

HB

101

22-LS0254\O
Ford
2/22/01

CS FOR HOUSE BILL NO. 101()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

BY

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES DYSON, Rokeberg

A BILL

FOR AN ACT ENTITLED

"An Act relating to charter schools; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 14.03.250(a) is amended to read:

(a) A charter school may be established as provided under AS 14.03.250 - 14.03.290 upon the approval of the local school board and the state Board of Education and Early Development of an application for a charter school. The state Board of Education and Early Development may not approve more than 60 [30] charter schools to operate in the state at any one time [AND SHALL APPROVE CHARTER SCHOOLS IN A GEOGRAPHICALLY BALANCED MANNER AS FOLLOWS: NOT MORE THAN 10 SCHOOLS IN ANCHORAGE; NOT MORE THAN FIVE SCHOOLS IN FAIRBANKS; NOT MORE THAN THREE SCHOOLS IN THE MATANUSKA-SUSITNA BOROUGH; NOT MORE THAN THREE SCHOOLS IN THE KENAI PENINSULA BOROUGH; NOT MORE THAN TWO SCHOOLS IN THE CITY AND BOROUGH OF JUNEAU; NOT MORE THAN SEVEN SCHOOLS LOCATED IN OTHER AREAS OF THE STATE, AND THESE

1 SEVEN SCHOOLS SHALL BE ALLOCATED AS NEARLY AS POSSIBLE IN A
2 GEOGRAPHICALLY BALANCED MANNER THROUGHOUT THE REST OF
3 THE STATE].

4 * Sec. 2. AS 14.03.255(a) is amended to read:

5 (a) A charter school operates as a school in the local school district except that
6 the charter school (1) is exempt from the local school district's textbook, program,
7 curriculum, and scheduling requirements; (2) is exempt from AS 14.14.130(c); the
8 principal of the charter school shall be selected by the academic policy committee and
9 shall select, appoint, or otherwise supervise employees of the charter school; and (3)
10 operates under the charter school's annual program budget as set out in the contract
11 between the local school board and the charter school under (c) of this section. A
12 local school board may exempt a charter school from other local school district
13 requirements if the exemption is set out in the contract. A charter school is subject
14 to secondary school competency testing as provided in AS 14.03.075 and other
15 competency tests required by the department.

16 * Sec. 3. AS 14.03.255(c) is amended to read:

17 (c) A charter school shall operate under a contract between the charter school
18 and the local school board. A contract must contain the following provisions:

- 19 (1) a description of the educational program;
20 (2) specific levels of achievement for the education program;
21 (3) admission policies and procedures;
22 (4) administrative policies;
23 (5) a statement of the charter school's funding allocation from the local
24 school board and costs assignable to the charter school program budget;
25 (6) the method by which the charter school will account for receipts
26 and expenditures;
27 (7) the location and description of the facility;
28 (8) the name of the teacher, or teachers, who, by agreement between
29 the charter school and the teacher, will teach in the charter school;
30 (9) the teacher-to-student ratio;
31 (10) the number of students served;

1 (11) the term of the contract, not to exceed a term of 10 [FIVE] years;

2 (12) a termination clause providing that the contract may be terminated
3 by the local school board for the failure of the charter school to meet educational
4 achievement goals or fiscal management standards, or for other good cause;

5 (13) a statement that the charter school will comply with all state and
6 federal requirements for receipt and use of public money;

7 (14) other requirements or exemptions agreed upon by the charter
8 school and the local school board.

9 * Sec. 4. AS 14.03 is amended by adding a new section to read:

10 **Sec. 14.03.263. Charter school grant program.** (a) A charter school may
11 receive a one-time grant from the department equal to the amount of \$500 for each
12 pupil enrolled in the charter school on October 1 of the year in which the school
13 applies for the grant. The charter school shall use a grant received under this
14 subsection to provide educational services. In this subsection, "educational services"
15 includes curriculum development, program development, and special education
16 services.

17 (b) The department shall establish by regulation procedures for application for
18 and expenditure of grant funds under (a) of this section.

19 * Sec. 5. AS 14.03.275 is amended to read:

20 **Sec. 14.03.275. Contracts; duration.** A contract for a charter school may be
21 for a term of no more than 10 [FIVE] years [AND MAY NOT EXTEND BEYOND
22 JULY 1, 2005].

23 * Sec. 6. AS 14.17.905 is amended by adding a new subsection to read:

24 (b) Notwithstanding (a)(3) of this section, a charter school shall be counted as
25 a separate school if the charter school has an ADM of at least 150 students.

26 * Sec. 7. Section 9, ch. 77, SLA 1995, is repealed.

27 * Sec. 8. This Act takes effect July 1, 2001.



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REPRESENTATIVE FRED DYSON

HB 101

Sponsor Statement

"An Act relating to charter schools

Updated: February 1, 2001

Contact: Representative Fred Dyson's office at (907) 465-2199

House Bill 101 is intended to extend and strengthen the existing Alaska Charter School Law. The current law on the books is scheduled to sunset on July 1, 2005 (less than 4 ½ years from now). This means that any new charter school cannot be approved for the allowable five year charter. Existing charter schools are having a difficult time securing facility purchase and lease agreements because their remaining contracts are something less than 4 ½ years and cannot be extended beyond 2005.

