

Charter School Laws: Do They Measure Up?

**American
Federation of
Teachers**

AUGUST 1996

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EXECUTIVE SUMMARY

Public education is in ferment. There is much dissatisfaction with the current system. Many people believe that the school system is a moribund and highly bureaucratic monopoly -- indifferent to criticism, captive to union interests, unwilling to change, and unaccountable to the public. Cries for reform, greater accountability, and more parental choice are everywhere.

One reform strategy that has received considerable attention, since Albert Shanker first mentioned it in a press club speech in 1988, is "charter schools." Today 25 states have authorized charter schools, and 226 schools, serving upwards to 28,000 students, are operating around the country.

Advocates of charter school reform assume that these schools will:

1. encourage innovation;
2. be more accountable and focus on results;
3. expand public school choices for all;
4. provide new and increased professional opportunities for teachers;
5. require little or no additional money to implement or sustain; and
6. act as a catalyst for improvement of the public system.

Foes of charter schools, not surprisingly, hold a different set of assumptions. They believe that charter schools will:

1. cream off the more affluent students and those with higher academic skills, leaving the public schools bereft of resources and with the responsibility of educating the high-risk, high-cost students;
2. be no more innovative than existing schools, which taken as a whole are not particularly innovative;
3. rely on cheap labor and exploit teachers and other personnel;
4. reduce resources available to public schools; and
5. be no more accountable, or even less accountable, than public schools.

All of these assumptions can be put to empirical test as the charter school movement develops over the next several years; however, it is too early to tell what the results will be. Given the newness of their operations, at present there are no data to confirm or deny the assumptions, but there is legislation that determines the characteristics of charter schools, including the extent of their autonomy and accountability, that can shed some light on these assumptions.

This report examines the charter legislation in 25 states in reference to the AFT criteria. Those criteria evaluate the legislation in regard to the likelihood that it will produce quality schools and/or serve as examples of how the larger system of public schools should operate. "Good" charter legislation includes features that ensure quality schooling within a system that protects the public interest and the integrity of public education. "Bad" legislation encourages charter schools to become the basis of an alternative school system created for a few, but operating at the expense of many.

Our analysis indicates:

- Not all states require that charter schools develop programs that are consonant with state and/or local standards. Nor do they all require that the schools participate in the state accountability system. Without such participation it will be difficult to hold the school accountable for results that are not already achievable in the existing schools; and students who move from charter schools back into the public school system or to other charter schools may have significantly different curriculum, making adjustment very difficult.
- All states prohibit charter schools from charging tuition, but they are less clear regarding fees and donations, a practice that needs careful monitoring to ensure that such monies do not become a proxy for tuition and therefore make charter schools inaccessible to some students.
- There is great variety in the governance structures of charter states, which results in an opportunity for a stronger teacher voice in charter schools in some states, and “business as usual” in charter schools in other states.
- The manner in which collective bargaining rights are abrogated and participation in teacher retirement systems denied may in some instances diminish the interest of teachers to participate (especially if the governance structure also restricts their policy development and decision-making roles).
- Provisions in some state laws release charter schools from employing fully certificated teachers.
- The reporting systems required in legislation in virtually all states are insufficient to determine whether students in charter schools perform as well or better than their counterparts who remain in other public schools.
- Some schools are chartered by the state or another entity not directly connected to the local district. This is troublesome because the likelihood of those schools influencing school district policies and providing models for change at the district level is remote.

Given our review, the AFT recommends that as policymakers consider new charter legislation or amend existing law, the following features be included:

- **Charter schools must be based on high academic standards.**
States are redefining the academic standards for all students. Charter school laws must require that charter school students be held to the same standards as the children in other public schools. Charter schools should be free to design curriculum and programs that will ensure the success of their students in meeting those common standards.

- **Charter school students must take the same tests as other students in the state and district.** Although state achievement tests are imperfect, comparisons of charter school performance must be made to other public schools. If charter schools do not have to conform to state and district testing requirements, valid comparisons will be impossible.

Measuring what works and what does not work is part and parcel of accountability. Other performance measures should also be employed, for both the charter school and school district schools. But it remains essential that students are measured by the same instruments.

- **Charter school employees should be covered by the collective bargaining agreement.** An important component of teacher professionalism and representation is the collective bargaining process. Unions throughout the country are engaged in education reform efforts that have redefined the traditional contracts and have created opportunities for waivers from specific provisions of the contract that do not meet the needs of individual schools and programs.

Charter school laws that are designed to destroy the collective bargaining rights of teachers and other school employees do not serve an educational purpose; they serve a political purpose. Collective bargaining assures the rights of teachers. Unions should not agree to any wholesale diminution of the rights of public employees; provisions allowing for the waiver of contract provisions, however, should be included in the law.

- **Charter schools should be required to hire certified teachers.**

Teacher professionalization is not enhanced by charter school laws that encourage the hiring of uncertified people to teach. Although certification, in itself, does not guarantee that an individual will be a good teacher, it does ensure that a minimum level of competency has been demonstrated. States have found a variety of ways to provide alternative routes to certification that can be applied to charter schools.

At a minimum, charter school laws should require that teachers employed in charter schools either already have certification or be in the process of obtaining alternative certification. Knowledge and skill in subject area are critical ingredients in the make-up of a competent teacher, but knowledge and skill in transmitting information, evaluating student performance, and designing strategies for student learning are equally important.

- **Charter schools should have the approval of local school districts.**

If charter schools are to have a positive impact on other public schools, there must be a connection to the local district. Isolated schools that operate like private schools will not have the desired effect on the local school system. When charter schools try new approaches, utilize technology in unique ways, involve parents in the critical process of educating their children, or design new ways of using time and space, the innovations tested can spread to other schools with similar student bodies. An appeals process to the state should be available for charter school applicants to ensure a fair hearing to applicants and a strong connection of charter schools to the local education agency.

- **Charter schools should be required to make information available to the public.**

Reporting requirements in charter school laws should be specific as to the type of information that charter schools must provide to the public. While the intent of every charter school law is to have schools that are more accountable than the regular public schools, few require the types of information needed to determine the success and impact of charter schools on student achievement and systemic reform. To meet the AFT's

criteria on reporting requirements, charter school laws must state specifically that charter schools report demographic information on students and staff, the number of special needs students served, the annual financial audit, the results of achievement tests, attendance rates for students and staff, mobility rates of students, teacher and staff turnover, parental outreach efforts, and graduation rates, where appropriate.

Charter schools can provide a real opportunity for reform. If these schools are indeed laboratories where new ideas are tested, new methods pioneered, and governance structures refined, they deserve to be supported. The AFT will continue to support charter schools that are “public and properly structured, that are designed to improve public education, and that support the notion that teachers are professionals who are capable of designing and implementing innovative educational programs.”

INTRODUCTION

The crisis of confidence in public schools is well known. Public Agenda polls (1994 and 1995) indicate that most Americans believe that students today are not achieving as well as they could, as well as students from other nations, or as well as they need to for their --and the country's -- future success.

Moreover, many Americans believe that the schools are unaccountable. This perceived absence of accountability is often ascribed to excessive and irrelevant government regulation, inflexible union rules, and/or a lack of incentives for students to excel. These conditions, it is argued, not only have produced a monopolistic educational system that is unaccountable, but one that is both impervious to the need for innovation and an impediment to greater student achievement.

Thus, in an era of widespread discontent with public education, a belief in the efficacy of competition, and a climate of deregulation and cries for more accountability and local control, it is no accident that we see a growing demand for reforming the education system, in general, and cries for private school vouchers, the privatization of public schools, and the growth of the charter school movement, in particular.

The AFT's Position on School Reform and Accountability

The AFT has been an outspoken leader in advocating needed change in the public school system. To that end, the AFT strategy for education reform involves, first and foremost, setting high standards, creating curriculum to assist students in meeting those standards, and developing assessments to determine if those standards are met. This is the linchpin to school improvement. Without a clear, systemwide framework -- where high academic standards shape curriculum; where the curriculum to be taught is known to all stakeholders; where outcomes are set and measured to determine defined achievements; and, where consequences for achievement include placement decisions, grade retention or promotion, the availability of extra supports, and the awarding or denial of diplomas --additional reform efforts are doomed to failure.

But standards and assessments, while necessary, are not sufficient. We must make efforts to organize schools to deliver this teaching and learning successfully. This will involve not only improving schools so that they are at least as effective as traditional schools in other industrialized nations, but also creating new and different kinds of learning institutions to promote more options within the public school system.

The AFT believes we should build on the lessons learned from other countries and incorporate into our reforms school structures and teaching techniques which address the obstacles that now impede student learning, including excessive regulation. Such efforts should consider, for example: management and union agreements that free schools from many regulations over an

extended period of time; substantial time for staff planning, training, and cooperation; and, staff development related to increasing subject matter knowledge of teachers, knowledge about the use of technology, and knowledge about teaching strategies such as team teaching, peer tutoring, and discussion seminars. Properly structured charter schools represent one potential avenue for achieving such reforms.

AFT reform policies also support the idea of the common school; the idea that children of all races, religions, classes, and national backgrounds should master a core curriculum in a setting defined by civic values so that they can learn to live together in a diverse, democratic society. In advocating more choice and experimentation in public education, the AFT is mindful that some efforts at privatization of public schooling are potentially detrimental to democracy and hold the danger of creating a system of schooling in America based on race, ethnicity, religion, and class. Such efforts must be opposed.¹

The Charter School Movement

In 1991, Minnesota passed a law authorizing the establishment of eight charter schools. Today 25 states have passed charter school laws, and an additional 15 states have considered such legislation. The Clinton administration has also endorsed charter schools.²

Since the first charter school began operation in 1992 in St. Paul, Minn., the number of charter schools has grown to 226, serving some 28,000 students around the country. These numbers are expected to double in the very near future.

The AFT supports properly structured charter schools as a useful vehicle for school reform. For charter school legislation to be responsible, it must make sure that all children can participate; that the governance structure is collegial, professional, and democratic; that schools operate within the framework of state or nationally established standards, curriculum, and assessments for students; and, that teachers have the professional authority to find appropriate ways to achieve those standards for their students.³

¹ For a more complete articulation of AFT policy on reform, see the following policy documents: *The Task Before Us*, *Achieving High Standards*, *Making Standards Count* and *Classrooms Held Hostage*.

² The "Goals 2000: Educate America Act" permits the states to use Goals 2000 money for "promoting 'charter schools' and other mechanisms for increasing choice among public schools," and funds authorized under the "Schools to Work Opportunities Act" may also be used by states to support charter schools. The "Improving America's School Act of 1994" has a program to assist states by providing start-up funds for the development of charter schools. In 1995, 11 states were recipients of some \$5.4 million in federal money, and in 1996, federal assistance to charter schools has been increased to \$8.2 million.

³ Appendix A reprints the AFT Resolution on Charter Schools as well as the criteria to be used in evaluating charter school legislation.

As AFT President Albert Shanker (1988), an early supporter of charter schools, has said, charter schools can provide an opportunity for teachers “to do things that are very different from the rest of the system and to move out of a lock-step situation. ...” Indeed, if implemented properly, charter schools can increase parental choice, free teachers and administrators from bureaucratic red tape, and encourage innovation.

The charter school idea is eminently marketable to a public which believes that free enterprise is a panacea for intractable problems and that the current education system is wasteful, ineffective, and impervious to change from within. But, the charter school concept is deceptively simple. If the system currently does not have the wherewithal (knowledge, personnel, oversight mechanisms, funds, etc.) to hold public schools accountable,⁴ how will that same system be able to take on the additional responsibility of holding charter schools accountable?

Furthermore, the line between autonomy and accountability is not a clear one, and as the legislative debates and implementation histories surrounding charter schools indicate, making those distinctions has proven to be a very sticky wicket indeed. Does autonomy cover decisions regarding who will be served in the schools? Who decides -- the autonomous school or the agency to which it is accountable? What measures and procedures should be used to determine “meeting and/or exceeding” state or local achievement levels? Are these measures even required, or are they waived along with other mandates when the charter is granted? Is mandating the use of state achievement tests an example of encroaching on charter school autonomy, or is it an example of ensuring “greater” accountability of charter schools? What is “responsible oversight” and what is undue infringement of autonomy?

These and other difficult questions have been answered differently in different jurisdictions and, in some instances, have been avoided altogether in the framing of the laws and guidelines regarding charter schools. Thus, contentious issues remain. Much debate swirls around the charter approval process, funding, personnel, equity, student outcomes -- all relating to the overarching question concerning which and what kinds of regulations charter schools should be granted release from and/or be held accountable to.

Attempting to describe the legislation and experiences of charter schools in the 25 states that have passed such legislation is akin to asking 25 blind men holding different parts of the elephant (with a few in fact holding a rhinoceros) to provide an adequate picture of the beast. Charter schools mean different things to different people -- advocates and foes alike. Because these schools can and do take so many different forms, charter schools appeal to a broad base of public

⁴ “Accountability” is a loosely used term in education circles and can mean anything from rhetorically asserting “I am accountable,” to administering particular tests, to achieving particular outcomes on those tests for particular students. Furthermore, accountability can refer to student outcomes; teacher practices; system provisions; consequences for students, teachers or schools; or any and all of the above, to name just a few current uses. Unfortunately, and invariably, most documents asserting the need for, or accomplishment of, “greater accountability” fail to provide the specifics on which such claims are based.

school critics, including those who want to improve public education as well as those who want to dismantle it.

Why are they here? Arguments surrounding charter schools indicate that:

- they are perceived by some as a chance for innovation to flourish;
- for some they provide a back door into privatization of schools;
- they are seen by some as an escape valve for teachers, parents, and students from the frustration they confront with the present public school system;
- for others they embody free enterprise and market driven reform;
- still others believe that they are school site management writ large;
- while others see them as a deliberate effort to destroy teacher unions and collective bargaining;
- and finally, others see them as a means to inject a measure of accountability for results into a moribund system.

Charter schools can be any of the above, depending on how legislation is structured. Of course, determining the success of charter schools is very dependent on how one defines their purpose. If they are to create greater choice for parents, then their mere existence is the measure of success. If they are to empower teachers, then the extent to which teachers organize them, set policy, and implement educational programs determines their success. But if they are to produce greater learning and influence the entire public school enterprise -- outcomes the AFT believes to be the proper measures of success -- then evaluation is more difficult and must await more experience with such schools.⁵

In 1994, in response to the legislative developments, public interest in and professional concerns about charter schools, the AFT developed a Charter School Research Project whose mission is to monitor legislation and school district implementation, build a data base concerning the characteristics of charter schools, identify schools that work, identify issues and problems related to charter school development, and provide information on charter school performance to AFT members, the news media and the general public.

⁵ The federal government has awarded a \$2.1 million contract to Research Policy Practice International to conduct a four-year evaluation of charter schools that may shed light on the academic value of such schools, but that study is just under way and has not yet sampled schools or begun to collect baseline data.

This is the first report of the Charter School Research Project. Its purpose is to set the charter school movement in context, to examine existing legislation in regard to AFT policy, to provide readers with a quick overview of where things stand, and to lay out the policy implications and future directions for AFT action.

MEASURING UP: THE AFT's CRITERIA FOR GOOD CHARTER SCHOOL LEGISLATION

State legislation determines the characteristics of charter schools, including the extent of their autonomy and accountability. Some states have granted charter schools freedom from most regulation, while other states require that charter schools apply for specific waivers from state and local rules and regulation. Some states have structured their laws so that the proliferation of charter schools is relatively easy, others have made such proliferation more difficult.

Most studies of charter school legislation focus on the characteristics of legislation that facilitate the establishment of such schools (“strong” or “expansive” characteristics) and the features that inhibit their development (“weak” or “restrictive” legislation).⁶ The AFT criteria for evaluating charter school legislation relate to the likelihood that it will produce quality schools and/or serve as examples of how the larger system of public schools should operate. “Good” charter legislation includes features that allow for experimentation, while at the same time ensuring quality schooling within a system that protects the public interest and the integrity of public education. “Bad” legislation encourages charter schools to become the basis of an alternative school system created for a few, but operating at the expense of many. “Good” charter legislation ensures public accountability for student achievement, guarantees the accessibility of all students to charter schools, empowers the professional educators in those schools, requires local school district approval of charter schools, and requires charter schools to conduct their business and issue reports in accordance with public “sunshine laws.”⁷

This section of the report examines current legislation in regard to AFT policy for responsible charter schools and, where possible, identifies exemplary legislative language that meets those criteria.

Are Charter Schools Accountable for Meeting

State Standards for Achievement?

Standards and accountability are the centerpiece of the AFT’s approach to school improvement. The AFT has urged that states adopt high academic standards and demand high standards of behavior from their students. Our policies state that at a minimum, assessments of what students should know and be able to do should test students’ knowledge and skills in the core subjects --

⁶ Millot (1994) suggests that “strong” laws allow the greatest freedom from oversight and regulation. Bierlein, (1996) writing for the Education Commission of the States, defines strong laws as those that create the most charter schools. Laws that keep charter schools connected to local districts are labeled “weak” laws.

⁷ See Appendix B for a state-by-state analysis of these criteria.

English, mathematics, social studies, and science.⁸ As states move toward adopting higher standards and assessments, charter schools must ensure that their students meet the standards as measured by the state assessments.

While the opportunity for charter schools to “do their own thing” appears on the surface to be very attractive, a “system” of charter schools involving each school marching to a different (albeit effective on someone’s criteria) drummer is, in the words of Albert Shanker, “a recipe for chaos.” As he reminds us:

We live in a society where families are very mobile, and kids are likely to go to several different schools before they graduate. ... With a system of charter schools, commonalities would disappear. Some schools might base their program of study on community service and internships while others might use local museums and libraries and computer labs as their classrooms. We would see schools centered around gender or ethnic studies -- there would undoubtedly be Afrocentric charters, for example -- but there would also be charters with traditional, book-centered curriculums. What would happen when a student transferred from one to another? ... What we really need -- at the very least -- are statewide curriculum frameworks and statewide assessment systems [applicable for all schools, charter or not]. Then, students and teachers in every school will know what kids are responsible for learning and whether or not they have learned it, (Shanker, December 11, 1994).

In 1996, the AFT issued a report on the progress that states were making in setting standards for their students. Table 1 shows how the 25 states are progressing in developing standards that are clear and specific, and notes which of the states exclude charter schools from meeting or exceeding these standards. Only eight of the 25 states with charter legislation have state standards in all four core subjects (English, science, math, and social studies) that meet the AFT criteria of being sufficiently well developed to provide the foundation for the development of curriculum and assessments based upon them. Seven of those eight states require that charter schools meet the state standards. All of the states, however, are in the process of developing and refining their standards and state assessments. Nonetheless, six states with charter school legislation do not require that charter schools meet state standards.

Will Charter School Students Take the Same Tests as Public School Students?

