
**CHARTER SCHOOLS:
WHAT IS IT THAT EVERYONE IS SUPPORTING?**
A Survey of Organizations and Opinion Leaders

Education Commission of the States
and
National Conference of State Legislatures



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TABLE OF CONTENTS

ACKNOWLEDGMENTS	VII
INTRODUCTION	1
Charter Schools: The Differing Perspectives	1
POLICY SUMMARY	3
Who in the State May Approve or Grant Charters?	3
Is an Appeal Available to Rejected Applicants and, If So, What Kind of Appeal?	3
Who May Apply for a Charter?	4
How Many Charter Schools and Charter School Students Should There Be?	4
How Much Autonomy Should Charter Schools Receive?	5
Who May Teach in Charter Schools?	5
Which Students Should Charter Schools Serve?	6
How Is the School Held Accountable?	6
Who Pays for Charters, How Much and Through Whom?	6
Putting the Pieces Together	7
LEGISLATIVE ANALYSIS	9
Legislative Analysis	9
Recent Trends in Charter Policy	10
State-by-State Analysis of Charter School Laws	12
Model Laws	19
SURVEY FINDINGS ON SPECIFIC POLICY ISSUES	21
Methodology and Caveats	21
Survey Findings	21
Unresolved Issues	22
Approval of Charters: Whom Should the State Authorize To Grant Charters?	24
Who Should Be Allowed To Apply To Operate Charter Schools?	24
The Purpose of Charter Schools	25
Deregulation: School Autonomy	25
The Number of Charter Schools	28
Teachers	28
Students	30
Financing	31
ASPECTS OF CHARTER SCHOOLS THAT SHOW PROMISE AND THOSE THAT RAISE CONCERN	32
CURRENT CONFLICTS AND THE FUTURE OF CHARTER SCHOOLS	36
Conflicts Between Survey Responses and Existing Legislation	36
The Purpose and Potential of Charter Schools	36
Links Among Charter Schools, the Education Establishment and Policymakers	37
Future	37

LIST OF TABLES

TABLES	PAGE
1 Recent Trends in Charter Policy	10
2 State-by-State Analysis of Charter School Law.....	12
3 Model Laws Proposed by Respondents	19
4 Whom Should the State Authorize to Grant Charters?.....	24
5 Who should be Allowed to Apply to Operate Charter Schools?.....	25
6 The Purpose of Charter Schools	26
7 Deregulation: School Autonomy.....	27
8 The Number of Charter Schools	28
9 Teachers.....	29
10 Students	30
11 Financing.....	31
12 Respondent Answers.....	32

LIST OF APPENDICES

Appendix A	Charter School Survey Respondents
Appendix b	Position Statements
Appendix A	A Survey of Education Organizations and Key Stakeholders Concerning Charter Schools



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The Education Commission of the States is a non-profit, nationwide interstate compact formed in 1965 to help governors, state legislators, state education officials and others develop policies to improve the quality of education. The ECS office is located in Denver, Colorado. For further infor-

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INTRODUCTION

Charter Schools: The Differing Perspectives

Americans have become accustomed to having a variety of choices in their lives. Increasingly they are demanding the same from public schools. Meeting this demand while achieving the higher level of performance that citizens expect of public education requires expanding students' schooling options.

Toward that end, the charter-school movement is attracting the interest and imagination of education and organization leaders who believe providing students with more options will increase their learning and achievement.

This report outlines the major policy issues affecting charter school programs, state trends in adopting such policies, as well as the results of a survey of people and organizations whose opinions affect the development and implementation of charter school laws. It examines support for specific aspects of charter school laws among education organizations and think tanks, state leaders and charter school operators. It was conducted by the Education Commission of the States (ECS) and the National Conference of State Legislatures (NCSL).

This report describes the positions of many of education's leading voices on charter school policies and their concerns and hopes for these independent public schools. In addition, appendices provide position statements from respondents, a description of each person or organization responding, and a complete version of the survey instrument.

Policymakers should not look to this document for clues on how to craft charter school legislation that will generate the least opposition. This publication is not intended to forge a "consensus" around a set of charter school policies that would be acceptable to everyone involved and threatening to no one. Also, it is not designed to find ways to expand the concept of charter schools to include other education reforms or summarize all attitudes toward charters present in the policy

community. It does, however, map the current discussion about charter schools, including areas of agreement and the issues left unresolved.

This report is timely because charter schools are one of education's fastest-growing policy innovations. In the past five years, 26 states and the District of Columbia have passed charter school laws. A dozen more states are likely to follow suit soon.

To date, a few common denominators are present in all charter laws. Charter schools are public schools. As such, they do not charge tuition, are not religious and must be open to all students. In addition, each charter school law establishes an exchange: charter school operators accept accountability for specific results, and the official body that grants the charter releases the school from rules and regulations. If a charter school does not attain results, then the sponsor can revoke the charter and close the school.

Amidst the rapid development of charter school laws some consensus about the areas every law should cover has been fostered. However, leaders in each state still must answer several contentious questions when authorizing charter schools. Questions include: how much autonomy should states give charter schools? Who should have charter-granting authority? What should be the purpose of charter schools? With these and other questions in mind, ECS and NCSL conducted this study and prepared this document.

This report reflects the opinions of the people and organizations that participated in this study. ECS and NCSL are not endorsing charter schools, particular legislation or specific education approaches to the exclusion of other efforts. ECS and NCSL are committed to assisting policymakers in their efforts to improve education for all students.



POLICY SUMMARY

There are many differences in the charter school laws across states. These differences produce varying numbers and types of charter schools in each state. A 1995 ECS-sponsored analysis of charter school legislation and resultant activity revealed that six states had roughly 94% of the nation's charter schools. Clearly, these policy variations influence results.

The policy variations across states have forced organizations into debates about the various state approaches to charter schools. To more fully understand the perspectives stakeholders bring to these debates, it is necessary to understand the issues being debated. Toward that end, major differences among charter school laws are outlined below. Also explained are state variations in these issues, survey responses to each, and current trends in state policy that either differ or match the recommendations made by advocates and policy leaders.

Generally, the differences stem from how state policymakers answer the following questions:

- ◆ Who in the state may approve or grant charters?
- ◆ Is an appeal available to rejected applicants, and, if so, what kind of appeal?
- ◆ Who may apply for a charter?
- ◆ How many charter schools and charter school students should there be?
- ◆ How much autonomy should charter schools receive?
- ◆ Who may teach in charter schools?
- ◆ Which students should charter schools serve?
- ◆ How is the school held accountable?
- ◆ Who pays for charter schools, how much and through whom?

Who in the State May Approve or Grant Charters?

One of the most important questions state leaders must address when establishing charter schools is who to authorize to grant charters. Fifteen states have only allowed local school dis-

tricts to grant charters. In 10 states, local school boards grant charters, but other agencies are authorized to grant charters as well. Alternative sponsors in these states include state boards of education, chief state school officers, special statewide boards created for granting charters, and even state universities.

The earliest advocates of charters, such as Minnesota's Ted Kolderie and Joe Nathan, believe charter applicants must have access to sponsoring agencies other than their local school board if charter laws are to have any real impact. According to Kolderie and others, it is the pressure that comes from breaking a school district's "exclusive franchise" to operate public schools that will encourage districts to increase the level of innovation and improvement in their own schools. They believe that when local districts control the chartering process, they are unlikely to approve many charters, and when they do grant charters, they will more likely approve programs that do not compete with their regular schools.

On the other hand, local school board members often argue that their community elects them to represent the community's interests, and through these elections, the voters hold them accountable for what occurs in local schools. As such, they sometimes argue charter schools can subvert local control of schools if groups other than local school boards are authorized to grant charters.

This dynamic is further complicated when state-level boards or other agencies grant charters against the wishes of local school boards. Since charters can receive local tax support, school board members often argue that charter schools authorized by non-school-board entities are essentially unfunded mandates forced on communities by the state.

Is An Appeal Available to Rejected Applicants, and, If So, What Kind of Appeal?

As a compromise in the argument over whether charter schools should be created by alternative

sponsors, nine states have allowed applicants to appeal decisions. Appeals allow applicants whose charter proposal was rejected to go to another governmental entity to resolve disagreements.

The results of particular appeals processes, however, vary drastically. California's process, for example, has generated only two of the state's 118 charters. In Colorado, on the other hand, state board members have credited the appeals processes with directly or indirectly establishing roughly half the state's 32 charter schools. Such variations stem from differences in how California and Colorado determined who ought to hear the appeal, the standard they use to judge the original rejection, and how much power the body hearing an appeal has if they side with the applicant. In Colorado, as in most states with an appeal process, the state board of education hears appeals. In California, county education districts can grant charters via appeals.

Another issue related to the appeals process is what standard the appellate body should use to judge prior decisions. Some states, such as Illinois, allow the state to review only the procedure a district used to judge the application. If the appellate body deems the process fair and legal, even if the state supports the charter proposal, the decision cannot be overturned. Other states, such as Colorado, allow the appellate body more discretion by authorizing the state board to consider the merit and the future of an application.

Colorado's law illustrates another unique facet of the appeals process. If the state board approves the application, it remands the decision to the local district for reconsideration. If the local district rejects the proposal a second time, the applicants can bring the appeal back to the state board. After the second appeal, the state board may remand the decision to the local district and instruct it to grant the charter. However, Colorado's state board of education does not grant the charter; that responsibility still lies with the local district.

Minnesota uses yet another approach in which the applicant appeals to the state board, which is authorized to grant the charter directly. By allowing the state board to grant the charter, Minnesota creates its own version of an alternative sponsoring agency.

Who May Apply for a Charter?

One of the distinguishing characteristics of limited charter programs (e.g., small pilot programs) are limits on who may apply for a charter. In five states, only existing public schools may apply to convert their schools to charter status. Most states with charter laws allow groups of parents, teachers and other community members to start new charter schools from scratch.

Some states allow other entities, such as private schools and for-profit organizations, to apply to operate charters. In a few states, such as Michigan and Arizona, existing private schools may apply for charters. To receive a charter, these private schools must operate as public schools, without tuition or religious activities, and they cannot discriminate in student admissions.

Many states have included language precluding home schools from operating via charter mechanisms. To discourage small groups of home schoolers from using a charter to receive state money for existing home-schooling programs, a few states place minimum limits on the size of charter schools. However, in California, where most of the country's charter schools that serve home-schooled students operate, several charter schools serve hundreds of home-schooled students.

States also vary in whether they permit for-profit entities to operate charters. Most states' laws require applicants to be nonprofit organizations. However, for-profit organizations that offer to operate and manage schools, such as the Edison Project or Alternative Education Inc., can still contract with nonprofit organizations. Several states specifically allow such relationships in their charter acts. Some states that preclude for-profits from applying directly are silent on the subject of nonprofits contracting to for-profit organizations.

How Many Charter Schools and Charter School Students Should There Be?

Even though many variables can effectively limit the numbers of charters, or encourage an explosion of schools, many states establish parameters for charter school activity directly in statute. They establish limits via geographic boundaries, time, sponsoring agencies and even through the

proportion of the state's students served by charters. States also have set maximum and minimum numbers for student admissions in individual schools.

Many advocates believe limiting the number of charter schools diminishes the benefits that would flow to students in charter schools and decreases the impact of charter schools on conventional public schools. If the number of charters is too low, they argue, conventional schools will not have to make any changes to compete with charter schools for students. Ted Kolderie, for example, has described laws allowing only a handful of charter schools in a given state as "dead" laws.

Supporters of limiting the number of schools have argued that charter schools are too new, and too untested, to implement on a broad scale. States with timelines that allow a limited number of charters each year, or that limit the total number of schools in a state, district or region, they argue, will be better able to ensure accountability and appropriate monitoring of charter schools.

In some states, limits on the numbers of students who may enroll in a charter school have been proposed to discourage small groups of homeschoolers from operating charters, or as an attempt to ensure charters have enough resources to be viable. Opponents of limiting enrollment argue that charter schools are intended to find unique solutions that may be viable on much smaller scales than conventional schools.

How Much Autonomy Should Charter Schools Receive?

The charter school concept is generally based on an exchange of increased accountability for decreased state and local regulation. Some regulations are not negotiable. For instance, every state requires adherence to rules regarding the health, safety and civil rights of students. Beyond these requirements, states use different methods to determine the range of deregulation allowed, leading to varying degrees of deregulation among charter schools. Fifteen states grant their charter schools a blanket waiver to most of the rules affecting schools and districts. Other states allow charters to apply for individual waivers on a rule-by-rule basis. Often these waiver programs are already in existence for all schools and charter schools are simply encouraged to apply.

Waiver programs use different processes. Some describe new methods for reporting or for accountability systems the state's charter schools must use to demonstrate that the intended outcomes of the original rules are still being achieved while the waiver is in place. Other states are less stringent in the application process.

Advocates argue forcing charter operators to use a rule-by-rule waiver process is burdensome and unnecessarily limits the scope of innovations in charter schools. Proponents of waiver programs say forcing charter applicants to go through the process of determining which rules are burdensome and thinking through solutions can ensure that people who are new to public education become familiar with the problems and difficulties facing public education. They hope requirements help applicants understand the problems and concerns that led to the creation of such rules and regulations in the first place.

In instances where local districts grant and negotiate the terms of charters, the level of deregulation is usually determined during the final negotiation between the applicant and the school district. According to advocates, if the applicant has no other possible sponsor for their charter, the district can use these negotiations to "reregulate" the schools beyond the original intent of the charter legislation.