Some of our charter schools are exciting, dynamic examples of parents being involved in their children's education. Intensive parental involvement has stretched the system in a positive way. Most charter schools are struggling because we have not given them the tools they need to succeed. I believe the demonstrated passionate involvement of parents and the good results indicate we should go beyond eliminating the sunset and allowing for longer contracts.

HB 101 is similar to the charter school law I sponsored last session except that it abandons the effort to mandate a succinct accounting statement to be part of the charter. It also abandons the attempt to mandate distribution of a pro-rated share of local contributions to go to charter schools

HB 101 makes the following changes to the existing charter school law:

- Eliminates the July, 2005 sunset clause.
- Extends the allowable contract length from 5 to 10 years.
- Eliminates the geographic distribution requirements.
- Doubles the cap from 30 to 60 charter schools.
- Clarifies that charter schools are not exempt from competency testing.
- Allows Charter Schools to be counted as separate a school if the ADM is over 100 (reference AS 14.17.905)
- Provides a small grant for teaching of AK History and Native languages.
- Provides a one-time "start-up" grant.
- Allows for charter school use of safe public buildings with District Superintendent approval.

We have two options: 1) strengthen the charter school law to encourage continued new thinking and foster more fresh education reform, or 2) do nothing and watch the investment of countless hours of hundreds of parents die on the vine. Merely extending the sunset and lifting the cap will not be enough. HB 101 is probably not enough, but it is a step toward quality in public education.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akRepublicans.org>

HB 101 Sectional Analysis
Revised February 22, 2001

Section 1: Doubles the allowable number of charter schools in Alaska from 30 to 60. This section also eliminates the geographic distribution requirement.

Section 2: Specifies that charter schools are subject to Benchmark and High School Qualifying Exam requirements.

Section 3: Specifies what must be included in a charter school contract. The changes HB 101 makes to existing law are grammatical except for one that conforms with the contract duration change that is made in Section 5.

Section 4: Adds a new section of law that allows for a one-time charter school grant in the amount of \$500 per student.

Section 5: Changes the allowable charter school contract length from a maximum of 5 years to a maximum of 10 years.

Section 6: Specifies that a charter school needs at least 150 students to be counted as a separate school for purposes of foundation formula calculations. (Existing law states that alternative schools need at least 200 students.)

Section 7: Repeals the July, 2005 charter school law sunset date.

Section 8: Sets an effective date.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS HB 101 (HESS)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: DEED
 Title: "An Act relating to charter schools; and providing BRU: K-12 Support
for an effective date." Component: Foundation Program
 Sponsor: Representative Fred Dyson
 Requester: House HESS Component Number: 141

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	609.8	609.8	609.8	609.8	609.8	609.8
Miscellaneous						
TOTAL OPERATING	609.8	609.8	609.8	609.8	609.8	609.8

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	609.8	609.8	609.8	609.8	609.8	609.8
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	609.8	609.8	609.8	609.8	609.8	609.8

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

HB 101 Sec. 6. AS 14.17.905 is being amended to reflect Charter Schools with an Average Daily Membership (ADM) of at least 150, would be entitled to be counted as a separate school.
 (please see attached spreadsheet)

Prepared by: Eddy Jeans, School Finance Manager Phone 465-8679
 Division: Education Support Services Date/Time: _____
 Approved by: Bruce Johnson, Deputy Commissioner of Education Date 2/23/01
 Agency: Education and Early Development

For distribution information, call the Governor's Legislative Office

District	FY'02 Projected Charter ADM's	Money generated based on AS 14.17.905
Anchorage Aquarian	240	
Anchorage Family Partnership*	799	
Anchorage Village Charter	120	
Craig PACE CS*	200	
Delta/Greely Cyber School*	202	
Fairbanks Chinook Charter	96	
Fairbanks New Beginnings	34	
Iditarod Takotna Charter	35	
Juneau Community Charter	60	
Kenai Aurora Borealis	129	
Kenai Homer Charter School	26	
Ketchikan Charter School	128	
Lower Kuskokwim Ayaprun Elitnaurvik Yup'ik Immersion	190	609,755
Mat-Su Academy Charter	135	
Mat-Su Midnight Sun	92	
Nome Anvil City Science Acad.	20	
TOTAL	2,506	609,755

* These are correspondence schools.

FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS HB 101 (HESS)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Education and Early Development
 Title: "An Act relating to charter schools; and
providing for an effective date." BRU: Teaching & Learning Support
 Sponsor: Representative Dyson Component: Quality Schools
 Requester: House HESS Component Number: 2147

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services	101.0	101.0	101.0	101.0	101.0	101.0
Travel	5.0	5.0	5.0	5.0	5.0	5.0
Contractual	60.0	60.0	60.0	60.0	60.0	60.0
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	2.0	0.0	0.0	0.0	0.0	0.0
Land & Structures						
Grants & Claims	1,253.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous						
TOTAL OPERATING	1,425.0	170.0	170.0	170.0	170.0	170.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1,425.0	170.0	170.0	170.0	170.0	170.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	1,425.0	170.0	170.0	170.0	170.0	170.0

Estimate of any current year (FY2001) cost: 0.0

POSITIONS

Full-time	1					
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Please refer to the attached sheets for a detailed description.