Charter schools in most states are required to show results. As Gary Hart, a California state senator and supporter of charter school legislation remarked, “... if you don’t have an assessment system, it’s easy for people to sort of fool themselves; for students to be fooled, for parents to be fooled, for teachers to be fooled, and I think, particularly in charter schools, where we have a lot of good self-esteem and feeling about what we’re doing, if we don’t have such a system -- a monitoring system that an assessment system can be in terms of checks and balances -- we are going to delude ourselves.” (Hart, 1995, p.11)

⁸ See Appendix C for AFT policy on setting high-quality standards.

If charter schools are to demonstrate their success, then one measure will be how well charter school pupils perform on the same assessments given to all other public school students. Results can be used for comparing the academic progress of students in these schools against the performance of like children in other schools in the local district. Table 2 indicates that only 17 of the 25 states with charter school legislation require that charter schools use the same tests as other schools to determine that students are meeting state goals for student learning. The absence of comparison data in eight of those charter school states is highly problematic, given the article of faith that charter schools promise greater accountability for results in exchange for increased autonomy.⁹

Section 5 (d) of the New Jersey law is a good example of legislation that ensures charter schools' accountability to state standards. It says:

Charter school students shall be required to meet the same testing and academic performance standards as established by law and regulation for public school students. Charter school students shall also meet any additional assessment indicators which are included within the charter approved by the commissioner.

Are Charter Schools Open to All?

The AFT believes that high-quality public education for all is the backbone of our democracy and essential to the nation's well-being. A striated, multi-tiered, choice system of education that differentiates between the "haves" and the "have nots" is not in keeping with the American ethos of providing equal opportunity for all. The common school, despite its current imperfections, is still America's best hope for sustaining a pluralistic society, where diverse peoples can live together, and freedom and opportunity for all can flourish. Charter schools can be diverse. They can stress different educational strategies and instructional methods, and they can appeal to the different interests and talents students have, but they must not become an avenue for furthering inequities. To be successful, charter schools, taken together, must provide opportunity and choice to all students.

Each state determines whether charter schools will serve targeted populations, impose academic requirements, or be restricted to grade level or program preferences (Table 3). These policies determine the range of students eligible for admission to charter schools. All states allow charter schools to select students of appropriate age or grade levels. Many give preference to students who reside in the district's geographic area and/or to siblings of students already enrolled. A few states -- Massachusetts, New Hampshire, and Rhode Island -- allow selection based on academic ability. Colorado, Delaware, Louisiana, and Minnesota target "at-risk" students, however, the laws are not always explicit as to what "at-risk" means.

⁹ Initial experiences with charter schools indicate that even when standardized tests are mandated, they may not be used or the data may not be reported. In Minnesota, for example, although the law specifically requires that charter schools take the same state tests as district schools, few charter schools report those data. In addition, waivers were granted to charter schools that had just opened. The practice in Minnesota seems inconsistent with the intent of the legislation..

Potential Problems

But, there are other restrictions on attendance that we see in the implementation of charter schools that may serve to limit participation in charters to those students whose parents are actively engaged in their education. One method is to require that parents sign contracts guaranteeing a certain level of participation at the school.

These contracts are becoming a common feature of charter schools. The AFT strongly supports efforts to involve parents in their children's education. The concern here is whether mandated contractual obligations will decrease substantially the enrollment in charter schools of children from disadvantaged backgrounds. Parental involvement should not be used as a proxy for race or class-based screening.

In addition, to ensure that charter schools will be "public," in the sense that all students have an equal opportunity to attend, the AFT believes that the legislation should be specific in its limitation on tuition and fees and should limit the fees a charter school can impose on students to a normal and reasonable amount. Although all laws currently state that charter schools cannot charge tuition, there is no prohibition on donations. States have rightly recognized that charter schools should be able to accept gifts, grants, and donations, but some charter schools are aggressively seeking quarterly donations from parents. These parental donations are supposed to be voluntary, but there is a danger that contributing on a quarterly basis will become a selection tool. Parents who cannot contribute may be intimidated and feel that their children will not be welcome in the charter school, or these parents will view the donations as a thinly veiled tuition.

State legislation should require charter schools to report the names of donors and the dates the donations are received. State departments of education or the chartering authority should be required to review these reports carefully. Seeking parental donations aggressively may aid individual schools in meeting their financial needs, but such a practice may also limit attendance at charter schools to only those students whose families are able to regularly contribute. The AFT believes that such a result is antithetical to the notion of public education.

Legislation that Ensures Participation of all Public School Students

The language used in the Michigan law is a good example of legislation that makes charter schools open to all students:

(2) A public school academy shall not charge tuition and shall not discriminate in its pupil admissions policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, or any other basis that would be illegal if used by a school district. However, a public school academy may limit admission to pupils who are within a particular range of age or grade level or on any other basis that would be legal if used by a school district.

The language in the Louisiana legislation concerning at least comparable representation of at-risk students to the district population is a good example of legislation that promotes full participation. The law states:

C. The percentage of the total number of pupils enrolled in the charter school based on the October first student membership who are at risk shall be not less than the percentage of the total number of pupils enrolled in the local public school district in which the charter school is located who are at risk.

Similarly, some states have language that gives preference in granting charters to schools that target at-risk populations. For example, the Colorado charter legislation declares in section 22-30.5-102(2)(b) that the intent of the law is:

To increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as academically low achieving.

Although the language of charter school legislation should permit some choice regarding appeal to students with special interests, talents, and/or needs, it is critical that such language be framed so as to ensure the widest participation of students and prohibit the development of a system of choice schools that “cream” the so-called best and brightest from the system, while abandoning the harder-to-reach students.

Does the Legislation Ensure Teacher Professionalism?

High-quality teaching is an essential element of school improvement. The AFT policies for education reform address issues of teacher professionalism by calling for the development of high-quality preservice and continuing education programs, raising standards for teacher licensure, and supporting the National Board for Professional Teaching Standards. As with other professions, teacher professionalism is characterized in part by the voice teachers have in decisions regarding practice. AFT policy supports teacher involvement in decisions regarding matters of curriculum implementation, instructional methods and strategies, group of students, and the like.

The initial discussions about charter schools focused on teachers as professionals and the primary agents of reform. Both Shanker (1988) and Budde (1989) defined charters as a mechanism whereby groups of teachers could negotiate with their local school boards for carrying out particular instructional programs for a fixed period of time in order to determine if such programs contribute to improved student learning.

The rhetoric of many charter school advocates extols the greater role that teachers can play in the governance of charter schools. An examination of the legislation does not support the idea that teachers will have a fundamentally changed role and greater professionalism in charter schools as compared to their current status in most public schools. An exception is the initial Minnesota charter legislation, which gave teachers the sole authority for creating charter schools. State advocates of the legislation emphasized the importance of the legislation in “empowering” teachers. But, as charter legislation has proliferated, the central role of highly qualified teachers

in creating and implementing curriculum reform and restructuring of the workplace has been undermined. Depending on how the language is framed, provisions relating to governance, teacher qualifications, collective bargaining, and participation of charter school employees in the teacher retirement system may serve to enhance or diminish the professionally trained teacher workforce available to charter schools.

Collective Bargaining

A critical component of professionalism is to have a major role in determining working conditions and meeting client needs. Collective bargaining agreements serve such a function for teachers. Without such agreements, the voice of teachers is not valued, and others are charged with determining what is best for teachers and for students. Research has demonstrated that unionism, and in particular collective bargaining, can be a highly constructive and positive force for school improvement (McDonnell and Pascal, 1988).

Charter school legislation provides an opportunity for unions to be proactive in their efforts to enhance teacher professionalism; however, 15 states have passed legislation that prevents, restricts, or is silent regarding the rights of charter school employees to belong to the local school district collective bargaining unit or to be covered by the collective bargaining agreement. Table 4 shows the collective bargaining provisions in the existing laws.

Although critics have argued that collective bargaining agreements stymie reform, the experience of the charter schools in California's conversion schools indicates that the basic guarantees in the collective bargaining agreement have not hindered the development of those schools. When necessary, charter schools sought and were granted waivers from contract terms that did not meet the needs of the staff in those schools. Granting waivers from the terms of the collective bargaining agreement is not uncommon, even in districts where the waivers are not for charter schools, but apply to school based governance schools or special circumstances within a school district. Union contracts in New York City, Boston, Rochester (N.Y.), Minneapolis, Toledo, Cincinnati, and Dade County (Fla.) are just a few of the many contracts that allow staff to set aside provisions of the contract that may hamper the program and goals of individual schools. In each locale, the rules for seeking and granting waivers are different, but the trend is toward individual school accommodation.

Unionization is not a hindrance to a high-performing school system. International comparisons show a greater degree of unionization of employees in Japan, Germany, and France. Students in these systems outperform the students in schools in the U.S. where teachers and other staff are not nearly as unionized. Even within the boundaries of the United States, performance of students has been found to relate positively to the level of unionization of the teaching force (Eberts and Stone, 1984; Nelson and Gould, 1988).

Attempts to eliminate collective bargaining in charter school legislation are a transparent ploy of those who regard the charter school movement as a mechanism for the elimination of teacher unions; such efforts are not a strategy to reform education or increase accountability.

The Connecticut charter school law contains satisfactory language on collective bargaining. It states:

The charter school governing council shall act as a board of education for purposes of collective bargaining. The school professionals employed by a local charter school shall be members of the appropriate collective bargaining unit for the local or regional school district in which the local charter school is located and shall be subject to the same collective bargaining agreement as the school professionals employed by said district. A majority of those employed or to be employed in the local charter school and a majority of the members of the governing council of the local charter school may modify, in writing, such collective bargaining agreement, consistent with the terms and conditions of the approved charter, for purposes of employment in the charter school.

Teacher Certification

As Table 4 also indicates, only six states require that all teachers in charter schools be certified. Fifteen states allow charter schools to hire non-certified teachers. Most of those states allow all teachers in charter schools to be non-certified, but Louisiana caps non-certified teachers at 25 percent of the teacher workforce; Delaware allows 35 percent of the teachers to be non-certified; and Connecticut and New Hampshire permit up to 50 percent to be non-certified.

Proponents of such measures argue that opening up teaching to others who have special talents enriches the students' learning experience. However, that position presupposes that teaching has no specific knowledge base and requires no special training or skills. To be effective, either in charter schools or district public schools, teachers must have knowledge of both the subject matter to be taught and how children learn.

It is common for states to set standards of education and performance for positions of public trust or health and safety. Licensing procedures are in place for doctors, lawyers, certified public accountants, cosmetologists, and others. Many people have skills that would enable them to perform some or all of the duties of any of those professions; nonetheless, states recognize that specific training and certification are essential to the protection of the public. Although a retired business executive might have much to contribute to increasing our understanding of what makes a business successful, it does not follow that such an individual has the requisite skill or knowledge of how to impart that information to others.

A teacher who has no background knowledge of child development, learning strategies, or cognitive theories will be unable to identify weaknesses and provide successful interventions to enhance learning. A subject matter expert with no knowledge of classroom management will be hardpressed to share that knowledge with 25 active fourth-graders.

Given the fact that most states have adopted provisions for alternative certification requirements that ease the burden for those seeking to teach, every law should require that teachers in charter schools be certified by the state. The language in the Rhode Island law specifically includes the state's teacher certification requirements as binding on charter schools (see Appendix D).

Certification rules may be imperfect, but they provide a threshold which guarantees that teachers have at least the minimum requisite courses, skills, and experiences to allow them to instruct students. To the extent that today's certification requirements are inadequate to ensure quality instruction, the answer is to reform and strengthen the requirements, not to ignore them.

Minnesota legislation has excellent language regarding the participation of certified teachers in the governance structure. The law states:

4.3 The charter school shall be governed by a Board of Directors. The Board shall be elected every [Insert the number of years] years. Employees of the school including teachers providing instruction under a contract with a cooperative, and the parents of children enrolled in the school may participate in the election in accordance with the policies and procedures set forth in the charter school's bylaws. Licensed teachers employed at the charter school including teachers providing instruction under a contract with a cooperative, must comprise a majority of the Board of Directors.

Are Local School Districts in a Position To Benefit from Charter Schools?

If, as the AFT believes, charter schools can be catalysts for reform of policies and practices that impede innovation and reform in public schools, then it is important that local districts buy into the innovation and policy changes proposed by the charter school. There must be a mechanism in the creation of charter schools that promotes collaboration between the local district and the chartering sponsors. As AFT policy indicates, "charter schools that are unconnected to local school districts become isolated. This fragmentation makes achieving higher common standards more difficult and diverts attention from ensuring better education for all students."

When charter schools have nothing to do with existing districts, it is easy for the districts to ignore them and thus have an essential purpose of charter schools defeated by the process of their creation. But some advocates of charter schools argue that local education agencies may be reluctant, because of a narrow self-interest, to grant charters. To ensure a fair hearing to applicants and a strong connection to the local education agency, charter school legislation should include an appeals process.

The state by state analyses in Appendix B indicate that only Arizona and Massachusetts bypass the local education agency entirely in granting charters. Seven states -- Connecticut, Delaware, Florida, Illinois, Michigan, New Jersey, and Texas -- permit other entities (e.g., universities and state departments of education) to grant charters in addition to local education agencies. Colorado and North Carolina have a process that allows the charter applicant to appeal to the state should a charter not be granted by the local education agency.

Colorado's law is a good example of legislative language that requires the local education agency to grant charters but which also builds in safeguards against potential local obstructionism. The law clearly states the requirements for public hearing, public notice, and timelines within which the local board of education must act. It specifically gives the state board

of education the authority to review the action taken by a local board of education that denies, revokes, or fails to renew a charter. It gives the applicant a second chance to appeal the decision if the local school board denies the charter a second time. The state board has the authority under the law to require a local board to accept a charter that does not violate the law, court order, or threaten the health and safety of students.

Will Charter Schools Be Responsible to the Public?

Most states have what are referred to as “sunshine laws.” These laws mandate that all business be conducted in the open. Because charter schools are public schools, funded with public money, meetings should be open to the public in the same manner as other public agencies. Information about the school, its finances, and results should be available to the general public.

In some states, charter schools are only responsible for reporting to the governing board of the charter school, the parents, and the chartering authority. This is too limited. The public has a right to know how the charter schools are operating and what effect the school is having on student achievement.

States have an obligation to collect information from charter schools as well as other public schools for the purpose of determining how well students in the state are doing in meeting the standards. The data from charter schools should be an integral part of the state information base, and results should be reported to the public.

Some states require the department of education to report back on how the charter schools are doing. That information should be available to the general public as well as to state legislators. But, in examining annual reports of charters schools submitted to the Minnesota Department of Education, the AFT discovered that few schools know what information is required of them or how to complete the annual report.

In Los Angeles, the district revoked the charter of one school whose financial practices and reporting were inadequate. The funds were misused and attendance figures inflated resulting in the district reassigning students to other schools and closing the program. Without reporting requirements and oversight by the local district and state department of education, this program would have continued to pile up debt while avoiding its responsibility to educate students.

State legislators have dealt with this issue in a variety of ways. Here are some examples of adequate reporting requirements:

- In Illinois, all of the requirements for reporting that are imposed on a public school district are imposed on charter schools.
- Arizona requires that charter schools be “subject to the same financial requirements as a school district, including the uniform system of financial records as prescribed in chapter 2, Article 4 of this Title, procurement rules as prescribed in section 15-213, and audit requirements. A school’s charter may include exceptions to the

requirements of this paragraph that are necessary as determined by the district governing board, the state board of education or the state board for charter schools. The Department of Education or the office of the auditor general may conduct financial, program or compliance audits.”

- Texas requires both the open enrollment charters and the campus charters to “describe the manner in which an annual audit of the financial and programmatic operations if the program is to be conducted, including the manner in which the person providing the program will provide information necessary for the school district in which it is located to participate, as required by this code or by the State Board of Education rule, in the Public Education Information Management System (PEIMS).”

At a minimum, states (and/or local education agencies where charter schools are operating) should be required to issue an annual report that includes information concerning:

- how many charters there are and where they are located;
- who attends the charter schools--demographic information about the student body, and information as to whether special needs students are enrolled;
- who staffs these schools -- the credentials of staff members;
- the student and staff turnover rate;
- the composition of the educational program;
- student performance on achievement tests used by the state and/or designed to assess progress of students in meeting state standards;
- where the money comes from -- a full accounting of all sources of revenue; and
- how the money has been spent -- a financial accounting of all expenditures.

How Do the States Measure Up to the AFT Criteria for Good Charter School Legislation?

No state laws meet all of AFT’s criteria for good charter legislation that is likely to produce quality education and be the basis for widespread reform of public education. In general, New Jersey, Rhode Island, Louisiana, and California have “good” legislation in regard to our criteria, whereas Arizona and Massachusetts legislation does not. Arizona law emphasizes the quantity of schools created rather than the quality of education provided. Massachusetts, rather than encouraging teacher development and quality, uses language that tends to deprofessionalize teaching and schooling.

Nonetheless, in reviewing the legislation in 25 states, we did find examples of good legislation regarding our criteria. Although Rhode Island allows charter schools to set admissions requisites, which if implemented improperly could lead to charter schools “skimming off” the best students, the law overall is one that comes closest to meeting AFT’s criteria.¹⁰ We suggest

¹⁰ Appendix D includes the Rhode Island law in its entirety.

that union officials, legislators, and other education policy makers who participate in the process to develop or amend charter legislation in their states carefully examine the Rhode Island law and the other exemplary language identified above.

WHAT DO WE KNOW ABOUT CHARTER SCHOOLS?

Our knowledge about charter schools is very limited -- only 250 schools have been approved, and of those only 226 are currently in operation. Most of these schools are less than three years old and located in only six of the 25 states that have charter legislation on the books. Furthermore, a GAO report (1995) found that no state laws require the collection of baseline data, some have no reporting requirements, and some encourage local discretion with regard to the type of data collected, so our knowledge about charter schools and their operations is necessarily spotty at this time. Nonetheless, we do have some very preliminary information about these institutions and the experiences that states and locals have had in the implementation process.

What are the Characteristics of Charter Schools?

The Schools

The legislation varies from state to state as to the types of schools that can operate under a charter. In some states *existing public schools* can, under certain conditions, be converted to charter schools. In Arizona, *existing private schools* can also request permission to become a charter school. In some states only new schools, with no previous history as either a public or a private school, can become charter schools. The legislation defines the kinds of charter schools that can be created. Where no “conversion” is allowed, the charter schools tend to serve smaller numbers of students than regular public schools (Buechler, 1996).

The large majority of charter schools are elementary schools or serve elementary school children in addition to other students:

- Only four of the 76 schools chartered in California through 1994 were high schools, 13 others served middle school or middle school and elementary students, and the rest were elementary schools (Berman, Diamond and Premack, 1995).
- Medler and Nathan (1995), surveyed approved charter schools in 1995 and found that only 16 of those responding were high schools. Another 24 served high school students along with other grades, and 91 served elementary students entirely or as part of a wider grade span.

