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# 2022 STATE LEGISLATIVE HIGHLIGHTS FOR PUBLIC CHARTER SCHOOLS

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2022 was another consequential year of state-level legislative activity for charter schools. On a range of issues that included funding equity, support for facilities, more effective authorizing practices, and increased funding for charter school students, our movement gained ground. Equally as important, the charter school movement fended off major threats to our autonomy and our ability to grow and serve more students in several states. In all, nearly 50% of the states with charter school laws had at least one legislative win this year – some states racked up multiple victories.

This year was also an election year in most states. There were 36 gubernatorial races and state legislative seats were up for election in 88 of the nation's 99 legislative chambers. Usually, state lawmakers are hesitant to tackle controversial issues during an election year, for fear of angering one constituent group or another. However, 2022 proved to be a better-than-expected year for getting positive charter school legislation enacted, perhaps because of a continued recognition among state lawmakers that parents want more schooling options for their children as we emerge from the pandemic.

## STAND-OUT STATES

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In looking at the results of this year's legislative sessions across the country, four developments in particular stand out. First, **Kentucky** finally finished opening the door to the creation of high-quality public charter schools. Kentucky enacted its charter school law in 2017 but failed to include a permanent funding mechanism in that law. This year, Kentucky legislators finally created a permanent funding mechanism through a bill that was vetoed by Governor Steve Beshear, Kentucky legislators overrode that veto and the bill became law.

Second, we saw that charter school supporters in blue states can still get big things done. Most notably, the Democratically-controlled **New Mexico** legislature unanimously enacted legislation that boosts the state's support for charter school facilities by providing a \$700 per-pupil lease assistance allotment, creating a \$10 million revolving loan fund, and ensuring unused district facilities are offered to charter schools. Democratic Governor Michelle Lujan Grisham signed the bill into law.

In another significant example, Democratically-controlled **Illinois** provided \$35 million for a newly created charter school facilities fund to provide per pupil, state funded revenue for facilities costs for every charter public school in Illinois. And Democratically-controlled **Washington** secured a provision in the final supplemental operating budget that will provide approximately \$6.5 million in enrichment funding for certain charter public school students in the 2022-23 school year.

Third, we saw notable progress on the perennial issue of charter school student funding equity in many states. Most significantly, **Missouri** took a major step toward closing the funding gap between charter schools and district schools by requiring that the state department of education calculate the total state and local funds that the district receives and make payments to charter schools within that district to close any gap in state and local funding that exists between the district and the charter schools within the district. This change will increase the amount of funding flowing to charter schools by between \$1,700 and \$2,500 per student. Notably, the state will use state dollars to cover the additional funding.

Other significant examples include **Florida** providing nearly \$200 million for construction and upkeep of public charter schools, **Tennessee** providing \$32 million in new funding for charter school facilities, **Colorado** providing an increase of \$10 million in funding for its Charter School Capital Construction program and providing a \$8 million increase to the Charter School Institute mill levy equalization funding program (bringing the total amount of funding in this program to \$17 million), and **Massachusetts** securing an unprecedented 16% facilities per pupil rate increase in the Fiscal Year 2023 budget (this increase of \$150 per student represents \$7 million of additional funding for charter schools).

Lastly, charter school supporters rallied to defeat anti-charter school bills in several states, including several deep blue ones. **California** defeated three damaging charter school bills, including one that would have made harmful changes to the Charter School Facilities Grant Program by greatly restricting the amount of funding that charter schools may receive. **Delaware** defeated a bill that would have placed a moratorium on chartering in New Castle County. **Illinois** fought off multiple anti-charter school bills—including one that would require charter public schools to have a Labor Peace Agreement with any requesting union as a condition of receiving state funding.



Read on for highlights from this year's state legislative activity across the country, organized into the following categories: funding and facilities, authorizing and accountability, other issues, and no law states.

