



NATIONAL ALLIANCE FOR
**PUBLIC
CHARTER
SCHOOLS**

MEASURING UP TO THE MODEL

A RANKING OF STATE PUBLIC CHARTER SCHOOL LAWS

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PUBLIC CHARTER SCHOOLS





INTRODUCTION

2021 was a remarkable year in many ways for the charter school sector. While the nation continued struggling through the COVID-19 pandemic, PreK-12 education emerged as a critical issue across the country. For the first time, an overwhelming number of families were frustrated with public education and months of uncertainty left them open to exploring new educational options. The result: 1.4 million students left district schools and a record number of new students enrolled in charter schools. Meanwhile state legislators made bold changes to charter laws to meet the demand for even more high-quality public education options.

More than 50% of the states and territories with charter laws gained legislative ground last year, resulting in some of the most significant changes ever seen in a single year. 2021 was widely recognized as the year of public school choice in state capitols across the country.

When state legislatures convened for their sessions in 2021, the country was in the middle of the second school year impacted by the COVID-19 pandemic. By this time, many families and lawmakers were growing weary with the inadequate responses to the pandemic by too many district administrators, school board members, and special interest groups. Families were desperate for more educational options. Hearing their cries, lawmakers in state after state made significant improvements to their charter school laws, creating more fertile ground for these unique public schools. These improvements had a major impact on our annual ranking of state charter school laws. Champions for educational options from both sides of the political aisle found opportunities to introduce charter school bills in several states, resulting in new laws that permitted charter schools in states that previously did not allow them, eliminated geographic restrictions, improved funding equity, increased or removed caps on growth, and created funding for facilities.

For 13 years, the National Alliance has compiled a review of the strength and sustainability of all the charter school laws in the country and compared them to a strong model law that is comprised of 21 essential components focused on flexibility, accountability, and equity. The 2022 rankings also reflect the continued steps many states took in 2021 to strengthen their laws and foster a landscape of high-quality charter public schools that have a positive impact on students.

As we continue to navigate some of the most challenging political terrain that charter schools have ever faced, we hope this report helps charter school supporters defeat harmful bills while boosting their efforts to create more educational opportunities for America's students.

Nina Rees
President and CEO

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Senior Vice President of
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KEY TAKEAWAYS

Some key takeaways from this year's rankings include:

- ▶ **Florida** cracked the Top 5, moving from #7 to #5 because they passed a law that expanded the types of entities that could be authorizers. Notably, post-secondary institutions are now included.
- ▶ **Nevada** moved into the Top 10, improved from #11 to #9, largely due to increased transparency and accountability.
- ▶ **Ohio** jumped from #24 to #12 after making another round of policy improvements to its law, including removing geographic restrictions on where a charter school can be started.
- ▶ **Iowa** was the most improved state, leaping from #41 to #18 after enacting an overhaul to its charter school law. Major improvements included strengthened authorizing and enhanced autonomy and accountability.
- ▶ **West Virginia** moved from #32 to #28 after improving its authorizing and caps policies. Although the state still has a cap on the number of charter schools allowed, there is now additional space for more schools under the cap. West Virginia also created a new authorizing entity, their state charter board.
- ▶ **Wyoming** moved from #42 to #34 after making some major improvements to its law. In fact, Wyoming saw the second biggest jump in its score after Iowa. This is largely due to creating a new state authorizer.
- ▶ **Nine states** improved their rankings from 2021. (Alabama, Florida, Iowa, Nevada, New Hampshire, Ohio, Oklahoma, West Virginia, and Wyoming)
- ▶ **Fourteen states** improved their scores from 2021. (Alabama, Florida, Hawaii, Illinois, Iowa, Michigan, Missouri, Nevada, New Hampshire, New Jersey, Ohio, Oklahoma, West Virginia, and Wyoming)
- ▶ The new **Top Five states** are Indiana (for the seventh year in a row), Colorado, Alabama (up from #5), Minnesota, and Florida (up from #7).
- ▶ The new **Bottom 5 states** are Wisconsin, Virginia, Alaska, Kansas, and Maryland. These states round out the bottom because neither of them provide schools much in the way of autonomy, accountability, funding equity for students and alternative, non-district authorizers.