The Students

Studies to date indicate that the charter school movement is educating minority children at about the same rate that they are represented in the states where the charters are granted (Buechler, 1996). Several phenomena may account for this finding:

- first, some state legislation either explicitly encourages or requires charter schools to be targeted on at-risk groups, where minority children tend to be overrepresented;
- second, sponsoring agencies, e.g., local school boards, are more likely to grant charters to schools designed to educate children who are at-risk of being unsuccessful in the current public schools;
- third, many of the larger schools are conversion schools; and
- fourth, some of the comparisons are made between the charter school population in a state and the minority population in that state, rather than between the minority population in the district where the charter school is located and the individual charter school population.

But, an initial look at enrollment patterns in California schools raised questions about where charter schools were likely to be developed and what possible long-term effects bear watching. A Southwest Education Development Laboratory report observed:

Although charter schools have often been touted as a choice strategy to improve educational opportunities for disadvantaged students, the vast majority of existing schools do not target low-achieving student populations. This is true in Colorado, where only a few of the state's sixteen charter schools are designed to attract at-risk students, and in California, where charter schools are often clustered in wealthier communities serving more advantaged student populations (Insights, 1995, p. 5).

Furthermore, certain charter school policies such as requiring investment of substantial amounts of time and/or money ("donations") may serve to further deter students from economically impoverished backgrounds.

The information concerning the education of special needs children in charter schools is mixed. Preliminary data bring both good news and some concerns. As mentioned earlier, some of the schools target children with special needs, but other schools do not, and initial findings indicate some problems associated with the funding of services to special needs students who are part of an "inclusion" policy and some difficulties with charter schools regarding adherence to rules and regulations (federal and, therefore, "unwaivable") related to special needs youngsters (Finn, et al., 1996).

As noted in our earlier analysis of the legislation, three states permit the targeting of students based on academic ability, and two states are either vague or silent on this matter. To date there is no evidence of discrimination based on high academic performance requirements, but this bears watching as the number of charter schools expands.

The Educational Programs

Charter school descriptors and national surveys reveal the following characteristics in charter school educational programs:

- thematic/interdisciplinary instruction,
- expanded use of technology,
- parent involvement,
- performance assessment/exhibitions/portfolios,
- back-to-basics/core curriculum,
- community as classroom/real-world focus,
- individualized education plans,
- multi-age grouping,
- focus on a particular curriculum (such as arts or math),
- home study,
- extended school day/year,
- character instruction, and
- vocational/technical education (Buechler, 1996).

Two things about this list are noteworthy. First, the kinds of programs being conducted in charter schools are in some measure also present in public schools. Second, many of the programs are hardly “innovative” by any common understanding of that word. The notion that charter schools provide an opportunity for the development of “innovative schools” that otherwise might not operate is hard to substantiate. But the issue to be examined in these schools is not so much the description of the instructional program, but rather what policies and practices charter schools have adopted (and what policies they have been freed from) that make the delivery of such programs high quality (i.e., have improve student learning), and how such policies and practices can be extended to other schools.

What Have We Learned about Success?

It is too early to make any definitive statements about the success of charter schools. Some of the available data support initial claims of advocates, while other data give cause for concern of what the ultimate impact of charter schools will be. Of central concern, and that which we know least about, are two major criteria for the creation and expansion of charter schools:

- **Charter schools will improve the learning of their students in ways that would not have occurred had they remained in their former public school placements.** Most reformers agree that change takes time. Legislation for charter schools gives from three to five years for charter schools to demonstrate their efficacy. Only a handful of schools have been operating for three years or more, and it is too early to know whether the student achievement in these schools is greater than if the children

had remained in their traditional public school settings. It is not too early to note, however, that a recent GAO report (1995) found that no state laws required the collection of baseline data that would be essential to determining whether charter schools are more effective in educating students. Furthermore, a recent report observed, “We have yet to see a single state with a thoughtful and well formed plan for evaluating its charter school program” (Finn, et. al., 1996, p. 9).

- **Charter schools will be innovative and provide models that stimulate the public schools to change.** Although charter schools have a wide range of programs, they do not represent choices that have never been tried before. Virtually all of the approaches being employed in charter schools are or have been implemented in regular public schools. Indeed, back-to-basics is a popular charter school program, hardly what one imagines when one talks about innovation. Nonetheless, some data indicate that school systems have put programs in place as a result of pressure on local school boards to be more responsive to parent demands. In his review of the first four years of experience with charter schools, Buechler concluded that at present:

The effect of charter schools on the system as a whole appears to have been rather limited thus far. Only 24 percent of the charter schools surveyed in California reported that their districts had liberalized restructuring policies in response to charter schools, and 27 percent that the districts planned to disseminate practices used by charter schools (Corwin and Dianda, 1994). Likewise, Urahn and Stewart (1994) report that, in Minnesota, ‘Most charter schools have had little effect on their sponsoring district’(p. 41) (Buechler, 1996, p. 35).

CONCLUSIONS AND RECOMMENDATIONS

Our analysis of current charter school legislation revealed considerable variation from state to state. This situation has resulted in charter schools with widely divergent requirements. Some charter laws are very permissive; others are more restrictive in terms of the numbers of schools to be created and the degree of autonomy these schools have. Our brief review of the laws indicates:

- Not all states require that charter schools develop programs consonant with state and/or local standards. Nor do all states require that the students participate in the state accountability system. Without such participation, it will be difficult to hold the school accountable for results that are not already achievable in the existing schools; and students who move from charter schools back into the system or to other charter schools may have significantly different curriculum, making adjustment very difficult.
- All states prohibit charter schools from charging tuition, but are less clear regarding fees and donations, a practice that needs careful monitoring to ensure that such monies do not become a proxy for tuition and, therefore, make charter schools inaccessible to some students.
- There is great variety in the governance structures of charter states, resulting in both an opportunity for a stronger teacher voice in some, and “business as usual” in others.
- The manner in which collective bargaining rights are abrogated and participation in teacher retirement systems denied may in some instances diminish the interest of teachers to participate (especially if the governance structure also restricts their roles in policy development and decision making).
- Provisions in some state laws release charter schools from employing fully certificated teachers.
- The reporting systems required by the legislation in virtually all states is insufficient to determine whether charter school students are succeeding academically at a greater rate than their counterparts in the public schools.
- Some schools are chartered by the state or another entity not directly connected to the local district. This is troublesome in that the likelihood of those schools influencing school district policies and providing models for change at the district level is remote.

Given our review, the AFT recommends that as policy makers consider new charter legislation or amend existing law, the following features be included:

- **Charter schools must be based on high academic standards.**
States are redefining the academic standards for all students. Charter school laws must include a requirement that charter school students be held to the same standards as other public school students. To allow charter schools to set their own standards, without regard to those set by the state, is to place them outside of the definition of public schools. Charter schools, however, should be free to design whatever curriculum and program that will ensure the success of their students in meeting the common standards.

- **Charter school students must take the same tests as other students in the state and district.**
Although state achievement tests are imperfect, comparisons of charter school performance must be made to other public schools. If charter schools do not have to conform to state and district testing requirements, valid comparisons will be impossible.

Measuring what works and what does not work is part and parcel of accountability. Other performance measures should also be employed both for the charter school and for school district schools. But it remains essential that students are measured by the same instruments.

- **Charter schools should be required to hire certified teachers.**
Teacher professionalization is not enhanced by charter school laws that encourage the hiring of uncertified people to teach. While certification by itself does not guarantee that an individual will be a good teacher, it does ensure that a minimum level of competency has been demonstrated. States have found a variety of ways to provide alternative routes to certification which can be applied to charter schools.

At a minimum, charter school laws should require that teachers employed in charter schools either are certified or are in the process of obtaining alternative certification. Knowledge and skill in subject area are crucial ingredients in the make-up of a competent teacher; but knowledge and skill in transmitting information, evaluating student performance, and designing strategies for student learning are equally important.

- **Charter school employees should have the right to collectively bargain and be included in the district agreement.**

Charter schools that are used to destroy the collective bargaining rights of teachers and other school employees do not serve an educational purpose; they serve a political purpose. An important component of teacher professionalism is the collective bargaining process. Collective bargaining ensures the rights of teachers, and unions should not agree to any wholesale diminution of the rights of public employees. Provisions allowing for the waiver of contract provisions, however, should be included in the law.

- **Charter schools should have the approval of local school districts.**

If charter schools are to have a positive impact on other public schools, there must be a connection to the local district. Isolated schools that operate like private schools will not have the desired effect on the local school system. When charter schools try new approaches, use technology in unique ways, involve parents in the critical process of educating their children, or design new ways of using time and space, the innovations tested can spread to other schools with similar student bodies.

- **Charter schools should be required to make information available to the public regarding the progress of their students on state standards and assessments.**

Reporting requirements in charter school laws should be specific as to the type of information that charter schools must report to the public. While the intent of every charter school law is to have schools that are more accountable than the regular public school, few laws require information to be reported that would indicate the success and impact of charter schools on student achievement and systemic reform.

To meet the AFT's criteria on reporting requirements, charter school laws must state specifically that charter schools report demographic information on students and staff, the number of special needs students served, the annual financial audit, the results of achievement tests, attendance rates for students and staff, mobility rates of students, teacher and staff turnover, parental outreach efforts, and graduation rates, where appropriate.

Charter schools can provide a real opportunity for reform. If charter schools are indeed laboratories where new ideas are tested, new methods pioneered, and governance structures refined, then these schools deserve to be supported.

The AFT will continue to support charter schools that are “public and properly structured, that are designed to improve public education, and that support the notion that teachers are professionals who are capable of designing and implementing innovative educational programs.”

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APPENDIX A: AFT Resolution on Charter Schools - A Guide to Looking at Charter School Legislation

Adopted at the AFT National Convention
Anaheim, California, July 1994

RESOLUTION ON CHARTER SCHOOLS

One of the fastest-moving ideas on the American educational scene is charter schools. At least 11 states have enacted legislation providing for such schools. Many other states will consider such proposals in the next few years. In addition, Goals 2000 specifically mentions charter schools as one of the appropriate ways of organizing schools to reach high educational standards.

While bills that have passed and others that are proposed all go under the name of charter school legislation, there are huge differences in these bills and proposals. There is not even a common definition of charter schools. Therefore, there is little that can be said that will accurately apply to all charter school proposals. Each must be considered on its own merits. Support or opposition to specific charter school proposals will depend on the content of each since differences among them are so great.

Improperly structured charter schools can undermine our system of common schools, worsen inequities in school funding and quality, lower student achievement, provide an excuse to limit or destroy collective bargaining or provide a cover for financing private schools with public funds. Properly structured and 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.

It is important to understand the reasons presented by advocates for charters. Their most popular argument is that if individual schools are set free, creative energies will be unleashed, school people will be able to do things that had been bureaucratically prohibited (or made very difficult) and each school or school-within-a-school will fashion an education appropriate to its students. A system in which each school does its own thing will bring about great improvement, charter proponents argue, supposedly because charters provide schools with greater autonomy and with freedom from many bureaucratic rules and regulations.

There is little evidence to support this view. 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. Nor do other schools in the system emulate whatever positive changes are created in such schools. There is often hostility and resentment between schools in the regular system and the "autonomous" schools, so that even 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.

The view that blames our educational problems on school bureaucracy or unions and pins its hopes on independent charter schools ignores the fact that school systems in other industrialized countries that have been much more successful than ours in terms of student achievement are all part of national or state governments that establish standards, curricula and assessments applicable to all schools and are all unionized. Moreover, success or failure on the assessments constitutes high stakes for students by determining eligibility for entrance to college, technical training or to apprenticeship programs. Once standards, curricula and assessments are centrally established, teachers individually or through a committee structure on a grade or disciplinary departmental level have total professional autonomy in deciding how to get their students to meet the standards.

We believe that if charter schools are viewed as each school doing its own thing, there will be greater confusion and lack of opportunity than there is now. Student achievement will suffer. Our hope that public schools will offer a way for all to enter the mainstream is less likely to be realized. We maintain our support for this vision—charters should be created within the framework of state or nationally established standards, curriculum and assessments. Charters created to give teachers within schools, grades or departments the professional authority to find appropriate ways to achieve the standards for their students are the most promising road to educational progress.

One of the central issues that has been raised is the relationship between charter schools and collective bargaining. Some charter school advocates have proposed that charter schools, and the teachers in them, be exempt from collective bargaining. Their argument for this is that contract provisions and regulations would preclude the creation of schools with the flexibility that charters need. We totally reject this view. All across the U.S., union locals have initiated major reforms and have been extremely generous in negotiating waivers of contract provisions in order to permit greater flexibility.

Furthermore, there are outstanding examples in the private sector of union-management cooperation in changing from a traditional, authoritarian, factory-type organization to a modern high-performance organization. The GM-UAW Saturn project is a well-known example, but there are many others in steel, telecommunications and other fields. Traditional types of union contracts are a reflection of the factory-like organization of schools. As that kind of organization changes, there also should be a change in contract provisions to reflect the new situation. These changes should be accomplished through negotiation.

Charter school laws that exclude teachers from collective bargaining, tenure laws and due process procedures, and that fail to provide for established and orderly procedures for the determination of salaries and working conditions, cannot be the basis for a successful transformation of our schools. The teachers of America, like the teachers in all the advanced industrialized democracies with highly achieving school systems, are overwhelmingly unionized. They have unionized because they decided that they need collective voice and they need effective representation before their employer, in the courts, at the legislative level and with state and national administrations. Any effort to establish charter schools on a non-union basis thus cannot be a plan for reforming America's schools.

The willingness of teacher unions to negotiate totally new and more flexible rules will depend on what the new charter schools are like. In the first place, we must recognize that charters are a new idea. Few such schools exist. Some state laws actually limit their number, while other state laws have defined them in such a way that there are few takers. It is too early to tell whether the idea will take hold or whether it will follow hundreds of other once popular reforms to the archives. Since charter schools may eventually be substantially modified, or even abolished, modification of contract provisions should be limited to a set time period.

Another important issue is the internal governance of charter schools. Traditional schools are governed by principals in accordance with federal, state, school board and union regulations. The creation of such schools does not automatically mean that these will be schools in which teachers are empowered or that are run democratically. It may be that under the charter, the principal can run the school free from many regulations but that staff voice and involvement are no greater than before. Since many provisions of union contracts are designed to protect members from arbitrary and capricious actions of principals, unions are not likely to change these provisions so long as school authority relations remain unchanged. If, however, charter schools are governed differently in a collegial, professional and democratic manner, there is no reason for unions to

insist that rules in a central contract take precedence over the judgment of the members in each school.

How charter schools are financed—how much money each school should get—is also a very complicated issue. Using per-pupil expenditure as a way of calculating costs and devising budgets creates a host of difficulties. School systems use widely varying practices in arriving at these figures—some include food services, security, and/or playground and building upkeep in per-pupil figures, for example, while others exclude them. Making these calculations will require a whole new type of negotiations for unions.

Public education is under attack. Even though the efforts to adopt vouchers have been defeated, voucher proposals are likely to resurface unless confidence is restored in public education. The greatest hope for such restoration lies in the creation of a type of system that already works in other countries. Unfortunately, there are 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. We will work to defeat such proposals.

Finally, it is important to point out that even if Goals 2000 is properly implemented—if it results in the development of world-class standards, curricula, and assessments, and if charter schools are created within this context, which transforms schools in a positive direction—we will still not get the results we need without one additional major change. Students do not learn without hard work both in school and at home. It takes hundreds of hours of writing, solving problems, reading and studying to reach high standards. Students in other countries work much harder than ours—not because they want to but because they have to. They know that they won't get what they want—entry into college, technical training or a good job—unless they meet the standards. Until American students and their parents can clearly see the consequences of school success and failure, students will not work as much as they must to reach the standards. It is only through the adoption of a system of clear and visible high stakes for students that other changes can succeed (1994).



Looking at Charter School Legislation

In order to achieve the goal of public and properly structured charter school, the American Federation of Teachers thinks that the underlying legislation has to make clear that any charter schools:

- **be tuition free;**

Access to charter schools should not be limited to those who can afford to pay fees. If charter schools are to receive public funds, then all students must have the opportunity to attend.

- **specifically exclude private schools “converting” to public schools;**

Charter school legislation must specifically exclude private schools from receiving charter status while maintaining an exclusive attendance policy, promoting a religious viewpoint, or discriminating against students based on race, ethnicity, or gender. Using charter schools to fund private schools is not an appropriate use of public monies.

- **be open to all appropriate applicants, including students with special needs;**

Charter schools, if they are to be truly public, cannot refuse to serve students based on the special need or disability of the student or any other reason that would not apply in other public schools. Just as local schools must provide an appropriate education for these children, so must the chartered school.

- **be accountable to the public;**

While many states require charter schools to report annually to the parents of students attending the school, there is a responsibility to the public to report the expenditure of funds and the administration of programs. The Edutrain charter school in Los Angeles, whose charter was recently revoked, is an example of how public oversight is essential in protecting both the students and the public from financial and educational irresponsibility. After two years of operations, it was discovered that funds were diverted to the personal use of staff, and students were not enrolled in any academic classes. Because the school was subject to annual review by the school system, the conditions were discovered and the charter revoked.

- **use the same standards that apply to all other public schools;**

The American Federation of Teachers believes that all schools must adopt high academic and conduct standards for student. States across the country are working to implement Goals 2000 as a way of addressing the need to revise curriculum and assessments. Schools and states are adopting standards of behavior that are conducive to a sound learning environment. Charter schools must also adopt those standards.

- **use the same tests as other public schools, and make the results publicly available;**

All schools should be subject to the same testing requirements of the state and school district. Charter schools should not be exempted from complying with testing programs that allow comparison conclusions to be made. Charter schools should not have different requirements.

- **include the right of employees to bargain collectively;**

Unions across the country have adopted different bargaining strategies designed to assist reform efforts in school districts. These include allowances for waivers of contract provisions and the application of special contract clauses designed to meet the needs of specials programs. Developing new models of collective bargaining will not be encouraged by a return to eliminating the rights of employees to bargain collectively. Placing charter schools outside the protection of a collective agreement serves as a disincentive for teaching personnel to become involved with charter schools. This limiting of the pool of talented individuals will serve as a deterrent to the success of charter schools.

- **be responsible for retirement and health costs to the same extent as other public schools;**

As is the case with collective bargaining, teachers will be disinclined to participate in programs that diminish hard-won rights and benefits. Most states have recognized the need to provide for health coverage as well as retirement.

- **require approval of the local school district;**

In order for charter schools to be models of effectiveness for local public school systems, there must be a connection that promotes collaboration. Charter schools that are unconnected to local school districts become isolated. This fragmentation makes achieving higher common standards more difficult and diverts attention from ensuring better education for all students. In states where charters are granted absent the approval of the local district, a chasm develops that inhibits the participation of local teachers and the cooperation of local school districts that could enhance the charter school program.

- **meet all state and federal health and safety standards;**

Charter schools should be required to meet all health and safety codes and regulations.

- **be subject to sunshine laws.**

Sunshine laws that apply to all public institutions should also apply to charter schools. All of the dealings of the charter must be subject to the same open process that governs other schools. This is neither punitive nor prohibitive. Simple rules allowing public access to records that involve public funds should be basic to any charter school legislation.

