the state board of education finds that the school has violated the terms of the charter, the school is fiscally mismanaged or otherwise violates any applicable law.¹⁵⁴ The state board of education is responsible for establishing a procedure for revising, revoking or terminating a school's charter which must include a right to a hearing.¹⁵⁵

UTAH

The Utah legislature recently enacted the "Schools for the 21 Century Program."¹⁵⁶ The Act creates a variety of educational reforms and includes the "Utah Charter Schools Act." It creates a 3-year pilot program that allows for the creation of 8 charter schools. A charter school may be created by opening a new school or converting an existing public school. Potential applicants include individuals, groups, teachers, parents, and non-profit entities. To convert an existing school into a charter, a petition must be filed that is signed by two-thirds of the school's parents and teachers. The initial proposal must be submitted and approved by the local school board with final approval by the state board of education. Parochial and home schools are prohibited from becoming charter schools. The charter application should include information such as the age and grade level to be served, administrative

¹⁴⁸ Tex. Educ. Code Ann. § 12.110. The board may gauge parental support by either requiring a petition in support of a charter school or through a public hearing. The board's criteria must require information regarding improvement of student performance and the financial impact the charter school would have on existing schools in the district. Also see Tex. Educ. Code Ann. § 12.111 for the required content of a charter school application.

¹⁴⁹ Tex. Educ. Code Ann. § 12.111.

¹⁵⁰ Tex. Educ. Code Ann. § 12.112.

¹⁵¹ Tex. Educ. Code Ann. § 12.118.

¹⁵² Tex. Educ. Code Ann. § 12.105. Both the school district and the state retain the responsibility to make any contributions to the retirement plan that they would have to make if the teacher was an employee of a non-charter school.

¹⁵³ Tex. Educ. Code Ann. § 12.107.

¹⁵⁴ Tex. Educ. Code Ann. § 12.115.

¹⁵⁵ Tex. Educ. Code Ann. § 12.116.

¹⁵⁶ Schools for the 21st Century Program, 1998 Utah Laws Ch. 231 (H.B. 145)(West 1998).

structure, financial plan, methods of assessing students, and qualifications of teachers. The charter school is required to make annual progress reports to the state and local boards of education and the state legislature. The charter school is exempt from most regulations and laws except those concerning health, safety, and civil rights. The state provides funding for the charter school, including start-up costs and transportation.

VIRGINIA

Virginia's new charter school bill defines a charter school as "a public, nonsectarian, nonreligious, or non-home-based alternative school located within a public school division."¹⁵⁷ A charter school may be created as a new school or an existing public school may be converted into a charter school. A charter application may be submitted by any person, group, or organization. The approved application shall serve as a contract between the sponsors of the charter school and the local school board. The application should include, among other things, a mission statement, educational goals, evidence of community support, statement of need, how students will be assessed, and a financial plan. Most rules and regulations do not apply to charter schools, except those concerning civil rights. The local school board must conduct public hearings regarding a charter school application and the decision made by the local school board is final and not subject to appeal. The number of charter schools shall not exceed 10% of the school district's total number of schools. A charter application or renewal may not be granted for a term beyond 3 years.

WISCONSIN

Applicants wishing to open a charter school must first file a petition signed by either 10% of teachers in the school district or at least 50% of the teachers at one school in the district.¹⁵⁸ In addition to the signatures, the petition should include, among other things, the name of the person applying for the charter, description of the educational program, the organizational structure of the school, minimum educational goals and the methods the school will use to measure and achieve them, qualifications of the teachers, and public school alternatives for students who do not wish to attend or cannot attend the charter school.¹⁵⁹ Upon receiving the petition, the school board must hold a hearing within 30 days where the board will consider the level of employee and parental support for the charter school.¹⁶⁰ All public schools in a district may be converted to charter schools if at least 50% of the teachers in the district sign a petition and alternative public school arrangements are made for

¹⁵⁷ Establishment of Charter Schools, 1998 Virginia Laws Ch. 890 (S.B. 318) (West 1998).