Sec. 4. AS 14.03.263 provides start-up grant to 16 charter schools at \$500 per pupil. This fiscal note does not project the estimated cost for the additional 44 charter schools authorized by this legislation.

Prepared by: Barbara Thompson, Deputy Director Phone (907) 465-8727
 Division: Teaching & Learning Support Date/Time 2/16/01 12:00 AM
 Approved by: Bruce Johnson, Deputy Commissioner of Education Date 2/23/01
 Agency: Department of Education & Early Development

For distribution information, call the Governor's Legislative Office

Fiscal Note Description for HB 101

Section 1 of HB 101 removes the former requirements that the State Board of Education & Early Development may not approve more than 30 charter schools to operate in the state at one time and shall approve charter schools in a geographically balanced manner. Amended language raises the cap on the number of charter schools to be allowed from 30 to 60. Language related to approval of charter schools geographically is eliminated.

Section 2 requires that charter schools be subject to secondary school competency testing as provided in AS 14.03.075.

Section 3 adds minor revisions to existing provisions and extends allowable charter school contract time from 5 years to 10 years.

Section 4 creates a new Charter School Grant Program. A charter school may receive a one-time grant from the department equal to \$500 per pupil. This funding shall be used to provide educational services (curriculum development, program development, and special education services.).

Section 5 addresses extending the allowable charter school contract time from 5 years to 10 years.

Personal Services – \$101,000

One, new FTE Education Specialist II, Range 21, position is needed to administer the charter schools application process for up to 60 schools; administer the new Charter Schools Grant Program; provide technical assistance to school district and charter school staff who are planning for or initiating a charter school; assure compliance with state charter school statutes and regulations; assure quality programs are developed and supported; develop and maintain a charter schools regulations process; and evaluate the effectiveness of Alaska's charter schools. (\$77,000)

Funds for .10 FTE of an existing Grants Administrator II position are needed to address fiscal issues, issuing grant awards and completing fiscal documents related to charter schools grant applications and billings. (\$7,000)

Funds for a .5 FTE Administrative Clerk II position are needed to provide clerical support to the Education Specialist II and for the application process. (\$17,000)

Although the Grants Administrator II and Administrative Clerk II positions are existing positions, current federal fund sources are not sufficient to fund the charter schools duties that would be assigned to them.

Travel - (\$5,000)

Travel funding is needed to provide for a limited number of technical assistance and/or compliance reviews of charter schools. (\$5,000)

Contractual - (\$60,000)

Contractual funding is needed primarily for evaluation of the effectiveness and success of charter schools in Alaska. Additionally, some funding is needed to support administrative services functions, postage, phone charges, copier charges, printing and dissemination of information about effective and successful charter schools and Charter Schools Grant Program applications. (\$60,000)

Supplies - \$4,000

Funding is needed for the purchase of general office supplies and materials for meetings related to charter schools. (\$4,000)

Equipment - \$2,000

Funding is needed for the purchase of a computer for the Education Specialist II position. (\$2,000)

Grants - \$1,253

Funding is needed in the grant line for the newly created Charter Schools Grant Program. This program allows for a charter school to receive a one-time grant from the department equal to \$500 per pupil. This funding shall be used to provide educational services (curriculum development, program development, and special education services).

District	FY'02	AS
	Projected Charter ADM's	14.03.263(a) One Time Grant of \$500 Per Pupil
Anchorage Aquarian	240	120,000
Anchorage Family Partnership*	799	399,500
Anchorage Village Charter	120	60,000
Craig PACE CS*	200	100,000
Delta/Greely Cyber School*	202	101,000
Fairbanks Chinook Charter	96	48,000
Fairbanks New Beginnings	34	17,000
Iditarod Takotna Charter	35	17,500
Juneau Community Charter	60	30,000
Kenai Aurora Borealis	129	64,500
Kenai Homer Charter School	26	13,000
Ketchikan Charter School	128	64,000
Lower Kuskokwim Ayaprun Elitnaurvik Yup'ik Immersion	190	95,000
Mat-Su Academy Charter	135	67,500
Mat-Su Midnight Sun	92	46,000
Nome Anvil City Science Acad.	20	10,000
TOTAL	2,506	1,253,000

* These are correspondence schools.



Making Schools Work Better for All Children

CER SCORE CARD

Charter School Legislation: State Rankings

States With Strong Charter Laws...

... which do are are likely to support at least some significant development of autonomous charter schools.