APPENDIX B: State by State Analysis of Legislation

Alaska

Does not meet the criteria for good charter school legislation. Charter schools are exempt from meeting state standards. Charter schools could also seek exemptions from state testing requirements.

Admissions policies: Charter schools can target admission by age, grade level, and students who would benefit from a teaching strategy. These criteria for admission can be further defined in the charter school contract. However, because civil rights laws preclude discrimination against students with disabilities, caution is advised when disallowing admission to charter schools.

State standards apply: No. A charter school is exempt from the district's textbooks, programs, and curriculum.

Uses the same test instrument: No. No school has asked for exemption from the state testing policy, but because it is a regulation, a school could be eligible for a waiver.

Requires approval of local district: Yes. Both the local school board and the state board of education must approve an application for a charter. The local school board defines the application procedure for the charters in the school district.

Collective bargaining: Yes. All provisions of a district's existing negotiated agreement or collective bargaining agreement are applicable to a teacher or employee of the charter school.

Teacher retirement: Not specified in the law.

Teacher certification required: Not specified in the law.

Rules and regulations waived: The rules that can be waived are specified in the law. Charter schools are exempt from district textbook, program, curriculum, and scheduling requirements and from control of district superintendents. The charter school hires the principal, formulates the budget, and is free from any other agreed-to exemptions from the district. The charter school can get waivers from state regulation, except those required by state or federal law, or regulations relating to health and safety.

Reporting requirements: The reporting requirements are not specified in the law.

NB. Where the law is not specific as to reporting requirements, certification or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

Arizona

Arizona's charter school law does not meet the AFT criteria for good charter school law. It does not allow for collective bargaining for employees, does not require certification for teachers, and does not connect charter schools to the local school district.

Admissions policies: Charter schools may limit admissions by age groups or grade level. The school must admit students who reside in the attendance area of the school, except where admission would violate a federal court desegregation order. If too many applicants apply for admission, the charter school must admit students in the geographic area of the school district the school is located in, and if further cuts are necessary, they must be done through an equitable selection process like a lottery. Charter schools are required to enroll all eligible pupils who apply in a timely manner.

State standards apply: Yes. The state standards in core subjects apply to charter schools. The charter school may design its own method of measuring progress toward pupil outcomes adopted by the state board of education.

Uses the same test instrument: Yes. Charter schools must participate in the Essential Skill Tests and national standardized norm-referenced tests.

Requires approval of local district: No. State board of education and State Charter School Board are also chartering authorities.

Collective bargaining: No.

Teacher retirement: Yes. Charter school teachers are eligible to participate in the state retirement system.

Teacher certification required: No. Personnel qualification must be stated in the charter school application.

Rules and regulations waived: The charter school must apply for specific waivers from state rules and regulations. The law specifies that the charter school must comply with federal, state, and local rules, regulations, and statutes relating to health, safety, civil rights, and insurance. The department of education shall also publish a list of relevant rules and notify the charter schools of their responsibilities regarding these.

Reporting requirements: Each school shall distribute an annual report card, describing the school programs, goals, pupil results, average attendance rates, incidents on school grounds requiring law enforcement intervention, social services available at the school, school calendar, pupils enrolled, transportation services available, responsibilities of parents, and duties of the school council. The state department of education is also required to develop a report compiling this information from each school.

Arkansas

The Arkansas law meets most of the criteria for good legislation. However, it does not require charter school students to use the same tests as the district or local schools. It does not have a collective bargaining law for public employees.

Admissions policies: The law only allows public schools to convert to a charter school, so all public school admission policies apply.

State standards apply: Yes. The charter application must say how the school will meet the state education goals and must outline the proposed performance criteria to measure progress of the school in improving student learning and in meeting the national and state education goals.

Uses the same test instrument: No. The charter must outline the performance criteria for students in the charter application.

Requires approval of local district: Yes. The charter must be approved by the local board of education and the state board.

Collective bargaining: No.

Teacher retirement: Not specified in the law.

Teacher certification required: Not specified in the law.

Rules and regulations waived: A charter school is exempt from state and local rules, regulations, policies, and procedures specified in the contract.

Reporting requirements: The school must provide a yearly report to parents, the community, the local board, and the state board, which indicates the progress made by the charter school in the previous year in meeting the performance objectives.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

California

California meets most of the criteria for good charter school legislation. However, it does not extend collective bargaining for employees to new charter schools and does not require teacher certification.

Admissions policies: Charter schools must be open to all students. Admission cannot be according to place of residence, unless a school converts to a charter and in that case students in the former attendance area of the public school are given preference. Charter school applications must include a plan for how the school will achieve a racial and ethnic balance among pupils that is reflective of the general population residing within the school district and outline the school admission requirements. Preference in granting charters will be given to schools serving low-achieving students.

State standards apply: Yes. Charter schools must meet the statewide performance standards.

Uses the same test instrument: Yes. Charter schools must conduct the pupil assessment required by state code. Also, the application should include a description of measurable pupil outcomes identified for use by the charter school. “Pupil outcomes” means the extent to which all pupils of the school demonstrate that they have attained the skills, knowledge, and attitudes specified as goals in the school’s educational program, and method by which pupil progress in meeting pupil outcomes is to be measured.

Requires approval of local district: Yes. The governing board of the school district reviews the petition brought by the potential charter school, and it considers the public support for the school and then grants or denies the charter.

Collective bargaining: A teacher can opt to remain in the unit in a school that converts to charter school status. The law removes charter schools that are start-up schools from coverage by the collective bargaining law that covers school employees.

Teacher retirement: Yes. Charter schools can choose to participate in the state retirement system. The charter application has to specify how the staff will be covered.

Teacher certification required: No.

Rules and regulations waived: A charter school is exempt from the laws governing school districts, except as specified in the legislation.

Reporting requirements: An annual audit of the financial and programmatic operations of the school must be done.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

Colorado

Colorado's charter school law meets most of the AFT criteria. However, the law does not require all charter school students to take the state tests and does not specifically require teacher certification.

Admissions policies: Charter school enrollment must be open to any child who resides within the school district, except that no charter school shall be required to make alterations in the structure of the facility used by the charter school or to make alteration to the arrangement of rooms within the facility, except as may be required by state or federal law. Enrollment decisions shall be made in a non-discriminatory manner specified by the charter school applicant in the school application.

State standards apply: Yes. In Colorado, districts must develop standards that align with the state standards. As the district standards are developed over the next few years, the charter school must be able to show how it meets or exceed these standards. The school can also adopt the district standards as its own.

Uses the same test instrument: No. Using the state testing instrument is not mandated, but the Colorado Department of Education can require the state assessment be given for comparison. A charter school must develop a plan for evaluation of pupil performance.

Requires approval of local district: Yes. The charter school must apply to the local board of education, and an approved application becomes a contract between the charter school and local board.

Collective bargaining: Yes. Collective bargaining is allowed if the charter school is a public school conversion.

Teacher retirement: Yes. Employees of a charter school will be members of the public employees retirement association or Denver public schools retirement system.

Teacher certification required: Not specified in the law.

Rules and regulations waived: The charter school is free from specified school district policies and state regulations. In some cases the school can apply for specific waivers.

Reporting requirements: The state board shall compile evaluations of charter schools received from local boards of education. The department of education must prepare an annual report and evaluation for the governor and the general assembly on the success or failure of charter schools, the relationship to other school reform efforts, and suggest changes in state law necessary to strengthen or change the charter school program.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

Connecticut

Connecticut meets most of the criteria for good charter school law, but it does not specify that charter schools must meet the state standards and allows 50 percent of the teachers to be uncertified.

Admissions policies: The admissions policy indicates the charter school cannot discriminate in admissions on the basis of race, color, national origin, gender, religion, disability, athletic performance, or proficiency in the English language, but the school can limit enrollment by grade level and education focus. Siblings may be given preference. Otherwise, students must be chosen by lottery.

State standards apply: Not specified.

Uses the same test instrument: The charter school must participate in the statewide mastery exams required by state law.

Requires approval of local district: Only local charters, which are public school conversions, must be approved by the local districts. Others can be approved by the state.

Collective bargaining: Yes. School employees will be members of the appropriate bargaining unit for the local or regional school districts in which the charter school is located. This may be modified in way that is consistent with the charter.

Teacher retirement: Yes. Teachers may be part of the state retirement system.

Teacher certification required: At least half of the teachers must be certified.

Rules and regulations waived: The charter school is subject to all state and federal laws except where specified.

Reporting requirements: The governing council of each school shall submit annually, to the commissioner of education, a school profile as specified in state law.

NB. Where the law is not specific as to reporting requirements, certification or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

Delaware

Delaware meets most of the AFT criteria for good charter school laws. However, the law allows for up to 35 percent of the teachers to be uncertified.

Admissions policies: The policy allows admission restrictions by age and grade and permits preferences in admissions to students attending conversion schools and conversion school siblings, at-risk students, students interested in specific programs, and students in certain geographic locations. The conversion school students are children attending an existing public school converted to charter status and their siblings. The geographic preference is given to students in a five-mile radius of the school and students residing within the school district in which the school is located. Students with a specific interest may include the school's teaching methods, learning philosophy, or subject matter focus. Charter schools must use a lottery in the case of overenrollment.

State standards apply: Yes. The charter school must have student achievement indicators and must address the state board of education's standards. The school must set goals for student performance and utilize satisfactory indicators to determine whether its students meet or exceed such goals and the academic standards set by the state board of education. The school's educational program includes curriculum and instructional strategies for improving student performance and must have a procedure for taking corrective action if a student falls below standards. The plan should accommodate needs of at-risk students.

Uses the same test instrument: Yes. The indicators shall include the assessments required for students in other public schools, although the charter school may adopt additional performance standards or assessment requirements and shall include timelines for the achievement of student performance goals and the assessments of such performance.

Requires approval of local district: Yes. A public school can only be converted to charter with approval of the school district in which it is located.

Collective bargaining: Employees have the right to organize. They may not be part of existing unit.

Teacher retirement: Yes. Teachers can remain in the state retirement system or opt for other coverage offered by charter school.

Teacher certification required: Up to 35 percent of teachers can be uncertified. The acceptable routes of alternative certification are specified in the law.

Rules and regulations waived: The charter school is free from regulation except as specified in the law.

Reporting requirements: Each charter school must produce an annual report that discusses the school's progress in meeting the student performance goals and standards and which contains a financial statement setting forth by appropriate categories the school's revenues and expenditures and assets and liabilities. The department of public instruction shall prescribe a uniform format for such reports. The annual report shall be submitted to the approving authority and the state board of education. Employees and parents of the school shall receive a free copy upon request

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

Florida

Florida does not meet the AFT criteria for good legislation. Charter schools are not required to meet state standards. The law does not require teacher certification.

Admissions policies: The policy allows for regional, conversion, and sibling preference; and the charter school must achieve racial/ethnic balance reflective of the community it serves. Students must live in the district where the school is located, and when a public school converts to charter, preference must be given to students who would otherwise attend the school. If there are too many applicants, the charter school must use a random selection process. The school can specify admission by age, grade, and serve students at risk of academic failure.

State standards apply: No. Charter school sets its own goals and must identify the educational goals and performance standards to be met by students.

Uses the same test instrument: Yes. The charter shall address the current baseline standards of achievement, the outcomes to be achieved, and the method of measurement that will be used. Students in charter schools shall at a minimum participate in the statewide assessment program. Students must meet Florida graduation standards.

Requires approval of local district: Yes. The district school board shall receive and review all applications for a school charter. The district school board shall give priority considerations to schools serving low-performing students.

Collective bargaining: Charter school employees have the option to bargain collectively.

Teacher retirement: Yes. Teachers are included in the state plan.

Teacher certification required: No. The law simply states that the charter must specify teacher qualifications.

Rules and regulations waived: A charter school shall be exempt from all statutes of the Florida School Code, except for those pertaining to civil rights and student health, safety, and welfare, and relating to public records, meetings, inspections, and penalties.

Reporting requirements: The governing body of the charter school shall make annual progress reports to its sponsor, the state board of education, the commissioner of education, the president of the Senate, and the speaker of the House of Representatives. The report must contain information on the school's progress toward achieving the goals, financial records, salary and benefit levels of employees and all other information required by the state for all schools to report.

Georgia

Georgia meets most of the AFT criteria for good legislation, but does not require the use of the same test instruments required of other schools in the district.

Admissions policies: Admission is limited to students in the school district where the charter is located.

State standards apply: Yes. School improvement plan must be included that describes how the school proposes to work toward improving student learning and meeting local, state, and national education goals. The charter must have an accountability and reporting plan that describes how the school will measure and report its progress in improving student learning as well as in meeting local, state, and national education goals, and must outline the criteria used to measure progress toward these goals.

Uses the same test instrument: No. Must include plan for assessment in charter, but not required to be the same as other schools.

Requires approval of local district: Yes. A request to become a charter school goes to the local school board which forwards it to state board. The local school board can reject a proposal but must forward a reason to the state board which can request a hearing.

Collective bargaining: Not specified in the law.

Teacher retirement: Not specified in the law.

Teacher certification required: Not specified in the law.

Rules and regulations waived: A charter school shall be exempt from local and state rules, regulations, policies, and procedures and from other provisions of the law. The school must, however, follow the state and national constitution.

Reporting requirements: A charter school must provide to parents, the community, the local board, and the state board a yearly report that indicates the progress made by the charter school in the previous year in meeting the academic and/or vocational performance objectives.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

Hawaii

Hawaii meets some of the AFT criteria for good legislation, but it is not specific enough to determine whether or not it is a good law.

Admissions policies: The currently enrolled public school students have preference for admission to the charter school.

State standards apply: Yes. The local school board may formulate school-based educational policy and goals in accordance with statewide educational performance standards, and adopt school performance standards and assessment mechanisms to monitor school success. The state board of education must review the plan to ensure that it complies with statewide educational performance standards.

Uses the same test instrument: Not specified.

Requires approval of local district: Yes. Charters will be formulated from the local district, and plans will be submitted to state school board for approval.

Collective bargaining: Yes. The charter school is specifically not exempt from collective bargaining laws. School personnel may require their bargaining unit representative to certify and conduct the elections for their respective bargaining unit.

Teacher retirement: Yes.

Teacher certification required: Not specified in the law.

Rules and regulations waived: Charter schools shall be exempt from all applicable state laws except those regarding collective bargaining, state procurement law, discrimination, and health and safety requirements.

Reporting requirements: Not specified in the law.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

Illinois

Illinois meets some of the criteria for good legislation, but it does not require teacher certification and does not allow charter schools to be included in the district collective bargaining agreement.

Admissions policies: Enrollment in a charter school shall be open to any pupil who resides within the geographic boundaries of the area served by the local school board. Not more than 50 percent of the number of resident pupils enrolled in any one grade in a school district with only a single attendance center covering that grade may be enrolled in a charter school at one time. Generally, selection must be done by lottery, but priority may be given to siblings.

State standards apply: Yes. The certified charter may not waive or release the charter school from the state goals and standards established in law. The charter must state the school's goals, objectives, and pupil performance standards to be achieved. Preference will be given to proposals that set high standards and have a good plan for reaching the high standards.

Uses the same test instrument: Yes. The certified charter may not waive or release the charter school, from the state assessments established in law. A description of the charter school's plan for evaluating pupil performance, the types of assessments that will be used to measure pupil progress toward achievement of the school's pupil performance standards, and the procedures for taking corrective action in the event that pupil performance at the charter school falls below those standards must be given.

Requires approval of local district: Yes. A proposal to establish a charter school shall be submitted to the state board and the local school board in the form of a proposed contract. The contract is between the local school board and the governing body of a proposed charter school.

Collective bargaining: Charter schools will have separate and distinct contracts from collective bargaining units.

Teacher retirement: Yes.

Teacher certification required: No. A teacher can be certified, or (1) have a bachelor's degree from an accredited institution of higher learning, (2) have been employed for a period of at least five years in an area requiring application of the individual's education, (3) passed the test of basic skills and subject matter knowledge required by school code, or (4) demonstrate continuing evidence of professional growth, which shall include successful teaching experience, attendance at professional meetings, membership in professional organizations, additional credits earned at an institution of higher learning, travel for education purposes, and reading of professional books and periodicals. The law specifies that the non-certified teachers must be provided mentoring, training, and staff development for non-certified employees.

Rules and regulations waived: Free from regulation except as specified by law.

Reporting requirements: The state board shall compile annual evaluations of charter schools received from local school boards. The state board shall review information regarding the regulations and policies from which charter schools were released to determine if the exemption assisted or impeded the charter schools in meeting their stated goals and objectives. Each annual report shall include suggested

changes in state law necessary to strengthen or change charter schools. The state board will then issue a report to the General Assembly and the governor.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

Kansas

Kansas meets most of the AFT criteria for good charter school laws but fails to require charter schools to meet state standards.

Admissions policies: The school admissions must be open, but the student body should reflect district population. Pupils must be reasonably reflective of the gender balance and the racial and socioeconomic composition of the school district as a whole. The state board shall give preferential consideration to plans encompassing the establishment or enhancement and operation of charter schools that principally target at-risk pupils.

State standards apply: No. Must specify program goals, but no mention is made of state standards.

Uses the same test instrument: Yes. Must specify how pupil performance in achieving specific outcomes will be measured, evaluated, and reported.

Requires approval of local district: Yes. The school applies to local school board. If approved, the petition goes to the state board for approval.

Collective bargaining: If granted by local district covered by bargaining agreement; otherwise, charter schools are not covered by the law.

Teacher retirement: Yes. Employers can be members of the Kansas public employees retirement system.

Teacher certification required: Not specified in the law.

Rules and regulations waived: Subject to rules and regulations except as specified in the law.

Reporting requirements: Must specify in application the manner in which annual financial and program audits will be conducted. Annually, the state board of education of the school district shall evaluate the impact the charter school has had on the educational system of the district, and shall submit the evaluation to the board of education. The state will compile and give the report to the Legislature and governor.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

Louisiana

Louisiana meets all of the AFT criteria except that it allows charter schools to have up to 25 percent of the teachers uncertified.

Admissions policies: The at-risk population is the most important consideration in granting a charter. The system for admission precludes exclusion of pupils based on race, religion, ethnicity, national origin, intellectual ability, or identification as an exceptional child. The charters must enroll an eligible pupil in the district who submits a timely application. If the number of applicants exceeds the capacity, students must be chosen by lottery.

State standards apply: Yes. The charter follows laws imposing minimum requirements for graduation from public high school. The charter must present specific academic and other education results to be achieved, the timelines for achievement, as well as how the results will be measured and assessed. The charter school proposal must have a requirement that curriculum be focused on the intellectual domain with intellectual development defined as acquisition of discrete, technical academic skills.

Uses the same test instrument: Yes. The charter school shall conduct the pupil assessments required by the state board for public school students. This requires that pupils be tested regularly on each subject and that graded tests be sent home with progress reported to parents in letter or numerical grades.

