



ASSESSING THE INCREASING STRENGTH OF CHARTER LAWS BETWEEN 2010 AND 2013

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INTRODUCTION

Since it was founded in 2005, the National Alliance for Public Charter Schools (NAPCS) has advocated for high-quality public charter school laws.

With the support of a working group of individuals with deep expertise in public charter school law, NAPCS released a model charter law in 2009, whose 20 essential components are focused on creating and supporting high-quality public charter schools by guaranteeing charter school rights and freedoms and requiring best charter school authorizing practices (see Appendix A for a list of the 20 essential components).¹

We then undertook an extensive review of all existing state charter laws in comparison to the model law and issued annual state charter laws rankings reports in 2010, 2011, 2012, and 2013.² Each year, we sought input on the rankings reports from a variety of charter stakeholders and made adjustments to the reports' scoring rubrics as needed. In the rankings reports, we reported where scores changed as a result of policy change, but we also noted where changes occurred as a result of adjustments in our scoring rubrics. This special report is designed to sync up the ratings from the multiple reports so that rating changes over time are solely the result of changes in policy, not from changes to our scoring rubrics.

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

- How many states received a higher score in our annual rankings report between 2010 and 2013?
- How many states earned a higher percentage of the total available points in our annual rankings report between 2010 and 2013?
- How many states made policy improvements for each one of the model law's 20 components between 2010 and 2013?



¹ National Alliance for Public Charter Schools, *A New Model Law For Supporting The Growth Of High-Quality Public Charter Schools*, Washington, D.C.: Todd Ziebarth, June 2009.

² National Alliance for Public Charter Schools, *How State Charter Laws Rank Against The New Model Public Charter School Law*, Washington, D.C.: Todd Ziebarth, January 2010. National Alliance for Public Charter Schools, *Measuring Up to the Model: A Ranking of State Charter School Laws, Second Edition*, Washington, D.C.: Todd Ziebarth, January 2011. National Alliance for Public Charter Schools, *Measuring Up to the Model: A Ranking of State Charter School Laws, Third Edition*, Washington, D.C.: Todd Ziebarth, January 2012. National Alliance for Public Charter Schools, *Measuring Up to the Model: A Ranking of State Charter School Laws, Fourth Edition*, Washington, D.C.: Todd Ziebarth, January 2013.

HOW MANY STATES RECEIVED A HIGHER SCORE IN OUR ANNUAL RANKINGS REPORT?

One way to look at the how states have changed their laws is to examine how many have received a higher score in our annual rankings report.

In the three years since the model law and first rankings report were released, our analysis shows that scores have significantly increased across the country:

- 35 states have made policy improvements that resulted in increases in their scores.
- Seven of these 35 states essentially overhauled their laws (meaning the changes led to an increase in their scores by 20 points or higher): Hawaii, Rhode Island, New Mexico, Indiana, South Carolina, Louisiana, and Colorado.
- While not overhauling their laws, 10 of these 35 states still made notable improvements (meaning the changes led to an increase in their scores by between 10 and 19 points): Florida, Illinois, Massachusetts, Michigan, Missouri, Nevada, New Jersey, New York, North Carolina, and Ohio.
- Eighteen of these 35 states made moderate improvements (meaning the changes led to an increase in their scores by between 1 point and 9 points): Alaska, Arizona, Arkansas, Connecticut,

Delaware, District of Columbia, Georgia, Idaho, Iowa, Maine, Minnesota, New Hampshire, Oklahoma, Oregon, Tennessee, Texas, Utah, and Virginia.

- The scores for six states remained the same (California, Kansas, Maryland, Mississippi, Wisconsin, and Wyoming), and the score for one state decreased (Pennsylvania).
- Three states have enacted brand new legislation. Two of them (Maine and Washington) enacted laws relatively well aligned with the model law. One of them (Mississippi) passed a weak law (Note: Mississippi enacted sweeping reforms to its charter law in 2013 that are well aligned with the model law; these changes aren't reflected in this data, but will show up in the 2014 report).