CHARTER SCHOOL LEGISLATION: STATE RANKINGS																
Grade	A									B						
State	AZ	MI	MN	DC	DE	MA	TX	CA	FL	NY	NC	PA	CO	MO	SC	OR
Year Law Passed	'94	'93	'91	'96	'95	'93	'95	'92	'96	'98	'96	'97	'93	'98	'96	'9
Number of schools allowed	4.5	4.3	5	4.5	3.7	3.3	4	5	3.5	2.3	3.5	5	4.5	2.3	4.5	3.2
Multiple chartering authorities	4.5	5	4.5	4	2.4	3.3	3.25	4.5	3.5	3.3	3.5	3.25	3	4	1.5	2
Eligible charter applicants	5	4.7	5	5	4.4	4.3	4.25	5	5	4	4.5	4.5	4	1	3.5	4.
New starts allowed	4.5	4.7	4.5	5	4.9	5	4.75	4	4	5	4.5	4.5	3.25	4.6	3.5	4
School may be started without evidence of local support	5	5	3.5	3	3.5	4	3.5	3	3	4	3	3.5	3	4	2	5
Automatic waiver from state and district laws	4.5	2.7	5	5	4.4	3	5	3	3	5	4	3	3.25	4	4.5	3.
Legal/operational autonomy	5	5	4.5	4.5	5	4.7	4	3	3.5	5	3	3	2.75	4.2	3.5	3.
Guaranteed full per-pupil funding	3.5	5	3.5	4.5	5	5	4	4.5	5	2.6	4.5	2.5	3.75	4	5	3.2
Fiscal Autonomy	5	5	5	4.5	5	5	4	4	5	5	4	3.5	4.5	4	4.5	2.
Exempt from collective bargaining agreement/district work rules	4.75	4	4.5	5	4.9	4.3	4	4	4.5	3.3	3	4	4.5	4	3.5	4.2
Total	46.25	45.4	45	45	43.2	41.9	40.75	40	40	39.5	37.5	36.75	36.5	36.1	36	35.
RANK 2000	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Rank 1998	1	2	6	3	4	5	9	10	13	7	8	16	12	15	11	N.
Number of charters Spring 2000	352	173	59	31	5	39	167	239	111	5	75	47	65	18	8	4

States With Weak Charter Laws...

... which have not, and are unlikely to lead to significant charter activity.

CHARTER SCHOOL LEGISLATION: STATE RANKINGS																
Grade	C										D					
	IL	NH	OH	GA	LA	ID	NV	CT	UT	AK	NM	HI	WY	RI	AR	VA
Year Law Passed	'96	'95	'97	'93	'95	'98	'97	'96	'98	'95	'93	'94	'95	'95	'95	'98
Number of schools allowed	2	1.7	1.7	5	2	2.6	2.5	2.5	0.6	2.3	2.5	1	5	1	2.5	1.6
Multiple chartering authorities	1	0.7	2.7	1	2.5	1.3	1	2.5	2	0.3	2.25	1	0	1	1	1
Eligible charter applicants	4	3.7	3	4	3.5	3	2	1.5	4.3	4.7	2	1.5	4.3	2.5	2.5	2.6
New starts allowed	3.5	3.7	2.7	4	4	4.8	4.5	3.5	4.1	5	3.5	3	4	4	3.5	2.3
School may be started without evidence of local support	1	0	4.7	2.5	2	1	5	1	2.5	1.3	3	2	1.7	0	2.5	2.6
Automatic waiver from state and district laws	3	4.7	3	5	2.5	4.3	2.5	2.5	0.6	0	0.5	4.5	0	0.5	0	0.6
Legal/operational autonomy	3	3.7	1.7	0	1	0	1.5	0.5	1.6	0	0	0.5	0	0.5	0	0.6
Guaranteed full per-pupil funding	3	0	2.7	2	3	3	3.5	3.5	0.3	3.3	3	1.5	0	3.5	1.5	0.6
Fiscal Autonomy	3.5	5	2.7	2	4.5	1.6	1	3	1.3	4	2	1	0	1.5	0	0
Exempt from collective bargaining agreement/district work rules	4	4.7	2.3	1.5	1.5	4	2	2.5	4.3	0	0	0	0	0	0	0
Total	28	27.9	27.2	27	26.5	25.6	25.5	23	21.6	20.9	18.75	16	15	14.5	13.5	11.5
RANK 2000	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35
Rank 1998	20	19	23	21	14	24	27	22	25	26	33	32	29	28	34	30
Number of charters Spring 2000	19	0	48	32	17	8	5	16	3	17	3	2	0	2	0	0

About the Grades:

- **"A" (Score between 40-50):** These laws allow for a significant number of charter schools and contribute positively to their growth and development.
- **"B" (Score between 30-39):** These laws also allow for healthy growth of charter schools but contain some significant provisions that may impede growth.
- **"C" (Score between 20-29):** These laws may allow for a good number of schools, but still pose significant challenges to sustaining a prolific and healthy charter environment.
- **"D" (Score between 10-19):** These laws largely allow conventional education bureaucracies to regulate the establishment and operation of charter schools. While schools have opened under these laws, they are heavily regulated and are few and far between.
- **"F" (Score between 0-9):** These laws simply offer no real charter environment at all, and are charter laws in name only.

Rating Criteria

All 37 charter school laws in existence as of April 2000 are scored and ranked according to

their degree of expansiveness. The states are ranked from 1 (most expansive) to 37 (most restrictive), as well as divided into Strong and Weak Charter Law States, indicating which do or are likely to support at least some significant development of autonomous charter schools, and which do not.