Requires approval of local district: A local district must apply to the state for grant charting authority and state board grants. Local school board can then grant the charter.

Collective bargaining: Teachers are covered by the collective bargaining agreement unless specified otherwise in the charter.

Teacher retirement: Yes. Eligible if prior employment with the district; otherwise must be in the charter.

Teacher certification required: 25 percent of teachers may be uncertified. Qualifications are specified in the law.

Rules and regulations waived: The charter school is exempt from rules and regulations except as specified in the law.

Reporting requirements: A charter school must agree to provide a report at the end of each semester to parents of students enrolled in the school, the community, the local school board, and the state board indicating progress toward meeting the performance objectives as stated in the charter. Also, any local school board participating in the demonstration program shall report to the state board on the effectiveness of the charter schools within the system each year.

Massachusetts

Massachusetts does not meet the AFT criteria for good charter school law. It allows teachers in charter schools to be uncertified; it does not allow employees of charter schools to remain in the collective bargaining unit, and it does not require local district approval.

Admissions policies: Schools can set admissions standards based on academic ability, and can use testing, interviews, and recommendations. Legislation states that the school shall be open and cannot discriminate. Schools can, however, limit enrollment to specific grade levels or areas of focus in the school, such as math, science, or the arts; and the school may establish reasonable academic standards as a condition for application. Preferences will also be given to students who live in the city or town where the school is located, and to siblings of students who already attend the school. A lottery must be used if too many applicants apply.

State standards apply: Yes. Students in charter schools shall be required to meet the same performance standards, testing, and portfolio requirements set by the board of education for students in other public schools. The board of trustees, in consultation with the teachers, shall determine the school's curriculum and develop the school's annual budget.

Uses the same test instrument: Yes. Students in charter schools will be expected to meet the same testing and portfolio requirements set by the board of education for students in other public schools, and students are required to take state student assessments.

Requires approval of local district: No. Applications for charter schools are submitted to the secretary of education and the secretary grants approval.

Collective bargaining: Yes. But in separate bargaining units.

Teacher retirement: Yes.

Teacher certification required: No.

Rules and regulations waived: Exempt from rules and regulations except as stated in the law.

Reporting requirements: The charter school shall submit to the secretary of education, to each parent or guardian of its enrolled students, and to each parent or guardian contemplating enrollment in that charter school, an annual report. The report shall include financial information, enrollment information, information required from all schools under state law, the school code of conduct, and other information.

Michigan

The Michigan law meets most of the AFT criteria, except that in some instances it allows charter schools to be approved without the participation of the local school district.

Admissions policies: Admission policies are open, although a charter school may set standards similar to ones other districts are allowed to set. The law specifies that a charter school cannot discriminate admissions on the basis of intellectual or athletic ability, measures of achievement or aptitude, status of handicapped person, or any other basis that would be illegal if used by a school district. Students must be state residents, and if too many students apply, they must be chosen by a random selection process.

State standards apply: Yes. But state standards are now voluntary for all school districts. Charter must specify the school's education goals and curricula to be offered. Academy must have educational goal, program, and curricula to be offered.

Uses the same test instrument: Yes. Progress should be assessed using at least the Michigan Education Assessment Program (MEAP) or an assessment instrument developed under law for a state-endorsed high school diploma, or one or more nationally normed test: the California Achievement Test, the Stanford Achievement Test, the Iowa Basic Skills, or the Metropolitan Achievement Test. The charter school application must specify the method of pupil assessment.

Requires approval of local district: Yes. Person or entity applies to the board of a school district for a contract to organize and operate a public school. The contract must be submitted to the state board after being issued by the local entity. However, state colleges and universities also have the authority to grant charters, which does not require local approval.

Collective bargaining : Only if charter is granted by the district. Collective bargaining for a charter granted by state colleges or universities, or county district not specified.

Teacher retirement: Yes.

Teacher certification required: Yes. An exception is made for college professors at a state college or university sponsoring a charter school, or community college faculty with five years experience teaching subject matter that they will be teaching.

Rules and regulations waived: Exempt from all taxation on its earnings and property.

Reporting requirements: The school must give a description of the method to be used to monitor the public school academy's compliance with applicable law and its performance in meeting its targeted educational outcomes. The state board shall submit to the legislation a financial report, the number of pupils served, the summary of curricula, and aggregate test scores.

Minnesota

Minnesota meets most of the AFT criteria but lacks reporting requirements.

Admissions policies: Charter school admission can be limited by age or grade and students eligible to participate in the high school graduate incentives program. It can also be limited to specific geographic areas, where the percentage of the population of non-Caucasian people in the area is greater than the percentage of the non-Caucasian population in the congressional district in which the geographic area is located, as long as the school reflects the racial and ethnic diversity of the area. The school must enroll eligible pupils who submit a timely application, and if too many students apply they will be selected by lot. A school may not limit admissions on intellectual ability, measures of achievement or aptitude, or athletic ability, but targeting of at-risk population is encouraged.

State standards apply: Yes. Charters must design programs to at least meet the outcomes adopted by the state board of education. In the absence of state board requirements, the school must meet the outcomes contained in the contract with the sponsor. Achievement levels of the outcomes contained in the contract may exceed the achievement level of any outcomes adopted by the state board.

Uses the same test instrument: Not specified in the law.

Requires approval of local district: Yes.

Collective bargaining: Yes, but not part of any other bargaining unit unless agreed to by all parties.

Teacher retirement: Yes.

Teacher certification required: Yes.

Rules and regulations waived: A charter school shall be exempt from all Minnesota statutes and rules applicable to a school, school board, or school district, except as specified in the law.

Reporting requirements: Not specified in the law.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

New Hampshire

New Hampshire does not meet AFT criteria for good legislation. Charter schools do not have to meet state standards; up to 50 percent of the teachers may be uncertified; and employees may not remain in the bargaining unit.

Admissions policies: The charter school may select students based on aptitude specified in the academic goals of the charter. A pupil who meets the admission requirements of an open-enrollment or charter school and who is a resident of the district where the school is located shall be given absolute admission preference over non-resident pupils. Once admitted to the school, students need not reapply. In the case of a conversion school, all students will be eligible for admission. The school district shall impose limitation on the number of its resident pupils who may attend charter or open enrollment schools located inside and outside the school district. These limitations shall be represented as any percentage between 0 and 100 percent of the school district's current pupil enrollment. Schools may limit enrollment to specific grade or age levels, pupil needs, or areas of academic focus including, but not limited to at-risk pupils and vocational education pupils. Schools may select pupils on the basis of aptitude and academic achievement or need, provided that such selection is directly related to the academic need of the school. Lottery should be used if too many eligible students apply. Schools must accept out-of-district students despite the "tuition" amount coming from the district.

State standards apply: No. Each school must specify its own curriculum and goals.

Uses the same test instrument: Yes. At least annually and near the end of each school year, charter schools shall evaluate the educational progress of each pupil. Such evaluations shall include, but not be limited to, the New Hampshire statewide education improvement and assessment programs. The cost of this shall be borne by the state.

Requires approval of local district: Local school boards approve or disapprove proposed charters.

Collective bargaining: Charter schools have the right to bargain as a separate unit. The teacher must withdraw from other bargaining unit.

Teacher retirement: Charter schools can choose to participate in the retirement system.

Teacher certification required: 50 percent of the teachers at a charter school must be certified or have three years of teaching experience.

Rules and regulations waived: Exempt from rules and regulations except as specified in the law.

Reporting requirements: The charter school shall provide one copy of the annual report to the state board of education and to the local school board, and also make it available to anyone who requests it. The annual report must include the number of pupils served by the school, their respective tuition rates, and a discussion of progress made toward the achievement of the school's academic goals as well as other goals set forth in the charter.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

New Jersey

New Jersey meets many of the AFT criteria, but there is a possibility that charter schools could abuse the provision allowing selection of students based on ability. New charter schools are covered by collective bargaining only with the approval of all parties.

Admissions policies: A charter school shall be open to all students on a space available basis and shall not discriminate in the admission policies or practices on the basis of intellectual or athletic ability, measures of achievement or aptitude, status as a handicapped person, proficiency in the English language, or any other basis that would be illegal to use in a school district. The charter school may limit admissions to a particular grade level or to areas of concentration of the school, such as math, science, or the arts. A charter school may establish reasonable criteria to evaluate prospective students which shall be outlined in the school's charter. A charter school must also give preference to students who reside in the district. If too many students apply, the school must use a random selection process. Students attending the school before it became a charter school are given priority. Siblings of these students also have priority. The admissions policy should seek the enrollment of a cross section of the community's school-age population, including racial and academic factors.

State standards apply: Yes. Charter school students shall be required to meet the same academic performance standards as established by law and regulation for public school students.

Uses the same test instrument: Yes. Charter school students shall be required to meet the same testing standards as established by law and regulation for public school students and shall also meet any additional assessment indicators that are included within the approved charter.

Requires approval of local district: Application for a charter school shall be submitted to the commissioner and the local board of education or the state superintendent in the case of a state-operated school. The local board of education or state superintendent shall review the application and forward a recommendation to the commissioner. The commissioner has final authority to accept or reject applications.

Collective bargaining: Yes, if a conversion school. If a new school, collective bargaining only with the agreement of all parties.

Teacher retirement: Yes.

Teacher certification required: Yes. All classroom teachers and professional support staff must hold an appropriate New Jersey certificate.

Rules and regulations waived: The charter application must include a description and justification of any waivers of regulation that the charter school will request.

Reporting requirements: Each school shall submit an annual report to the local board of education, the county superintendent of schools, and the commissioner in the form prescribed by the commissioner. The commissioner will assess annually whether each charter school is meeting the goal of the charter.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

New Mexico

The New Mexico law meets some of the AFT criteria, but the law is too vague to evaluate all of the criteria.

Admissions policies: Only public schools can convert to charter schools, so district policies apply. Enrollment must be open to any student who resides within the district attendance area. No discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services.

State standards apply: Yes. The charter school must have a plan for implementing alternative education curricula at the school, including description of the charter school's educational program; mechanisms to ensure that effective school characteristics are present, promoted, and improved upon; and pupil performance standards and curricula, which must meet or exceed the student expectations promulgated by the state board.

Uses the same test instrument: Not specified in the law.

Requires approval of local district: Individual schools that want to become charter schools must apply through the local school boards.

Collective bargaining: Not specified in the law.

Teacher retirement: Not specified in the law.

Teacher certification required: Public school rules and regulations apply.

Rules and regulations waived: Charter schools shall comply with all provisions of the Public School Code. The state board may grant waivers to a charter school for the purpose of providing class size and structure flexibility, alternative curriculum opportunities, and alternative budget opportunities.

Reporting requirements: Not specified in the law.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

North Carolina

North Carolina meets some of the AFT criteria for good charter school law. However, it allows 25-50 percent of the teachers to be uncertified and does not require the approval of the local school district.

Admissions policies: Attendance area preference given only when a school converts to a charter school. A charter school shall not discriminate, and except as otherwise provided by law or the mission of the school as set out in the contract, the school shall not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. Within one year, the population of the school shall reasonably reflect the racial and ethnic composition of the general population residing within the local school administration. If the number of applications exceeds available openings, students shall be accepted by lot.

State standards apply: Yes. The school must design its program to at least meet the student performance standards adopted by the state board of education.

Uses the same test instrument: Yes. The charter school shall conduct the student assessments required for charter schools by the state board of education.

Requires approval of local district: No. Potential charter schools can submit applications to the local board of education, the board of trustees of a constituent institution of the University of North Carolina or to the state board of education.

Collective bargaining: Not specified in the law.

Teacher retirement: Teachers will not be part of the state retirement system if the school elects total independence from the local board of education. If the school is under the supervision of the local board of education, teachers are eligible for all state-funded employee benefits.

Teacher certification required: No. The law specifies at least 75 percent of teachers in grades kindergarten through five, at least 50 percent in grades six through eight, and at least 50 percent in grades nine through 12 shall be certified.

Rules and regulations waived: The school shall meet all health and safety laws, and the school shall be accountable to the local board of education for purposes of ensuring compliance with applicable laws and the provisions of its charter.

Reporting requirements: The school shall report at least annually to the chartering entity and the state board of education the information required by the chartering entity or the state board.

Rhode Island

Rhode Island meets the AFT criteria for good charter school law. However, the ability of charter schools to set admission policies based on academic ability may lead to future problems.

Admissions policies: The law indicates the charter may establish reasonable criteria to evaluate prospective students, which means establishing academic standards as a condition for eligibility for applicants. Preference will be given to students who are enrolled in the district. The charter must describe enrollment procedures including the non-discriminatory criteria for admission in accordance with applicable state and federal law, along with a program to encourage the enrollment of a diverse student population. The makeup of the school must reflect the student population of the district including, but not limited to, special education students, students eligible for free and reduced lunch, and limited English proficient students.

State standards apply: Yes. The charter must provide a plan for education that includes the mission, objectives, method of providing a basic education, a process for improving student learning and fulfilling the charter as well as state and national education goals and standards.

Uses the same test instrument: Yes. The law holds the schools established under this chapter accountable for meeting publicly promulgated, measurable, state and charter-based pupil academic results and provides the schools with a method to implement performance-based and/or other student-based accountability systems.

Requires approval of local district: The commissioner of elementary and secondary education and the local school committee where the school is to be located must receive the charter school application and recommend to the board of regents the granting of a revocable charter authorizing the school.

Collective bargaining: Yes. Must specify if variance is desired from state statutes and regulations and school district rules.

Teacher retirement: Yes. Teachers and administrators must be certified pursuant to state laws and regulations.

Teacher certification required: Yes.

Rules and regulations waived: Certain rules and regulations specified in the act will be waived.

Reporting requirement: The school must provide a yearly report to parents, the community, the local school committee, and the commissioner of education, which indicates the progress made by the charter public schools during the previous year in meeting the charter school objectives.

South Carolina

South Carolina meets some of the criteria but does not require that charter schools meet state standards or that teachers in charter schools be certified. There is no collective bargaining for teachers in South Carolina.

Admissions policies: Any student can be admitted to the charter school, but the school enrollment cannot differ from the racial composition of the school district by more than 10 percent. If the number of applicants exceeds vacancies, the students shall be accepted by lot. The school may not limit or deny admissions or show preference in admission decisions to any individual or group of individuals, but the school may give priority to sibling of pupils already enrolled or children of a charter school employee.

State standards apply: No. The policy indicates the charter school must meet or exceed any content standards adopted by the school district in which the charter school is located.

Uses the same test instrument: Yes. The charter school must have a plan for evaluating pupil achievement and progress toward accomplishment of the school's achievement standards in addition to state assessments.

Requires approval of local district: Yes. Applications must be made through the local school district.

Collective bargaining: Not specified in the law.

Teacher retirement: Charter school teachers can remain in state retirement system.

Teacher certification required: No. The school can hire non-certified teachers in a ratio of up to 25 percent of its entire teacher staff, unless it is a converted charter school, and in that case only 10 percent of the teaching staff can be non-certified.

Rules and regulations waived: Except as stated in the law, a charter school is exempt from all provisions of law and regulations applicable to a public school, a school board, or a district, although a charter school may elect to comply with one or more of these provisions of law or regulations.

Reporting requirement: Charter renewal application -- every three years -- requires a report on the progress of the charter school in achieving the goals, objectives, and pupil achievement standards. Annually, the department of education shall provide upon request a directory of all charter schools authorized under this legislation with information concerning the educational goals of each charter school and the success of each school in meeting its education goals.

NB. Where the law is not specific as to reporting requirements, certification or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

Texas

Texas charter school law meets most of the AFT criteria but does not require charter schools to meet state standards. There is no collective bargaining for public employees.

Note: Texas has three types of charters: Home Rule School Districts, Campus Program Charter and an Open Enrollment Charter.

Admissions policies:

Home Rule School District: A district cannot discriminate against students diagnosed as having learning disabilities and cannot discriminate on the basis of race, socioeconomic status, or family support status. The district must place a student in a program at the highest level necessary to ensure student success.

Campus Program Charter: Priority must be given to student on geographic and residency considerations. Secondary considerations may be given based on age, grade level, or academic considerations in general or in a specified academic area. The law prohibits discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability. Students may be required to turn in an application.

Open Enrollment Charter: Students must apply. Board can approve or deny an application based on the criteria it adopts. The criteria can relate to improving student performance and using innovative programs. Open enrollment prohibits admission discrimination based on sex, national origin, ethnicity, religion, disability, academic or athletic ability, or the district the child would otherwise attend in accordance with this code. A charter may provide for the exclusion of a student who has a documented history of a criminal offense, a juvenile court adjudication, or discipline problems.

State standards apply: Yes.

Home Rule District: The district must describe the educational program to be offered and must show acceptable student performance on assessment instruments.

Campus Program Charter: A program is exempt from the instructional and academic rules and policies of the board of trustees from which the campus or program is specifically exempt under the charter. The program retains authority to operate if students perform satisfactorily in accordance with the outlined educational program.

Open Enrollment Charter: Charter must describe the educational program to be offered, which must include the curriculum required in the law; and the continuation of the charter is dependent on performance on assessment instruments.

Uses the same test instrument: Yes. For each type of charter, the district or school must show acceptable student performance on assessment instruments adopted under state law.

Requires approval of local district:

Home Rule District: A home rule district must be a conversion from an existing district.

Campus Program Charter: The school district grants the charter.

Open Enrollment Charter: State grants the charter.

Collective bargaining: Texas has no collective bargaining law for public employees. Employees in public schools have the right to confer.

Teacher retirement: Yes. All qualified employees are eligible to be part of the Teacher Retirement System of Texas.

Teacher certification required: Yes.

Rules and regulations waived:

Home Rule District: Subject to federal and state laws and rules governing school districts, except for exemptions specified in the law.

Campus Program Charter: The school is exempt from district rules specified under the charter, and it is subject to state and federal laws except for exemptions specified in the law.

Open Enrollment Charter: The school is subject to federal and state laws and rules governing public schools, except as specified in the legislation.

Reporting requirements: Each type of charter requires that the charter describe the manner in which an annual audit of financial and programmatic operations of the district is to be conducted, including the manner in which the district will provide information necessary for the district to participate in the Public Information Management System.

Wisconsin

The Wisconsin law is not specific enough to evaluate on all of the AFT criteria. However, the law exempts charter schools from the state standards.

Admissions policies: The charter must indicate how the school will reach the ethnic and racial balance among its pupils that is reflective of the school district population. The charter schools must specify what the requirements for admission will be, and these must be approved as part of the charter. Schools planning to serve at-risk students will have priority in charter granting. The school cannot discriminate in admissions or deny participation in any program or activity on the basis of one's sex; race; religion; national origin; ancestry; pregnancy; marital or parental status; sexual orientation; or physical, mental, emotional or learning disability.

State standards apply: No.

Uses the same test instrument: No. The charter must specify how the school will measure student progress.

Requires approval of local district: The petition for a charter school goes to the school board, which holds hearings and grants the petition. School board must inform state superintendent when it plans to establish a charter school.