Who May Teach in Charter Schools?

One regulation charter advocates want relaxed concerns teacher certification. When surveyed, charter operators recommended to other charter operators that they hire the most experienced and qualified staff possible and that such schools be given the ability to hire individuals with special skills and expertise to help their schools succeed.

Interestingly, even the proponents for allowing charter schools to hire uncertified teachers do not recommend that charters be allowed to hire whomever they choose. Instead, they often argue charter schools should be free to hire "professionals" to teach in their areas of expertise.

States have responded to this issue in several ways. First, 13 states require charter school teachers to be certified. Second, and more recently, states have established minimum proportions of certified teachers in order to allow a small proportion of uncertified teachers at each charter

school. Other states have left this issue completely up to the applicant and sponsor to determine. A handful of states allow uncertified teachers as long as they are seeking an alternative certificate or meet criteria established in the law.

Which Students Should Charter Schools Serve?

States require charter schools as public schools to serve all students. In no state is a charter school permitted to discriminate in student admissions in any way that would not be allowed in conventional public schools. Consequently, charter schools must serve special education students. States do allow charters, like conventional public schools, to select students on the basis of age or grade level the school is designed to serve. Additionally, states have made various allowances for charter schools that propose to serve particular sets of students and, in some cases, they have allowed charter schools to focus their mission and recruit students accordingly.

Generally, charter schools are not allowed to admit only students who are already doing well in conventional schools. Charter schools have been allowed, and sometimes encouraged, to focus on serving students who are not well served, or who have failed in other schools. Many alternative schools for at-risk youth have been established as charters. For example, some charter schools serve exclusively children who have dropped out or been expelled from other public schools. Additionally, schools for the deaf and blind have opened or been proposed as charter schools.

Several charter operators have designed charter schools to serve the needs of particular ethnic groups within a community. Afro-centric academies, and other ethnically focused schools, have been established. These schools are not allowed to discriminate in admissions, but may tailor their programs to meet the needs of the local community.

How Is the School Held Accountable?

Charter schools must demonstrate they are meeting the conditions of their charter to remain open. States have established various mechanisms for demonstrating whether the conditions

have been met. Some states require charter schools to participate in and be judged by statewide assessments—standardized, norm-referenced tests and performance-based assessments. Other states give charter sponsors and organizers considerable discretion in reporting their progress—allowing individual districts to negotiate the terms of academic reporting in each charter.

The length of a charter determines how often the charter school is held accountable for academic achievement. States have adopted charters that vary from three to 15 years. Even in states with longer charters, some laws require the charter school to report annually on its progress to its sponsoring agency.

Many states are implementing standards-based reforms. Most states with charter schools as well as standards-based education reforms expect charter schools to meet the same standards that all schools will be judged by under these new systems. A few states remain silent on the issue of these standards—expecting sponsors to negotiate such standards with individual charters.

States have addressed accountability for issues other than academic performance. Some states stipulate in considerable detail, either in legislation or later procedures, the accounting and auditing procedures required of charter schools. A number of states also encourage accountability by forcing charter operators to abide by open meeting laws that apply to conventional public schools and local school districts.

Who Pays For Charters, How Much and Through Whom?

Most charter school operators say finances are their biggest obstacle. Most charter laws either establish a mechanism allowing charter operators and sponsors to determine the amount of funding each school should receive or they set the level of funding for all charters by statute. Policy-makers sometimes outline how these funds should be delivered to the charter schools. Some of them have begun to consider start-up costs and paying for facilities.

Charter school operators are especially interested in the amount of funding they receive. Some states have allowed local sponsoring agencies—generally school districts—to determine the

funding level and the mechanism for making payments to charter operators. This is often the case in states that only allow existing public schools to convert to charter status. In such states, many aspects of charter operations are controlled by districts. In states that allow schools to start from scratch, using this mechanism may restrict the independence of charters.

Several states, such as Colorado, establish a minimum portion of the district's average spending that must be given to the charter school. Colorado set a minimum of funding at 80% of the Per Pupil Operating Revenue (PPOR). Conventional public schools not only receive 100% of the PPOR, but they also have access to additional funds that are not included when calculating the district's PPOR. Often Colorado's charter schools are able to negotiate a level of funding slightly above the 80% level, but this is not always the case.

Many states do not give charter schools access to the capital expense funds local schools receive. Often charter schools must cover operating expenses and pay their lease or rent with the money that conventional schools use for their operating expenses.

Many charter advocates argue charter schools can only generate broader change if the same amount of money spent on a student for public education follows the child to a charter school. It is the loss of funds attached to this child, they argue, that urges districts to make improvements that will draw charter school students back into conventional public schools. Opponents of charters, on the other hand, argue that charter schools will draw scarce resources away from other public schools, thus harming the education of students who do not attend charters. Policymakers have attempted to address the needs of charter schools while softening the impact on other public schools.

Some states, such as Massachusetts, phase in the decrease in local funding. They soften this im-

pact on districts even though they are funding the charter school right away. Ideally, this slight increase in total funding will alleviate conflict between charters and local districts and protect students outside charter schools from negative impacts.

Additionally, the mechanism for delivering funds can hamper charter schools. Some states pay money directly to charters; others allocate money to districts that then distribute the funds to charter schools. Delays in disbursements, inconvenient payment schedules or disagreements over overhead costs often leave charter schools with cash flow problems. Since charter schools often lack access to credit or other mechanisms used by districts to raise short-term funding, these disbursement problems can exacerbate temporary shortfalls.

Despite these difficulties, local districts often argue that because they are accountable to the voters for public spending on education in their district, they ought to maintain some control over spending at charter schools as well.

Putting the Pieces Together

Faced with the complexity of creating effective and innovative charter programs, states have looked to one another for answers. While it is tempting to look for model policies or right answers to each of the questions addressed here, no such answers exist. Policymakers are best served by understanding the options and applying them to the context of their state.

Yet, state leaders can draw powerful lessons from other states' experiences. And the many stakeholder groups involved in public education raise important points for consideration. The following pages describe some of the trends in state responses to these issues and the perspectives of key groups and individuals shaping public policy.

LEGISLATIVE ANALYSIS

Legislative Analysis

Over the past six years, 26 states and the District of Columbia have passed laws allowing the development of charter schools. All this legislative activity has given policy analysts and education researchers a tremendous opportunity to analyze this important piece of the education reform movement. It also has helped determine the unique aspects of charter school policies and provided some clues about how different policy approaches will play out in practice.

Early observations of the charter school movement by Louann Bierlein, and later analyses by ECS and NCSL, led to legislative comparisons that categorized laws along "strong-to-weak" or "expansive-to-restrictive" continua. Expansive laws lead to higher numbers of charters that tend to have greater autonomy. Restrictive laws grant charter schools less autonomy and produce fewer schools. Using Bierlein's criteria, a bill is more expansive if it provides alternative sponsors or a

strong appeals process, if people from outside the education system can apply to operate charters, and if those charters have blanket waivers, legal and financial independence and the ability to hire uncertified teachers.

An analysis of laws passed during 1995 and 1996 revealed a trend toward stronger laws than in earlier years. During these two legislative sessions, 15 states joined the charter school ranks, more than doubling the total number of charter school states. Ten of the 15 laws implemented during 1995 and 1996 were on the upper end of the expansive/restrictive continuum, while only five were restrictive.

A comparison of all charter school laws against the 16 criteria contained in this survey confirms this trend and reveals a lack of agreement among states in several significant areas. The criteria used in this analysis and recent trends are summarized in table #1 below. The legislative compendium in table #2 summarizes the 26 charter school laws across the 16 criteria:

Table 1 Recent Trends in Charter Policy

ALTERNATE SPONSORS, APPEALS AND ELIGIBLE APPLICANTS	
<p>Criteria Sponsors: Who has the authority to enter into a contract with charter school organizers, sponsor a charter school and is ultimately accountable for the school's performance?</p> <p>Appeals Process: What options are available to organizers whose proposals are rejected by the local board?</p> <p>Criteria Eligible Operators: Who is allowed to submit an application to start a charter school?</p>	<p>Recent Trends Recent laws tend to provide alternatives beyond local school board approval. Two-thirds of the laws passed in the last two years include either an alternate sponsor or an appeals process for applicants whose proposals are rejected by local school boards. This step suggests state lawmakers are interested both in facilitating the creation of new schools and using charters to prompt change in existing education systems.</p> <p>Recent Trends With the exception of Arkansas and Rhode Island laws, the newer laws allow Individuals or groups from outside the K-12 education system to start a charter school.</p>
SCHOOL AUTONOMY	
<p>Criteria Deregulation: To what extent are charter schools given freedom to operate outside state and district laws, rules and regulations?</p> <p>Control of Budget: To what extent are charter schools given the freedom to spend their per-pupil allocation?</p> <p>Standards and Assessments: To what extent can charter schools develop academic standards and methods for evaluating student achievement? Must charter schools adhere to state and national standards and assessments?</p> <p>Control of Staff: Do charter schools have authority to make decisions about staffing matters, particularly the hiring and firing of instructional personnel?</p>	<p>Recent Trends States are moving hesitantly toward granting extensive autonomy to charter schools. Half of the states passing laws in 1995 and 1996 gave charter schools full waivers from state rules and regulations, and the rest require applicants to request specific waivers in their charter application. The latter approach is likely to generate more deregulation in states with alternate sponsors or appeals processes than it will in states where local school boards have exclusive sponsoring authority.</p>
FUNDING	
<p>Criteria Start-up Costs: Does the law provide for funds to assist the start-up of new charter schools?</p>	<p>Recent Trends Start-up funding is an area requiring attention. Even though the federal government established grants to states for charter school start-up costs, most state laws remain silent on the issue. Few states provide state funds to help new schools start. Most organizers do not receive assistance in securing and renovating school facilities. Unaddressed, these issues combine to put so much pressure on charter school organizers that some of their educationally strong proposals may never result in schools.</p>

Table 1 Continued

PERSONNEL	
<p>Criteria Teacher Certification: Do charter schools have the option of hiring some percent of non-certified instructional personnel?</p> <p>Teacher Pay: Are charter schools allowed to set teacher pay?</p> <p>Collective Bargaining: Must charter schools adhere to district bargaining agreements, or are they free to form a unique relationship with instructional staff?</p>	<p>Recent Trends Policies concerning school personnel are approached differently in each state and reveal mixed support for giving charter schools autonomy. The trend is toward allowing a few uncertified teachers to teach in charter schools, but the present allowed in each school is often low and accompanied by requirements that uncertified teachers have valuable professional experience or participate in other alternative certification programs in the state. About half of the more recent laws grant charter schools full autonomy in staffing decisions. And, while collective bargaining is usually optional for new start-up schools, conversion schools frequently must adhere to district bargaining agreements. So, while state leaders are making it clear that they want to make changes in the education system, policy changes directly related to teachers are developing more slowly.</p>
NUMBERS OF SCHOOLS AND STUDENTS	
<p>Criteria School Limit: Has the state put a cap on the number of charter schools that may be in operation at any time?</p>	<p>Recent Trends More schools have been authorized than are in operation. In states with recent laws, only Texas has quickly reached a statewide cap.</p>
STUDENTS	
<p>Criteria Enrollment Limit: Has the state put a cap on the number of students that can be enrolled in charter schools, statewide or districtwide, at any one time?</p> <p>Types of Students Served: Does the law give preference to applications by schools designed to serve a special population of students, e.g., at-risk youth or students with learning disabilities?</p>	<p>Recent Trends States are not placing limits on the enrollment in charter schools, but several states continue to state a preference for charter schools that serve at-risk students.</p>

TABLE 2 STATE-BY-STATE ANALYSIS OF CHARTER SCHOOL LAWS

STATE	APPEALS & APPROVAL		APPLICATION	NUMBER OF SCHOOLS/STUDENTS	
	Sponsors	Appeals Process	Eligible Operators	School Limit	Enrollment Limit
Alaska	Local school board <i>and</i> state school board must approve applications.	None.	Anyone. Law does not specify.	30.	None.
Arizona* Recommended as a model by Sen. Junge.	Local school board, state board of education or state charter school board.	May apply to other sponsors.	Public body, private person or private organization.	None.	None.
Arkansas	State board w/approval of local board and local bargaining unit.	None.	Existing public school.	None.	None.
California	Local school board.	Appeal to county board of education.	Existing public schools; new start-ups.	100; not more than 10 per district.	None.
Colorado Recommended as a model by CCSSO.	Local school board.	Appeal to state board of education.	Anyone. No private or home schools.	60 statewide; at least 16 must serve students who are at risk.	None.
Connecticut	Conversions must be approved by local board and state board of education ("local charter schools"); new schools must be approved by state board of education only (state charter schools).	None.	Anyone. No private or home schools.	12 local schools & 12 state schools statewide.**	For state schools, no more than 250 per school or 1,000 total.
Delaware	Local school board or state board.	None.	Any person, university, college or non-religious, non-home-based, nonsectarian entity.	No statewide limit, but a limit of 5 schools per year for the first three years.	None.
District of Columbia	District of Columbia Board of Education; appointed charter board.	The Council of the District of Columbia may review a denied application and approve or disapprove that application. Council decisions are final.	Anyone.	For FY97, 10 schools per board or a total of 20 schools.	None.
Florida	District school board.	Appeal to state board of education, but final decision remains with district.	Anyone. No private or home schools.	Limits defined according to district population. District may request increase.	None.
Georgia	Local board.	None, though state board may allow resubmission of an application and assist in the improvement of that application.	Existing public school.	None.	None.
Hawaii	State school board.	None.	Existing public schools.	None.	None.
Illinois	Local board with state board approval.	Appeal to state board. Final decisions of state board subject to judicial review.	Teachers, administrators, local school councils, colleges or universities, public community colleges, corporations or other entities.	45. Distribution defined according to district populations.	None.