- **Number of Schools:** States that permit an unlimited or substantial number of autonomous charter schools encourage more activity than states that either limit the number of autonomous schools, or allow an unlimited number of charter schools with restrictions on their autonomy, demographics, etc.
- **Multiple chartering authorities/binding appeals process:** States that permit a number of entities in addition to or instead of local school boards to authorize charter schools, or that provide applicants with a binding appeals process, encourage more activity than those that vest authorizing power in a single entity, particularly if that entity is the local school board, or provide only an advisory appeals process
- **Variety of applicants:** States that permit a variety of individuals and groups both inside and outside the existing public school system to start charter schools encourage more activity than states that limit eligible applicants to public schools or public school personnel.
- **New starts:** States that permit new schools to start up encourage more activity than those that permit only public school conversions.
- **Formal evidence of local support:** States that permit charter schools to be formed without having to prove specified levels of local support encourage more activity than states that require such demonstrations of support.
- **Automatic waiver from laws and regulations:** States that provide automatic blanket waivers from most or all state and district education laws, regulations, and policies encourage more activity than states that provide no waivers or require charter schools to negotiate waivers on an issue-by-issue basis with charter-granting authorities. (In no case, however, are civil rights laws or health/safety codes waived for charter schools)
- **Legal/operational autonomy:** States in which charter schools are independent legal entities that can own property, sue and be sued, incur debt, control budget and personnel, and contract for services encourage more activity than states in which charter school remain under district jurisdiction. In addition, legal autonomy refers to the ability of charter schools to control enrollment numbers, with no special conditions imposed by the charter law or the local district on its policies.
- **Guaranteed full funding:** States where 100% of per-pupil funding automatically follows student enrolled in charter schools encourage more activity than states where the amount of funding is automatically set below 100%, or must be negotiated with the district. (For more on charter funding, see also: [Charter School Funding Path.](#))
- **Fiscal Autonomy:** State that give charter schools full control over their own budgets, without the district holding the funds, encourage more activity than states that do not. (For more on charter funding, see also: [Charter School Funding Path.](#))
- **Exemption from collective bargaining agreements / district work rules:** Weak laws do not give charter schools control over personnel decisions but make them subject to district collective bargaining agreements or work rules.

Other Notes:

The scores on this table are based on the current status of each law (through April 2000). Amendments to the original law, state board regulations, legal rulings, department of education interpretation and actual implementation have all been factored into the ranking. Each state is ranked for each criterion on a scale of 0 to 5, based on how that state's provisions under that

- criterion support or restrict the development of a significant number of autonomous charter schools (strongly support = 5; strongly restrict = 0), or , in the case of recently passed or amended laws, are likely to do so. States are listed from left to right from stronger to weaker. The laws are also divided into two subsets: strong or moderately effective laws which do or are likely to support at least some significant development of autonomous charter schools, and weak or ineffective laws which have not, and are unlikely to lead to significant charter activity. See the following page for a more detailed explanation of the criteria and rating system. See also analysis of individual states' laws for further explanation of specific provisions.

Each law was scored by a panel of charter school experts: [Jeanne Allen](#), President, The Center for Education Reform; Bruno Manno, Senior Fellow with the Annie E. Casey Foundation and Adjunct Fellow with the Hudson Institute. Linda Brown, Director, Pioneer Institute Charter School Resource Center; Chester Finn, President of the Thomas B. Fordham Foundation; and John M. Olin Fellow at the Hudson Institute, assisted with the 1997 and 1998 rankings. The average of the panelists score's were sued for the final score for each criterion, and their sum provides the final scores that determined ranking. States with tie scores were ranked according to secondary factors influencing the effectiveness of their law. Edited by [Jeanne Allen](#) and Dave DeSchryver.

Originally published by the [Center for Education Reform](#), April 2000.
Technical corrections made February 2001.

[Print Version of Chart](#) (.rtf format -- use this version if you want to print out the chart.)

Overview and Background of Rankings

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February 16, 2001

Dear Legislators,

HB 101 is a well-written bill. Please give it your full support to pass it this year. It is overdue and will be a welcome step of relief in the right direction.

There are three major concerns with the current legislation: funding for many "city" charters is half and in some cases, less, than other "city" schools that you fund. This is because in part the description written into school funding formulas, which you can correct. It is also because "city" schools get local taxes, and in Anchorage, none of that is passed on to the charters. Most importantly, "city" and "rural" schools get facilities, in many cases worth millions of dollars.

I am with the Village Charter School, having participated since its design and currently serving as a K-3 teacher and APC (governing committee) member. We receive approximately \$3,850 per child, and from that, pay space / facility. We have a terrible time working with a landlord with that budget and limp from year to year. Our fear now is that the economy is getting better, which means our landlord can find much more attractive tenants than us.

The sunet should be lifted and the length of a contract 10 years with 5 year renewable so that landlord negotiations are improved.

Lastly, we struggle almost daily with school district oversight challenges. I have spoken with School Board Members and ASD executives. but it is as much that we can't fit their "round holes" because we are a tiny, square peg. An Independent Board, such as Arizona has, would be idea. Please take the time to visit their Independent Board's office and a dozen of their charters if you get the chance. I visited 30 of their schools and believe that model is the best in the US.

Best wishes, and I'll help you however I can.

