



### “Ahead-of-the-Curve” Charter School Policies

By Molly Ryan

June 2010

Many state policymakers have recently debated legislation to promote charter school growth in an effort to secure a portion of the Race to the Top (RTTT) federal funding. U.S. Secretary of Education Arne Duncan has made it clear that RTTT applications by states that do not have public charter laws or put artificial caps on charter school expansion will be unlikely to receive funds.

States also have adopted innovative legislation to strengthen charter school laws apart from the RTTT initiative. The summaries that follow provide highlights by major issue areas of such “ahead-of-the-curve” state policy approaches.

#### **Dropout Recovery**

***Illinois - 105 Ill. Comp. Stat. 5/27A-4(b)***

##### **What’s special?**

Provides that up to five new charter schools, devoted exclusively to re-enrolled high school dropouts, may operate at any one time in Chicago; authorizes each dropout-focused charter to operate up to 15 campuses within the city.

***Tennessee - Tenn. Code Ann. § 49-13-106(b)(1)(C)(ii)***

##### **What’s special?**

Establishes up to three new charter schools devoted exclusively to re-enrolling high school students who have dropped out of school.

#### **Oversight**

***Ohio – H.B. 1 § 265.80.20, 128<sup>th</sup> Gen. Assem., (Ohio 2009)***

##### **What’s special?**

Provides that if the state auditor finds a charter school to be unauditible, he or she must provide written notification of that fact to the school, the school's sponsor and the state department of education, and post the notification on the auditor's Web site. It subsequently prohibits the charter school's sponsor from entering into contracts with any additional charter schools until the auditor is able to complete a financial audit of the school; requires the sponsor, within 45 days of the notification, to send a written response to the auditor describing:

- The process the sponsor will use to review and understand the circumstances that led to the school becoming unauditible
- A plan for providing the auditor with the documentation needed to complete an audit and for ensuring that all financial documents are available in the future
- The actions the sponsor will take to ensure that the plan is implemented.

It further: requires the auditor — if the charter school fails to make reasonable efforts and continuing progress to bring its accounts and records into an auditable condition within 90 days after being found unauditible — to notify the department of education, which must immediately cease all state payments to the school; directs the auditor to request that the attorney general take necessary legal action to compel the school to bring its financial records into order; and requires the department of education, if the auditor is subsequently able to complete a financial audit of the school, to release the funds withheld from the school.

### ***Texas – Tex. Educ. Code Ann. §§ 12.152, 12.154(b)***

#### **What's special?**

Allows public junior colleges (two-year institutions) to operate open-enrollment charter schools on campus or in the same county as the junior college campus (state law previously allowed only public four-year institutions to open charter schools). A junior college must meet the following criteria in order to be granted a charter by the state board of education:

- The educational program must be implemented under the direct supervision of a faculty member at the junior college.
- The faculty member supervising the educational program must have substantial experience and expertise in teacher education, classroom instruction or educational administration.
- The educational program must be designed to meet specific goals described in the charter, such as dropout recovery, and each aspect of the program must be directed toward the attainment of the goals.
- The attainment of the educational program goals must be measured using specific, objective standards set forth in the charter, including assessment methods and a time frame.
- The financial operations must be supervised by the business office of the junior college.

### ***Michigan – 2009 Mich. Pub. Acts 205***

#### **What's special?**

Provides for the creation of up to 10 new charter schools to be known as "schools of excellence" and permits these schools to be authorized by local and intermediate school districts, community colleges and public universities. Requires the first five new "schools of excellence" to be schools offering one or more high school grades (9-12). Further provides for the creation of two K-12 cyber schools, which also would fall under the rubric of schools of excellence. Requires such schools to provide full-time instruction to students through online learning, and the entities establishing them must demonstrate experience in serving urban and at-risk students through an educational model involving a significant cyber component.

## **Training and Accountability for Governing Bodies**

### ***New Mexico - N.M. Stat. Ann. § 22-8B-5.1***

#### **What's special?**

Directs the state department of education to develop a mandatory training course for all charter school governing body members that explains department rules, policies and procedures, statutory powers and duties of governing boards, legal concepts pertaining to public schools, finance and budget, and other matters deemed relevant by the department.

### ***Minnesota - Minn. Stat. § 124D.10, subd. 4(f)***

#### **What's special?**

Requires every charter school board member to attend state education department-approved training on board governance, the board's role and responsibilities, employment policies and practices, and financial management. Goes one step further to provide that a board member who does not begin the required training within six months of being seated and complete the training within 12 months of being seating is ineligible to continue to serve as a board member.

**Hawaii – Haw. Rev. Stat. 18 § 302B-3(e)**

**What's special?**

Authorizes the state board of education to remove a charter school review panel member for cause.

**Performance, Innovation and Impact on District Practice**

**Missouri – Mo. Rev. Stat. § 160.410(4)**

**What's special?**

Directs the joint committee on education to study the performance of students at each charter school in comparison with a demographically and geographically equivalent group of district students; requires that the study be designed to allow parents and educators to make valid comparisons of academic performance of demographically and geographically similar students at charter schools and district schools. Requires that the student performance assessment and comparison must include, but not be limited to:

- Missouri assessment program test performance and aggregate growth over several years
- Student reenrollment rates
- Educator, parent and student satisfaction data
- Graduation rates at charter high schools
- Performance of students enrolled in the same public school for three or more consecutive years
- The impact of charter schools on the constituents they serve in the districts in which they are located, including whether changes have been made in district policy or procedures attributed to the charter school, and to perceived changes in attitudes and expectations held by district staff, school board members, parents, students, the business community and other education stakeholders.

**Career/Technical Education**

**Idaho - Idaho Code §§ 33-5202A(5), -5215**

Allows for the creation of "professional-technical regional public charter schools" to provide programs in professional-technical education which meet the standards and qualifications established by the division of professional-technical education; requires such schools to operate in association with at least two school districts.

*Molly Ryan, researcher for the ECS Clearinghouse, may be reached at 303.299.3614 or [mryan@ecs.org](mailto:mryan@ecs.org).*

© 2010 by the Education Commission of the States (ECS). All rights reserved. ECS is the only nationwide, nonpartisan interstate compact devoted to education.

ECS encourages its readers to share our information with others. To request permission to reprint or excerpt some of our material, please contact the ECS Information Clearinghouse at 303.299.3675 or e-mail [ecs@ecs.org](mailto:ecs@ecs.org).

***Equipping Education Leaders, Advancing Ideas***