Collective bargaining: Not specified in the law.

Teacher retirement: Not specified in the law.

Teacher certification required: Yes.

Rules and regulations waived: School is an instrumentality of the school district in which it is located, so school rules apply except where explicitly exempt.

Reporting requirements: The charter must outline the manner in which annual audits of the financial and programmatic operations of the school will be performed.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

Wyoming

Although, Wyoming meets some of the AFT criteria for good charter school law, it exempts charter schools from meeting state standards and does not require that charter school students take the same test instrument used in other public schools.

Admissions policies: The law states that school admission cannot be determined by residence except when a public school is converted into a charter. Admission shall not be determined solely on academics. The potential charter school must state admission requirements in application, and the means by which the school will achieve a racial and ethnic balance among its pupils that is reflective of the general population residing within the territorial jurisdiction of the school district in which the charter petition is submitted.

State standards apply: No. Charter school applications must describe measurable pupil outcomes identified for use by the charter school. Pupil outcomes must measure the extent to which all pupils of the school demonstrate they have attained the skills and knowledge specified in the school's educational program, and must describe the method by which pupil progress in meeting these outcomes is measured.

Uses the same test instrument: No. The potential charter school must specify in the charter how it will measure progress in meeting student outcomes.

Requires approval of local district: A petition signed by teachers must be submitted to the district board of trustees for review. This board holds hearings and the governing board grants or denies approval.

Collective bargaining: Not specified in the law.

Teacher retirement: Charter schools can participate in the Wyoming retirement system and federal Social Security.

Teacher certification required: Yes. Full-time teachers must be certified.

Rules and regulations waived: Not specified in the law.

Reporting requirements: The charter must indicate the manner in which an annual audit of the financial and programmatic operations of the school is to be conducted. Also, each district board granting a charter pursuant to this article shall annually report to the state board of education on each charter school operating within the district, compliance with the provisions of the charter and shall assure the state board that students attending the charter school are receiving an education consistent with the educational opportunities available to all students within the district.

NB. Where the law is not specific as to reporting requirements, certification, or retirement, it is presumed that the same requirements that exist for public schools are applied to charter schools.

AFT Criteria for High-Quality Standards

Virtually every state in the country is in the process of developing reviewing or strengthening their academic standards, many of them encouraged to do so by Goals 2000 legislation. In the development of those standards—as is true with so many other important undertakings—the devil is in the details. If the standards are vague or fuzzy; if they are too skimpy ... or too overwhelming; if their focus is not on academic content; if they are set too high or too low, they not only fail to serve their intended purpose, they can also turn people against the basic notion of establishing standards.

Based on lessons learned from recent standards-setting efforts undertaken by various national, state and local groups, as well as from our study of curricular and assessment materials of many European and Asian countries, the AFT developed criteria for teachers, parents, and others to judge the usefulness and effectiveness of student achievement standards. Since we first published these criteria in the fall of 1994, they have been used by states and districts developing standards, and they have been used in professional development workshops for teachers and others who are concerned about the quality of what is being put forward in the name of “standards.”

It took other countries a long time to arrive at useable descriptions of the essential knowledge and skills they want their students to learn. Developing standards in the U.S. will also take time. We should be prepared for a number of rounds, an evolution of revision and refinement—and a lot of hard work. But done well, standards will be a powerful tool for improving education. It is in this spirit that we put forward these criteria.

1. Standards must focus on academics

This may seem obvious to many people, but it is important to stress the point. The purpose of setting standards is to improve students' academic performance. This should be the central mission of all our educational arrangements. Forging agreement around the academic content of the curriculum and the expectations we have for our children is the essential first step. If we can agree on what all students deserve to learn, we can focus our energies and resources on giving all kids the opportunities they need to read and write better; reach greater heights in math and science; and learn more about history, geography, literature, and the arts. These are the things that will make a difference in students' lives, and they are what parents care most about.

But there are some who would rather have standards focus on social and behavioral issues than on academics. Across the country, we've watched debates and legislative battles unfold around proposed education standards or “outcomes” that stray from or avoid academics. These efforts, frequently referred to as “outcomes-based education,” or “OBE,” are being challenged and defeated, and not only by religious fundamentalists but also by concerned parents, business people, educators, and other public school supporters who have raised serious questions about some of the standards that have been developed.

In several states, the intense negative reaction to nonacademic standards resulted in the substantial revision or defeat of the entire standards reform package. Here are a few examples from Virginia (where, in 1992, Governor Douglas Wilder abandoned the complete draft set of

“Common Core of Learning” standards) and from Pennsylvania (where strong opposition prompted the state to significantly amend its draft “Student Learning Outcomes”):

[A] student who is becoming a fulfilled individual uses the fundamental skills of thinking, problem solving, communicating, quantifying, and collaborating...to analyze personal strengths and limitations to improve behaviors, capabilities, and plans (*Virginia’s Common Core of Learning, Draft 1992*).

All students understand and appreciate their worth as unique and capable individuals and exhibit self-esteem (*Pennsylvania’s Student Learning, Outcomes, Draft 1991*).

All students demonstrate caregiving skills and evaluate, in all settings, appropriate child care practices necessary to nurture children based on child development theory (*Pennsylvania’s Student Learning Outcomes, Draft 1991*).

In contrast, the following excerpt from the recently revised national history standards is clearly grounded in academic content and represents the type of information that standards ought to convey:

The student understands the causes of the American Revolution. Therefore, the student is able to:

- Explain the consequences of the Seven Years War and the overhaul of English imperial policy following the Treaty of Paris in 1763.
- Compare the arguments advanced by defenders and opponents of the new imperial policy on the traditional rights of English people and the legitimacy of asking the colonies to pay a share of the costs of empire.
- Reconstruct the chronology of the critical events leading to the outbreak of armed conflict between the American colonies and England.
- Analyze political, ideological, religious and economic origins of the Revolution.
- Reconstruct the arguments among patriots and loyalists about independence and draw conclusions about how the decision to declare independence was reached.

As noted earlier, the program most responsible for giving standards a bad name is called “outcomes-based education” or OBE. Although it makes sense to organize our education system around the results—or outcomes—we hope it will produce, OBE’s treatment of academic knowledge as a low priority doesn’t sit well with most teachers and parents. OBE proponents served as key consultants to several state education departments over the last several years, and in each case the so-called reform proposal that resulted was met with significant opposition, largely because of the non-academic and controversial nature of the standards. Now, in a number of states, those opposed to any kind of standards development are trying to pin the “OBE” label on whatever effort is under way in an attempt to taint it. In reaction, states have begun to avoid terms like “outcomes” and “OBE” to describe what they’re doing. Terminology, however, is not at the heart of the matter. In the end, it’s the content of the standards that must be kept center stage.

Schools certainly have a role to play in helping students develop those traits essential to good behavior and strong character, such as compassion, honesty, self-discipline, and perseverance. And the standards-setting process can contribute to that mission by ensuring that all students have access to a solid academic curriculum, because moral education is a natural by-product of a good curriculum. As students weigh the dilemmas and compromises of history and learn about its heroes and villains; as they re-visit the great debates that have stirred mankind over the

centuries; and as they confront the ethical issues that lie at the heart of so much of our great literature, their moral understandings will be greatly enriched.

In addition, of course, schools can contribute to the moral education of the young in other ways—for example, through their discipline policies; through their decisions about what to reward and recognize; and by the example they set as a community in which the virtues are both expected and honored. These are not matters, however, that lend themselves well to the standards-setting mechanism. They are best taken up by teachers, parents, and the local or school community, coming together to find common ground in their hopes for their children.

2. Standards must be grounded in the core disciplines

Some educators argue that we should move away from traditional subject areas and create “interdisciplinary” expectations for students. “Human growth and development,” “environmental stewardship,” and “cultural and creative endeavors” are just some of the topics that have sprung up in place of math, science, history, and English. Proponents of this approach argue that solutions to “real-world” problems and issues cannot be based on one or another discipline, so, therefore, neither should standards.

This argument belies the purpose of standards, which is to focus our educational systems on *what* is most essential for students to learn, not to prescribe *how* the material should be taught. At its best, interdisciplinary education can be a stimulating approach to teaching the knowledge and skills that arise from the disciplines. But that content knowledge and those skills have to be defined first if interdisciplinary teaching is to be effective. That is the purpose of setting standards.

Strong standards in each of the core disciplines will ensure that interdisciplinary approaches to teaching reflect the depth and integrity of the disciplines involved. It is not enough for standards to simply touch upon or reference the disciplines. To be complete, a set of standards must embody the knowledge and habits of mind essential to each of the core subjects, and in our opinion, this cannot be accomplished by trying to fit disciplinary knowledge into broad overarching categories such as “critical thinking” and “problem solving.”

When standards-setters abandon the disciplines or significantly blur disciplinary boundaries, content often suffers. Standards become vaguely worded and loosely connected, making the job of curriculum designers, assessment developers, and teachers all but impossible. These are also the kinds of standards that parents and the public are least likely to understand and support.

In other words, no matter how interesting the teaching method, the subject matter must still be worthwhile for the approach to work. Strong standards in each of the core disciplines will ensure that interdisciplinary approaches reflect the depth and integrity of the disciplines involved.

* * *

In order to better prepare students for the job market after they finish school, some states and industry groups are developing “career” or “skill” standards separate from the core academic standards. Insofar as these efforts help make clear to students the academic knowledge and skills they will need to get good jobs and build successful careers, skill standards will be serving a very useful purpose. Students are always asking how what they are learning in school is relevant to

their later lives. By showing students, through the standards and curriculum, how good writing skills or trigonometry are used in the workplace, schools may have an easier time motivating students to work hard, and businesses may have better-prepared youngsters applying for jobs.

There is a real danger, however, that skill standards can have a very different effect than the one just described. If these standards become purely vocational in nature, and if they fail to make a strong connection to the academic subjects, the result will be a greater separation between the vocational and academic tracks in American high schools. Whether students plan to go to college, vocational training, or directly into the workforce after high school, there is a common core of academic knowledge and skills they will need to succeed. Skill standards either need to build in that academic core or they need to make clear references to a set of academic standards that does.

3. Standards must be specific enough to assure the development of a common core curriculum

We have already established that good standards are based in the academic disciplines, but being academic- and subject-based is not enough. A good set of standards should also outline the essential knowledge and skills that all students should learn in each subject area.

Such standards would guarantee that all students, regardless of background or neighborhood, are exposed to a common core of learning. This means putting an end to the unequal, uninspiring curricula that many disadvantaged youngsters get locked into from an early age. A strong common core also would enable us to continue to forge a strong common culture, to preserve what unites us without diminishing the unique strength that flows from our diversity.

Requiring a common core would not, of course, limit students who choose to go beyond it to advanced-level high school courses in any of the academic subjects. Nor would it prevent a fruitful integration of the academic core with vocational or technical education at the upper-secondary level. But to the extent that a common core is established through most of the high school years—which is the practice abroad—we would ensure that all students are given a more equal chance to become well-educated citizens.

In addition, teachers would have a much clearer idea of what their students learned the year before, so they would not have to waste so much class time re-teaching previously covered material. And it would make life much easier on students who move from one school to another and often find themselves either way ahead or way behind the rest of the class.

With a common core in hand, we could—as other industrialized countries have done—end the need for every teacher to re-invent the wheel. Like other professionals, we could begin to accrue a more focused body of knowledge, a portfolio of good practice, of materials and options that teachers and teacher educators could draw from, adapt, add to, polish, and refine. But this is only possible if there is broad agreement on what is most essential to learn.

If standards are to set forth the content of a common core, and if they are to be used by teachers, curriculum and assessment developers, textbook publishers, and others, they must be specific enough to guide these people in their activities. Unfortunately, many states' standards

seem to be falling short in this regard, offering the barest guidance as to what should be covered. Some of the standards we've seen fit entire subjects on a single page. Others don't make any distinction between what elementary and secondary students should learn. One state's social studies standards mention that students should learn about the concept of "war and its many repercussions," but never specify which wars are most important for them to study. Such a guideline could lead to textbooks that cover the U.S. Revolution and the Civil War, assessments that cover World War I and World War II, and professional development and teacher education that stress World War II, Korea, and Vietnam.

Though it has received a lot of attention for its reform efforts over the last several years, Kentucky is an example of a state whose standards were, until recently, too vague to guide local districts toward a core curriculum and matching, content-based assessments. Kentucky's original standards contained only five to ten statements of what students should learn in each subject area. Here, for example, is the complete list of Kentucky's original social studies standards:

2.14 Students understand the democratic principles of justice, equality, responsibility, and freedom and apply them to real-life situations.

2.15 Students can accurately describe various forms of government and analyze issues that relate to the rights and responsibilities of citizens in a democracy.

2.16 Students observe, analyze, and interpret human behaviors, social groupings, and institutions to better understand people and the relationships among individuals and among groups.

2.17 Students interact effectively and work cooperatively with the many ethnic and cultural groups of our nation and world.

2.18 Students understand economic principles and are able to make economic decisions that have consequences in daily living.

2.19 Students recognize and understand the relationship between people and geography and apply their knowledge in real-life situations.

2.20 Students understand, analyze, and interpret historical events, conditions, trends and issues to develop historical perspective.

To the state's credit, officials in Kentucky have decided that it is necessary to provide teachers, parents, and others with more clarity in terms of the academic content students are expected to learn. The original standards are, therefore, being fleshed out in greater detail, and should help to fill a hole in what is otherwise a very impressive state education reform effort.

In contrast, California has for years communicated its standards in terms of grade-by-grade curriculum frameworks, thus providing substantial, common, clear guidance to all the players in the educational system. Here, for example, is an excerpt from the California History/Social Science Framework describing what 11th graders should understand about the Great Depression:

Students should assess the likely causes of the Depression and examine its effects on ordinary people in different parts of the nation through use of historical materials. They should recognize the way in which natural drought combined with unwise agricultural practices to cause the Dust Bowl, a major factor in the economic and cultural chaos of the 1930s. They should see the linkage between severe economic distress and social turmoil. Photographs, films, newspaper accounts, interviews with persons who lived in the period, as well as paintings and novels (such as John Steinbeck's *The Grapes of Wrath*) will help students understand this critical era.

The administration of Franklin D. Roosevelt and his New Deal should be studied as an examination of the government's response to economic crisis. The efforts of the Roosevelt Administration to alleviate the crisis through the creation of social welfare programs, regulatory agencies, and economic planning bureaus should be carefully assessed.

Officials in California are trying to build on the information in the curriculum frameworks by developing complementary standards and assessments that all students will be expected to master.

How specific should standards be? There is no perfect formula. But it helps to keep in mind why we are setting standards in the first place and how they will be used. Here are some questions worth asking about the standards in your state:

- Are the standards organized by grade levels or age bands, or do they in some way clearly delineate the differences in expectations for students at different ages or levels?
- Are the standards clear and specific enough to guide the development of curriculum frameworks that would describe the core units to be covered in every grade?
- If a state were to adopt these standards but give districts the responsibility for fleshing them out into a curriculum, what are the chances that students across the state would be learning the same core curriculum?
- If a student moved from one district to another or from school to school within a district, would these standards ease the transition and ensure that students were neither too far behind nor too far ahead?
- If a textbook publisher and an assessment developer were to use the standards in their work, is it likely that the text and the test would be well aligned?

4. Standards must be manageable given the constraints of time

Neither standards nor the resulting common core curriculum should try to cover everything to be taught. A core curriculum should probably constitute somewhere between 60 percent to 80 percent of the academic curriculum; the exact amount is open for discussion. The rest can be filled in by local districts, schools, and teachers.

It's important not to draw the wrong conclusions here: There is nothing sacred about the ways schools presently apportion their time. According to *Prisoners of Time*, the 1994 report by the National Education Commission on Time and Learning, American schools spend about half as much time on academics as their counterparts overseas. The average U.S. high school graduate spends only 40 percent of his time studying core academic subjects in his school career. There is no reason why these figures should be so low, and standards are the first necessary step toward initiating some changes in school schedules.

Nevertheless, as states begin to adopt standards, there undoubtedly will be competing demands for time in the curriculum—both within and among the disciplines. Standards-setters will need to exhibit restraint in the face of these pressures. Their job is to determine what is essential for students to learn. A laundry list that satisfies everyone will be self-defeating, leaving teachers right back where they are now—facing the impossible task of trying to rush through overstuffed textbooks and ridiculously long sets of curriculum objectives.

5. Standards must be rigorous and world class

Much of the discussion about education standards in recent years has focused on the need to bring American students up to “world-class” levels of achievement. As commonplace as this phrase has become, it is extremely important that we don't lose sight of what it actually means. It doesn't mean making standards a bit more rigorous than they were before. It doesn't mean asking teachers or parents what they think a “world-class” education should look like. And it doesn't mean reliance on the work of national standards-setting organizations that have not, themselves, arrived at an adequate definition of “world-class achievement.”

For standards to be truly world class, they must establish expectations for American students that are at least as demanding as those set for students in other high-achieving countries. It means placing American standards side by side with the best the world has to offer and seeing how well they measure up. It means studying the actual curriculum frameworks, exams, and samples of student work from a variety of countries to determine what students around the world are expected to learn, at what age or grade level it is taught to them, how well they are expected to know it, and the means by which they are asked to demonstrate that knowledge.

If standards truly are rigorous and world class, they should stand up to some tough but sensible questions:

- Do they reflect various levels of knowledge and skills comparable to what students in high-achieving countries are expected to master?
- Which countries did the standards-setters use as a basis for comparison, and what documents from these countries did they look at to determine their standards?
- Will the standards lead to a core curriculum for all students—those headed for college and those headed for work—as demanding as those in France or Japan?
- Are the standards as rigorous as those reflected in the French *Brevet de College* and the German *Realschule* exams, a standard met by two-thirds of students in those countries?
- Will they result in assessments for the college bound as rigorous as the German *Abitur*, the French *Baccalauréat* exams, the British A-levels, or the Japanese university entrance exams?
- Did the standards-setters refer to internationally benchmarked curricula and exams such as those of the International Baccalaureate program?

■ What about the best programs and resources available in the U.S., such as the College Board’s advanced-placement exams and achievement tests (now called the SAT II).

In our 1996 report on the quality of state standards (*Making Standards Matter*, August 1996), the AFT asked officials in all 50 states whether they looked at the expectations in other countries while developing their standards. Only twelve states had done this in any measurable way, and most of those had only done so in one or two subjects.

Everyone involved in developing standards, whether at the national, state, or local level, must take this benchmarking issue seriously. Information on other countries is not easy to obtain, but it is absolutely essential that we do a better job of it if our standards are going to help students achieve their maximum potential. Nothing will be accomplished by setting standards that are too low. Yet without honest international benchmarking, we will be captives of our own parochial notions of what students can accomplish, and low standards may very well be the result.