Linda Sharp
2710 West 34 Avenue
Anchorage, AK 99517
Tel. 245-5501
Email: lsharp@alaska.net

SUPPORT

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Dallas Engineering, Inc.
475 Forest Hills Drive
Fairbanks, Alaska 99775

February 15, 2001

Representative Dyson
Members of HESS (Senate / House)
Members of the Alaska Legislature

RE: Charter Schools HB 101

Senators and Representatives:

Please consider my views when Representative Dyson's and Senator Betye Davis' bills come forward for your vote. I am a retired petroleum engineer, having moved to Alaska in 1974 to help the University of Alaska begin its petroleum technology program, after 25 years of working as a petroleum engineer in private industry in North Dakota and the Williston Basin. I maintain a small office in Fairbanks even now, although I am 78 years old and generally travelling, writing a book and coaching math part-time in public schools in Fairbanks and Anchorage.

I hope you will pass a bill this session that changes the fate of charter schools in Alaska. The present law is crippling them. It precludes many who are interested from considering proposing a charter, and it causes extreme stress for many charter schools presently operating in Alaska. It has also caused the demise of at least one and probably more of the charters that have closed their doors.

Current law is flawed in the following major ways:

#1. Authorization. There should be a choice of authorizing agencies. Requiring charter schools to subject themselves only to the local school districts is suicide. It could be likened to requiring the newly freed slaves in 1865 to get their freedom passports from the Plantation Owners, and to report to them for all actions they took. There must be an Independent Board, representing the population of Alaska, who for a decade have advocated for freedom and accountability in education. This is the most important change you should make.

#2. Sunset. The sunset clause of 2005 should be lifted and there should be no sunset, or at the earliest, 2015. Contract should be for ten years, not five.

#3. Funding. Charter schools should be funded no lower than the average school in the area that they serve. They should be given housing without cost, in addition to the per student funding. Without equal funding they cannot compete. This would level the playing field.
You are welcome to contact me by e-mail or by regular mail at an appropriate time. I would be an opportunity to help you get such a bill passed in 2001.

Best wishes,

Dois D. Dallas, P.E.
475 Forest Hills Drive
Fairbanks, AK 99775
Email: Doisdd@aol.com

or dotticfd@aol.com

Subject: H.B. 101 - HESS/Charter Schools

Date: Sun, 18 Feb 2001 17:49:55 -0900

From: "thomasalaska" <thomasalaska@gci.net>

To: "Representative Fred Dyson" <Representative_Fred_Dyson@Legis.state.AK.US>

CC: "Linda Sharp" <lsharp@alaska.net>

Representative Dyson:

On behalf of our 300 Southcentral Alaska members, Lodge No. 46 of the Sons of Norway would like to express its support for House Bill 101. We have worked closely with the Village Charter School (VCS) in Anchorage to help them to get started and to grow.

On the sunset issue, the schools need several years lead time to provide for programmatic continuity: arrange for facility leases, staffing and so forth. On the funding issue, we understand that the proposed bill will narrow the present gap between the smaller schools like VCS and other schools and will benefit the students accordingly.

Can you please forward this message to HESS and all legislators? And, if you have any questions, feel free to contact me tomorrow at 561-3478 (or at 333-9101 in the evening).

Sincerely,

Howard Thomas
President
Bernt Balchen Lodge No. 46
Sons of Norway

Subject: HB101

Date: Wed, 07 Feb 2001 15:57:38 -0900

From: "Lynn Aleshire" <lynn.aleshire@acsalaska.net>

To: Representative_Fred_Dyson@legis.state.ak.us

Rep. Dyson,

I just read through your HB 101 and am very pleased with the changes you propose to charter school law. Of course, since we always want a little bit more I'd like to ask if you would consider amending it to address the new definition of a correspondence school.

As you know the State Board of Ed. recently accepted the administration's new definition of a correspondence school which targets Family Partnership Charter School and reduces its financing by 20%. This new definition presents our school with another tremendous financial hurdle. We are considering legal action since we believe that the new definition flies in the face of the legislature's original intention for correspondence schools. It would save FPCS many, many thousands of dollars in legal expenses and also would save our families more hardship if the legislature would address this issue. The money we have had to spend and will spend in our battles with DoEED would be much better spent for educating kids.

Thanks for considering this issue and for your steadfast support for better education for Alaska's kids.

Lynn Aleshire
FPCS APC Member

Subject: charter bill And Midnight Sun family learning Center

Date: Sat, 17 Feb 2001 22:48:51 EST

From: BrwnBare@aol.com

To: Representative_Fred_Dyson@legis.state.ak.us

To whom it may concern :

I write this Email as a MOM . I am not a business owner or a professional .

But I would like to say a few things on this subject .

To Start with I have two small children enrolled in Midnight sun. I have not had to experience a " real School " Nor do I ever want to !

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We have a school that has the most loving and caring environment , We are a true family . And No Where else (besides My Home) Would my kids be safe

We have a Saying around our school " We have school full of Mom's" And That in its self should be good enough to get HB 101 Passed .

Please take a look at our State of the Charter and the results of past few yrs to see how important Charter schools are !!!!! We have accomplished So much . I would also like to invite you to see our little school and how much fun learning can be .

I am very grateful that you want this bill to pass and you see how important charter Schools are .

Like I said I am just a MOM and a Parent volunteer

Thanks for all you Do for our Charter Schools

Sincerely,
Cyndi Brown

Charter School Support Letters

Dallas Engineering, Inc.
475 Forest Hills Drive
Fairbanks, Alaska 99775

February 15, 2001

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You are welcome to contact me by email or by returning the enclosed envelope. A telephone call opportunity to help you get such a bill passed in 2001.