This report is the thirteenth annual state charter school laws rankings report produced by the National Alliance. In each report, we analyze, score, and rank each state's charter school law against our model charter school law. The purpose is to determine which states have created the statutory and regulatory environments that best support high-quality public charter schools. On two occasions, we also produced reports that explore the impact of these environments on the growth, innovation, and quality of a state's public charter schools.

This year's state charter school laws rankings report represents the final one within this framework. In 2022, we plan to revisit the model law itself, and rethink the criteria and data the rankings report is based upon. We also plan to create a new approach for evaluating state charter school movements, one that will likely encompass both a state's statutes and regulations as well as the impacts of those policies.

TABLE 1: 2022 STATE PUBLIC CHARTER SCHOOL LAW RANKINGS

RANKING	STATE	SCORE
1	Indiana	181
2	Colorado	181
3	↑2 Alabama	180 ↑3
4	Minnesota	178
5	↑2 Florida	175 ↑6
6	↓3 Washington	173 ↓6
7	↓1 Mississippi	169
8	Louisiana	168
9	↑3 Nevada	168 ↑2
10	↓1 Maine	167
11	↓1 D.C.	166
12	↑12 Ohio	165 ↑12
13	↓1 Massachusetts	162
14	↓1 Arizona	160
15	↓1 North Carolina	160
16	↓1 Delaware	160
17	↓1 Georgia	158
18	↑23 Iowa	157 ↑68
19	↑3 Oklahoma	157 ↑4
20	↑3 New Hampshire	157 ↑4
21	↓4 Idaho	157
22	↓4 New York	156
23	↓4 South Carolina	155

RANKING	STATE	SCORE
24	↓4 California	154
25	↓4 Utah	154
26	↓1 Tennessee	153
27	Missouri	153 ↑6
28	↑4 West Virginia	152 ↑18
29	↓3 New Mexico	152
30	↓2 Michigan	149 ↑2
31	↓1 Hawaii	147 ↑4
32	↓3 Texas	145
33	↓2 Arkansas	141
34	↑8 Wyoming	136 ↑49
35	↓1 New Jersey	135 ↑4
36	↓3 Oregon	131
37	↓2 Pennsylvania	131
38	Illinois	127 ↑3
39	↓3 Connecticut	126
40	↓3 Rhode Island	126
41	↓2 Wisconsin	109
42	↓2 Virginia	94
43	Alaska	83
44	Kansas	69
45	Maryland	61

NOTE: THE TOTAL POINTS POSSIBLE IS 240.

ESSENTIAL COMPONENTS OF A STRONG PUBLIC CHARTER SCHOOL LAW

In this report, we evaluate each state’s public charter school law against the 21 essential components of a strong charter school law. These 21 components are drawn from the National Alliance’s *A New Model Law for Supporting the Growth of High-Quality Public Charter Schools: Second Edition*. Table 2 lists the 21 essential components and a brief description of each.

MEASURING UP TO THE MODEL

TABLE 2: ESSENTIAL COMPONENTS OF A STRONG PUBLIC CHARTER SCHOOL LAW

#	ESSENTIAL COMPONENT
1	No Caps on the growth of charter schools in a state.
2	A Variety of Charter Schools Allowed , including new startups and public school conversions.
3	Non-district Authorizers Available , to which charter applicants may directly apply.
4	Authorizer and Overall Program Accountability System Required , whereby all authorizers must affirm interest to become an authorizer (except for a legislatively created state charter school commission) and participate in an authorizer reporting program based on objective data, as overseen by some state-level entity with the power to sanction.
5	Adequate Authorizer Funding , including provisions for guaranteed funding from the state or authorizer fees and public accountability for such expenditures.
6	Transparent Charter School Application, Review, and Decision-making Processes , including comprehensive academic, operational, and governance application requirements, with such applications reviewed and acted on following professional authorizer standards.
7	Performance-based Charter School Contracts Required , with such contracts created as separate post-application documents between authorizers and charter schools detailing academic performance expectations, operational performance expectations, and school and authorizer rights and duties.
8	Comprehensive Charter School Monitoring and Data Collection Processes so that all authorizers can verify charter school compliance with applicable law and their performance-based contracts.
9	Clear Processes for Renewal, Nonrenewal, and Revocation Decisions , including school closure and dissolution procedures to be used by all authorizers.
10	Transparency Regarding Educational Service Providers , provided there is a clear performance contract between an independent charter school board and the service provider and there are no conflicts of interest between the two entities.
11	Fiscally and Legally Autonomous Schools with Independent Charter School Boards , whereby charter schools are created as autonomous entities with their boards having most of the powers granted to traditional school boards.
12	Clear Student Enrollment and Lottery Procedures , which must be followed by all charter schools.