Table 1 shows the score increase for each of the states from 2010 to 2013. The states are listed in alphabetical order, and their scores are readjusted using the 2013 rubric for all years. Using this adjusted rubric, the total points possible is 228 points per year.



Table 1: State Charter Law Point Totals and Differences Between 2010 and 2013

(Listed in Alphabetical Order and Re-adjusted Using 2013 Rubric for All Years)

| State | 2010 | 2011 | 2012 | 2013 | Point Change |
|----------------------|------|------|------|------|--------------|
| Alaska | 56 | 62 | 62 | 63 | 7 |
| Arizona | 136 | 133 | 133 | 141 | 5 |
| Arkansas | 116 | 116 | 122 | 122 | 6 |
| California | 150 | 150 | 150 | 150 | 0 |
| Colorado | 138 | 142 | 142 | 160 | 22 |
| Connecticut | 106 | 106 | 106 | 110 | 4 |
| Delaware | 121 | 121 | 127 | 127 | 6 |
| District of Columbia | 132 | 132 | 132 | 134 | 2 |
| Florida | 133 | 147 | 151 | 151 | 18 |
| Georgia | 134 | 134 | 125 | 135 | 1 |
| Hawaii | 75 | 82 | 82 | 139 | 64 |
| Idaho | 104 | 104 | 101 | 110 | 6 |
| Illinois | 100 | 100 | 117 | 117 | 17 |
| Indiana | 112 | 112 | 148 | 148 | 36 |
| Iowa | 62 | 71 | 71 | 71 | 9 |
| Kansas | 63 | 63 | 63 | 63 | 0 |
| Louisiana | 128 | 132 | 128 | 151 | 23 |
| Maine | - | - | 163 | 166 | 3 |
| Maryland | 42 | 42 | 42 | 42 | 0 |
| Massachusetts | 135 | 148 | 148 | 145 | 10 |
| Michigan | 122 | 122 | 138 | 138 | 16 |

| State | 2010 | 2011 | 2012 | 2013 | Point Change |
|----------------|------|------|------|------|--------------|
| Minnesota | 168 | 172 | 172 | 172 | 4 |
| Mississippi | - | 39 | 39 | 39 | 0 |
| Missouri | 119 | 119 | 119 | 132 | 13 |
| Nevada | 109 | 109 | 126 | 126 | 17 |
| New Hampshire | 111 | 114 | 120 | 113 | 2 |
| New Jersey | 104 | 104 | 104 | 114 | 10 |
| New Mexico | 117 | 117 | 147 | 147 | 30 |
| New York | 134 | 148 | 148 | 148 | 14 |
| North Carolina | 107 | 107 | 122 | 125 | 18 |
| Ohio | 106 | 106 | 113 | 117 | 11 |
| Oklahoma | 101 | 106 | 106 | 109 | 8 |
| Oregon | 116 | 116 | 120 | 120 | 4 |
| Pennsylvania | 134 | 131 | 131 | 131 | -3 |
| Rhode Island | 71 | 74 | 108 | 108 | 37 |
| South Carolina | 117 | 117 | 117 | 141 | 24 |
| Tennessee | 101 | 101 | 109 | 109 | 8 |
| Texas | 120 | 120 | 124 | 124 | 4 |
| Utah | 127 | 127 | 127 | 131 | 4 |
| Virginia | 65 | 69 | 69 | 69 | 4 |
| Washington | - | - | - | 161 | N/A |
| Wisconsin | 77 | 77 | 77 | 77 | 0 |
| Wyoming | 87 | 87 | 87 | 87 | 0 |

HOW MANY STATES EARNED A HIGHER PERCENTAGE OF THE TOTAL AVAILABLE POINTS IN OUR ANNUAL RANKINGS REPORT?