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Thanks for all you Do for our Charter Schools

Sincerely,
Cyndi Brown

AURORA BOREALIS CHARTER SCHOOL

11247 Frontage Road Ste. A
Kenai, Alaska 99611
(907) 283-0292

February 22, 2001

To: Rep. Fred Dyson, Chair and members of the House HESS Committee

Subject: Support of HB 101 regarding Charter Schools.

The Academic Policy Committee of the Aurora Borealis Charter School is in support of HB 101. We particularly urge the passage of the provisions in the bill to eliminate the sunset clause and to extend the term of contracts to 10 years.

Aurora Borealis Charter School is providing a valuable alternative to regular public schools. Our enrollment has increased annually, our students have achieved benchmark test results that are among the highest in the District and parents are happy with our school. We have a waiting list of 200 students, which is twice our current enrollment.

Removing the sunset date and extending the contract term will be advantageous to all charter schools especially in attracting and retaining qualified teachers. Longer contract terms will help charter schools that are having difficulty securing facilities.

Additional funding for charter schools would be advantageous especially since the current law does not give specific direction to school districts on how to fund charter schools. We are also very much in favor of the provision which establishes alternative schools as separate schools for funding purposes. The Kenai Peninsula Borough School District apparently is penalized with lower funding because our enrollment is added to the largest school in the District. This inequity in the funding formula needs to be corrected.

Thank you for your work on this bill. Passage of HB 101 will be beneficial to charter schools, which we believe will lead to higher quality outcomes throughout the public education system.

Sincerely,



Larry Semmens, APC Chair
Aurora Borealis Charter School

LAW OFFICES

BIRCH, HORTON, BITTNER AND CHEROT

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 ELIZABETH H. ROSS**

KATHLEEN SCHASCHTELLE, OF COUNSEL

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 ‡ VIRGINIA BAR
 ALL OTHERS ALASKA BAR

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February 16, 2001

Representative Fred Dyson
 Alaska State Capitol, Room 104
 Juneau, Alaska 99801-1182

Re: HB 101 (Charter Schools)

Dear Representative Dyson:

I write this letter in strong support of your HB 101, in which you propose changes to the current statutes governing charter schools. I have been associated with Aquarian Charter School (Anchorage) since its beginning four years ago, as both a parent and chair of the school's Academic Policy Committee. When the charter school laws were passed in 1995, they were a "first stab" at a new situation. We now have four years under our belts. Your proposed legislation corrects many of the shortcomings of the original law.

For the sake of brevity I will not write about each of your proposed changes, except to say that I agree with them and with the reasons provided in your accompanying Sponsor Statement. I do, however, want to comment on your proposed Section 6, which amends A.S. 14.17.905.

First, your change to A.S. 14.17.905(b)(2), in which you propose to modify the funding base to be triggered by 100 students ADM, rather than 200 students, is absolutely crucial. Whether 100, 200 or some other number, I presume we can all agree that these figures are somewhat arbitrary. By definition charter schools are most likely going to be small. What is unique and innovative at the 100 student level, however, becomes surprisingly less innovative at 200+ students. I speak from experience: at Aquarian we went from 120 students to 220 students, and I firmly believe that we lost a lot of our ability to be innovative and flexible by doubling.

BIRCH, HORTON, BITTNER AND CHEROT
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Rep. Fred Dyson
February 16, 2001
Page 2

Also, attracting 200 students to a new and/or already underfunded school can be amazingly difficult. Walden Pond Charter School was forced to close its doors this year for exactly that reason, even though the students, parents, teachers, and the Anchorage School District were all in agreement that Walden Pond filled a much-needed niche. I do not think it's an overstatement to say that Walden Pond folded because 200 students, rather than 100, was the statutorily-imposed "magic number" required to receive full state funding (Walden Pond had approximately 130 students).

In short, something as simple as lowering the statutory number to 100 students ADM would give both existing and future charter schools a greater chance of succeeding than anyone who has not witnessed this problem firsthand might imagine. Your proposed bill is thus just right in this respect.

My second and last comment is also directed at another portion of your proposed Section 6 (subparagraph 3), but here I recommend that the Legislature not just add your proposed language regarding "correspondence school" funding, but that the Legislature also define what it means by these two words. Your proposed change to A.S. 14.17.905(b)(3) ties funding at the 100% level to a charter school "not [being] operated as a correspondence school." This in turn ties into the funding formula found at A.S. 14.17.430.

Please know, however, that these two clauses are ambiguous, and that this ambiguity has already been the subject of litigation between the DOE and Family Partnership Charter School ("FPCS"), a home school charter school in Anchorage. I know this because I was the lawyer who represented FPCS. During the litigation the DOE stated that A.S. 14.03.905(b)(3) and 14.17.430 were ambiguous, in that neither of these statutes define what constitutes a "correspondence school." The hearing officer held that although via subsequent regulations the DOE tried to define "correspondence school," the DOE was unable to do so. In a nutshell, everyone involved seemed to agree that this was a job for the Legislature.