*Some survey respondents indicated that certain state laws would make good models for states considering charter school legislation. In other words, these respondents recommend using these statutes as a framework for the development of new laws.

**Connecticut's law limits the number of charter schools allowed to operate at any one time in a particular school or congressional district. When considering a charter proposal, the State Board of Education is directed also to consider the potential of an overconcentration of charter schools in contiguous school districts.

STATE	APPEALS & APPROVAL		APPLICATION	NUMBER OF SCHOOLS/STUDENTS	
	Sponsors	Appeals Process	Eligible Operators	School Limit	Enrollment Limit
Kansas	Local board. State board reviews for adherence to state and federal laws, rules and regulations.	None.	Anyone.	15.	None.
Louisiana	Local board after it has received state board approval to become a sponsor.	None.	Three or more certified teachers alone or in partnership with: 10 or more citizens, a public service organization, a business or corporation, a college or university.	Maximum of eight local districts may sponsor charter schools. Not more than one charter school for every 20,000 pupils enrolled in that jurisdiction.	None.
Massachusetts Recommended as a model by Sen. Junge	State secretary of education.	None.	A business, two or more teachers, 10 or more parents or others. No private or parochial schools.	25. Law defines geographic distribution.	No more than three-quarters of 1% of the total number of students attending public schools in the commonwealth.
Michigan Recommended as a model by Sen. Junge	Local school board, intermediate school board, community college or state public university.	None.	Any person or entity.	None statewide. Community colleges may sponsor only one school each; a total of 75 schools for state universities.	None.
Minnesota	Local school board, community college, state university, technical college or the University of Minnesota. The state board must approve all schools.	If local school board denies application, but at least two members voted for sponsorship, an appeal may be made to the state board. The state board may choose to sponsor the school.	One or more licensed teachers.	40, not more than three of which may be sponsored by public post-secondary institutions.	None.
New Hampshire	Local school board approves or disapproves application. State board then grants or denies proposed contract.	Appeal to state board. State board may then approve and grant the charter.	Nonprofit organizations, two or more certified teachers, 10 or more parents. No nonpublic or home schools.	5 prior to 1/1/97; 10 per year thereafter. Law defines geographic limitations.	School district may impose limitations on the number of pupils who may attend charter schools.
New Jersey	Commissioner and local board of education or state superintendent, in the case of a state-operated school district. The commissioner has final authority to grant or reject applications.	Commissioner's decision may be appealed to the state board of education. State board must rule within 30 days of receipt of appeal or commissioner's ruling stands.	Teachers and/or parents of public school children. Higher education institutions and/or private entities may join teachers & parents.	135 during first two years (12/95-12/97). Minimum of three schools shall be allocated to each county.	A charter school may enroll no more than 500 students or 25% of the student body of the school district, whichever is less.
New Mexico	State board of education.	None.	Existing public schools.	5.	None.
North Carolina	State board of education, local board of education or state university. Final approval by state board.	Appeal to state board at which point state board may approve the charter.	Anyone.	100. No more than 5 per district.	None.

STATE	APPEALS & APPROVAL		APPLICATION	NUMBER OF SCHOOLS/STUDENTS	
	Sponsors	Appeals Process	Eligible Operators	School Limit	Enrollment Limit
Rhode Island Recommended as a model by AFT.	Commissioner of elementary and secondary education and/or local board with approval from the board of regents.	None.	Existing public schools, groups of public school personnel or public school districts.	20. Not more than 10 prior to July 1, 1996, and additional 10 by July 1, 1997. No more than 2 per district or 4 in districts with over 20,000 students.	No more than 6% of state's school-age population.
South Carolina	Local school board.	Appeal to state board of education, state board may affirm, reverse or remand decision of local board.	Anyone.	None.	None.
Texas	Local school board for conversions, state board for new start-ups.	None.	Public or private higher education institutions, nonprofit organizations, governmental entities, groups of parents or teachers.	Limit of 20 new schools. No limit on conversions.	None.
Wisconsin	Local school board applies to state superintendent for approval to sponsor charter schools. Schools apply to local board.	None (except in Milwaukee where sponsors can appeal to the new state secretary of education).	Anyone, but a petition must be signed by 10% of teachers employed by district or 50% of teachers employed at one school.	20. Ten districts may sponsor up to two schools each.	None.
Wyoming	Local school board.	None.	Anyone, but a petition must be signed by 10% of district's teachers or 50% of teachers in a school, and by 10% of parents of pupils in the district or 50% of parents of students in a school.	None.	None.

STATE	STUDENTS		AUTONOMY/REGULATION		
	Types of Students Served	Deregulation	Control of Budget	Standards & Assessments	Control of Staff
Alaska	All. Law outlines geographic distribution of schools.	Some exemptions specified; others can be requested.	Limited.	Charter school selects own textbooks, curriculum & programs. Testing may be waived by request. State standards are not addressed by statute.	Limited.
Arizona	All.	Full waiver from all statutes and rules*	Fiscal autonomy granted.	State standards and assessments apply.	Granted.
Arkansas	All.	Waivers defined in charter.	Limited control may be agreed to in charter.	State standards apply.	Not addressed in law.
California	All.	Full waiver.	Fiscal autonomy allowed if specified in charter.	State standards and assessments apply.	Granted.
Colorado	Approx. 25% must be designed for at-risk students.	Waivers defined in charter.	Schools retain much fiscal autonomy but may receive only 80% funding from district.	State and district standards apply; assessments defined in charter.	As defined in charter.
Connecticut	All w/preference given to students in "priority districts."**	Waivers defined in charter.	Fiscal autonomy granted.	Subject to statewide exams.	Limited.
Delaware	All.	Full waiver.	Fiscal autonomy granted.	State standards and assessments apply.	Granted.
District of Columbia	Preference given to schools that focus on students with special needs, i.e., drop outs, disruptive students, learning disabled.	Full waiver.	Schools control budget. Planned or proposed contracts of \$10,000 or more must be listed in charter.	District assessments apply. Academic standards and methods for evaluating student achievement set in charter.	Granted.
Florida	Preference to at-risk.	Full waiver.	Fiscal autonomy.	Defined in charter.	Granted.
Georgia	All.	Waivers defined in charter.	Limited to direct instructional expenditures.	State education goals apply.	Not addressed.
Hawaii	All.	Full waiver except collective bargaining.	Fiscal autonomy.	State performance standards apply.	Not addressed.
Illinois	Emphasis on at-risk.	Full waiver except: criminal background checks, student discipline, abused & neglected child reporting, student records act.	Fiscal autonomy.	Content and performance standards are set in the charter.	Granted.
Kansas	Emphasis on at-risk.	Waivers defined in charter.	Outlined in charter.	Defined in charter.	
Louisiana	Requires the percentage of at-risk pupils enrolled in the charter school to be not less than the percentage of those enrolled in the local district.	Exempt from most laws, rules and regulations.	Fiscal autonomy.	Must meet minimum high school graduation requirements. Other standards and assessment methods defined in charter.	Defined in charter.
Massachusetts	All.	Waivers defined in charter.	Fiscal autonomy.	State performance standards, testing and portfolio requirements apply.	Board of Trustees of a charter school is considered a public employer.
Michigan	All.	Waivers defined in charter.	Fiscal autonomy.	Standards must be defined in charter. Law lists acceptable assessment tests.	Granted.
Minnesota	All.	Full exemption.	Fiscal autonomy.	Must design programs to at least meet the outcomes adopted by the state board of education. Assessment not addressed.	Granted.
New Hampshire	All.	Full exemption.	Fiscal autonomy.	Achievement goals set in charter. Annual evaluations must include New Hampshire statewide education improvement and assessment program.	Granted.

*All of the laws included herein require charter schools to adhere to health, safety and civil rights laws.

**Connecticut's "Priority School Districts" include districts with the largest populations overall and with the largest number of children under the AFDC program.

STATE	STUDENTS	AUTONOMY/REGULATION			
		Deregulation	Control of Budget	Standards & Assessments	Control of Staff
New Jersey	All. Law encourages the establishment of charter schools in urban school districts with the participation of institutions of higher education.	Limited. Some exemptions from state law may be granted upon request.	School controls its budget. School may receive between 90-100% of local levy budget per pupil.	State testing and performance standards apply.	New schools have staffing autonomy.
New Mexico	All.	Exemptions may be granted only for the purpose of providing class size and structure flexibility, alternative curriculum opportunities and alternative budget opportunities.	Limited. Some may be granted in charter.	Not addressed.	Not addressed.
North Carolina	All.	Full exemption.	Fiscal autonomy.	Program must meet student performance standards set by the state board and the local board; and the school shall conduct assessments as required for charter schools by the state board of education.	Granted.
Rhode Island	At least 10 of 20 schools must be reserved for schools planned to expand opportunities for at-risk pupils.	Waivers defined in charter.	May not set teacher salaries or financial benefits.	State and national education goals and standards apply. Assessments defined in charter.	Limited. May set some terms and conditions of employment in charter.
South Carolina	All.	Full autonomy from state rules and regulations; charter must state all agreements regarding release from local school district policies.	Fiscal autonomy.	Standards and assessments set in charter.	Granted.
Texas	All.	Exempt from school board rules and policies as outlined in charter. Exempt from most Education Code provisions with exceptions identified in the law.	Fiscal autonomy for new schools. Some local board control for conversions.	Student performance requirements set in charter; state graduation requirements apply; education program must include required curriculum; participation in state assessment program required.	Not addressed.
Wisconsin	All.	Exempt from state laws and rules but not local board policies.	Determined by charter.	Education goals defined in Wisconsin law apply. Assessment of progress toward those goals defined in charter.	Not addressed.
Wyoming	All.	Not addressed.	Not addressed.	Minimum standards apply.	Not addressed.

STATE	TEACHERS			FUNDING		
	Teacher Certification	Teacher Pay	Collective Bargaining	Start-up Costs	Facilities	Fundraising
Alaska	Not addressed.	See "collective bargaining."	All existing negotiated or collective bargaining agreements apply to charter schools.	None.	Existing school district facility or other facility within district allowed.	Not addressed.
Arizona	Not required.	School sets pay.	Not required.	Organizers receive up to \$1,000 from "charter schools stimulus fund."	Dept. of Education publishes list of vacant and unused buildings.	Not addressed.
Arkansas	Not addressed.	Not addressed.	Not addressed.	None.	N/A. No new start-ups.	Not addressed.
California	Not required.	School sets pay.	Not required.	None.	No assistance.	Private persons or organizations may contribute.
Colorado	Depends on terms of charter.	Depends on terms of charter.	Depends on terms of charter.	None.	Use of available district facilities rent-free.	Authorized to accept gifts, donations, or grants of any kind in accordance w/law and the charter contract.
Connecticut	At least 50% must be certified. Remainder must have temporary certificates or enter alternate route.	Not addressed.	State charter school governing council acts as board of education for bargaining. Local agreements may be modified.	None.	Not addressed.	Schools may receive and spend private and public funds.
Delaware	35% may be noncertified in years when no qualified alternative certification program, as defined in this statute, exists. Currently Delaware has no such program.	School sets pay.	Employers may bargain as a separate unit.	Statute directs the Department of Public Instruction to apply for grants providing funding for the planning and start-up of charter schools, and to distribute such funds as may be appropriated by the General Assembly.	Department of Public Instruction must publish a list, annually, of vacant and unused facilities that are owned by school districts and may be suitable for the operation of a charter school. No additional funding is appropriated for facilities.	Charter schools may accept gifts.
District of Columbia	Not addressed.	School sets pay.	Not required.	Not addressed.	Preference given to schools established within existing public school facilities.	Allowed. Any donations of \$500 or more must be reported annually.
Florida	Not required.	School sets pay.	Optional.	None.	Not addressed.	Not addressed.
Georgia	Not addressed.	Not addressed.	Not addressed.	None.	Not addressed.	Not addressed.
Hawaii	Not addressed.	Not addressed.	Must adhere to collective bargaining laws.	N/A: no new start-ups.	N/A: no new start-ups.	Not addressed.
Illinois	Noncertified instructors must meet alternative criteria outlined in law.	School sets pay.	Not required.	None.	Conversion schools may not be required to pay rent for school district facilities. All other facilities costs are subject to negotiation.	Schools may accept gifts, donations and grants.
Kansas	Not addressed.	Not addressed.	Depends on charter.	None.	Not addressed.	Not addressed.
Louisiana	75% of teachers must be certified.	Not addressed.	District agreement applies unless otherwise agreed to in charter.	None.	Not addressed.	Allows charter schools to solicit, accept and administer donations or other financial assistance.
Massachusetts	Not required.	Not addressed.	May participate as separate bargaining units.	\$35,000 per school.	No building assistance fund shall be awarded.	Allowed.

