Charter Schools in America

A charter school is a public policy designed to ameliorate many problems in American public education, such as overcrowded schools, poor student achievement, lack of motivation and innovation by teachers, oppressive and rigid policies and regulations, and lack of parental or community involvement in schools. While discussion of educational “charters” for teachers to explore innovative approaches to teaching began in the 1970s, there was no formal legislation until Minnesota created the first state charter school policy in 1991. In the last ten years, 36 states have also drafted individual legislation which projects varying degrees of uniformity between charter schools across the country. While federal legislation regarding charter schools is not broad, the federal government did begin making provisions for the creation and funding of charter schools in 1998 and has revised their policy as recently as January 2002.

Landmark State Legislation

Minnesota Statutes Chapter 124D.10 Charter Schools (1991, updated annually)

The Minnesota charter school legislation was groundbreaking because it was the first state legislation passed regarding charter schools. The document specified that a charter must meet at least one of the following requirements:

- improve student learning;
- increase learning opportunities for students;
- encourage the use of different and innovative teaching methods;
- require the measurement of learning outcomes and create different and innovative forms of measuring outcomes;
- establish new forms of accountability for schools; or
- create new professional opportunities for teachers, including the opportunity to be responsible for a learning program at the school site.

More than 80% of states creating charter school legislation following Minnesota based the required purposes for charters in their state on the previous list. Minnesota continues to be distinct from other legislation in that it specifies that in an open-enrollment school (a start-up school as opposed to a conversion school) the student body must reflect the racial composition of the school’s neighborhood. The legislation also liberally allows for a wide variety of individuals and organizations to apply for an unlimited number of charter schools.¹

Arizona Revised Statutes Title 15 Chapter 1 Article 8 (1994)

Arizona’s charter school law allows both the state and local boards of education to grant charters independently of one another providing for a greater number of charters to be accepted. This may be one reason Arizona (with 433 schools) has 58% more charter schools than the next greatest amount of schools in a state (California with 274 schools). The legislation also provides the longest term for charters to be granted (15 years). Arizona is one of the leading states in autonomy for both students and teachers. Arizona is among the most lenient of states with charter school laws, which makes it among the most progressive as well.²

Appendix 1: Charter School Legislation by State and Comparative Factors [Not shown here]
Landmark Federal Legislation


Introduced: 6 October 1997   Sponsor: Frank Riggs (R-CA)

Final Status: Signed as Public Law 105-278 (22 October 1998)

This is a bill to amend Titles VI and X of the Elementary and Secondary Education Act (1965) to improve and expand charter schools. There are several significant highlights of this legislation:

- Governing bodies of public charter schools must have a contract with their authorizing agency from which to base the continuance or revocation of their charter.
- State education agencies (SEAs) are authorized to use federal funds for the planning, designing, and initial implementation of public charter schools.
- Secretary of Education is given reserved funds to make sure charter schools receive the appropriate funding from their local education agencies (LEAs).
- SEAs and LEAs can receive grant funds based on the status and quality of charter schools in their state, their provisions for students with disabilities, their dissemination of best practices to other charter schools, and knowledge of federal funding formulas.  

107th Congress: H.R. 1 “No Child Left Behind Act of 2001”

Introduced: 3 March 2001
Sponsor: John A. Boehner (R-OH)

Final Status: Signed as Public Law 107-110 (8 January 2002)

Public Law 107-110 was signed into law as the most aggressive education reform the United States has seen in several decades. Title V, Subpart B of this legislation authorizes $300 million to help states allocate funding for the initial implementation of charter schools, the evaluation and assessment of their achievements, and the costs of their physical facilities. The power of the Secretary of Education to provide grants to SEAs is increased so grants can be authorized for 3 year terms based on criteria such as: the ambitiousness of the charter; the likelihood that the charter will increase student achievement; the priority of the charter school on disadvantaged populations of students; the quality of evaluation and assessment plans set forth in the charter; and the flexibility of the SEAs and LEAs to accommodate charter school initiatives. This title also mandates that states must review charters at least every five years, if not more frequently.  

State by State Sources of Information on Charter Schools in 37 States

[Not shown here]
General Sources Consulted


Legislation Cited


2 Arizona Revised Statutes Title 15 Chapter 1 Article 8. Online. www.azleg.state.az.us/ars/15/title15.htm (5 February 2002).