The DOE also acknowledged that 1) a correspondence school is typically a "distance delivery" model (such as the State-run Alyeska correspondence school, where students rarely or never meet their teachers, and lessons are mailed out and then mailed back for grading), 2) FPCS was quite different, i.e., a "home school" that had direct, personal and ongoing contact with teachers, in close "partnership" with each student's parents, and (3) the Anchorage School District--which worked most closely with FPCS--did not consider FPCS to be a "correspondence school," and ASD expressly disagreed with DOE's attempt to classify FPCS as a correspondence school. But because the Legislature did not define what it meant by "correspondence school," the DOE attempted to fund FPCS at only

BIRCH, HORTON, BITTNER AND CHEROT
A PROFESSIONAL CORPORATION

Rep. Fred Dyson
February 16, 2001
Page 3

80%. Although the DOE eventually conceded that FPCS should be funded at 100% for this year, I anticipate that to save money the DOE will at some point in the future again try to classify FPCS as a "correspondence school."

I thus urge the Legislature to eliminate this ambiguity by now defining "correspondence school." This could be done very easily, by simply adding the following underlined words to your proposed A.S. 14.03.905(b):

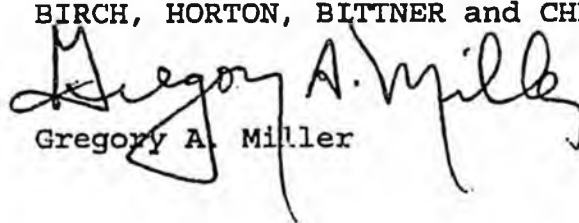
... and (3) the charter school is not operated as a distance delivery correspondence school.

While FPCS is in no way any type of a correspondence school-- "distance delivery" or otherwise--adding these two words would be the simplest way to clarify this ambiguity.

Thank you, Representative Dyson, for sponsoring this bill, and to all Representatives and Senators who ultimately support it. Please call if you have questions.

Sincerely,

BIRCH, HORTON, BITTNER and CHEROT


Gregory A. Miller



P.O. Box 232821 • Anchorage, AK 99523-2821 • (907) 345-8032 • (907) 345-8034 FAX

20 Feb 2001

Alaska State Legislature
Vic Kolring, Chair of HESS
Alaska State Capital, Room #104
Juneau, AK 99801-1182

SUBJECT:

Dear Alaska State Legislature,

It is my intent that this letter supports the passage and immediate implementation of HB101 and HB89. As a parent of a student at The Academy Charter School, I am convinced that charter schools are critical to the development of education in our community. Charter schools provide diversity, relief from the intense overcrowding problems currently experienced in the Mat-Su, and even more, they provide an environment for children to develop an appreciation for learning and growing as human beings. Remarkably, The Academy Charter School requires no food service, no bus service, and has received very little support from the district in even providing sewer and water. Yet as cost effective as this has been for the district, our disappointment as we are continuously shorted in both funding and services by the school district, had been remarkable.

Legislative support in the form of a House Bill that provides more support for the charter schools would provide stability and allow for better planning. It would encourage the educators and staff of these schools to continue their efforts and pursue opportunities for our charter schools to improve educational opportunities for our children. I believe this is the goal we would all like to achieve.

I would like to voice my unequivocal support, and even gratitude, for your efforts to improve opportunities for charter schools in Alaska. I assure you that based upon my experience with That Academy Charter School, your efforts are not wasted. In fact, as I mentioned above, you could not do better than invest in this type of educational resource. The return in learning per dollar spent is simply remarkable. Thank you for taking the time to read my letter.

Sincerely,

Marc H. Peterson
Sr. Project Manager
USARAK Hazardous Waste Management Contract
(Parent of a charter school student)

Kenai Peninsula Borough School District
Homer Charter School
Academic Policy Committee
P.O. Box 474 Homer, AK 99603 (907) 235-9728

February 20, 2001

Re: HB 101 Charter School Bill

The Academic Policy Committee, APC supports HB 101, except for the following considerations.

The Homer Charter School is in its fourth year of operation.

The APC feels the cap on Charter Schools should be kept to 30 until financial concerns of existing schools are addressed properly. The Federal grants for 'planning and implementation' have been adequate for getting the programs off and running. What is lacking is the operating revenue to keep up with rising salary costs. The State of Alaska should recognize each Charter School as a separate school, no matter what size. Funding needs to be allocated to School District's according to the State's formula for each Charter School no matter what size.

Do not increase the number of Charter Schools until each is funded as a separate school.

Garry Belley Academic Policy Member





Alaska State Legislature

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FAX (907) 694-1015

- Session (Jan-May) -
Alaska State Capitol
Juneau, Alaska 99801-1182
☎ (907) 465-2199
FAX (907) 465-4587

Toll free (800) 342-2199

REPRESENTATIVE FRED DYSON

MEMORANDUM

February 12, 2001

To: Randy

From: Fred Dyson *FYD*
State Representative

RE: Request for consideration of HB 101 Charter schools

I respectfully request that you consider HB 101, An Act Relating to Charter Schools, at your earliest convenience.

Assuming your schedule permits, Tuesday, February 20 will be fine.

Thank you.

- E-mail -
Representative_Fred_Dyson
@Legis.state.ak.us

- Internet -
<http://www.akrepublicans.org>