STATE	TEACHERS			FUNDING		
	Teacher Certification	Teacher Pay	Collective Bargaining	Start-up Costs	Facilities	Fundraising
Michigan	Required except for full-time, tenured faculty at a state college or university sponsoring a charter school, or community college faculty with five years' experience in applicable subject area.	School sets pay.	Required for schools sponsored by a local school board.	None.	None.	Allowed.
Minnesota	Required.	School sets pay.	Employees may bargain as separate units unless all parties agree to remain part of district bargaining unit.	None.	Funding of facilities not addressed.	Not addressed.
New Hampshire	50% of teachers must be certified or have at least 3 years of teaching experience.	School sets pay.	Teachers may bargain as separate unit.	None.	A conversion school shall be eligible for school building aid.	Allowed.
New Jersey	Required.	Depends on charter.	Conversion schools are subject to district bargaining agreement. New schools may opt out.	None.	None.	Allowed.
New Mexico	Public school rules and regulations apply.	Public school rules and regulations apply.	Not addressed.	Not applicable.	Not applicable.	Not addressed.
North Carolina	75% of teachers grades K-5 and 50% of teachers grades 6-12 must be certified.	School sets pay.	Not addressed.	None.	Funds allocated by the state board of education shall not be used to purchase land or buildings.	Not addressed.
Rhode Island	Required.	Teachers remain employees of the school district for purposes of salary and financial benefits.	Teachers remain members of the collective bargaining unit for teachers in the school district.	None.	No assistance.	Allowed.
South Carolina	25% of staff in a new school may be noncertified. 10% in conversion schools.	School sets pay.	Not required.	None.	No assistance.	Allowed.
Texas	Required for conversions. New start-ups can set employee requirements.	Not addressed.	Not required. Texas has no collective bargaining law for public employees.	None.	No assistance.	Not addressed.
Wisconsin	Required.	Not addressed.	Not addressed.	None.	No assistance.	Not addressed.
Wyoming	Full-time teachers must be certified.	Not addressed.	Not addressed.	None.	No assistance.	Allowed when district board determines the assistance is compatible with the mission of the district.

TABLE 3 MODEL LAWS PROPOSED BY RESPONDENTS

Author	APPEALS & APPROVAL		APPLICATION	NUMBER OF SCHOOLS/STUDENTS	
	Sponsors	Appeals Process	Eligible Operators	School Limit	Enrollment Limit
Ted Kolderie Model Legislation	Local school board or some other responsible public body.	None.	Anyone. No affiliation with a nonpublic sectarian school or religious institution.	None.	None.
Marc Dean Millot, PRPE Model Legislation # 1	Local school board.	Appeal to chief state school officer who may direct the local board to approve the application.	Any.	No limit. District may choose to limit the number of applications it will accept in any given year and must announce that number by May 31 of that year.	None.
Marc Dean Millot, PRPE Model Legislation #2	(A) Alternative sources of approval, i.e., local school board, community college, state university, state board of education; or (B) local school board only, with administrative appeal; (C) state school board only, with judicial appeal.	To accompany sponsor option (B): appeal to state board which may instruct the local board to approve an application. To accompany sponsor option (C): appeal to the state courts. Courts may instruct state board to approve application.	Any person or nonsectarian entity.	Approving authorities may limit the number of applications they will accept in any given year and must announce that number by May 31 of that year.	None.

Author	STUDENTS	AUTONOMY/REGULATION			
	Types of Students Served	Deregulation	Control of Budget	Standards & Assessments	Control of Staff
Ted Kolderie	Any.	Full waiver.	Fiscal autonomy granted.	To be defined and agreed upon in charter.	Granted.
Marc Dean Millot, PRPE #1	Any.	Full waiver w/limited restrictions identified in legislation.	Fiscal autonomy granted.	Standards defined in charter must "meet those determined in any statewide accountability system."	
Marc Dean Millot, PRPE #2	Any.	Full waiver w/standard restrictions.	Fiscal autonomy granted.	Applicant should identify performance standards that meet standards identified in the statute or should describe standards that meet or exceed state standards using the same assessments required for other public school students.	Granted.

Author	TEACHERS			FUNDING		
	Teacher Certification	Teacher Pay	Collective Bargaining	Start-up Costs	Facilities	Fundraising
Ted Kolderie	To be addressed and agreed upon in charter.	School sets pay.	Teachers may form school-site bargaining units.	Not addressed.	Not addressed.	Allowed.
Marc Dean Millot, PRPE #1	Not required, but noncertified teachers must be under the general supervision of a certified instructor.	School sets pay.	Not required.	Not addressed.	Not addressed.	Allowed.
Marc Dean Millot, PRPE #1	Suggests waiver of certification requirements when politically viable.	School sets pay.	Not required. Labor relations governed by state law.	Optional provision provided.	Not addressed.	Allowed.

SURVEY FINDINGS ON SPECIFIC POLICY ISSUES

THE DIFFERING PERSPECTIVES

Methodology and Caveats

In September 1996, ECS and NCSL staff mailed the questionnaire to more than 30 groups and individuals. Phone interviews also were conducted. A meeting was held in early November 1996, at which survey respondents discussed initial survey findings.

Respondents were asked to provide: (1) position statements; (2) model legislation they or their organization have developed; and (3) to recommend existing state policy they consider exemplary. These positions are included in Appendix B. The "model" legislation which is included was not designed for use in particular states and its inclusion in this document is not intended as an endorsement. Each model reflects the opinions of the model's author or sponsoring organization.

The list of organizations and individuals participating in the study was not meant to be exhaustive. Rather, they represent a cross-section of leaders involved in the formulation and implementation of charter school policy. Groups and individuals participating in this effort included:

- ◆ Organizations representing major constituencies within the education estab-

lishment (e.g., teachers' unions or administrator associations)

- ◆ Think tanks with varying political perspectives
- ◆ State legislators with experience in crafting or passing charter school legislation
- ◆ Charter school founders and operators.

The list of charter school operators who responded is limited and not intended to convey operators' diverse opinions. These individuals were included partially to provide practitioners' views on these issues. More significantly, the operators included have been called upon by state and national leaders for their input into policy issues.

Two people—Denis Doyle and Chester Finn—responded to this survey as individuals and not on behalf of the organizations for which they work. These individuals are senior education advisors for influential organizations and have worked directly with states developing charter school policies. Their responses, however, do not represent official positions of their organizations. Their organizations either do not take formal positions on policy issues or have not taken an official position regarding charter schools. Not all respondents answered all questions posed to them.

Survey Findings

The following section reports on the survey and meeting of organizations, think tanks and individuals. Throughout this process, all respondents supported the general concept of charter schools. While there were many issues that received general agreement, there was little consensus about specific components of charter school laws. According to the respondents, charter schools are independent public schools operating with performance-based contracts. A charter

school's contract is negotiated with its approving agency and describes terms the school must meet to stay open. Most participants in this effort did not consider independent schools that operate without such contracts to be charter schools.

Agreement about what constitutes a public school was not universal. At a core level, survey respondents agreed public schools must not charge tuition, must be nonsectarian and may not deny students admission in a way that admits only children whom the school system considers most promising.

Most respondents expect charter schools and public education to be designed for a broad cross-section of students. Respondents also agreed that the concepts of public education and charter schools allow for schools that target students underserved or underserved by existing schools. Many traditional public schools, for example, are alternative schools that serve young people who have dropped out of traditional schools; many charter schools serve such students as well. On the other hand, respondents said charter schools, as well as other public schools, should not be allowed to accept only students with excellent academic records or high test scores.

This emerging definition of the charter concept produces interesting insights for policymakers. A closer look at the areas of agreement among respondents can help policymakers understand where there is some agreement about charter schools and what issues remain unresolved. Most respondents agreed on the following points:

◆ **Appeals Process:** There was widespread support for creating an appeals process capable of overturning a local district's veto of a charter application. Respondents disagreed, however, about who should be allowed to grant charters. Several organization representatives supported the position that only local school boards should have such authority. A majority of respondents, however, said other entities should be available to approve charters as well.

◆ **Schools "Started from Scratch":** There was little opposition to allowing groups of parents or other community members to start charter schools "from scratch." Most respondents also favored allowing for-profit organizations, private schools or people involved in home schooling to apply for charter status.

◆ **High Autonomy—Full Control of Staff and Budget:** Respondents strongly supported charter schools having autonomy, but there was no consensus about how much autonomy charter schools should be given. There was widespread support for granting charter schools authority over their staff and budget decisions. Without autonomy, charter operators may be unable to make the kinds of changes they desire, respondents said. Autonomy can be influenced by require-

ments concerning teacher certification and collective bargaining.

◆ **Full Funding:** There was widespread support for charter schools receiving the same amount of funding as other public schools. While many policymakers have stated they want to see charter schools find ways to "do more with less," survey respondents envision that charter schools will show conventional schools "how to do more with just as much."

◆ **Additional Funding:** More support existed for providing charter schools with extra start-up funding than for giving charter schools additional funds for facilities. Widespread support also existed for allowing charters to raise additional funds from corporate and foundation sources.

◆ **Purpose:** Respondents generally agreed charter schools should serve as proving grounds for innovations that might benefit all schools. Slightly less support was found for using charter schools to pressure conventional schools to change. Respondents said charter schools should focus on improving student performance while providing choices for parents and students.

◆ **Numbers:** Respondents generally agreed states should not limit the number of charter schools or enrollment in such schools.

Unresolved Issues

In addition to points of agreement, the survey also identified numerous points on which respondents do not agree or which have not been adequately addressed in current policy. Charter school advocates and policymakers are struggling with three groups of issues:

1. Governance

- ◆ Who may grant a charter: Will the first stop for all charter applicants be the local school board? Will other entities, such as the state board of education or a university, be allowed to approve a charter school application?
- ◆ The power and structure of an appeals

process: If the state board of education or other review board is granted the power to override a local board's veto of a charter proposal, can this action be taken on the initial appeal, or will the local board and applicants be required to renegotiate before such a veto can take place?

- ◆ Measures of accountability: Will charter schools be required to meet state curriculum standards or participate in standardized testing? What level of reporting will be required and to whom?

2. Teachers and Students

- ◆ Teacher certification requirements: Must all teachers be certified, or may a portion of charter school teachers be uncertified? Will a ratio of certified/uncertified personnel be mandated by law, or may a charter school set its own policies in this regard?
- ◆ Qualifications for uncertified instructional personnel: If uncertified teachers may

teach in a charter school, what other qualifications will be required? Are these qualifications set by law or decided school by school?

- ◆ Serving all students vs. a focus on special populations: Will the student population of charter schools be determined strictly by those people interested in starting new schools? Or will there be some incentive or requirement for charter schools to serve special populations, such as low-income students, dropouts or students with learning disabilities?

3. Funding

- ◆ Start-up costs for the creation of new schools: Will the state provide dollars to facilitate the start-up process, such as purchasing furniture and classroom supplies, hooking up utilities and establishing an accounting system? Currently, charter school organizers are left to raise or borrow money for these costs.

Limited space requires the use of acronyms to identify organizations participating in this study. A full listing and description of the organizations and individuals responding to the survey are attached in Appendix A.

Organizations:

American Federation of Teachers (AFT)
American Legislative Exchange Council (ALEC)
Charter School Strategies, Inc. (CSSI)
Council of Chief State School Officers (CCSSO)
The Center for Education Reform (CER)
Consortium for Policy Research in Education (CPRE)
Democratic Leadership Council (DLC)
Enterprise School District (ESD)
Institute for Education Reform (IER)
National Association of Secondary School Principals (NASSP)
National Association of State Boards of Education (NASBE)
National Education Association (NEA)
National Governors' Association (NGA)

National PTA (NPTA)
National School Boards Association (NSBA)
Program on Reinventing Public Education (PRPE)

Individuals:

Rexford Brown, principal, P.S. 1 Charter School, Colorado
Yvonne Chan, principal, Vaughn Next Century Learning Center, California
Milo Cutter, principal, City Academy, Minnesota
Denis Doyle, Heritage Foundation, High Performance Schools Project (responding as an individual)
Chester E. Finn, Jr., The Hudson Institute (responding as an individual)
Howard Fuller, Institute for the Transformation of Learning
Peggy Kerns, Colorado House of Representatives
Ted Kolderie, Center for Policy Studies
Tom Patterson, Arizona State Senate
Ember Reichgott Junge, Minnesota State Senate
Steve Wood, North Carolina House of Representatives

TABLE 4 WHOM SHOULD THE STATE AUTHORIZE TO GRANT CHARTERS?

Survey Question	Yes/Agree	No/Disagree
Only local school boards should be authorized to approve charters.	AFT, CCSSO, ESD, NEA, NSBA, PRPE ¹	CER, CSSI, DLC, IER, Chan, Cutter, Finn, Fuller, Doyle, Junge, Kerns, Kolderie, Patterson, Wood
Only state boards of education should be authorized to approve charters.	CCSSO	CER, DLC, ESD, IER, NEA, NSBA, PRPE, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood
Other entities, in addition to local school boards, should be available to approve charters.	CER, CSSI, DLC, IER, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Kolderie, Premack, Patterson, Wood	CCSSO, ESD, NEA, NSBA, PRPE
Applicants should have access to an appeals process capable of overturning a local district veto.	AFT, CER, CSSI, DLC, ESD, NEA, PRPE ¹ , Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns ³ , Patterson, Wood	CCSSO, IER ² , NSBA

¹The PRPE positions are based on a unique approach to charter policy. According to PRPE, the approval bodies ought to have limited discretion in judging charter applications. The body approving charters should use an established set of criteria to judge applications. This point affects many of PRPE's responses to survey questions. As PRPE explained, local school boards should be the authority approving charters only if: (1) decisions to grant or revoke charters are based solely on criteria concerning an applicant's capacity to operate the charter school authorized by statute; and (2) applicants and operators have a right to appeal local decisions to a state agency and/or the courts. PRPE agreed an appeals process should be available if decisions are based solely on similar criteria described above, and that local boards should remain responsible for oversight of charter implementation.

