

Key Distinctions in Charter School Bills and Current Law

	Current Law	Senate Bill 8 – Senate Version (2/24/11)	Senate Bill 8- House Version (4/7/11)	House Bill 247
Composition of Commission	Determined by State Board	2 by Governor 4 by Senate Pres. 4 by House Speaker State Superintendent; Appointments by House and Senate must include representative of charter school community; all must have demonstrated commitment to charter schools	4 by Governor 4 by Senate Pres. 4 by House Speaker State Superintendent; Appointments by House and Senate must include representative of charter school community; all must have demonstrated commitment to charter schools	2 by Governor 4 by Senate Pres. 4 by House Speaker 1 by State Superintendent; Appointments by Governor, Senate, and House must include representatives of charter schools, traditional public schools, other constituent communities such as parents or high education, or other individuals who have demonstrated commitment to public education
Authority of State Board	Constitutional authority for establishing rules and making decisions	Veto of Commission decision by a $\frac{3}{4}$ majority vote	Can accept or reject recommendations of Commission; must give specific reasons for rejection; cannot act in arbitrary and capricious manner; rejection subject to judicial review	Can accept or reject with specificity any initial recommendation; has final authority to adopt, amend, or reject recommendations
Cap on growth	100 schools total	No cap	50 schools per year	No cap
Enrollment minimums	65 unless waiver for compelling reason	No minimum	50 unless waiver for compelling reason	65 unless waiver for compelling reason
Enrollment growth	What is provided in approved charter application or up to 10%; over 10% requires State Board approval	No limits	What is provided in approved charter application or up to 20%; over 20% requires State Board approval	What is provided in approved charter application; additional requested growth shall be allowed unless one of listed criteria is found to exist

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<p>Funds of the school district that are excluded from the local current expense appropriation (and not shared with the charter school)</p> <p><i>Note: Current law – unchanged by any bill - provides that charter schools receive an amount equal to per pupil allocation from the State to the school district (excluding funds for identified students with disabilities or limited English proficiency in school district and adding allocation for those identified students in the charter schools); and an amount equal to the per pupil local current expense fund. This row explains those funds not considered local current expense.</i></p>	<p>1. Reimbursements to the school district, including indirect costs, 2. fees for actual costs, 3. tuition, 4. sales tax revenues-ad valorem method, 5. sales tax refunds to the school district, 6. gifts and grants restricted as to use to the school district 7. trust funds, 8. federal appropriations made directly to school districts, 9. funds received for prekindergarten programs and 10. special programs; 11. appropriation or use of fund balance or 12. interest income</p>	<p>Changes to current law: 1.Reimbursements to the school district, including indirect costs, 2. fees for actual costs, 3. tuition, 4. sales tax revenues-ad valorem method, 5. sales tax refunds to the school district, 6. gifts and grants restricted as to use to the school district 7. trust funds <u>if necessary to comply with donor/grantor requirement and federal grants restricted as to use, 8. federal appropriations made directly to school districts, 9. funds received for prekindergarten programs and 10. special programs; 11. appropriation or use of fund balance or 12. interest income</u></p>	<p>Changes to current law: 1. Reimbursements to the school district, including indirect costs, 2. fees for actual costs, 3. tuition, 4. sales tax revenues-ad valorem method, 5. sales tax refunds to the school district, 6. gifts and grants restricted as to use to the school district 7. trust funds, 8. federal appropriations made directly to school districts, 9. funds received for prekindergarten programs and 10. special programs; 11. appropriation or use of fund balance or 12. interest income</p> <p>Specifically excludes special funds of individual schools</p> <p>Limits transfer of supplemental taxes to a charter school only if student resides in the tax district in which fines are levied and the charter school is located in the same county as the supplemental tax district.</p>	<p>Same as current law (Other proposals made on supplemental sales tax)</p>