¹⁵⁸ Wis. Stat. Ann. § 118.40 (West Supp. 1997). According to § 118.40(2m), the school board may contract with an individual or group to operate a charter school. However, the school board is bound by the same requirements as any other applicant applying for a charter.

¹⁵⁹ Wis. Stat. Ann. § 118.40(1m)(b).

¹⁶⁰ Wis. Stat. Ann. § 118.40(2).

students not wishing to attend a charter school.¹⁶¹ Within 30 days of the public hearing the school board must either accept or reject the petition for a charter school.¹⁶² If the petition is approved, it creates a contract between the person named in the petition and the school board. The terms of the contract are the provisions of the petition and any others agreed to between the parties. In any case, a charter term (including renewal terms) may not exceed 5 years.¹⁶³ An applicant may file an appeal within thirty days of the denial to the state department of education. The department then has 30 days to make a decision regarding the denial and the department's decision is final.¹⁶⁴

Funding for the charter school is specified in the provisions of the petition. Charter schools are subject to certain restrictions. Namely, charter schools cannot charge tuition, they must be non-sectarian, and must not discriminate on the basis of race, sex, religion, disability etc. The school board may refuse to renew or revoke a charter if the board finds that the terms of the charter have been violated, the school is fiscally mismanaged, students are failing to make progress, or the school has violated an applicable law.¹⁶⁵

WYOMING

Applicants wishing to open a charter school must file a petition with the district board of trustees.¹⁶⁶ The petition must contain the signatures of at least 10% of teachers and parents in the district or in the alternative 50% of both teachers and parents of one school in the district.¹⁶⁷ Within thirty days of receiving the petition, the district board must hold a public hearing and the board must render its decision within 60 days of receiving the petition.¹⁶⁸ Charters may be granted or renewed for periods not exceeding 5 years.¹⁶⁹ The petition should include, among other things, a description of the school's educational program, the methods the school will use to measure and improve pupil outcomes, the organizational structure of the school, qualifications of the teachers, admission requirements and alternative public school arrangements for students who do not want to attend or are not admitted to the charter school.¹⁷⁰ Wyoming law requires that full-time teachers in charter schools be

¹⁶¹ Wis. Stat. Ann. § 118.40(2)(b). Charter schools must give preference to pupils who reside in the attendance area of the school, if the schools replaces a public school in whole or in part. Wis. Stat. Ann. § 118.40(4).

¹⁶² Wis. Stat. Ann. § 118.40(2)(c).

¹⁶³ Wis. Stat. Ann. § 118.40(3)(b).

¹⁶⁴ Wis. Stat. Ann. § 118.40(2)(c).

¹⁶⁵ Wis. Stat. Ann. § 118.40(5).

¹⁶⁶ Wyo. Stat. Ann. § 21-3-201 - 207 (Michie 1997).

¹⁶⁷ Wyo. Stat. Ann. § 21-3-203.

¹⁶⁸ Wyo. Stat. Ann. § 21-3-203.

¹⁶⁹ Wyo. Stat. Ann. § 21-3-204.

¹⁷⁰ Wyo. Stat. Ann. § 21-3-203.

certified by the state.¹⁷¹ Regarding admission policies, a charter school cannot charge tuition, must give preference to a student residing in the attendance area of a converted public school, and must not rely solely on academic ability for admission.¹⁷² A charter may be revoked if the charter school violates the terms of the charter, is fiscally mismanaged or violates any applicable law.¹⁷³ The district board of trustees should evaluate annually the performance of the charter schools in the state.

¹⁷¹ Wyo. Stat. Ann. § 21-3-203.

¹⁷² Wyo. Stat. Ann. § 21-3-203(d).

¹⁷³ Wyo. Stat. Ann. § 21-3-204.