²IER noted an appeals process that leaves the original body which rejected the application with the burden of approving the charter can place the charter applicant in a very difficult situation. Without an alternative approval body, the charter that wins an appeal must then negotiate contract specifics and operate the school with a reluctant partner.

³Kerns stated that the ability to overturn a district's decision should be based on proper criteria.

- ◆ Additional funds to secure adequate facilities for new schools: Will the state make additional funds available to assist with costs of securing and maintaining a new facility? This problem also is not addressed in current laws.

Approval of Charters: Whom Should the State Authorize To Grant Charters?

Whom the state allows to grant charters is often a source of disagreement. Most respondents said agencies other than local school boards should be able to approve charters, but six respondents replied the responsibility should rest solely with districts. Little support existed for allowing only state boards of education to authorize charters. There was widespread support for an

appeals process capable of overcoming a district veto of a charter application. Several respondents noted the implications of separating the responsibility of oversight from the act of approval.

Who Should Be Allowed To Apply To Operate Charter Schools?

Only the NSBA, NEA and NASSP opposed allowing people in the community to start charter schools from scratch. It is also noteworthy that all applicants would share one characteristic—regardless of who is allowed to apply, all charter applicants would have to have their charter approved by the state entity authorized to review and grant charters.

There also was support, though not consensus, for allowing for-profit, private schools or home

TABLE 5 WHO SHOULD BE ALLOWED TO APPLY TO OPERATE CHARTER SCHOOLS?

Survey Question	Yes/Agree	No/Disagree
Only existing public schools should be allowed to apply to become charter schools.	NASSP, NEA, NSBA	AFT, ALEC, CCSO, CER, CSSI, DLC, ESD, IER, PPRE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Kolderie, Patterson, Wood
Groups of parents and other community members should be allowed to start charter schools from scratch.	ALEC, CCSO, CER, CSSI, DLC, ESD, IER, PRPE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	NSBA
For-profit organizations should be allowed to apply to become charter schools.	ALEC, CCSO, CER, CSSI, DLC, IER, PRPE, Brown, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	ESD, CHAN, NSBA
Private schools should be allowed to apply to become charter schools.	ALEC, CCSO, CER, CSSI, DLC, IER ¹ , PRPE, Brown, Cutter, Doyle, Finn, Fuller, Junge, Patterson, Wood	AFT, ESD, NSBA, Chan, Kerns
Home schools should be allowed to band together and apply to become charter schools.	ALEC, CCSO, IER, PRPE, Brown, Fuller, Doyle, Finn, Patterson, Wood	AFT, CSSI, ESD, NSBA, Chan, Junge, Kerns

¹IER noted that converted private schools should be allowed if they agree to operate pursuant to public operating principles. Kolderie pointed out that teachers are an important group who should be allowed to apply to operate a charter school.

schoolers to apply to operate charter schools. The survey statement regarding home schooling did not test whether respondents favored allowing charter schools to serve students in alternative settings that might include instructional services delivered in students' homes.

The Purpose of Charter Schools

Respondents generally agreed the purpose of charter schools should be to serve as a proving ground for changes that can help all schools, and that charters should focus on improving student performance while providing choices for parents. There was slightly less support for using charters to pressure the existing school system to improve.

The issue of charters putting pressure on the larger education system to improve is a primary question. Organizations that do not see a role for charter schools of "pressuring" the system to make systemic changes hold different attitudes toward many other policy issues. Indeed, the

question of intended impact on the larger education system is central to the debate over charter schools.

Respondents disagreed over the importance of "innovation" in charter schools. Respondents are concerned that charter schools may be saddled with responsibility for communicating their innovations to all schools or that charters may be rejected if they do not include a large number of innovations. In addition, several respondents voiced concerns that innovations outside of curriculum and instruction may not be valued as highly as they deserve.

The statement (see chart on page 26) regarding teachers' work environments was designed to measure whether a more diverse and varied array of environments would be available to teachers—not necessarily larger numbers of schools.

Deregulation: School Autonomy

There was strong support for autonomy

TABLE 6 THE PURPOSE OF CHARTER SCHOOLS

	Yes/Agree	No/Disagree
Charter schools should serve as a proving ground for innovations that could be used to improve all schools.	AFT, ALEC, CCSO, CER, CSSI, DLC, NASSP, NEA, NSBA, PRPE ² , Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	ESD, IER ¹
Charter schools pressure the rest of the education system to improve.	ALEC, CER, CSSI, DLC, IER, NASSP, NSBA ³ , PRPE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Kolderie, Patterson, Wood	AFT, CCSO, ESD, NEA
Charter schools focus on improving the performance of the students they serve.	ALEC, CCSO, CER, CSSI, DLC, ESD, IER, NASSP, NSBA, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	NEA
Charter schools provide parents and students with more options of schools.	AFT, ALEC, CER, CSSI, DLC, ESD, IER, NEA, NSBA, PRPE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	CCSO, NASSP
Charter schools provide teachers with more work environments.	AFT, ALEC, CCSO, CER, CSSI, ESD, IER, NEA, NSBA, PRPE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	NASSP
Charter schools empower parents.	ALEC, CER, CSSI, DLC, IER, NSBA ³ , PRPE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	CCSO, NASSP

¹According to IER, charter schools could provide such examples for ways to improve all schools, but they should not have to do so.

²PRPE agreed that charters should serve as a proving ground, but "replicability" should not be a criterion for charter approval, nor should charter operators bear the burden of transmitting these innovations to other public schools. Regarding charter schools' ability to empower parents, PRPE said charters afford parents power, but it is primarily a power of choice. If empowerment means the power to operate, manage or oversee independent schools, that depends on parents' capacity to do so.

³The NSBA stated that charter schools encourage the rest of the education system to improve, rather than pressuring it to do so. NSBA also asserted that while charter schools empower parents, they are not necessarily empowered for common good.

TABLE 7 DEREGULATION: SCHOOL AUTONOMY

	Yes/Agree	No/Disagree
Charter schools ought to receive blanket waivers freeing them from all state rules or regulations, outside of those for health, safety and civil rights.	CER, CSSI, DLC, ESD, IER, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	AFT, CCSO, NASSP, NEA, NSBA, PRPE
Charter schools should operate under the same rules and regulations that govern all other public schools.	CCSSO, NASSP	AFT, CER, CSSI, DLC, ESD, IER, NEA, NSBA, PRPE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood
If waivers of rules or regulations are granted to a charter school, then the chartering entity should have the right to monitor the activities.	AFT, CCSO, CSSI, ESD, NEA, NSBA, PRPE, Brown, Cutter, Doyle, Fuller, Junge, Kerns, Patterson, Wood	Chan, Finn
Charter schools should have access to waivers, upon request, for individual rules and regulations outside of those for health, safety and civil rights. ¹	AFT, CCSO, CSSI, ESD, NASSP, NEA, NSBA, Brown, Chan+, Cutter, Doyle, Fuller, Kerns, Wood	Finn, IER, PRPE ² , Junge
Charter schools should have complete control over their budgets.	AFT, CER, CSSI, DLC, ESD, IER, NASSP, NEA, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	CCSSO, NSBA, PRPE ²
Charter schools should have complete control over their staffing decisions.	CER, CSSI, DLC, ESD, IER, NASSP, NEA, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	AFT, CCSO, NSBA, PRPE ²
Charter schools should participate in all state and district assessments and reporting programs.	AFT, CCSO, DLC, NASSP, NEA, NSBA ⁶ , PRPE, Doyle, Fuller, Junge	CER ³ , ESD, IER ¹ , Brown, Chan ⁵ , Cutter, Finn, Kerns ⁴ , Patterson

¹ Kolderie's model legislation reflected Minnesota law that states, "Except as provided in this section, a charter school is exempt from all statutes and rules applicable to a school board or school district, although it may elect to comply with one or more provisions of statutes or rules." As for assessments, IER noted that charters should participate in well-developed state systems, but not necessarily local ones.

² According to the PRPE, charter operators should only have as much autonomy as they are qualified to handle. The burden should be on the chartering agency to determine the laws that the applicant should be subject to rather than on the applicant. Regarding budgets and staffing decisions, PRPE noted that applicants should propose the resource level or staffing control they require. The burden should be on the chartering agency to demonstrate that an applicant should not have as much authority as requested.

³ According to the CER, state assessments and standards should apply to charter schools, but district assessments and standards should not be required.

⁴ Kerns disagreed that all state and district assessments and reporting programs should be mandated, but indicated that some state and district assessments and reporting programs should be used.

⁵ Chan noted that charter schools should participate in state and district assessments, but not necessarily have to meet all reporting requirements. She also feels that schools should have access to waivers.

⁶ NSBA states that charter schools should participate in all pertinent state and district assessments and reporting programs.

among charter schools and for some degree of deregulation, yet many respondents expressed support for monitoring and regulation. Support for blanket waivers was split, but most respondents said charter schools should have some access to waivers. They also agreed charter schools should have control over their staff and budget. Support was mixed, however, for granting charter schools freedom from state- and district-level testing and reporting requirements.

Several respondents noted their replies to this issue depended on the existence of a blanket waiver. Some of those opposed to the concept of individual waivers favored blanket waivers for charter schools. Others said they preferred blanket waivers over a rule-by-rule exception and did not want support for limited deregulation to be construed as a lack of support for more extensive deregulation.

The Number of Charter Schools

Respondents generally supported an unlimited number of charter schools and opposed limiting the number of students in all charter schools or within a single charter school. The importance of such limits can be significantly affected by other decisions in policy. As previous research by

ECS and others has noted, limits on the number of charter schools can be effectively enacted by implementing other aspects of policy that restrict who is allowed to apply for charters or who may approve charters.

Teachers

Several respondents, including the teachers' unions, want charter schools to employ only certified teachers. Most of the other respondents suggested other people should be allowed to work in charter schools. The majority, however, did not favor allowing just anyone, regardless of qualifications, to teach in a charter school, although there was universal support for allowing charter schools to hire people with alternative certification. In many states, legislation allows for a certain proportion of a charter school's teachers to work without certification.

Respondents also supported teachers having their pay set at the school site and participating in collective bargaining if they choose. There was not support, however, for forcing teachers in charter schools to participate in collective bargaining agreements. According to Kolderie, the key issue regarding teachers is whether or not they "belong" to the charter school—does

TABLE 8 THE NUMBER OF CHARTER SCHOOLS

	Yes/Agree	No/Disagree
States should limit the number of charter schools to ensure charters work before expanding the scope to include a significant proportion of the state's schools.	CCSSO, NASSP, NEA, NSBA, PRPE ¹	ESD, IER, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood
The number of charter schools in a given state should be unlimited.	CCSI, ESD, IER, PRPE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kolderie, Patterson, Wood	CCSSO, NASSP, NEA, NSBA, Kerns
States should enact a limit on the total enrollment involved in charter schools.	NASSP	CCSSO, CER ² , CCSI, ESD, IER, NEA, NSBA, PRPE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood

¹ PRPE commented that states initially should limit the number of schools, with statutory writing to lift the cap after a number of years, unless the legislature passes and the governor signs an amendment to the contrary.

² CER believes that while limits are not good policy, states that implement strong laws that nevertheless limit the number of charters until a certain year, and then remove that cap, are still laws worthy of support.

the school have the power to select teachers, and, once selected, can teachers avoid being

bumped or replaced by teachers outside the school?

TABLE 9 TEACHERS		
	Yes/Agree	No/Disagree
Only certified teachers should be allowed to teach at a charter school.	AFT, NASSP, NEA, NSBA, Kerns	CER, CSSI, DLC, ESD, IER, PRPE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Patterson, Wood
Teachers with an "alternative" certificate should be allowed to teach at a charter school.	AFT, ALEC, CER, CSSI, DLC, ESD, IER, NASSP, NEA, NSBA, PRPE, Brown, Chan, Cutter, Doyle, Finn, Junge, Patterson, Wood	Kerns
Anyone should be allowed to teach at a charter school.	CER ³ , DLC, PRPE ¹ , Brown, Finn, Fuller, Patterson	AFT, ALEC, ESD, IER, NASSP, NEA, NSBA, Chan, Cutter, Junge, Kerns, Wood
Charter schools should be allowed to set the pay rates for their teachers.	ALEC, CER, CSSI, ESD, IER, NASSP, PRPE, Brown, Chan, Cutter, Doyle, Finn, Junge, Kerns, Patterson, Wood	AFT, NEA
Teachers in charter schools should participate in the local district's collective bargaining agreement.	AFT, NEA	ALEC, CER, CSSI, ESD, IER, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood
Teachers in charter schools should be allowed to participate in existing collective bargaining units or to form new units at the charter school, if they so choose.	ALEC, CER, CSSI, IER ² , NEA, PRPE, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns	ESD, Brown, Wood

¹The PRPE said the chartering agency should be permitted to consider teacher qualifications in its determination of a proposed charter school's capacity to implement its education program.

²According to IER, charter school teachers should be required to bargain separately from other local bargaining units. The existing two-way bargaining process, the representative said, can lead to an extremely tricky three-way negotiation that may not serve all parties appropriately if charter school teachers are included.

³CER said it objects to language stating that "anyone" would be allowed to teach in charter schools. According to CER, charter schools will hire qualified personnel regardless of certification.