MEASURING UP TO THE MODEL

TABLE 2: ESSENTIAL COMPONENTS OF A STRONG PUBLIC CHARTER SCHOOL LAW

#	ESSENTIAL COMPONENT
13	Automatic Exemptions from Many State and District Laws and Regulations , except for those covering health, safety, civil rights, student accountability, employee criminal history checks, open meetings, freedom of information requirements, and generally accepted accounting principles.
14	Automatic Collective Bargaining Exemption , whereby charter schools are exempt from any outside collective bargaining agreements, while not interfering with laws and other applicable rules protecting the rights of employees to organize and be free from discrimination.
15	Multi-school Charter Contract and/or Multi-charter School Contract Boards Allowed , whereby an independent charter school board may oversee multiple schools linked under a single charter contract or may hold multiple charter contracts.
16	Extracurricular and Interscholastic Activities Eligibility and Access , whereby (a) charter school students and employees are eligible for state- and district-sponsored interscholastic leagues, competitions, awards, scholarships, and recognition programs to the same extent as district public school students and employees; and (b) students at charter schools that do not provide extracurricular and interscholastic activities have access to those activities at district- public schools for a fee via a mutual agreement.
17	Clear Identification of Special Education Responsibilities , including clarity on which entity is the local education agency responsible for such services and how such services are to be funded (especially for low-incident, high-cost cases).
18	Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding , flowing to the school in a timely fashion and in the same amount as district schools following eligibility criteria similar to all other public schools.
19	Equitable Access to Capital Funding and Facilities , including multiple provisions such as facilities funding, access to public space, and access to financing tools.
20	Access to Relevant Employee Retirement Systems , with the option to participate in a similar manner as all other public schools.
21	Full-time Virtual Charter School Provisions , including specific provisions regarding authorizing structure, enrollment criteria, enrollment levels, accountability for performance, funding levels based on costs, and performance-based funding.

METHODOLOGY

WEIGHTS

For our analysis comparing each state’s charter school law with the National Alliance for Public Charter Schools’ model law, we first weighted each of the model law’s 21 essential components with a weight from 1 to 4.

WEIGHTS	ESSENTIAL COMPONENTS
4	Transparent Charter Application, Review, and Decisionmaking Processes
	Performance-based Charter School Contracts Required
	Comprehensive Charter School Monitoring and Data Collection Processes
	Clear Processes for Renewal, Nonrenewal, and Revocation Decisions
	Equitable Operational Funding and Equal Access to All State and Federal Categorical Funding
	Equitable Access to Capital Funding and Facilities
3	No Caps
	Non-district Authorizers Available
	Authorizer and Overall Program Accountability System Required
	Fiscally and Legally Autonomous Schools with Independent Charter School Boards
	Automatic Exemptions from Many State and District Laws and Regulations
	Automatic Collective Bargaining Exemption
	Full-time Virtual Charter School Provisions
2	A Variety of Charter Schools Allowed
	Adequate Authorizer Funding
	Transparency Regarding Educational Service Providers
	Clear Student Enrollment and Lottery Procedures
	Multischool Charter Contracts and/or Multi-charter School Contract Boards Allowed
	Clear Identification of Special Education Responsibilities
	Access to Relevant Employee Retirement Systems
1	Extracurricular and Interscholastic Activities Eligibility and Access

This edition of Measuring Up to the Model: A Ranking of State Charter Public School Laws is the thirteenth one produced by the National Alliance for Public Charter Schools. For more information on our methodology, please visit <https://www.publiccharters.org/our-work/charter-law-database>



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