A second way to look at how states have changed their laws is to examine how many states earned a higher percentage of the total available points in our annual rankings report.

Table 2 organizes the states into categories based upon their percentages of the total available points in the rankings reports in 2010 and 2013. Table 3 shows the percentage point increase for each of the states from 2010 to 2013, ranked in order from the highest percentage during 2013 to the lowest. The major takeaways from Tables 2 and 3 are:

- The number of states earning 70 percent or more increased from 1 to 4.
- The number of states earning 60 percent or more increased from 4 to 15.
- The number of states earning 50 percent or more increased from 20 to 30.
- The number of states earning 49 percent or less decreased from 20 to 13.
- Although significant improvements have occurred for many state laws, the highest rated state is still only at 75 percent of the total model law points.

Table 2: State Charter Law Percentage Summary (2010 and 2013)

| Percentage of Total Points (228) | 2010 | 2013 |
|----------------------------------|------------------------|------------------------|
| 70%+ | 1 | 4 |
| 60% to 69% | 3 | 11 |
| 50% to 59% | 16 — (20 states > 50%) | 15 — (30 states > 50%) |
| 40% to 49% | 11 | 5 |
| 30% to 39% | 4 | 4 |
| 20% to 29% | 4 | 2 |
| 10% to 19% | 1 — (20 states <49%) | 2 — (13 states < 49%) |

Note: The total number of states in 2010 was 39 and D.C. The total number in 2013 was 42 and D.C., as Maine, Mississippi, and Washington enacted laws in the intervening time period.

Table 3: State Charter Law Ranking Percentages of the Total Available Points in the Ranking Report and Differences in Percentages Between 2010 and 2013

(Listed by 2013 Ranking, and Re-adjusted Using 2013 Rubric for Both Years)

| State | Percentage in 2010 | Percentage in 2013 | Percentage Point Increase |
|----------------------|--------------------|--------------------|---------------------------|
| Minnesota | 74 | 75 | 1 |
| Maine | No Law | 73 | - |
| Washington | No Law | 71 | - |
| Colorado | 61 | 70 | 9 |
| Florida | 58 | 66 | 8 |
| Louisiana | 56 | 66 | 10 |
| California | 66 | 66 | 0 |
| New York | 59 | 65 | 6 |
| Indiana | 49 | 65 | 16 |
| New Mexico | 51 | 64 | 13 |
| Massachusetts | 59 | 64 | 5 |
| South Carolina | 51 | 62 | 11 |
| Arizona | 60 | 62 | 2 |
| Hawaii | 33 | 61 | 28 |
| Michigan | 54 | 61 | 7 |
| Georgia | 59 | 59 | 0 |
| District of Columbia | 58 | 59 | 1 |
| Missouri | 52 | 58 | 6 |
| Pennsylvania | 59 | 57 | -2 |
| Utah | 56 | 57 | 1 |
| Delaware | 53 | 56 | 3 |
| Nevada | 48 | 55 | 7 |

| State | Percentage in 2010 | Percentage in 2013 | Percentage Point Increase |
|----------------|--------------------|--------------------|---------------------------|
| Nevada | 48 | 55 | 7 |
| North Carolina | 47 | 55 | 8 |
| Texas | 53 | 54 | 1 |
| Arkansas | 51 | 54 | 3 |
| Oregon | 51 | 53 | 2 |
| Ohio | 46 | 51 | 5 |
| Illinois | 44 | 51 | 7 |
| New Jersey | 46 | 50 | 4 |
| New Hampshire | 49 | 50 | 1 |
| Connecticut | 46 | 48 | 2 |
| Idaho | 46 | 48 | 2 |
| Tennessee | 44 | 48 | 4 |
| Oklahoma | 44 | 48 | 4 |
| Rhode Island | 31 | 47 | 16 |
| Wyoming | 38 | 38 | 0 |
| Wisconsin | 34 | 34 | 0 |
| Iowa | 27 | 31 | 4 |
| Virginia | 29 | 30 | 1 |
| Kansas | 28 | 28 | 0 |
| Alaska | 25 | 28 | 3 |
| Maryland | 18 | 18 | 0 |
| Mississippi | No Law | 17 | - |

HOW MANY STATES MADE POLICY IMPROVEMENTS FOR EACH ONE OF THE MODEL LAW'S 20 COMPONENTS?