Students

Respondents disagreed about whether charter schools should be encouraged or required to serve particular segments of a state's students.

TABLE 10 STUDENTS

	Yes/Agree	No/Disagree
Charter schools should be required to serve all students.	ALEC, CCSSO, CSSI, DLC, NASSP, NEA, NSBA, Brown, Chan, Cutter, Finn, Fuller, Junge, Kerns, Wood	ESD, IER ¹ , Doyle, Patterson
Charter schools should be required or encouraged to serve primarily students who are likely to drop out or fail.	NASSP, NEA, Wood	ALEC, CCSSO, ESD, IER ¹ , NSBA, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns
Charter schools should be required or encouraged to serve primarily students who are poorly served by traditional schools.	ALEC, NASSP, NEA, Chan, Cutter, Finn, Fuller, Kerns, Wood	CCSSO, ESD, IER, NSBA, Brown, Cutter, Doyle, Junge
A single charter school's total enrollment should be limited.	ALEC, NEA, DLC	CCSSO, CER, CSSI, ESD, IER, NASSP, NSBA ² , Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood
Care should be given so that charter schools are equally dispersed throughout a state.	NASSP, NEA, Kerns, Junge	ALEC, CCSSO, CER, CSSI, ESD, IER, Brown, Chan, Cutter, Doyle, Finn, Fuller, Patterson, Wood

¹According to Kolderie, an important, yet unaddressed question is whether students can cross district lines to attend charter schools. According to Kolderie and IER, charter schools, like other public schools, should be able to define which ages, grade levels and instructional emphases are appropriate for their school.

CER, CSSI and IER noted that schools should be allowed to serve primarily students who are likely to drop out or fail, but not required or encouraged to do so.

²According to NSBA, a single charter school's total enrollment should be limited, and determined by local governing boards. While NSBA has no position regarding the geographic dispersal of charter schools throughout a state, it stated that all placements should be subject to local school board approval.

Financing

Widespread support existed for the idea of giving charter schools the same funding as surrounding schools. Respondents did not support giving charters only the state portion of funding for public schools.

There was stronger support for giving charter schools extra start-up money than for providing additional money to cover facilities expenses. Only NSBA opposed allowing charter schools to raise outside funds from the corporate or foundation communities.

TABLE 11 FINANCING

	Yes/Agree	No/Disagree
Charter schools should receive the same amount of state and local funding as other public schools. ¹	CER, CCSSO, CSSI, DLC, ESD, IER, NEA, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	ALEC, NASSP, NSBA, PRPE ²
Charter schools should only receive the state portion of funding provided to public schools.	NASSP	ALEC, CCSSO, CER, CSSI, ESD, IER, NEA, NSBA, PRPE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood
Charter schools should receive additional funding to cover start-up costs. ¹	CER, CSSI, DLC, IER, NASSP, NEA, Brown, Chan ⁴ , Cutter, Finn, Fuller, Junge, Kerns, Wood	ALEC, CCSSO, ESD, NSBA, PRPE, Doyle
Charter schools should receive additional funds for facilities. ¹	CER, CSSI, IER ³ , Brown, Chan, Cutter, Finn, Fuller, Kerns	ALEC, CCSSO, ESD, NASSP, NSBA, Doyle, Patterson, Wood
Charter schools should always be free to raise additional funds through foundation or corporate support.	CER, CCSSO, CSSI, DLC, ESD, IER, NASSP, PRPE, Brown, Chan, Cutter, Doyle, Finn, Fuller, Junge, Kerns, Patterson, Wood	NSBA

¹ Kolderie's model legislation suggests, "The state will provide the charter school with the full amount of revenue for each student that would be available if the student were enrolled in a regular school."

² PRPE commented that funding for charter schools that propose to control all of the resources the district would otherwise expend on behalf of charter school students should be based on the following rough formula: (1) for each student enrolled, the charter school should be paid the total local, state and federal funds spent directly or indirectly in the district where the student resides, divided by the total number of students in that district; (2) for each student enrolled with a special status, the charter school should be paid the total local, state and federal funds made available to the district in which the student resides, divided by the number of similarly situated students in that district. Charter schools should be eligible to apply for other state and federal grants on the same basis on their own.

³ Junge and IER suggested charter schools should not receive more funding for facilities than traditional public schools.

⁴ Chan stated that charter schools should only get additional start-up funds if such funds are paid back at a later date.

ASPECTS OF CHARTER SCHOOLS THAT SHOW PROMISE AND THOSE THAT RAISE CONCERNS

Respondents were asked two questions: (1) What aspects of the chartering process does your organization find most promising? and (2) Knowing

this is a complex topic, what aspects of the chartering process are of concern to your organization? Their responses are outlined in the table below.

TABLE 12 RESPONDENTS' ANSWERS

Organization	What aspects of the chartering process does your organization find most promising?	Knowing this is a complex topic, what aspects of the chartering process are of concern to your organization?
American Federation of Teachers	Giving teachers, parents, other school staff the opportunity to create and operate schools they think are best for their students. The opportunity to try new methods, strategies and organizations to promote greater student achievement.	All aspects of the process are of concern to us.
American Legislative Exchange Council	How (District of Columbia) charter schools are able to spring up so quickly—or so it seems. How recent attention has focused on this as a viable option to the mess—especially in DC where five charter schools have been approved, three started in September.	How much federal/state/local bureaucratic rules and regulations charter schools must follow. Ultimately, how free are they of the education establishment? Who are the best bets to start charter schools if we want them to continue as a quality alternative to existing schools?
Charter School Strategies Inc.	Reinvolving parents in their children's education. Demonstrating that a variety of learning environments can provide good education. Choice is important. Smaller institutions (a single school) can be more responsive to the needs and interests of learners (and their parents).	Passing strong laws and ensuring sound proposals and contracts with sponsoring agencies. Providing assistance to ensure charter schools thrive and grow.
The Center for Education Reform	The ability for highly responsive, accountable public schools to influence not only their own school buildings, but also traditional schools across their communities or even states.	No response.
Council of Chief State School Officers	Opportunity for some experimentation regarding curriculum, pedagogy and organization.	Assuring schools have good quality, meet state standards, can sustain a continuing level of educational quality and be accessible to all student populations interested in attending.

Organization	What aspects of the chartering process does your organization find most promising?	Knowing this is a complex topic, what aspects of the chartering process are of concern to your organization?
Democratic Leadership Council	Growth in applications for charters.	Establishing charter legislation, continued policy research and policymaking. More autonomy for charters.
Enterprise School District	Creativity, choice.	<ol style="list-style-type: none"> 1. Chartering schools outside local school district connections. 2. Charter schools that are not K-12. 3. Lack of discussion about K-12 charter districts. 4. Union sign-off.
Institute for Education Reform	<p><i>Note: Eric Premack believes the things that are promising about charter schools are also things to be concerned about.</i></p> <ol style="list-style-type: none"> 1. Ability to secure charters from entities other than the local school board. 2. Ability to bypass existing collective-bargaining agreements. 3. Focus on "public" operating principles, including nondiscrimination, funding equity, accountability for results, and nonsectarian programs and operations. 4. Linking standards, assessment, choice and performance-based charter-granting and renewal processes into a real accountability system. 5. Waivers of state laws and regulations that restrict innovative practices. 	<ol style="list-style-type: none"> 1. Ability to secure charters from entities other than the local school board. 2. Ability to bypass existing collective-bargaining agreements. 3. Focus on "public" operating principles, including nondiscrimination, funding equity, accountability for results, and nonsectarian programs and operations. 4. Linking standards, assessment, choice and performance-based charter-granting and renewal processes into a real accountability system. 5. Waivers of state laws and regulations that restrict innovative practices.
National Association of Secondary School Principals	Equity, resources.	Can undermine equity and make public schools place for the poor.
National Association of State Boards of Education	Allowing individual schools flexibility in how they help students achieve state standards.	Appropriate state board role in oversight process; inclusion of all students in charter schools.
National School Boards Association	Broad scope of flexibility to charters and promise of transferability to other public schools, including employee issues and freedom from regulation.	Local school board authority to establish criteria, grant charters and evaluate continuation of schools in their area. Also funding of charters, responsibility and liability of school board, educational impact on children, distraction from addressing needs in other public schools.

Organization	What aspects of the chartering process does your organization find most promising?	Knowing this is a complex topic, what aspects of the chartering process are of concern to your organization?
Program for Reinventing Public Education	<ol style="list-style-type: none"> 1. Opening up of public school operations to private individuals and organizations other than school boards, superintendents and district central offices. 2. Requirement that charter applicants explain their proposed education program, financial and business operations, and decisionmaking processes in their application. 3. Lack of taxpayer-financed planning grants in early legislation. Ability of charter applicants to raise planning funds or finance planning activities through "sweat equity" is a powerful indicator of commitment, organization and likely staying power. 4. Use of appeal mechanisms that permit state-level education agencies to overturn local decisions, but leave oversight at the local level. 5. "Conceptual bridge" chartering provides to other forms of school decentralization, including by administrative decision and through public school contracting. 	<ol style="list-style-type: none"> 1. Decisions to grant or revoke a charter are essentially political, rather than based solely on applicant's capacity to meet requirements of the charter law. 2. Chartering agencies are generally weak in capacity to judge quality of applicant's proposed education program, financial and business plans, and decisionmaking process. 3. In states where several agencies are permitted to grant charters, the nature of charter approval creates conditions that encourage applicants to shop for favorable political conditions rather than improve the application. 4. Trend in some states to permit only selected individuals or entities to hold charters and/or to prescribe membership of charter school's governing body. 5. Lack of reliance of well-established body of existing law covering governance of nonprofit corporations and cooperatives in charter legislation.
Yvonne Chan	Focus on student achievement, personnel flexibility, fiscal autonomy, less red tape.	Direct funding, legal status, special education, relationship with sponsoring district.
Milo Cutter	Site-based management—including all stakeholders in the decisionmaking process, staff selection, choice.	Equitable funding.
Denis Doyle	Flexibility, high standards.	Individual autonomy, respect for the family, teacher professionalism.
Chester E. Finn, Jr.	We go into this in great length in our report. (See <i>Charter Schools in Action: What Have We Learned</i> , from the Hudson Institute.)	Caps, funding, lack of true autonomy, sloppy accountability and assessment.
Howard Fuller	Freedom to develop new models of learning.	We are in a state (WI) with a weak law—therefore, the existing system still controls the process.
Ember Reichgott Junge	Flexibility and innovation for communities, parents, teachers, educators and students.	The difficulty in attaining charters, lack of start-up funding, lack of technical assistance.

Organization	What aspects of the chartering process does your organization find most promising?	Knowing this is a complex topic, what aspects of the chartering process are of concern to your organization?
Tom Patterson	Deregulation, autonomy, innovation.	Accountability for business practices.
Peggy Kerns	A lot of interest.	Process must be fair and efficient so as not to discourage charter petitions and to have good solid proposals approved by boards of education.
Steve Wood	<ol style="list-style-type: none"> 1. New ideal. 2. Parental empowerment. 3. Professional educator empowerment to operate own schools. 4. Break-up of "exclusive contracts" with local boards of education. 5. Deregulation of public monopoly. 	<ol style="list-style-type: none"> 1. When charter language in legislation is vague or imprecise. 2. Restrictions on chartering entities. 3. Cap on number of schools.

CURRENT CONFLICTS AND THE FUTURE OF CHARTER SCHOOLS

Conflicts Between Survey Responses and Existing Legislation

Even though most stakeholders agree on many issues, current legislation often does not reflect this agreement. The legislative analysis included on pages 11–22 presents several trends in state policy that differ from the responses in this survey. For example:

- ◆ Many states allow charter schools to receive less funding per pupil than traditional public schools. Meanwhile, most survey respondents agree that charter schools ought to receive an equal amount of funds.
- ◆ While the federal government provides grants to pay for some start-up costs of charter schools, most states provide no start-up funds for charter schools. Many survey respondents recommend that such funds be provided by states.
- ◆ About one-third of the laws do not include an appeals process that can override the veto of a charter school application. The overwhelming majority of survey respondents stated that such appeals processes were worthwhile.
- ◆ No state has developed or mandated the development of mechanisms for sharing charter school successes and innovations with the larger public school community. Survey respondents, however, believe the successes of charter schools should be used to inform all schools and do not look to the charter schools themselves to accomplish this task.

These differences between stakeholder opinion and current law suggest issues policymakers may

want to reexamine. In addition, leaders crafting initial charter school legislation may want to explore new options rather than modeling their laws on those in other states when addressing these issues.

The Purpose and Potential of Charter Schools

At a November 1996 meeting of many of the survey respondents, much of the discussion focused on the purposes charter schools should serve. John Fiegel of the U.S. Department of Education summed it up by saying that “people have different starting points for charter schools.” For some respondents, the concept of charters starts with the school building—an individual charter school. For others, the concept is rooted in broad-based change that affects entire education systems.

Respondents who believe the school is the proper “starting point” for the concept of charter schools advocate more limited programs, with success measured by the improved educational opportunities provided to students within the walls of charter schools. In this case, while other schools can adapt innovations that prove successful in the charter school, such improvements are secondary. The spread of successful innovations then relies on others in the education system who already are looking for ways to improve.

In the broader concept—where charter schools are envisioned as instruments of systemic change—they provide incentives for, or put pressure on, other schools to improve. Pressure comes from outside groups sponsoring charter schools. These schools force the rest of the education system to change. Respondents who have this broader view reflect a desire to have more independent charter schools authorized by entities other than local school districts.

