

Distributed by Todd Ziebarth, Senior Policy Analyst, National Alliance for Public Charter Schools.

Authorizers and Appeals
From Education Commission of the States Database "State Policies for Charter Schools"
(http://www.ecs.org/html/educationIssues/CharterSchools/CHDB_intro.asp)

<u>State</u>	<u>Who can approve charter schools?</u>	<u>Is there an appeals process in place for charter applicants?</u>
Alaska	Both the local school board and the state board of education must approve application.	Yes. If the state board of education rejects a charter school application, the charter school applicant may appeal the state board of education's decision to the state superior court.
Arizona	Local school board, the state board of education or the state board for charter schools.	No. Petition may be submitted to an alternative chartering authority, however.
Arkansas	For both conversion and open enrollment charter schools, both the local school board and the state board of education must approve the application.	Yes. Open enrollment charter school petitioners may appeal a local school board's decision to the state board of education.
California	Local school board or county board of education. The state board of education may approve charter schools operating in multiple sites throughout the state. If all sites are within a given county, however, the petition for the charter must go to the	Yes. A charter application denied by a local school board may be appealed to the county board of education. A charter application denied by a county board of education may be appealed to the state board of education. A petitioner must appeal to the county board of education prior to appealing to the

<u>State</u>	<u>Who can approve charter schools?</u>	<u>Is there an appeals process in place for charter applicants?</u>
	<p>county board.</p>	<p>state board of education. A charter application denied by the state board of education is subject to judicial review.</p>
Colorado	<p>A charter school applicant may submit an application to the local school board or, if the school district in which the charter school is to be located has not retained exclusive authority to authorize charter schools from the state board of education, to the state charter school institute.</p> <p>The state board of education automatically grants exclusive authority to authorize charter schools to: school districts where the total pupil enrollment is less than 3,000 pupils; school districts where the percentage of pupils who are eligible for free or reduced-cost lunch and who enrolled in charter schools authorized by the school district is greater than the percentage that is one percentage point below the overall percentage of pupils eligible for free or reduced-cost lunch who are enrolled in the school district; or school districts that annually certify to the state board of education that the total number of students enrolled in charter schools authorized by the school district, or the maximum number of students allowed to be enrolled pursuant to</p>	<p>Yes. A charter application denied by a local school board may be appealed to the state board of education, which may remand the decision back to local school board for reconsideration. A second denial may also be appealed to the state board of education, which may then instruct the local school board to approve the charter. A charter application denied by the state charter school institute may be appealed to the state board of education, which shall remand the matter to the institute with instructions to approve or deny the application. In both cases, the decision of the state board of education is final and not subject to appeal.</p>

<u>State</u>	<u>Who can approve charter schools?</u>	<u>Is there an appeals process in place for charter applicants?</u>
	<p>charter school contracts entered into by the school district, whichever is greater, divided by the district pupil enrollment for that budget year and reflected as a percentage, exceeds by more than three percentage points the percentage of students enrolled in charter schools statewide.</p>	
Connecticut	<p>Local charter schools must be approved by the local or regional board of education and the state board of education. State charter schools must be approved by the state board of education.</p>	No.
Delaware	<p>For conversions, local school boards. For start-ups, local school boards or the state secretary of education and the state board of education.</p>	No.
DC	<p>District of Columbia Board of Education and the District of Columbia Public Charter School Board.</p>	<p>Yes. A decision by an eligible chartering authority to deny a charter application is subject to judicial review by an appropriate court of the District of Columbia.</p>
Florida	<p>A charter school applicant may submit an application to the local school board or, if the school district in which the charter school is to be located has not retained exclusive authority to authorize charter schools from the state board of education, to the Florida Schools of Excellence</p>	<p>Yes. For charter school applications in districts that have been granted exclusive authority, denied charter applications may be appealed to the state board of education, who remands the application to the local school board with a written decision that the local school board approve or deny the application. The local school board must implement</p>

