

**Alabama State Board of Education
Work Session on Charter Schools
December 22, 2009**

Developing a Charter School Law in Alabama

This overview outlines the main issues that need to be addressed in the development of a charter law and can serve as a guide for the State Board of Education's discussion. Some topics are standard across states, while others can be crafted to fit the state they serve. Suggested discussion items are listed when appropriate.

Charter Schools in Short

Charter schools are public schools that operate under a written contract with the entity that authorizes them. They are freed from many of the rules that govern other public schools, but they are held accountable for results and can be closed if they do not meet performance measures laid out in their contract. Like other public schools, charters must follow all state laws regarding accountability, health, and safety. To supplement the progress being made across Alabama, Charter schools would allow for more innovation and provide another tool to address the needs of our lowest performing schools. Alabama is one of only eleven states without a charter school law.

Types of Charter Schools

There are two types of charter schools:

- A "start-up charter school" is a new charter school that did not exist as a public school prior to becoming a charter.
- A "conversion charter school" is a charter school that existed as a public school prior to becoming a charter school.

Enrollment

Charter schools are open to all students in the district where they are authorized.

- They cannot charge tuition or have admission requirements
- They must serve all students that choose to attend. A random selection process must be used if demand exceeds capacity.

Possible language:

- "A public charter school shall be open to all students residing in the local school district where the public charter school is authorized. A public charter school shall not limit admission based on race, ethnicity, national origin, religion, gender, income level, disabling condition, proficiency in the English language, or academic or athletic ability."
- "A public charter school shall enroll all students who wish to attend the school, unless the number of students exceeds the capacity of a program, class, grade level, or building. If capacity is insufficient to enroll all students who wish to attend the school, the public charter school shall select students through a random selection process."

Who will authorize charter schools in Alabama?

An “authorizer” is an entity that can approve charter applications, enter into charter contracts, oversee charter schools, and renew or revoke charter contracts. Authorizers are critical to ensuring that charters are held accountable to their contract. Strong charter laws across the country provide for multiple authorizers, allowing charter applicants to have multiple avenues to seek approval. Almost all states with charter laws allow local boards of education to authorize charters. Many states allow a variety of other entities to authorize as well, such as state boards of education, independent statewide charter commissions, mayors, or universities.

Suggestions for discussion:

- Local boards of education could authorize charter schools within their districts.
 - Possibly register with the State Department of Education to ensure they have strong application, oversight, and renewal processes in place
- The State Board of Education could authorize charter schools statewide
 - Possible focus on turning around chronically low-performing schools
 - Possible requirement that applications be made to the local board first

How will charter schools be funded?

Charter schools are funded on a per-pupil basis, with the funding following the child to the charter school. States differ in how they allocate resources. In some states, all sources of funding (state, federal, and local) follow the child, while in other states only state dollars follow the child. It can also depend on what entity authorizes the charter school. So, if a charter school is authorized by a local school board, all sources of revenue would follow. If a charter is authorized by the State Board of Education, then state and federal dollars would follow the child.

Suggestions for discussion:

- For charters approved by the local board of education, all funding (state, federal, and local) could follow the child
- For charters approved by the State Board of Education, all state and federal funding attributable to the child could follow

How should charter schools be held accountable?

Ensuring that charter schools are held accountable for results is critical. After all, results are the reason for their existence. As public schools, charters must follow state content standards, administer state assessments, and participate in state accountability systems (AYP, etc). Charter schools can also be closed if they do not meet expectations set out in their contract. It is the responsibility of the authorizer to hold charter schools accountable to their contract.

Suggestions for discussion:

- Possibly establish a “performance framework” that includes academic growth and financial sustainability
- Possibly include language clearly stating that charter schools may set higher expectations in the contract

Possible language:

- “Public charter schools shall be subject to the state content standards and student assessment and accountability requirements applicable to other public schools in the state, but nothing herein shall preclude a public charter school from establishing additional student assessment or performance measures that go beyond state requirements if the school’s authorizer approves such measures.”

Are charter schools private schools and can private schools become charter schools?

There is some misinformation floating around about charter schools. Some people immediately think that charters are private schools, which is NOT true. Charter schools are either new public schools or existing public schools that convert to charter status.

Possible language:

- “All nonpublic or private schools, including parochial schools, are ineligible to apply to become a public charter school under this act, and no charter agreement shall be granted under this chapter that authorizes the conversion of any private, parochial, or home-based school to charter status.”

Teachers in Charter Schools

Teachers in charter schools are employees that choose to work there, and no teacher can be required to work at a charter school. In many states, charters have been started by teachers themselves. Charter schools are free to pay teachers in different ways, as determined by each school. In general, charters are exempted from the tenure and fair dismissal laws. Teachers that go to work at a charter school would lose their tenured status just as a teacher that moves from one school system to another school system does now. There has been some discussion around the difference between “start-up charters” and “conversion charters” with regard to tenure, given the fact that conversion charters have an existing faculty.

Suggestions for discussion:

- Should start-up charters be exempt from the tenure law?
- Should teachers that choose to stay at a conversion charter lose their tenure status?

Facilities

A big issue for charters nationally is funding for facilities. Many states provide a per-pupil amount for facilities. In Alabama, this is largely a local concern, with the exception of occasional bond issues at the state level. There is also federal funding for which the state can apply to provide charter schools with start-up funds.

Suggestions for discussion:

- Charters could be eligible to receive funding from the Public School and College Authority
- Charters should follow the same building codes as other public schools
- Charters might be given the right of first refusal to buy buildings that a local board is planning to sell