For those that see charter schools fulfilling such a larger—more systemic—role, many unexplored connections and future steps require action before this vision can be realized. Perhaps the activity most important to achieving the potential of charter schools is reaching agreement on this more ambitious purpose for these schools in the first place. Forging this agreement requires continuing discussions—such as the one begun by this project; building connections among the people who operate and advocate for charter schools and the broader education community; and deepening understanding of and support for highly accountable, independent public schools.

Links Among Charter Schools, the Education Establishment and Policymakers

A central issue deserving greater attention is the need to link charter schools with the broader education community and with policymakers. The idea is simple. Charter schools, some advocates believe, should serve as proving grounds for innovations that are replicable in other public schools. Currently, no state has instituted a method for accomplishing this end, leading to the impression that charter schools are separate from the existing system rather than an avenue toward reform of public schools overall. These links must be established if the education system as a whole is to benefit from the possible successes of charter schools. Yet, no charter school law addresses this issue. Connections needed include:

- ◆ *Advocates and the System:* Charter school advocates need to create partnerships with members of the traditional education system and vice versa. Both groups can use the common goal of overall education improvement and the other points of agreement mentioned earlier as starting points for this partnership.
- ◆ *Legislators, Education Establishment and Schools:* Accountability is crucial and needs to exist at each level of the chartering process. Lawmakers, the education establishment and school operators need a mechanism to ensure a reliable flow of information about policy implementation and education achievements attained through charter schools.

- ◆ *The Education System and Charter Schools:* The primary mission of a charter school is academic. Therefore, states and school districts must accept the task of collecting information about successes and sharing that information with other schools. This should be a two-way exchange between charter schools and traditional public schools with the district or state serving as a central clearinghouse.

Future

Policymakers and educators need to consider the long-term viability of the charter school movement. To maximize the movement's potential, stakeholders should address the following issues:

- ◆ *Evaluating Charter Schools without Interfering:* Excessive data collection and reporting requirements can hinder a school's ability to focus on its academic mission. Yet, a solid evaluation system is crucial to maintaining accountability in the charter school process. More thought must be given to designing user-friendly evaluation and reporting processes.
- ◆ *Maximizing Communications Regarding Charter School Policies and Practices:* As more information becomes available regarding the policies and practices of charter schools, the sharing of that information becomes crucial for the success of charter school programs in the states. States and national organizations should establish mechanisms to support ongoing distribution of charter school information both within and throughout the states.
- ◆ *Creating Model Legislation:* While survey respondents agree, for example, that charter schools should receive full per-pupil funding and should share successes with the entire education system, current policies do not reflect this consensus. Model legislation that incorporates points of agreement and deals with unaddressed issues is needed.
- ◆ *Converting Existing Public Schools into Charter Schools:* This survey did not delve deeply into the issue of converting existing schools

into charter schools. This process differs somewhat from the creation of new schools, both in the process and the political dynamics involved. The conversion issue deserves further study and discussion throughout the system.

This study provides policymakers with a base of information from which to have meaningful charter school discussions. The data reveal points of agreement and issues yet to be resolved. They pinpoint actions needed to support

charter schools so that they in turn will serve as tools for improving public education overall. This requires three conditions. If (1) systems are put in place to direct successful innovations back into the education system, (2) advocates of charter schools welcome new members into the movement, and (3) policymakers continually review and refine charter laws to reflect the experiences of schools and sponsors, then charter schools have the potential to become a lasting and viable contribution to education reform.

APPENDIX A

CHARTER SCHOOL SURVEY—RESPONDENTS

Organizations

American Federation of Teachers (AFT)

555 New Jersey Avenue NW
Washington, DC 20001

Joan Buckley

The AFT works with teachers and other education employees at the state and local levels in organizing, collective bargaining, research, education issues and public relations. Represents members' concerns through legislative action; offers technical assistance. Seeks to serve professionals with concerns similar to those of teachers, including state employees, health care workers and paraprofessionals.

American Legislative Exchange Council (ALEC)

910 17th Street, NW, 5th Floor
Washington, DC 20006

Lee MacVaugh

Nonpartisan public affairs and research organization supporting the preservation of "individual liberties, basic American values and institutions, productive free enterprise, private-property rights and limited representative government." Through legislative conferences, ALEC brings elected representatives together with experts in fields of national interest to share thoughts and legislative proposals in all areas of public policy, with emphasis on sound, imaginative ideas for promoting fiscal responsibility, lowering taxes, encouraging economic growth, safeguarding individual liberties and fostering federalism.

Charter School Strategies, Inc. (CSSI)

210 West Grant Street, Suite 321
Minneapolis, MN 55403

Peggy Hunter

Nonprofit organization designed to promote excellence in charter school policy and programming across the United States (potentially internationally), including development of state and federal legislation; public, nonsectarian charter schools; and a nationwide referral and information network. CSSI's goal is

to become the leading charter school service and product provider in the country through national network of public and private affiliate organizations.

Council of Chief State School Officers (CCSSO)

One Massachusetts Avenue, NW, #700
Washington, DC 20001

John T. MacDonald

Founded in 1927, CCSSO serves the 57 chief state school officers (state superintendents and commissioners of education) and the heads of education agencies in the District of Columbia, Guam, American Samoa, Puerto Rico, the Virgin Islands, the Northern Mariana Islands and the Department of Defense dependents' schools. Expresses members' views on education issues before civic and professional organizations, federal agencies, Congress and the public.

The Center for Education Reform (CER)

1001 Connecticut Avenue, Suite 204
Washington, DC 20036

Jeanne Allen

Serves more than 12,000 people ranging from educators and administrators to state-level policymakers and grass-roots activists. Provides consultation and advice to other education groups and ongoing assistance to the media.

Consortium for Policy Research in Education (CPRE)

Center on Educational Governance and Research
University of Southern California

School of Education

Waite Phillips Hall 901

Los Angeles, CA 90089-0031

Priscilla Wohlstetter

Unites five of the nation's leading research institutions in a venture to improve student learning through research on education policy, governance and finance. CPRE members are the University of Pennsylvania, Harvard University, Stanford University, the University of Michigan and the University of Wisconsin-Madison.

Democratic Leadership Council (DLC)

518 C Street, NE
Washington, DC 20002
Kathleen Sylvester

The DLC was founded in 1985 to renew the Democratic Party's sense of national purpose and to increase its competitiveness in the presidential elections. The DLC's leadership has been influential with state policymakers addressing many issues, including charter schools.

Enterprise School District (ESD)

1155 Mistletoe Lane
Redding, CA 96002
Lee Jenkins

California school district serving about 4,000 students. Has approved one charter school.

Institute for Education Reform (IER)

California State University
6000 J Street
Sacramento, CA 95819-6018
Eric Premack

IER works with legislators, school districts and other groups in the development of research, policy and school implementation; work focuses on state and federal policy, as well as legal, financial, curriculum and other issues. The Charter Schools Project within the institute includes former California State Senator Gary Hart, who authored California's charter school law; Eric Premack, who works closely with many charter schools and sponsors of individual charters, as well as with policymakers considering charter school policy; and Susan Burr, former legislative staff person who drafted California's charter school law.

National Association of Secondary School Principals (NASPP)

1904 Association Drive
Reston, VA 20191
Tim Dyer

Represents secondary school principals and assistant principals, other persons engaged in secondary school administration and/or supervision, and college professors teaching courses in secondary education. Sponsors National Association of Student Councils, National Honor Society, National Association of Student Activity Advisors, Partnerships International and National Junior Honor Society. Conducts competitions.

National Association of State Boards of Education (NASBE)

1012 Cameron Street
Alexandria, VA 22314
David Kysilko

Mission is to strengthen state boards of education by serving and representing them in their effort to ensure quality education for each and every student.

National Education Association (NEA)

Center for the Preservation of Public Education
1201 16th Street, NW
Washington, DC 20036
Andrea DiLorenzo

Supports education reform mechanisms within the public schools that promote rigorous learning standards, decentralized and shared decisionmaking, diverse educational offerings and the removal of onerous administrative requirements. NEA's position is that such reform has the greatest possibility of taking root when it is initiated and nurtured at the local level—not imposed from above.

National Governors' Association (NGA)

444 N. Capitol Street, Suite 267
Washington, DC 20001-1512
Patricia Sullivan

Includes governors of the 50 states, Guam, American Samoa, Virgin Islands, Northern Mariana Islands and Puerto Rico. Serves as vehicle through which governors influence the development and implementation of national policy and apply creative leadership to state problems.

National PTA

Washington Office
2000 L Street, NW, Suite 600
Washington, DC 20036
Arnold Fege

The National PTA serves the nation's parent-teacher associations.

National School Boards Association (NSBA)

1680 Duke Street
Alexandria, VA 22314
Michael Resnick

The NSBA is a national organization serving state school boards associations and their member local school boards. Primary constituents of NSBA include 50 state school boards associations, 15,350 local school boards and 3,000 school attorneys.

Program on Reinventing Public Education (PRPE)

RAND/University of Washington
1333 H Street, NW

Washington, DC 20005-4792

Marc Dean Millot

PRPE is a joint effort of RAND's Institute on Education and Training and the University of Washington-Seattle. Its mission is to develop and test alternative governance structures for the public school system. Particular interest lies in the "supply side" of education reform, which has led PRPE to work on contract schools, charter schools and design-based assistance organizations.

Individuals

Rexford Brown

P.S. 1 Charter School

901 Bannock

Denver, CO 80204

Brown is the principal of P.S. 1, a charter school in Denver. The school serves around 400 students. Brown is also a former senior policy fellow with the Education Commission of the States.

Yvonne Chan

Vaughn Next Century Learning Center

13330 Vaughn Street

San Fernando, CA 91340

Chan is principal of the Vaughn Next Century Learning Center, a Los Angeles charter school. The school was converted from an existing public elementary school and serves more than 1,100 students, mostly Hispanic.

Milo Cutter

City Academy

District #4000

958 Jesse Street

St. Paul, MN 55101

Cutter is principal of City Academy, the nation's first charter school, located in Minneapolis, Minnesota. City Academy serves 13-21-year-old students who were not in school before attending City Academy.

Denis Doyle

Heritage Foundation

High Performance Schools Project

110 Summerfield Road

Chevy Chase, MD 20815

Doyle directs the High Performance Schools Project for the Heritage Foundation.

Chester E. Finn, Jr.

The Hudson Institute

1015 18th Street, NW, Suite 200

Washington, DC 20036

Finn is John M. Olin Fellow at the Hudson Institute and former assistant secretary of education for research improvement in the Bush Administration. His work with the Hudson Institute includes a major study funded by the Pew Charitable Trusts to describe implementation issues for charter schools in seven states.

Howard Fuller

Institute for the Transformation of Learning

Marquette University

Schroeder Complex, Room 146

P.O. Box 1881

Milwaukee, WI 53201-1881

Fuller is distinguished professor of education and director of the Institute for the Transformation of Learning at Marquette University. The institute works to create a community learning infrastructure that can prepare all children to acquire the knowledge and skills needed for success today and in the world they will face in the next century, and to transform how people in the United States learn by changing the focus from schooling to learning. Fuller also is senior fellow with the Annenberg Institute for School Reform at Brown University.

Peggy Kerns

Colorado House of Representatives

State Capitol

Denver, CO 80203

Kerns was the chief sponsor of Colorado's charter school law. She also works with policymakers around the country as they consider charter school legislation.

Ted Kolderie

Center for Policy Studies

59 West 4th Street

St. Paul, MN 55102

Kolderie is a senior associate with the Center for Policy Studies in St. Paul, Minnesota. He has been a leading writer and thinker in the charter school movement, assisting several states in the development of charter school policies.

Tom Patterson

State Senator
Arizona State Senate
1700 West Washington
Senate Wing, Room 301
Phoenix, AZ 85007

Patterson is the senate majority leader in Arizona and a sponsor of the state's charter school law.

Ember Reichgott Junge
State Senator
Minnesota State Senate
Room 205, State Capitol
St. Paul, MN 55155

Junge is the sponsor of the nation's first charter school law. She has worked with leaders in other states as they crafted charter school legislation. She also serves as the assistant majority leader in the Minnesota Legislature.

Steve Wood
State Representative
North Carolina General Assembly Legislative
Office Building
Raleigh, NC 27611

Wood is the author of North Carolina's 1996 charter school law.

APPENDIX B POSITION STATEMENTS

AMERICAN FEDERATION OF TEACHERS (AFT)

Resolution on Charter Schools (excerpt)

AFT's position is that each charter school proposal must be considered on its own merits because differences among them are so great. Improperly structured charter schools can undermine the "system of common schools, worsen inequities in school funding and quality, lower student achievement, limit or destroy collective bargaining, or provide a cover for financing private schools with public funds. Properly structured public charter schools can help to bring about major educational improvements through the complete transformation of the school from the traditional and current factory model to a modern high-performance workplace functioning through self-directed professional teams."

AFT rejects the notion that charter schools will unleash creative energies and allow school people to do things previously prohibited by the bureaucracy. "There have been numerous experiments in American educational history with new types of schools. They always start with great enthusiasm, but they often fall apart when burn-out and disillusionment with rhetoric set in or when the leadership of a school changes. . . . [E]ven if the autonomous schools show some improvement, at best what gets produced are a few isolated improved schools, while the overwhelming majority of schools are left untouched."

