

### Charter School Legislation: State Rankings Based on Degree of Expansiveness

Criteria	AZ (94)	DC (96)	MI (93)	DE (95)	NC (96)	FL (96)	MA (93)	SC (96)	IL (96)	MN (91)	NH (95)	NJ (96)	CA (92)	TX (95)	CO (93)	LA (95)	CT (96)	WI (93)	AK (95)	RI (95)	WY (95)	KS (94)	NM (93)	HI (94)	GA (93)	AR (95)
Large number of schools allowed	1	1	1	1	1	1	0.5	1	1	0.5	1	1	1	0.5	1	0	0.5	1	0.5	0.5	1	0	0	0.5	1	1
Multiple chartering authorities—or appeals process available	2	2	2	1	2	0.5	0.5	1	1	1.5	1	1	1	0.5	1	0	0.5	0	0	0.5	0	0	0.5	0	0	0
Variety of individuals and groups may apply to start a school	1	1	1	1	1	1	1	1	1	0.5	1	1	1	1	1	1	1	1	1	0	1	1	0	0	0	0
New starts allowed	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	0	0	0
School may be started without evidence of local support	1	0.5	1	0.5	0.5	0.5	1	0.5	0	0.5	0	0.5	0	0	0.5	0.5	0.5	0	0.5	0	0	0.5	0	0	0	0
Automatic waiver from state and district laws	1	1	0	1	0.5	1	0.5	1	1	1	1	0	0.5	1	0.5	1	0	0.5	0	0	0	0	0	1	0	0
Legally autonomous	1	1	1	1	0.5	1	1	0.5	1	1	1	1	0.5	0.5	0.5	1	1	0.5	0	0	0	0	0	0	0	0
Full per-pupil funding guaranteed	1	1	1	1	1	1	1	1	0.5	0	0	0.5	1	0.75	0	1	1	0.5	0.5	1	0.5	0.5	1	1	0.5	0.5
Control over budget	1	1	1	1	1	1	1	1	1	1	1	1	0.5	0.75	0.5	1	1	0.5	1	1	0.5	0	1	0	0.5	0
Teachers may be exempt from collective bargaining agreement	1	1	1	1	0.5	1	1	0.5	1	1	1	1	1	1	1	0.5	0.5	1	0	0	0	0	0	0	0	0
<b>Total</b>	11	10.5	10	9.5	9	9	8.5	8.5	8.5	8	8	8	7.5	7	7	7	7	6	4.5	4	4	3	2.5	2.5	2	1.5
<b>Rank</b>	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26

Note: This table reflects the current status of each law (through December 1996). Amendments to the original law, state board regulations, legal rulings, and department of education interpretations have all been factored into the ranking. A number from 0 to 1 is entered for each criterion. The only exception is the "multiple chartering authorities/appeals process" criterion, which ranges from 0 to 2 due to its importance in determining the scope of charter school activity in a given state. States are listed from left to right in order of expansiveness. Arizona has the most expansive charter school law, Arkansas the least. If two or more states received the same total score, they were ranked within that subset according to secondary criteria of expansiveness not addressed in the chart. See the following page for a detailed explanation of the criteria and rating system.

Sources: Legislation from each state; telephone conversations with officials from each state; American Federation of Teachers, 1996; Bierlein, 1996; Buechler, 1996; Finn, Manno, & Bierlein, 1996; Mulholland, 1996; Weiss & Sconyers, 1996.

*This table was prepared for the Center for Education Reform by Mark Buechler of the Indiana Education Policy Center.*

## Rating System

Below is an explanation of the way points have been ascribed to each state in the preceding table. In general, a number from 0 to 1 is entered for each criterion. The only exception is the "multiple chartering authorities/appeals process" criterion, which ranges from 0 to 2 due to its importance in determining the scope of charter school activity in a given state. The maximum score is 11, the minimum score 0. Arizona is the only state to achieve a maximum score; Arkansas earned the lowest score, a 1.5. Because of the wide variety of laws, points ascribed to some states under some criteria will fall outside the pattern established. For the details of each law, turn to the state-by-state tables in the following section.

**Numbers:** Laws that permit more than 40 charter schools to open receive a 1; those that permit 20 to 40 charter schools receive a 0.5; those that permit an unlimited number of public school conversions and a limited number of new starts receive a 0.5; and those that permit less than 20 schools receive a 0.

**Multiple Chartering Authorities/Appeals:** Laws that permit multiple entities to grant charters receive a 2; those that permit only a single entity to grant charters but that have an appeals process for denied charters receive a 1; those that permit a single authority other than the local school board receive a 0.5; those that permit only the local board to grant charters receive a 0.

**Variety of Applicants:** Laws that permit a number of different individuals and organizations to start charter schools receive a 1; those that place significant limits on who may start a school receive a 0.5; those that permit only public school personnel to start a charter school receive a 0.

**New Starts:** Laws that permit new charter schools to open as well as existing public schools to convert receive a 1; those that permit only conversions receive a 0.

**Local Support:** Laws that permit all charter schools to be established without any formal demonstration of teacher, parent, and/or community support (for example, requiring two thirds of teachers and two thirds of parents to sign a petition) receive a 1; laws that permit new starts to be established without formal demonstrations of support but require it for conversions receive a 0.5; laws that require informal evidence of support receive a 0.5; laws that require support for both conversions and new starts receive a 0.

**Automatic Waiver:** Laws that provide charter schools with an automatic waiver from most or all state and district education laws, regulations, and policies (but never from civil rights laws and health/safety codes) receive a 1; those that provide an automatic waiver from state law but not district policy receive a 0.5; those that provide no automatic waiver receive a 0.

**Legal Autonomy:** Laws that grant all charter schools legal autonomy receive a 1; those that grant new starts legal autonomy but require conversions to remain part of the school district receive a 0.5; laws under which the legal status of charter schools is yet to be determined receive a 0.5; those under which the legal status of charter schools is subject to negotiation between the applicant and chartering authority receive a 0.5; those under which charter schools remain part of the school district receive a 0.

**Full Funding:** Laws that guarantee all charter schools full per-pupil funding receive a 1; those that require charter schools to negotiate funding with the chartering authority receive a 0.5; those that guarantee full funding for new starts but require conversions to negotiate funding with the chartering authority receive a 0.5; those that provide charter schools with less than full funding receive a 0.

**Budget:** Laws that grant all charter schools full control over their budgets receive a 1; those that grant new starts full control but not conversions receive a 0.5; laws under which charter schools are required to negotiate the degree of control with the chartering authority receive a 0.5; those under which charter schools are not granted full control receive a 0.

**Collective Bargaining:** Laws that provide all charter school teachers the option to negotiate as a separate bargaining unit with the charter school governing body or to work without a bargaining agreement receive a 1; laws that make that option available for new starts but not for conversions receive a 0.5; those that require all charter school teachers to remain subject to the terms of the local bargaining agreement receive a 0.

Note: In attempting to quantify complex phenomena, this rating system may on occasion exaggerate or underestimate the expansiveness of a state's charter school law. For example, a law might rank high but, because of one or two specific provisions, fail to generate much charter school activity. On the other hand, a law might rank relatively low but, due to the active support of the designated chartering authority, might result in considerable charter school activity. Additionally, as with all public policy issues, much depends on the political climate beyond the statehouse doors.