## FUNDING AND FACILITIES

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- **Alabama** secured \$400,000 in funding for pre-planning grants for founding groups to write strong applications.
- **Arizona** secured the inclusion of the equivalent of a teacher compensation funding program for districts in the base level funding formula for charter schools.
- **Colorado:**
  - Provided an increase of \$10 million in funding for Charter School Capital Construction.
  - Provided an \$8 million increase to the Charter School Institute mill levy equalization funding, bringing the total amount of funding to \$17 million.
- **Connecticut:**
  - Accelerated the timeline of the phasing in of weighted need-based funds by three years for public charter school students.
  - Provided funding to improve charter school internet connectivity, totaling \$911,195 over three years.
  - Provided funding for an additional 175 new students to attend existing charter schools.
- **Florida:**
  - Provided nearly \$200 million for construction and upkeep of public charter schools.
  - Expanded the types of facilities charter schools can use and that are exempt from ad valorem taxes.
  - Required a proportionate share of educational impact fees to be designated for the construction of charter school facilities.
- **Georgia:**
  - Ensured that locally approved charter schools receive their fair share of local revenues.
  - Secured an additional \$3 million in funding for the charter school facility grant program, bringing the total amount of funding in the program to \$7.5 million.
- **Illinois** provided \$35 million for a newly created charter school facilities fund to provide per pupil, state funded revenue for facilities costs for every charter public school in Illinois.
- **Kentucky** created a permanent funding mechanism for public charter schools, finally opening the door to the creation of public charter schools in the state.
- **Massachusetts:**
  - Secured an unprecedented 16% facilities per pupil rate increase in the Fiscal Year 2023 budget. This increase of \$150 per student represents \$7 million of additional funding for charter schools.
  - Ensured the inclusion of charter public schools in two new line items in the state budget: a \$15 million summer learning grant program and a \$6 million mental health grant program.
  - Fully funded a program that reimburses districts for when students transfer to charter schools.

- **Missouri** took a major step toward closing the funding gap between charter schools and district schools by requiring that the state department of education calculate the total state and local funds that the district receives and make payments to charter schools within that district to close any gap in state and local funding that exists between the district and the charter schools within the district. This change will increase the amount of funding flowing to charter schools by between \$1,700 and \$2,500 per student. Notably, the state will use state dollars to cover the additional funding.
- **New Mexico** unanimously enacted legislation that boosts the state's support for charter school facilities by providing a \$700 per-pupil lease assistance allotment, creating a \$10 million revolving loan fund, and ensuring unused district facilities are offered to charter schools.
- **South Carolina** enacted a new funding formula for K-12 public schools that provides more equitable and stable funding for charter schools.
- **Tennessee:**
  - Enacted a new funding formula for K-12 public schools that provides more equitable funding for charter schools.
  - Made appropriations for Fiscal Year 2023 that included \$32 million in new funding for charter school facilities.
- **Washington** secured a provision in the final supplemental operating budget that provides enrichment funding for certain charter public school students. This one-time funding for the 2022-23 school year is limited to small school districts, tribal compact schools, and charter public schools that have less than 800 students, are in urban or suburban areas, and have less than \$18,000 per pupil in budgeted expenditures for the 2021-22 school year. Overall, the Washington State Public Charter Schools Association estimates that this provision will provide approximately \$6.5 million in additional public funds for charter public schools in the 2022-23 school year.

## OTHER ISSUES

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- **California** defeated three damaging charter school bills. One bill would have subjected charter school facility projects to two separate sets of regulations (i.e., state and local). A second bill would have made harmful changes to the Charter School Facilities Grant Program by greatly restricting the amount of funding that charter schools may receive. The third bill would have required all new charter schools (established after January 1, 2025) to participate in the state retirement systems.
- **Colorado** enacted legislation that allows charter schools to pursue special education administrative unit (AU) status from the state. For the first time ever, qualified groups of charter schools will now be eligible to seek AU status from the state and individual charter schools will be eligible to pursue AU status under the state authorizer
- **Delaware** defeated a bill that would have paused the granting of new school charters and modifications to charter schools in New Castle County and created a New Castle County Charter School Reform Advisory Group to review the process and criteria for granting new charter schools and modifications to charter schools and to recommend process improvements and new criteria.