6. Standards must include “performance standards”

In recent polls, most AFT teachers agreed that students, across the board, are capable of doing better work and mastering more demanding material than they currently are. Teachers also cited the lack of student motivation as one of the biggest problems they face in their classrooms. In any profession, specific standards are developed in order to measure competence and performance, and these standards give people something specific to aim for. Whether you look at the medical boards that prospective doctors must pass, the bar exams for lawyers, or the time trials for drivers to qualify for the Indianapolis 500—performance is never dealt with in the abstract. For example, Indy racers are not simply told that “very fast driving” will qualify them for the big race. They know exactly what times they need to beat, and they plan their strategies accordingly.

It should be the same for education standards. An influential report commissioned by the National Education Goals Panel, *Promises To Keep: Creating High Standards for American Students*, asserted that a complete set of standards should describe both what students should know and be able to do and *how well* they must know and do it. The report separated these functions into two distinct categories—content standards and performance standards. Content standards should define the knowledge (the most important and enduring ideas, concepts, issues, dilemmas, and information) and skills (the ways of thinking, working, communicating, reasoning, and investigating) essential to each discipline. Performance standards should specify “how good is good enough.” They should show how competent a student demonstration must be to indicate achievement of the content standards.

Most states began the standards-setting process by developing content standards. A few states made it clear that the next step would be to develop performance standards, but until very recently, there weren’t any examples to look at. In an attempt to define “how good is good enough,” a handful of states have now begun to put together sample assessment questions and samples of student work that “meet” the content standards. The most effective examples not only show competent student work but also explain why that work meets the standards. Oregon is one of the states farthest along in this process, but there is still plenty of work to be done.

7. Standards must define multiple levels of performance for students to strive for

Standards are not merely meant to measure what students are learning but also to motivate them to excel. Youngsters should be able to look to academic standards as a goal, something to work toward, to strive for; something that will challenge them, no matter how far ahead or behind they may be. Standards that are too easy to reach won't require students to work hard. On the other hand, students will be discouraged from trying at all if the standards are so high that they seem out of reach. All students need to be able to look at a set of academic standards and say "these are challenging, but I think I can reach them if I work hard and put my mind to it." Considering the range of achievement among students, they won't all be inspired by the same level of performance. What may seem very challenging to some is bound to look easy to others. Title I of the *Improving America's Schools Act* recognizes this. It requires states and districts to define multiple degrees of mastery of the content standards (e.g., partially proficient, proficient, advanced) and to report achievement that way from elementary school onward. This will be helpful to students, parents, and teachers who will want to know—beyond just "pass or fail"—how well students are doing in relation to the content standards. It will also help schools and districts target resources to those students in most need of support and track their progress against a set of clear benchmarks.

What's not necessarily required in Title I—but is very important for states and districts to do—is to make clear to parents, teachers, students, and others what the different performance levels mean. What should an "advanced" high school student's writing look like? How does that compare to "proficient" and "partially proficient" writing? What kinds of math problems should students who are considered "proficient" be able to solve in elementary school? In middle school? In high school? States and districts have to begin putting concrete examples of student work out there in the public view if their standards are going to mean anything to anyone.

Defining multiple degrees of performance standards does *not* mean having low standards for some students and high standards for others. The minimum acceptable level of performance needs to be much more demanding than what many students are achieving today, and no child should be able to slip through the cracks. The goal is to significantly raise the floor while also raising the ceiling.

Another important way to make sure standards motivate all students is to encourage specialization at some point in high school. All students should be required to meet the same core content standards in elementary and middle school and through a certain point in high school. Some may take longer than others, and there should always be second and third chances, but they should all reach the core standards.

Once they've mastered the common core, students should have the opportunity to pursue different courses of study depending on their strengths and interests, and those courses should be directly linked to students' postsecondary and career aspirations. Students who want to go on to college should know what types of courses they will need to take in order to be well prepared, and there should be a clear set of standards for them to work toward before graduating. Those who want to pursue further technical training after high school, but are not interested in a four-year college, should also know which courses and standards will help further their careers. And those who intend to go directly into the job market should have at least mastered the core content standards before getting a diploma—a step, when met, that will significantly raise the achievement levels and life chances of these youngsters.

The point here is that not all high school students are going to be challenged by and interested in the same courses and standards. Again, this is not a way of setting up low standards for some students and high standards for others. They should all be high. In fact, the core content standards should reflect a level of understanding and achievement that is much higher than what's considered "minimum competency" today. It is shameful to let students graduate from high school by passing tests based on seventh, eighth, or ninth grade knowledge and skills.

8. Standards must combine knowledge and skills, not pursue one at the expense of the other

There is a terrible myth in education that has a tendency to confuse important decisions affecting curriculum and that is threatening to strangle the standards movement. The theory goes something like this: Knowledge is dynamic, transient, always changing, whereas the need to apply knowledge is constant. What is most important for students to learn are skills such as problem solving, decision making, and higher-order thinking, so that they can react to any situation, gain and use whatever knowledge they need, and not waste their time learning facts and theories that may turn out to be irrelevant to their lives. Who can be sure of how much specific knowledge each person will really need in the "real world" anyway?

Of course this is overstated, but not by much. At the root of this myth is a false dichotomy between knowledge and skills. And what it is leading to are standards that neglect the subject matter (the facts, ideas, concepts, issues, and information) of the traditional academic disciplines that are needed to develop the skills in the first place. Consider the following very general "skills" standards:

Students should be able to use critical and creative thinking skills to respond to unanticipated situations and recurring problems (*Connecticut's Common Core of Learning, 1987*).

Students should know reading strategies are tools for constructing meaning, thinking critically, and solving problems (*Arkansas' Reading Curriculum Framework, 1995*).

Students will demonstrate the ability to examine problems and proposed solutions from multiple perspectives (*Missouri's Standards, Draft 1995*).

These examples may seem harmless enough, but they leave unanswered just what it is students are to solve, decide, or think about. What is the subject? Where is the content? The unyielding facts and ideas? And how are students to learn how to learn without learning something concrete first? Let's turn the issue around: Is it possible to name a problem to be solved, a decision to be made, or a thing to be thought about that is not tied to subject matter?

And what kind of guidance do "standards" such as those cited above give to teachers and others in education? "Critical thinking" cannot be taught in the abstract. Students *are* taught to think critically, however, when they are given something challenging to think about, such as: Analyze the contradiction between the principle expressed in the Declaration of Independence that "all men are created equal" and the existence of slavery at the time.

Good standards will ensure that students develop the intellectual powers of observation, communication, reasoning, reflection, judgment, perspective, and synthesis that are often lumped under vague phrases like "higher-order" or "critical thinking." But they must pursue these skills through the content of the subject areas. Skills that are cut free from content and context are meaningless—and impossible to teach or assess.

An overemphasis on generic skills and processes seems to be a particular trend in states that favor local control of the entire curriculum. In essence, this is a way for states to avoid making judgments about the core content of the curriculum. But as discussed earlier, vague, content-free standards accomplish nothing. They do not ensure that all children will have access to a challenging curriculum, nor can they lead to assessments that reveal the depth and breadth of student knowledge.

9. Standards must not dictate how the material should be taught

Good standards are designed to guide, not to limit, instruction. They are intended to communicate to teachers and other school staff what is most important for students to learn, but not how the ideas or information should be taught. If, for example, a set of standards includes teaching activities, they should be there for illustrative purposes only. It is important that standards are not allowed to infringe on teachers' professional responsibilities, their ability to choose their particular teaching methods and to design their lessons in ways that reflect the best available research and that are best suited to their students' needs.

10. Standards must be written clearly enough for all stakeholders to understand

Part of the challenge states face when developing standards is how to generate broad, public support. It is important, therefore, that standards not be written solely for an education audience. The standards must be written clearly enough for parents, students, and interested community members to understand—indeed, to be inspired by. Otherwise, standards developers will risk alienating the very people whose trust and support they need.

We've already pointed out a number of ways that standards can go astray and cause friction. Non-academic or interdisciplinary standards aren't clear to the public and often engender distrust. Vague standards do not communicate anything and usually raise more questions than they answer. Standards that emphasize skills at the expense of content knowledge are treated with deserved skepticism by parents. The list goes on. Sometimes, something as simple as a word or phrase that has no meaning to parents can cause a problem.

Our best advice to writers of standards is to consider what the language of each standard will mean to everyone who will be reading it. Avoid jargon. Are the standards clear enough for teachers to understand what is required of them and their students? For parents to understand what is expected of their children and to keep an eye on their progress? Do the standards send a coherent message to employers and colleges as to what students will know and be able to do when they leave high school? What about the students themselves? Will they be able to read the standards and get a clear idea of what is expected of them?

If the answer to any of these questions is “no,” your work is not done. If a standard seems confusing to lay people, it needs to be re-thought and re-written. Examples of what to avoid:

All students understand human development theories across the lifespan and value individual uniqueness in the context of family life (*Pennsylvania’s Student Learning Outcomes, Draft 1991*).

[A high school graduate] understands and describes ways that a specified culture shapes patterns of interaction of individuals and groups (*Minnesota’s High School Standards, Draft 1994*).

Students will demonstrate the ability to develop and apply strategies based on one’s own experience in preventing or solving problems (*Missouri’s Standards, Draft 1995*).

The threshold of a great opportunity

Subject matter standards and a common core curriculum are new concepts in American education, and people—including many educators—are often skeptical of new ideas in the field. Considering the fads and failures of the past, this skepticism is certainly healthy. But the AFT and others believe that if we develop rigorous academic standards and use those to guide us in everything else we do in our schools, we have a real opportunity to make substantial improvements in the way we educate our children. Such an effort is certainly a more palatable and responsible strategy than turning the schools over to the whim of the market.

Here are a few examples of standards that meet and do not meet the AFT criteria.

<i>Strong Standards</i>	<i>Weak Standards</i>
<p><i>English</i></p> <p>Students should be able to develop a descriptive essay that depicts an object or event, maintains a consistent focus, uses a logical sequence, and elaborates each idea with specific details and vivid vocabulary. <i>(Grade 5)</i></p>	<p>Students should be able to construct meaning through experiences with literature, cultural events, and philosophical discussion. <i>(No grade level indicated)</i></p>
<p><i>History</i></p> <p>Students should be able to describe how United States federalism was transformed during the Great Depression by the policies of the New Deal and how that transformation continues to affect United States society today. <i>(Grades 9-12)</i></p>	<p>Students should be able to understand, analyze, and interpret historical events, conditions, trends, and issues to develop historical perspective. <i>(No further elaboration provided and no grade level indicated)</i></p>
<p><i>Math</i></p> <p>The student will differentiate between area and perimeter and identify whether the application of the concept of perimeter or area is appropriate for a given situation. <i>(Grade 5)</i></p>	<p>Students should become mathematical problem solvers. To develop these abilities, students need the experience of working with diverse problem-solving situations. <i>(No grade level indicated)</i></p>
<p><i>Science</i></p> <p>Students should be able to describe the basic processes of photosynthesis and respiration and their importance to life. <i>(Grade 5)</i></p>	<p>Students should be able to use basic science concepts to help understand various kinds of scientific information. <i>(Upper Elementary)</i></p>

APPENDIX D: Rhode Island Charter School Law

STATE OF RHODE ISLAND
IN GENERAL ASSEMBLY
JANUARY SESSION, AD 1995
FLOOR AMENDMENT
TO
95 -- 9-6373 SUBSTITUTE A
AN ACT RELATING TO EDUCATION

Mr. Speaker:

I hereby move to amend 95 -- H-6373 SUBSTITUTE A, entitled "AN ACT RELATING TO EDUCATION," by deleting everything following the enactment clause and by substituting therefor the following language:

SECTION 1. Title 16 of the general Laws entitled "Education" is hereby amended by adding thereto the following chapter:

CHAPTER 76

ESTABLISHMENT OF CHARTER PUBLIC SCHOOLS

16-76-1. Short title. -- This chapter shall be known and may be cited as the "Charter Public School Act of Rhode Island."

16-76-2. Legislative purpose. -- The purpose of the chapter is to provide an alternative within the public education system by offering opportunities for existing public schools, groups of public school personnel, and school district to establish and maintain a public school program according to the terms of its charter.

Charter public schools are intended to be vanguards, laboratories, and an expression of the on-going and vital state interest in the improvement of schools. These charter public schools shall be vehicles for research and development in areas such as curriculum, pedagogy, administration, materials, facilities, governance, parent relations and involvement, social development, instructors' and administrators' responsibilities, working conditions and fiscal accountability. It is the intent of the general assembly to create within the public school system vehicles for innovative learning opportunities to be utilized and evaluated in pilot projects. The provisions of this charter are to be interpreted liberally to support the purposes set forth herein and to advance a renewed commitment by the state to the mission, goals, and diversity of public education.

It is the intent of the general assembly to provide opportunities for teachers, parents, pupils, and community members to establish and maintain public schools that operate independently but within the existing public school district structure, as a method to accomplish all of the following:

- (1) improve pupil learning by creating schools with rigorous academic standards in all basic areas of instruction for pupil performance;
- (2) Increase learning opportunities for all pupils, with special emphasis on expanded learning experiences for pupils who are identified as educationally disadvantaged and at risk;
- (3) Encourage the use of innovative teaching methods;

(4) Create opportunities for teachers, including the opportunity to be responsible for the learning program at the school site;

(5) Provide parents and pupils with expanded choices in the types of educational opportunities that are available within the public school system;

(6) Hold the schools established under this chapter accountable for meeting publicly promulgated, measurable, state- and charter-based pupil academic results, and provide the schools with a method to implement performance-based and/or other student-based accountability systems; and

(7) Encourage parental and community involvement with public schools.

16-76-3. Commissioner of elementary and secondary education and local school committee authorized to recommend the granting of a charter. -- (a) The commissioner of elementary and secondary education and/or the school committee where the charter public school is to be located are hereby authorized in response to an application to recommend to the board of regents the granting of a revocable charter authorizing operation of a charter public school for up to five (5) years, subject to renewal for additional five (5) year periods.

(b) Charters shall be granted only to:

(1) existing public schools; or

(2) groups of public school personnel; or

(3) public school districts.

(c) No existing public school shall be converted into a charter public school unless a majority of the parents and/or guardians of the students currently assigned to said school and two-thirds (2/3) of the certified teaching personnel currently assigned to said school approve the proposed charter, as provided in section 16-16-4.1.

(d) Each proposed charter for a newly created public school must demonstrate to the school committee, to the commissioner and to the board of regents in the application that there are a number of certified teaching personnel equal to at least two-thirds (2/3) of the number of such personnel that will be required to staff the proposed school who desire to participate in it and a number of parents of eligible children equal to at least one-half (1/2) of the number of students that would attend the proposed school who desire to have their children participate in it, as provided in section 16-76-4.2.

(e) No child shall be required to attend a charter public school nor shall any teacher be required to teach in a charter public school. The school committee shall make accommodations to facilitate the transfer students who do not wish to participate in the charter public school into other public schools. It shall also make accommodations for those students who wish to participate to transfer into the charter public school as space permits. The school committee and the collective bargaining agent for teachers in the school district shall make accommodations to facilitate the transfer of teaching staff who do not wish to participate in the charter public school into other public schools, and to facilitate the transfer of those who wish to participate into the charter public school.

(f) The commissioner is hereby empowered to promulgate rules and regulations consistent with this chapter, in conformance with chapter 42-35 of the general laws, for the creation and operation of charter public schools.

16-76-4. Procedure for creation of charter schools. -- (a) Any group eligible to establish a charter public school may apply to the commissioner of elementary and secondary education, and the school committee of the district.

(b) The commissioner of education may recommend to the board of regents the granting of a charter for a public school upon receiving a completed application which contains all of the information which he deems necessary to fully address the following issues. Said application shall:

(1) Be submitted to the commissioner and to the local school committee by not later than December 1 of the school year before the school year in which the charter public school is to be established;

(2) Describe a plan for education, including the mission, objective, method of providing a basic education, and process for improving student learning and fulfilling the charter and fulfilling state and national educational goals and standards;

(3) Provide a minimum of one hundred eighty (180) days of instruction to students per year;

(4) Indicate performance criteria that will be used to measure student learning and to comply with the charter, state and national educational goals and standards;

(5) Include an agreement to provide a yearly report to parents, the community, the local school committee, and the commissioner of education, which indicates the progress made by the charter public school during the previous year in meeting the charter objectives;

(6) Present a plan for the governance, administration and operation of the charter public school, including the manner in which the governing board of the school will be chosen, the nature and extent of parental, professional educator, and community involvement in the governance and operation of the charter public school, and the means of ensuring accountability to the commissioner of education, the local school district, and the board of regents;

(7) Identify the building that will house the charter public school and from whom and under what terms and conditions it is to be provided;

(8) Describe what support services will be provided by the school district and under what terms and conditions those services are to be provided, and describe what support services the charter public school will obtain directly from third parties and, to the extent known;

(9) Explain the procedures that will be followed to ensure the health and safety of pupils and staff;

(10) Describe enrollment procedures including the non-discriminatory criteria for admissions in accordance with applicable state and federal law, along with a program to encourage the enrollment of a diverse student population. The makeup of the charter public school must be reflective of the student population of the district, including but not limited to special education children, children at risk, children eligible for free or reduced cost lunch, and limited English proficient students. No charter shall be authorized for a school with a student population that does not include students eligible for free or reduced cost lunch, students with limited English proficiency, and special education students in a combined percentage which is at least equal to the combined percentage of those student populations enrolled in the school district as a whole;

(11) Explain the student discipline procedures;

(12) Explain the relationship that will exist between the proposed charter public school and its employees including the terms and conditions of employment and the qualifications that said employees must

meet. Teachers and administrators in charter public schools must be certified pursuant to state law and regulation. Teachers and administrators in charter public schools shall remain employees of the school district for purposes of salary, financial benefits, and pension eligibility. Teachers at the charter public school shall remain members of the collective bargaining unit for teachers in the school district, and shall have access to grievance and dispute resolution procedures set forth in the collective bargaining agreement with the district;

(13) Identify with particularity the state statutes and state regulations, school district rules, and the provisions of the collective bargaining agreement for teaching personnel from which variances are sought in order to facilitate operation of the charter public school. Explain the reasons for each such variance and the alternative method by which the concern that gave rise to the regulation or provision will be addressed;

(14) Provide a financial plan including a proposed budget for the term of the charter, and an annual audit of the financial and administrative operations of the charter public school, and the manner in which the funds allocated to the charter public school will be managed and disbursed;

(15) Provide procedures by which teaching personnel and parents can legally challenge decisions of the governing board of the school which do not conform to the school's charter; and

(16) Provide a copy of the proposed by-laws of the charter public school.