A third way to look at how states have changed their laws is to examine how many states enacted policy improvements for each one of the model law's 20 components.

Table 4 shows how many states made policy improvements for each one of the model law's 20 components. From our perspective, the major takeaways from this data are:

- States made the most progress in lifting caps (component #1), with 16 states doing so.
- States also made significant progress in strengthening charter school and authorizer accountability, with

21 states enacting such policies (via changes to components #4, #6, #7, #8, or #9).

- Given the weak condition of state budgets during this time period, only two states enacted policies on equitable funding (component #18). However, five states did make significant improvements to their facilities policies for charters (component #19).

Table 4: Model Law Component Improvements (2010 to 2013)

| Model Law Component | Number of States that Made Policy Improvements | Specific States that Made Policy Improvements |
|---|--|---|
| 1) No Caps | 16 | Alaska, Arkansas, Hawaii, Idaho, Indiana, Iowa, Massachusetts, Michigan, Missouri, New Hampshire, New York, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee |
| 8) Comprehensive Charter School Monitoring and Data Collection Processes | 10 | Colorado, Florida, Hawaii, Illinois, Indiana, Michigan, Nevada, New Mexico, Rhode Island, South Carolina |
| 4) Authorizer and Overall Program Accountability System Required | 9 | Hawaii, Illinois, Indiana, Louisiana, Maine, Missouri, Nevada, New Mexico, North Carolina |
| 6) Transparent Charter Application, Review, and Decision-making Processes | 8 | Colorado, Florida, Georgia, Louisiana, Massachusetts, Michigan, Minnesota, Virginia |
| 10) Educational Service Providers Allowed | 8 | Colorado, Florida, Hawaii, Louisiana, Michigan, Missouri, New Mexico, Rhode Island |

Table 4: Model Law Component Improvements (2010 to 2013) — CONTINUED

| Model Law Component | Number of States that Made Policy Improvements | Specific States that Made Policy Improvements |
|---|--|--|
| 7) Performance-Based Charter Contracts Required | 7 | Arizona, Florida, New Jersey, New Mexico, Ohio, Rhode Island, South Carolina |
| 5) Adequate Authorizer Funding | 6 | Hawaii, Illinois, Indiana, Nevada, New Mexico, South Carolina |
| 9) Clear Processes for Renewal, Nonrenewal, and Revocation Decisions | 6 | Arizona, Colorado, Hawaii, Louisiana, New Mexico, Rhode Island |
| 15) Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed | 6 | Delaware, Hawaii, Louisiana, Massachusetts, New Jersey, New York |
| 19) Equitable Access to Capital Funding and Facilities | 5 | Hawaii, Indiana, Ohio, Texas, Utah |
| 3) Multiple Authorizers Available | 4 | Georgia, Illinois, Indiana, Nevada |
| 16) Extra-Curricular and Interscholastic Activities Eligibility and Access | 3 | Alaska, District of Columbia, South Carolina |
| 17) Clear Identification of Special Education Responsibilities | 3 | New Hampshire, Oklahoma, Oregon |
| 2) A Variety of Public Charter Schools Allowed | 2 | Florida, Oklahoma |
| 12) Clear Student Recruitment, Enrollment, and Lottery Procedures | 2 | Rhode Island, Tennessee |
| 14) Automatic Collective Bargaining Exemption | 2 | Indiana, Michigan |
| 18) Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding | 2 | Connecticut, Hawaii |
| 11) Fiscally and Legally Autonomous Schools with Independent Public Charter School Boards | 1 | Hawaii |
| 13) Automatic Exemptions from Many State and District Laws and Regulations | 1 | Louisiana |
| 20) Access to Relevant Employee Retirement Systems | 0 | |

CONCLUSION

The data in this special report reveal significant improvements to public charter school laws during the past few years, bringing more states in alignment with the NAPCS model law.