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Charter school access to capital funds	None	Can use State funds for specified equipment, capital expenses; Counties may provided funds for specified equipment, capital expenses included in the capital outlay fund; Counties may allocate portion of lottery proceeds for school construction projects	Can use State funds for any equipment or other capital expense identified in the capital outlay fund; counties may provide funds that can be used for any purpose in the capital outlay fund but must do so equitably among all charter schools that request funds; Counties may allocate portion of lottery proceeds for school construction projects	None
Virtual charter schools	Not specifically addressed: a virtual school applicant could apply	Same as current law	Sets standards for virtual charter school applicant of having physical facility and chief administrator in state and responsibilities of teachers for learning and reporting outcomes	Prohibits virtual charter schools
Transportation	Not required Charter schools receive the per pupil allocation for operational expenses; they do not receive funds for replacement buses	Charter application is to include the school’s plan, if any, for providing transportation	Requires charter schools approved after July 1, 2011, to provide transportation within 3 miles to students who are within 185% of poverty level	Withholds transportation allotment unless the charter school provides transportation to students within 185% of poverty level; requires a transportation plan so that transportation is not a barrier to these students (Other proposals have more specifically identified providing transportation within 5 miles in urban areas and 10 miles in rural areas)

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Lunch for students who meet eligibility requirements for free/reduced price lunch	Not required	Charter application is to include the school’s plan, if any for providing food services	For charter schools approved after July 1, 2011, shall provide food services to students within 185% of poverty level	Shall provide free and reduced priced meals to students within 185% of poverty level unless extraordinary financial hardship
	Shall not discriminate; except as otherwise provided by law or the mission of the school in the charter, shall not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, race, creed, gender, national origin, religion, or ancestry. Within one year, shall reasonably reflect the racial and ethnic composition of the general population where located or the special population the school seeks to serve	Adds to current law the following: Application must include the school’s plan for identifying and successfully serving students with disabilities, students who are English language learners, academically at-risk students, and academically gifted students; the nondiscrimination provisions do not preclude a charter school focused on serving targeted populations, including students with disabilities or of the same gender	Same as Senate version of SB 8 except the following is added: Application must include the targeted student population and evidence of need and community support for proposal	Modifies existing law as follows (<i>law is paraphrased – not full wording</i>): except as otherwise provided by law or the mission of the school in the charter , shall not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude , athletic ability, race, creed, gender, national origin, religion, or ancestry. <u>Except as otherwise provided by the mission of the school as set out in the charter, the school shall not limit admission to students on the basis of intellectual ability or measures of achievement or aptitude.</u> Within one year, shall reasonably reflect the racial and ethnic composition of the general population where located or the special population the school seeks to serve. Includes all of the additions in the Senate version and House version of SB 8

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Measures to achieve diversity				Also includes the following: Application must include a marketing plan designed to achieve a diverse student body; Additional grounds for revocation or nonrenewal is to failure to make a good fair effort to achieve academic diversity, geographic distribution, community needs or remove economic barriers to attending the school (Other proposals include a weighted lottery, priority consideration to charter school applicants planning to serve students who are at-risk, and consideration of geographic distribution of charter schools)
Test scores for charter school students who return to public schools	No special provisions; general rules regarding testing apply	Same as current law	Same as current law	Test scores are included in the charter school’s composite for any student who transfers from a chart school to traditional public school in 45 days of EOG or EOC tests
Causes for revocation or nonrenewal of charters related to student performance	Failure to meet student performance standards contained in the charter (State board policy provides that the State Board shall revoke	Same as current law	Adds: State Board, upon recommendation of Commission, shall adopt criteria for adequate performance and identify charter schools with inadequate performance; a	Adds: State Board shall terminate or not renew if charter school fails to meet or exceed expected growth and has a performance composite below 60% for two years in any three-year period;

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	when the charter does not meet or exceed expected growth and has a performance composite below 60% for two of three consecutive years)		charter school with no growth and annual composites below 60% shall be deemed inadequate; an inadequate school must develop school improvement plan – failure to demonstrate improvement is cause for revocation or nonrenewal	State Board may terminate if fails to meet or exceed expected growth and has performance composite below 70% for two years in any 3-year period

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