16-76-4.1. Establishing a charter public school at an existing school. -- In those instances where a charter is being sought for an existing public school, the charter must receive the affirmative votes of two-thirds (2/3) of the teachers assigned to the school prior to implementation. If so approved by the faculty, the charter shall be voted on by the parents or legal guardians of each student assigned to the school, with one vote being cast for each such student. To be adopted by the parents, the charter must receive the affirmative votes of parents or legal guardians representing a majority of all the students assigned to the school. Said charter may then be presented by the commissioner to the board of regents for its approval. The charter shall set forth those provisions of state statute and regulation, of school district rules, and of the collective bargaining which will not be applicable to that charter public school. By two-thirds (2/3) vote of the teachers as provided for herein, said teachers will be deemed to have given their consent to the variances from those provisions of law and/or of contract enumerated in the charter. By approval of the charter upon the recommendation of the commissioner of education, the board of regents will be deemed to have authorized all necessary variances from law and regulation enumerated in the charter. Should the need for relief from the operation of additional provisions of law and/or contract become apparent subsequent to implementation of the charter, such a variance may be obtained by an affirmative vote of two-thirds (2/3) of the teachers then assigned to said school and by an affirmative vote of the board of regents upon a recommendation of the commissioner of education.

16-76-4.2. Establishing a charter public school at a newly created school. -- In those instances where a charter is being sought for a newly created public school. The charter must receive the affirmative support of a number of certified teachers employed within the school district at least equal to two-thirds (2/3) of the numbers of teachers that will be required to staff the proposed charter public school. Said teachers must state their desire to transfer to the charter public school, once established and to teach under the terms of the charter. To demonstrate parental support within the school district, the charter must receive the affirmative support of parents or legal guardians representing a number of students currently enrolled in the school district equal to at least one-half (1/2) of the number of students who would be needed to attend the proposed charter public school. Said parents or

guardians must state their desire to have their children transfer to the charter public school, once established, and to be educated under the terms of the charter. Said charter may then be presented by the commissioner to the board of regents for its approval. The charter will set forth those provisions of state statute and regulation, of school district rule, and of the collective bargaining agreement which will not be applicable to that charter public school. By two-thirds (2/3) vote of the teachers as provided for herein, said teachers will be deemed to have given their consent to the variances from those provisions of law and/or of contract enumerated in the charter. By approval of the charter upon the recommendation of the commissioner of education, the board of regents will be deemed to have authorized all necessary variances from law and regulation enumerated in the charter. Should the need for relief from the operation of additional provisions of law and/or contract become apparent subsequent to implementation of the charter, such a variance may be obtained by an affirmative vote of two-thirds (2/3) of the teachers then assigned to said school and by an affirmative vote of the board of regents upon a recommendation of the commissioner of education.

16-76-5. Process for consideration of proposed charter. -- (a) If the commissioner of education or the local school committee finds the application to be incomplete, further information may be requested and required. The commissioner shall develop regulations for amending an approved charter, consistent with the provisions of this chapter.

(b) After having received a satisfactory application, the commissioner of education and the local school committee will provide for a public comment period of not less than sixty (60) days, during which they will hold at least two (2) public hearings on the application. These hearings will be held in the district where the proposed charter school is to be located. Any person may file with the committee and/or the commissioner comments, recommendations and/or objections relevant to the granting of a charter.

(c) A copy of the completed application for a charter public school shall be provided to the collective bargaining agent for the teachers in that school district at the time that it is filed with the school committee and the commissioner. The teachers through their collective bargaining agent shall be afforded the opportunity to present their analysis of and recommendations regarding the proposed charter to the school committee, the commissioner, and the board of regents prior to any determination by those entities. If the teachers' union objects to the proposed charter or to any provision thereof, it shall set forth the reasons for those objections in detail. Any such objections and recommendations shall be considered and responded to by the school committee and the commissioner before making any recommendation to the board of regents, and by the board of regents prior to its determination.

(d) The commissioner and the local school committee will each decide on whether or not to recommend the granting of said charter within ninety (90) days after the conclusion of the public comment period.

(e) If the commissioner of elementary and secondary education or the local school committee recommend the granting of the charter public school petition, the matter shall be referred to the board of regents for a decision on whether or not to grant a charter. Notice of the granting or denial of the application will be supplied. The decision of the board of regents, complete with reasons and conditions, shall be made available to the public and to the applicant.

(f) The commissioner, with the approval of the board of regents for elementary and secondary education, may grant a variance to any provision of title 16 other than those enumerated in section 16-76-11 of this

chapter and to any department of education regulation and to any school district regulation which does not affect the health and safety or civil rights of pupils in charter public schools.

(g) All charter applications shall be matters of public record and will be provided to members of the public upon request.

16-76-6. Budgets and funding. -- (a) It is the intent of the general assembly that funding pursuant to this chapter shall be neither a financial incentive nor a financial disincentive to the establishment of a charter school. Funding for, each charter public school shall consist of state revenue and municipal or district revenue in the same proportions that funding is provided for other schools within the school district in which the charter public school is located.

(b) The amount of funding which shall be allocated to the charter public school by the school district shall be equal to a percentage of the total budgeted expenses of the district which is determined by dividing the number in the charter public school by the total resident average daily number of students in the school district.

(c) Funding additional to that authorized from the school district by subsection (b) may be allocated to the charter public school from the school district to the extent that the combined percentage of students eligible for free or reduced cost lunch, students with limited English proficiency, and students requiring special education exceed the combined percentage of those students in the school district as a whole. The commissioner shall promulgate rules and regulations consistent with the section regarding the allocation of funds from school districts to charter public schools within those districts.

(d) All services centrally or otherwise provided by the school district in which the charter public school is located which the charter public school decides to utilize including but not limited to, transportation, food services, custodial services, maintenance, curriculum, media services, libraries, nursing and warehousing shall be subject to negotiation between a charter public school and the local school district and paid for out of the revenues of the charter school. Disputes with regard to cost of services requested from local districts will be adjudicated by the commissioner of education.

(e) A charter public school shall be eligible to receive other aids, grants, Medicaid revenue and other revenue according to Rhode Island law, as though it were a school district. Federal aid received by the state shall be used to benefit students in the charter public school, if the school qualifies for the aid, as though it were a school district.

(f) A charter public school may negotiate, and contract directly with third parties for the purchase of books, instructional materials and any other goods and services which are not being provided by the school district pursuant to the charter.

16-76-7. Immunity and Liability. -- (a) Charter public schools have the same immunity possessed by school districts to suit as limited by section 9-31-1, et seq. If a school district generally indemnifies its teaching personnel, it shall similarly indemnify the teaching personnel of a charter public school within that district. A charter public school shall have the authority to indemnify its employees to the extent that they are not already indemnified by the school district.

16-76-8. Oversight by commissioner. -- (a) Individuals or groups, may complain to a charter school's governing body concerning any claimed violation of the provisions of this chapter by the school. If, after presenting their complaint to the governing body, the individuals or groups believe their complaint has not been

adequately addressed, they may submit their complaint to the commissioner who shall hear and decide the issue pursuant to Rhode Island general laws sections 16-39-1 and 16-39-2.

(b) Charter school approval for establishment or continuation shall be for a five (5) year period. In either case, board of regents approval is required. However, the charter may be revoked at any time if the school:

- (1) materially violates provisions contained in the charter;
- (2) fails to meet or pursue the educational objectives contained in the charter;
- (3) fails to comply with fiscal accountability procedures as specified in the charter; or
- (4) violates provisions of law that have not been granted variance by the board of regents.

(c) After denying or prior to non-renewing or revoking a charter, the department of education will hold a hearing on the issues in controversy under section 16-39-1.

(d) No more than ten (10) charters, serving no more than two percent (2%) of the state's school age population, shall be granted prior to July 1, 1996, and an additional ten (10) charters, serving no more than four percent (4%) of the state's school age population, by July 1, 1997. At least ten (10) of said twenty (20) total charters shall be reserved for charter school applications which are designed to increase the educational opportunities for at-risk pupils. In the first year, no more than two (2) charters may be granted in a single school district, except that if a district has more than twenty thousand (20,000) students then four (4) charters may be granted.

16-76-9. Additional standards. -- (a) No student tuition or mandatory fees may be charged by any charter public school.

(b) A charter public school may include any grade up to grade twelve (12) or any configuration of those grades, including kindergarten and pre-kindergarten. If specified in its charter, a charter public school may also operate an adult education program, adult high school completion program, or general education development testing preparation program.

(c) It is the intent of the general assembly that priority of consideration be given to charter public school applications designed to increase the educational opportunities of educationally disadvantaged and at-risk pupils.

(d) A charter public school may establish reasonable academic standards as a condition for eligibility for applicants which are in accordance with current state law and practice in existing public schools, and which do not discriminate against otherwise qualified individuals with a disability and which comply with section 16-76-4(b)(10).

(e) A student who is not under suspension or expulsion for discipline reasons may withdraw from a charter public school at any time and enroll in another public school in the district where said student resides as determined by the school committee of the district. A student may be suspended or expelled from a charter public school in accordance with the board of regents and local district regulations for suspensions and/or expulsions, and other public schools may give full faith and credit to that suspension or expulsion.

(f) The governing board of a charter public school shall be subject to the "Open Meetings Law," chapter 42-46 of the general laws.

16-76-10. Applicability of title 16 of the general laws. -- The board of regents may grant to charter public schools variances of specific chapters and sections of title 16 except to the extent that these chapters and sections are enumerated in section 16-76-11 of this chapter.

16-76-11. Portions of title 16 applicable to charter schools.-- The following provisions of title 16 shall be binding on charter public schools and may not be waived by the commissioner:

- (1) Section 16-2-2, (minimum length of school day);
- (2) Section 16-2-17, (right to a safe school);
- (3) Section 16-8-10, (federal funds for school lunch);
- (4) Section 16-11-1, (certification of public school teachers);
- (5) Section 16-12-3, (duty to cultivate principles of morality);
- (6) Section 16-12-10, (immunity for report of suspected substance abuse);
- (7) Chapter 16-13, (teachers' tenure);
- (8) Chapter 16-16, (teachers' retirement);
- (9) Section 16-19-1, (compulsory attendance);
- (10) Section 16-20-1, (school holidays enumerated);
- (11) Sections 16-21-3 and 16-21-4, (fire safety);
- (12) Sections 16-21-10, 16-21-14, and 16-21-16, (health screenings);
- (13) Section 16-22-9, (uniform testing);
- (14) Section 16-24-2, (regulations of state board);
- (15) Section 16-38-1, (discrimination because of race or age);
- (16) Section 16-38-1.1, (discrimination because of sex);
- (17) Section 16-38-2, (immunizations);
- (18) Section 16-35-4, (exclusive club);
- (19) Section 16-38-6, (commercial activities prohibited);
- (20) Section 16-38-9, (misconduct of school officers);
- (21) Section 16-38-10, (power of officials to visit schools);
- (22) Section 16-39-1, (appeal of matters of dispute to commissioner);
- (23) Section 16-39-2, (appeal of school committee actions to commissioner);
- (24) Section 16-39-3, (appeal to state board);
- (25) Section 16-39-3.1, (enforcement of final decision);
- (26) Section 16-39-3.2, (interim protective orders);
- (27) Section 16-39-3.3, (power of commissioner);
- (28) Section 16-40-16, (student records);
- (29) Section 16-71-1, (educational record bill of rights act).

SECTION 2. This act shall take effect upon passage.

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
AN ACT
RELATING TO EDUCATION

This act would permit the establishment of charter public schools as alternative institutions for learning that will operate independently of but within the existing public school district.

A charter procedure has been established in the act and certain rules and regulations are set forth for the operation of such schools.

This act would take effect upon passage.

Respectfully submitted,

Rep. Jeffrey Teitz, Dist. 97

Rep. Paul W. Crowley, Dist. 100

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Table 1
Comparison of State Standard Development and Charter School Law Requirements

States	Progress toward standards ¹¹	Charter school laws
Alaska	Adopted standards in English, math and science: not specific enough to establish a core curriculum.	Charter schools do not have to meet state standards.
Arizona	Current drafts meet common core criteria, but are considered “borderline” ¹² and will need to be improved.	Charter schools must meet state standards.
Arkansas	None of the curriculum frameworks, except science, is detailed enough to meet the criteria.	Charter schools must meet state standards.
California	Frameworks are not clear and detailed enough at the K-8 level, thus, do not meet the criteria. New standards called Challenge standards are being developed and look more promising.	Charter schools must meet state standards.
Colorado	Adopted standards meet AFT criteria.	Charter schools must meet standards, but are not required to take state assessments.
Connecticut	Guides available in core subjects. Math and science are the only subjects that meet AFT criteria.	Charter schools do not have to meet state standards.
Delaware	Standards developed in core subjects. Meet AFT criteria.	Charter schools must meet state standards.
Florida	New frameworks meet common core criteria.	Charter schools do not have to meet state standards.
Georgia	Quality Core Curriculum in core subjects. Meet AFT criteria.	Charter schools must meet state standards.

¹¹ Making Standards Matter, American Federation of Teachers, 1996.

¹² Borderline means that the draft of the standards is not fully developed and may not continue to meet the criteria when fully developed.

States	Progress toward standards ¹³	Charter school laws
Hawaii	Content and performance standards in core subjects. Two areas are borderline but meet the AFT criteria.	Charter schools must meet state standards.
Illinois	Process of revising academic standards. Draft document is considered borderline, but meets AFT criteria.	Charter schools must meet state standards.
Kansas	Standards in core subjects emphasize skill over content. Do not meet AFT criteria.	Focus on outcome and results. Do not have to meet state standards.
Louisiana	Curriculum guides in core subjects. English and social studies are under development; math and science do not meet AFT criteria.	Must meet minimum graduation requirements and required course of study.
Massachusetts	Science framework exemplary, math is borderline and English and social studies do not meet criteria.	Charter schools must meet or exceed state standards.
Michigan	Draft standards in core subjects meet criteria but are considered borderline.	Charter schools must meet state standards.
Minnesota	Developing “basic requirements” but not specific enough to meet AFT criteria.	Charter schools must meet state outcomes.
New Hampshire	Curriculum frameworks in core subjects meet AFT criteria.	Charter schools do not have to meet state standards.
New Jersey	Draft standards in core subjects stress skills over content. Only science meets AFT criteria.	Charter schools must meet state standards.

¹³ Making Standards Matter, American Federation of Teachers, 1996

States	Progress toward standards ¹⁴	Charter school laws
New Mexico	Math and science meet criteria; English and social studies are under development.	Charter schools must meet state standards.
North Carolina	Standard course of study for each subject. Math strong but other subjects do not meet the AFT criteria.	Charter schools must meet state standards.
Rhode Island	English and math frameworks do not meet criteria; science is borderline, and state is not developing a social studies framework.	Charter schools must meet state standards.
South Carolina	Math and science standards meet criteria. English does not meet criteria, and there are no frameworks for social studies.	Charter schools must meet state standards.
Texas	Essential knowledge and skills in core subjects meet the AFT criteria.	Charter schools must meet state standards.
Wisconsin	Guides to curriculum planning in core subjects do not meet AFT criteria.	Not specified in the law.
Wyoming	No state standards in core subjects.	Not specified in the law.

¹ Making Standards Matter, American Federation of Teachers, 1996

Table 2
State Testing Requirements

States	Uses the same tests as other public schools
Alaska	No
Arizona	Yes
Arkansas	No
California	Yes
Colorado	No, but Department of Education can require that charter school students take state assessments in order to make comparisons with state results.
Connecticut	Yes
Delaware	Yes
Florida	Yes
Georgia	No
Hawaii	Not specified
Illinois	Yes
Kansas	Yes
Louisiana	Yes
Massachusetts	Yes
Michigan	Yes
Minnesota	Not specified
New Hampshire	Yes
New Jersey	Yes
New Mexico	Not specified
North Carolina	Yes
Rhode Island	Yes
South Carolina	Yes
Texas	Yes
Wisconsin	Yes
Wyoming	Not specified

Table 3
Admissions Policies

States	Admissions policy
Alaska	Target age or grade level; target students who would benefit from teaching strategy or method
Arkansas	Same as public schools
Arizona	Geographic preference
California	Open to all students; conversion schools must give preference to students within attendance area
Colorado	Open to all students
Delaware	Some preferences given to conversion school siblings, at-risk, and geographic location
Florida	Allows for sibling preference, attendance area preference, and at-risk student concentration
Georgia	Students in school district
Hawaii	Currently enrolled students
Illinois	Open to all children within the geographic boundaries
Kansas	Must reflect the racial and socioeconomic composition of the district
Louisiana	Must enroll same percentage of at-risk students as reside in district
Massachusetts	School can set admissions standards based on academic ability
Michigan	Same criteria that districts are allowed to impose.
Minnesota	Can target at-risk population

States	Admissions policy
New Hampshire	May select students based on aptitude specified in the academic goals of the charter
New Jersey	Open to all students, but charter school may establish reasonable criteria for admissions
North Carolina	Open to any student who is qualified to admission to a public school
Rhode Island	May establish reasonable criteria to evaluate prospective students; preference to students who are enrolled in the district
South Carolina	Open to any student who is qualified to attend a public school; must be within 10% of the racial makeup of the community
Texas (Applies to Open enrollment and Campus charters)	Open to all students; may exclude students with documented history of criminal offenses, court adjudication or discipline problems
Wisconsin	Students in enrollment area
Wyoming	Preference to students in enrollment area

Teacher Professionalism

TABLE 4

States	Collective Bargaining	Certification requirements
Alaska	Yes, unless excluded by the local district and bargaining agent	Yes
Arizona	No	No; each charter school establishes qualifications
Arkansas	No	Yes
California	Teachers can opt to remain in the unit or organize separately or not at all	No
Colorado	Yes if public school conversion	No.
Connecticut	Yes; agreement may be modified consistent with charter	Up to 50% of the teachers may be uncertified
Delaware	Employees have the right to organize, May not be part of existing unit	Up to 35% of teachers uncertified; alternative certification specified in law
Florida	Employees have the right to organize; May not be part of existing unit	No; each charter school establishes qualifications
Georgia	*	*
Hawaii	Yes	*
Illinois	Separate and distinct from local bargaining unit	No; qualifications are specified in the law
Kansas	If granted by local district covered by bargaining agreement	*
Louisiana	Covered by the collective bargaining agreement unless specified otherwise in the charter	25% of teachers may be uncertified; qualifications specified in the law
Massachusetts	Yes, but in separate bargaining units	No
Michigan	Only if charter is granted by the district; charter granted by state colleges or universities, or county district not specified	Yes, unless college professor at state college or university is sponsoring the charter school
Minnesota	Yes, but not part of any other bargaining unit unless agreed to by all parties	Yes

States	Collective Bargaining	Certification requirements
New Hampshire	Right to bargain as separate unit; teacher must withdraw from other bargaining unit	50% of the teachers at a charter school must be certified or have 3 years of teaching experience
New Jersey	Yes, if a conversion school; if a new school, only with the agreement of all parties.	Yes
New Mexico	*	*
North Carolina	No	Allows 25% of elementary, and 50% of secondary charter school teachers to be uncertified
Rhode Island	Yes	Yes
South Carolina	No	25% of staff uncertified; if a public school conversion, 10% may be uncertified
Texas	Texas has no collective bargaining law for public employees; right to confer.	No
Wisconsin	Yes	No
Wyoming	No	No

* The law is silent, but all charter schools are converted public schools and the rules and regulations governing other public school teachers apply to charter school teachers as well.