Naturally, there were several factors impacting such improvements. For example, the U.S. Department of Education's Race to the Top grant competition motivated several states to change their charter laws in 2010. We also believe that charter advocates across the country, including NAPCS, state charter support organizations, the National Association of Charter School Authorizers, and broader-based education reform groups, were able to leverage Race to the Top and other opportunities to make substantial gains.

Yet, as noted, even our best state only received 75 percent of the total points. Most glaringly, there is still much to do to improve policies for public charter school operational and capital funding equity. The quality of state charter laws has yet to catch up to the demand for high-quality public charter schools, as more than 520,000 individual students linger on waiting lists to get into a charter school. To get more states into a better position to meet this demand by opening and operating high-quality schools, we plan to continue to work in partnership with charter supporters across the country to advocate for better state charter laws. As part of this effort, we will continue to conduct our law analyses and rankings, with the intent of adding data about the impact of the laws in states in 2014. We also plan to revisit the model law itself in 2014 and make changes to it based upon the lessons learned since 2009.

APPENDIX A

20 ESSENTIAL COMPONENTS OF THE NATIONAL ALLIANCE FOR PUBLIC CHARTER SCHOOLS MODEL LAW

| |
|---|
| 1) No Caps |
| 2) A Variety of Public Charter Schools Allowed |
| 3) Multiple Authorizers Available |
| 4) Authorizer and Overall Program Accountability System Required |
| 5) Adequate Authorizer Funding |
| 6) Transparent Charter Application, Review, and Decision-making Processes |
| 7) Performance-Based Charter Contracts Required |
| 8) Comprehensive Charter School Monitoring and Data Collection Processes |
| 9) Clear Processes for Renewal, Nonrenewal, and Revocation Decisions |
| 10) Educational Service Providers Allowed |
| 11) Fiscally and Legally Autonomous School, with Independent Public Charter School Boards |
| 12) Clear Student Recruitment, Enrollment, and Lottery Procedures |
| 13) Automatic Exemptions from Many State and District Laws and Regulations |
| 14) Automatic Collective Bargaining Exemption |
| 15) Multi-School Charter Contracts and/or Multi-Charter Contract Boards Allowed |
| 16) Extra-Curricular and Interscholastic Activities Eligibility and Access |
| 17) Clear Identification of Special Education Responsibilities |
| 18) Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding |
| 19) Equitable Access to Capital Funding and Facilities |
| 20) Access to Relevant Employee Retirement Systems |

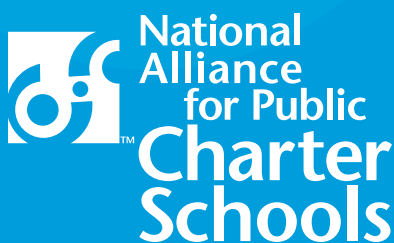
OUR MISSION

The National Alliance for Public Charter Schools is the leading national nonprofit organization committed to advancing the charter school movement. Our mission is to lead public education to unprecedented levels of academic achievement by fostering a strong charter sector.

ABOUT THE AUTHORS

Todd Ziebarth is the senior vice president for state advocacy and support for the National Alliance for Public Charter Schools. Previously, he worked as a policy analyst both at the Education Commission of the States from 1997 to 2003 and at Augenblick, Palaich, and Associates from 2003 to 2005. He has a Bachelor of Business Administration from Western Michigan University, a Masters of Public Administration from the University of Colorado at Denver and a Masters of Urban and Regional Planning from the University of Colorado at Denver.

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