AFT also is concerned about the relationship between charter schools and collective bargaining, the teachers' role in charter schools, and efforts "to use charter schools not as a way to strengthen public education, but as a cover for undermining them by providing public funds for private schools and for home schooling." AFT notes that transformation of the public education system will not take place until parents and students "can clearly see the consequences

of school success and failure. . . . It is only through the adoption of a system of clear and visible high stakes for students that other changes can succeed." (1994)

AMERICAN LEGISLATIVE EXCHANGE COUNCIL (ALEC)

ALEC supports legislation that provides individuals and organizations the authority to create and operate charter schools exempt from many local district policies, rules and statutes. Charter schools, it notes, must meet state standards; not charge tuition; meet district health, safety and zoning requirements; and be nonsectarian in programs, admissions policies, employment practices and all other operations. The primary focus of the school should be to provide a comprehensive instructional "blueprint" for at least one grade or age group from ages 5 through 18. Charter schools should provide instruction each year for at least the number of days mandated by the local school district in which the charter school is located.

CENTER FOR EDUCATION REFORM (CER)

The center supports state and community efforts "to create new forms of public education and reconstitute existing schools so that they are provided maximum flexibility from most rules and regulations, and provide options to parents looking to better meet their children's needs." It favors allowing school boards, the state board, a new board of charters or a university to sponsor charter schools and recommends an appeals process to the state board. While the center does not favor allowing religious groups to sponsor charter schools, "we see no reason that people connected with private schools cannot use their successes as models for the purposes of creating new charter schools."

Charter schools, it states, should "spur academic excellence, provide parents and teachers with

options of schooling outside of the existing traditional system, be a catalyst for change on existing schools, and, in sum, be laboratories for innovation."

The center recommends blanket waivers from all rules governing school procedure, curriculum and employment, and allowing charter schools to determine their own staffing requirements and salaries, and have complete control over their budgets. Charter schools should be permitted to tailor their curricula and programs to children with special needs but should be open to all students.

CONSORTIUM FOR POLICY RESEARCH IN EDUCATION (CPRE)/CENTER ON EDUCATIONAL GOVERNANCE (CEG)

As research centers, neither CPRE nor CEG advocates particular policy positions and, thus, did not complete the charter schools survey.

Based on their research on charter schools and in related areas (school-based management, choice, school restructuring), however, center staff "see an important need to focus more attention in charter school research on educational issues." A current project (funded by the Danforth Foundation) is examining how charter schools are governed and managed in ways that support innovations in classroom practice. "We see the relationship between how schools are organized and how teachers teach and students learn as critical to understanding the potential of charter schools as a tool for increasing student performance." The charter school project is in the first year of a multi-year study on how charter schools organize themselves to improve classroom practice and school performance.

TED KOLDERIE

Kolderie says the charter idea is not primarily about chartering schools. "It has been from the beginning fundamentally about chartering sponsors, about the state making it possible for some public body other than the local board to offer public education. Secondarily, it is about schools."

Whether or not a law will provide for "alternate sponsor" is the central issue in legislative de-

bates when a proposal is made for charter schools, he says. The differences among the laws that provide for alternate sponsors and those that do not, and among those that provide autonomy for the school and those that do not, make a difference in charter schools' ability to establish and maintain their character over time and in the dynamics created for districts.

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION (NASBE)

NASBE's position is that legislation creating charter schools should assure an appropriate oversight role for state boards of education.

NATIONAL EDUCATION ASSOCIATION (NEA)

NEA supports education reform mechanisms within the public schools that promote rigorous learning standards, decentralized and shared decisionmaking, diverse educational offerings and the removal of onerous administrative requirements. NEA's position is that such reform has the greatest possibility of taking root when it is initiated and nurtured at the local level—not imposed from above.

Charter schools can become change agents within public school systems by charting new and creative ways of teaching and learning. Or they can allow unprepared people to start schools and undermine education. Whether charter schools are a positive or negative force depends on how state charter laws are written and applied.

The variety of charter proposals under debate militates against one simple definition of a charter school, according to NEA. At the 1993 Representative Assembly, NEA delegates considered and passed a resolution establishing the association's position on charter schools. The resolution sets forth a framework to ensure that charter schools will be consistent with this country's commitment to free and universal public education with equality of educational opportunity for all. Charter school plans must meet the following conditions:

- ◆ No negative impact on the regular public school program

- ◆ No diversion of current funds from public schools
- ◆ Voluntary staff and student assignment to charter schools
- ◆ Direct involvement of all affected school employees in the charter school's design, implementation and governance
- ◆ Adequate safeguards covering contract and employment provisions for all employees
- ◆ Appropriate procedures for assessment and evaluation at preestablished periods within the term of the charter
- ◆ Licensed professional staff
- ◆ Health and safety standards for all students and employees
- ◆ Nondiscrimination and equal educational opportunities
- ◆ Adequate safeguards to ensure fiscal accountability
- ◆ Adequate and equitable funding, including start-up money
- ◆ Equitable procedures on student admission and retention
- ◆ Appropriate safeguards to ensure against racial and ethnic segregation.

NATIONAL GOVERNORS' ASSOCIATION (NGA)

(effective from Annual Meeting 1996 through Annual Meeting 1998.)

State departments of education should support state and local examination of charter, choice and magnet schools, consistent with state desegregation goals, if applicable, and the state's education policy. The governors believe that, in some localities, these efforts have shown promise in increasing educational performance, student achievement and family empowerment. Education departments should provide appropriate technical assistance, evaluation and information services.

NATIONAL PTA

The National PTA acknowledges charter schools as one avenue to school reform and supports their creation only if the schools reflect the organization's positions and principles. The organization will support legislation creating schools that meets the following specific conditions:

- ◆ Open to all students
- ◆ Supported by specifically allocated public funds in amounts that do not exceed and do not divert funds from public schools
- ◆ Adhere to all federal and state laws which protect the health and safety of children, prohibit discrimination, ensure access for all children and comply with the Freedom of Information and Open Meetings Acts
- ◆ Comply with federal and state laws governing public schools which require fiscal responsibility and accountability
- ◆ Accountable to local school boards in the districts in which they are located
- ◆ Ensure that professional staff are certified for the position they hold
- ◆ Involve parents (or other adult who has primary responsibility for the education and welfare of a child) in the decisionmaking process
- ◆ Have a mechanism for independent evaluation to determine if they are providing students with an education at least comparable to public schools and fulfilling their mission of innovation.

Charter schools must not, the PTA states:

- ◆ Be operated by for-profit organizations or be affiliated with a nonpublic sectarian, religious or home-based school
 - ◆ Charge tuition or fees not charged by public schools
 - ◆ Have a negative impact on public schools.
- (Adopted by the 1995 Board of Directors)

APPENDIX C
A SURVEY OF EDUCATION ORGANIZATIONS
AND KEY STAKEHOLDERS CONCERNING
CHARTER SCHOOLS

CONDUCTED BY THE EDUCATION COMMISSION OF THE STATES AND
THE NATIONAL CONFERENCE OF STATE LEGISLATURES

BACKGROUND INFORMATION

1. Who are your primary constituents? Please describe: _____

2. _____ How many primary constituents does your organization serve?
3. What is your organization's annual budget?
Check one:
 less than \$999,999
 \$1,000,000 to \$4,999,999
 \$5,000,000 to \$9,999,999
 more than \$10,000,000
NA
4. What tax status has the IRS granted your organization?
 501 (c) (3)
 501 (c) (4)
 501 (c) (5)
 501 (c) (6)
 NA

INVOLVEMENT WITH CHARTER SCHOOL ISSUES

5. Yes No In general, does your organization support charter schools?
6. Knowing this is a complex topic, what aspects of the chartering process are of concern to your organization?
7. What aspects of the chartering process does your organization find most promising?
8. Compared to other policies, how much importance does your organization place on charter schools?
NOT VERY 1 2 3 4 5 VERY
9. How involved is your organization with charter school issues?
NOT AT ALL 1 2 3 4 5 VERY
10. ____ % Approximately, what percentage of the organization's overall budget is dedicated to working on charter school issues?
11. ____ How many grants has your organization received to work on charter school issues?
12. ____ How many full-time equivalent staff currently work on charter schools?
13. ____ How many publications concerning charter schools have been produced by your organization since 1992?
List the most recent _____

For the following questions please check the appropriate response that indicates the position of your organization. If your organization has no position on any specific attribute of charter school policy, please note that "no position" is an available response.

WHOM SHOULD THE STATE ALLOW TO APPROVE CHARTERS OR DECIDE APPEALS

14. Yes No Does your organization have a position on who should approve charter applications?
(If the answer is no, please skip to question #19.)
15. Agree Disagree No Position Only local school boards should be authorized to approve applications for charter schools.
16. Agree Disagree No Position Only state boards of education should be authorized to approve applications for charter schools.
17. Agree Disagree No Position Other entities, in addition to local school boards, should be available to approve charter applications.
18. Agree Disagree No Position Applicants should have access to an appeals process capable of overturning a local district's veto of a charter application.

WHO MAY APPLY TO OPERATE A CHARTER

19. Agree Disagree No Position Only existing public schools should be allowed to apply to become charter schools. (If you agree with this statement, please skip to question #24.)
20. Agree Disagree No Position Groups of parents and other community members should be allowed to start charter schools from scratch.
21. Agree Disagree No Position For-profit organizations should be allowed to apply to become charter schools.
22. Agree Disagree No Position Private schools should be allowed to apply to become charter schools.
23. Agree Disagree No Position Home schools should be allowed to band together and apply to become charter schools.

PURPOSE OF CHARTER SCHOOLS

24. Agree Disagree No Position Charter schools should serve as a proving ground for innovations that could be used to improve all schools.
25. Agree Disagree No Position Charter schools pressure the rest of the education system to improve.
26. Agree Disagree No Position Charter schools focus on improving student performance for the students they serve.
27. Agree Disagree No Position Charter schools provide parents and students with more options of schools.
28. Agree Disagree No Position Charter schools provide teachers with more work environments.
29. Agree Disagree No Position Charter schools empower parents.

AUTONOMY/REGULATION

30. Yes No Does your organization have a position on the degree of autonomy or deregulation that charter schools should receive? (If the answer is no, skip to question #38.)
31. Agree Disagree No Position Charter schools ought to receive blanket waivers freeing them from all state rules or regulations, outside of those for health, safety and civil rights.
32. Agree Disagree No Position Charter schools should operate under the same state rules and regulations that govern all other public schools.
33. Agree Disagree No Position Charter schools should have access to waivers, upon request, for individual rules and regulations outside of those for health, safety and civil rights.
34. Agree Disagree No Position If waivers of rules or regulations are granted to a charter school, then the chartering entity should have the right to monitor school activities.
35. Agree Disagree No Position Charter schools should have complete control over their budgets.
36. Agree Disagree No Position Charter schools should have complete control over their staffing decisions.
37. Agree Disagree No Position Charter schools should participate in state and district assessments and reporting programs.

NUMBERS OF SCHOOLS

38. Agree Disagree No Position Does your organization have a position on the number of charter schools that are appropriate for a state? (If the answer is no, please skip to question #42.)
39. Agree Disagree No Position States should limit the number of charter schools to ensure charters work before expanding the scope to include a significant proportion of a state's schools.
40. Agree Disagree No Position The number of charter schools in a given state should be unlimited.
41. Agree Disagree No Position States should enact a limit on the total enrollment involved in charter schools.

TEACHERS

42. Agree Disagree No Position Does your organization have a position on who should be allowed to teach in charter schools? (If the answer is no, please skip to question #49.)
43. Agree Disagree No Position Only certified teachers should be allowed to teach at a charter school.
44. Agree Disagree No Position Teachers with an "alternative" certificate should be allowed to teach at a charter school.
45. Agree Disagree No Position Anyone should be allowed to teach at a charter school.

46. Agree Disagree No Position Charter schools should be allowed to set the pay rates for their teachers.
47. Agree Disagree No Position Teachers in charter schools should participate in the local district's collective-bargaining agreement.
48. Agree Disagree No Position Teachers in charter schools should be allowed to participate in existing collective-bargaining units or allowed to form new units at the charter school, if they so choose.

STUDENTS

49. Yes No Does your organization have a position on which students charter schools should be designed or encouraged to teach? (If the answer is no, please skip to question #55.)
50. Agree Disagree No Position Charter schools should be required to serve all students.
51. Agree Disagree No Position Charter schools should be required or encouraged to serve primarily students who are likely to drop out or fail.
52. Agree Disagree No Position Charter schools should be required or encouraged to serve primarily students who are often poorly served by traditional schools.
53. Agree Disagree No Position A single charter school's total enrollment should be limited.
54. Agree Disagree No Position Care should be given so that charter schools are equally dispersed throughout a state.

FUNDING

55. Yes No Does your organization have a position on funding for charter schools? (If the answer is no, please skip to question #61.)
56. Agree Disagree No Position Charter schools should receive the same amount of state and local funding as all other public schools.
57. Agree Disagree No Position Charter schools should receive only the state portion of funding provided to public schools.
58. Agree Disagree No Position Charter schools should receive additional funds to cover start-up costs.
59. Agree Disagree No Position Charter schools should receive additional funds for facilities.
60. Agree Disagree No Position Charter schools should always be free to raise additional funds through foundation or corporate support.

MODEL LEGISLATION AND POSITION STATEMENTS

61. If your organization has a formal position or policy statement on charter schools, please attach it to this survey.
62. If your organization has developed model legislation, please attach it to this survey.
63. If there is a state with existing charter school legislation your organization feels is an appropriate model for other states, please list it below.
-
-

0
1
2