- **Florida:**
  - Prohibited local ordinances from imposing greater burdens on charter schools versus their traditional public school counterparts.
  - Applied interlocal agreements between local governments and school districts to charter schools.
  - Prohibited the imposition of land use regulations and burdens on charter schools that traditional public schools wouldn't be subject to.
- **Georgia:**
  - Strengthened the state's charter school definition.
  - Prevented districts from prohibiting student transfers to charter schools.
- **Idaho** allowed charter schools flexibility in finding teachers who can fulfill the education needs of the distinct education programs and students in their schools. The enacted legislation provides that charter school teachers may be certified in accordance with current law or with a proposed charter school-specific teaching certificate, which would only be valid for a teacher teaching at a public charter school. Teachers must meet educational or professional requirements, and the charter school must agree to provide mentoring and professional development. A charter school certificate would not be transferable to a traditional public school.
- **Illinois** fought off multiple anti-charter school bills—including one that would require charter public schools to have a Labor Peace Agreement with any requesting union as a condition of receiving state funding, one that would allow a local school district to assume jurisdiction over a state-authorized charter school upon renewal, one that would change the definition of "Organizational Unit" in the evidence-based funding code to a State-approved charter school that has greater than or equal to 15% fewer low-income students than the school district in which the charter school is located, and one that would allow for the local school board or the state board of education to revoke or not renew a charter school based on the charter failing to adequately address racial, socioeconomic, or educational disparities between the local school district and the charter school.
- **Kentucky:**
  - Created a Public Charter School Pilot Project within the broader public charter school law that essentially requires the approval of one charter school in Northern Kentucky and one charter school in Louisville. These charter schools must be "urban academies," defined in the law as "a public charter school that includes an enrollment preference for students who live in close proximity to the school as defined in the charter contract." An unlimited number of charter schools that are not urban academies may be approved in these two communities and elsewhere above and beyond these two schools.
  - Required that public charter schools establish a food program for students that, at a minimum, provides free and reduced-price meals to students identified as qualifying for such meals under federal guidelines for the National School Lunch Program.
  - Added a provision that states that "if the application is for a public charter school located in a district with total student enrollment of seven thousand five hundred or less, then the application shall include a memorandum of understanding with the district of location endorsing the application." However, if the application is for an urban academy located within a county where the total enrollment of all independent school districts is greater than seven thousand five hundred, then this requirement doesn't apply.
  - Added a preference for applications from charter schools that propose to serve students who seek career readiness education opportunities.
- **Michigan** enacted a provision that provides charter schools with equitable access to many of the activities and services of the state's intermediate school districts.

- **Missouri:**
  - Required the members of a charter school governing board to be residents of Missouri.
  - Required that any charter school management company in Missouri must be a non-profit.
  
- **North Carolina** extended the charter school enrollment priority to grandchildren of employees or board members
  
- **Utah:**
  - Allowed a charter school to give enrollment preference to an individual whose sibling is currently enrolled in a charter school with an approved articulation agreement with the charter school in which the individual is seeking enrollment and, for the 2022-2023 school year, a student who withdrew from the charter school to attend an online school or home school in the 2020-2021 or 2021-2022 school years due to the COVID-19 emergency.
  - Required a charter school to enroll a foster child residing in the same residence with a student currently enrolled in a charter school.

## NO LAW STATES

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There are currently five states that have not enacted charter school laws: Montana, Nebraska, North Dakota, South Dakota, and Vermont. In 2022, a charter school bill was introduced in South Dakota. This bill passed the Senate but died in the House.