<p><u>State</u></p>	<p><u>Who can approve charter schools?</u> Commission (FSE) – a new, independent statewide charter authorizer – or one of the entities that the Florida Schools of Excellence Commission has approved to be a co-authorizer (municipalities, state universities, community colleges, and regional educational consortia). Also, state universities may grant a charter to a lab school and community college district boards of trustees may grant a charter to a charter technical career center.</p>	<p><u>Is there an appeals process in place for charter applicants?</u> the decision of the state board of education. The state board of education's decision is a final action subject to judicial review. Also, the decision of a state university about a lab school may be appealed pursuant to this same procedure. For charter school applications in districts that have not been granted exclusive authority, the right to appeal an application denial by a district school board is contingent upon the applicant having submitted the same or a substantially similar application to the FSE or one of its co-authorizers. Any such applicant whose application is denied by the FSE or one of its co-authorizers subsequent to its denial by the district school board may exercise its right to appeal the district school board's denial within 30 days after receipt of the FSE or co-authorizer's denial or failure to act on the application. However, the applicant forfeits its right to appeal if it fails to submit its application to the FSE or one of its co-authorizers by August 1 of the school year immediately following the district school board's denial of the application.</p>
<p><u>Georgia</u></p>	<p>Both the local school board and the state board of education must approve application.</p>	<p>Yes. Upon denial of a petition for a start-up charter school by a local school board and upon application to the state board of education by the petitioner, the state board of education may approve the petition for the start-up charter school. This school becomes a state chartered special school.</p>

<u>State</u>	<u>Who can approve charter schools?</u>	<u>Is there an appeals process in place for charter applicants?</u>
Hawaii	State board of education, upon recommendation of the new century charter school review panel.	Yes. A local school board may file an appeal with the new century charter school review panel, who then forwards the implementation plan and any other documentation to the state board of education, who makes the final decision.
Idaho	Only local school boards may approve conversion charter schools. Local school boards and the state public charter school commission may approve start-up charter schools.	Yes. Both a local school board's approval of the conversion of an existing school to a charter school and a local school board's or the state public charter school commission's disapproval of the creation of a new charter school may be appealed to the state superintendent of public instruction, who must select a hearing officer to review the decision. The hearing officer must submit a written recommendation to the local school board or the state public charter school commission and to the persons requesting the review. The recommendation is not binding. If a local school board or the state public charter school commission affirms its disapproval of the creation of a new charter school, the applicant may appeal this decision to the state board of education, who may approve the charter, remand the matter back to a local school board or the state public charter school commission for further review or redirect the matter to another authorized chartering entity for further review. The state board of education's decision is subject to judicial review.

<p>State Illinois</p>	<p>Who can approve charter schools? Local school boards. Also, a local school board shall, whenever petitioned to do so by 5% or more of the voters of a school district or districts identified in a charter school proposal, order submitted to the voters thereof at a regularly scheduled election the question of whether a new charter school shall be established. If the majority of voters approve the referendum, the state board of education shall enter into a contract with the charter school.</p>	<p>Is there an appeals process in place for charter applicants? Yes. Denied charters may be appealed to the state board of education. Final decisions of the state board of education are subject to judicial review under the Administrative Review Law.</p>
<p>Indiana</p>	<p>Local school boards, public universities that offer a four-year baccalaureate degree or persons assigned under the direction of the university's board (although a university may not sponsor a charter school in Marion County until after June 30, 2005), or the mayor of Indianapolis, upon approval of a majority of the members of the city's legislative body. Also, before granting a charter under which more than 50% of the students in a district will attend a charter school, a local school board must receive the approval of the state department of education.</p>	<p>Yes. Applicants may appeal a rejected proposal to the state charter school review panel who may either reject, conditionally approve or recommend changes to the proposal.</p>
<p>Iowa</p>	<p>Both the local school board and the state board of education must approve a charter application.</p>	<p>Yes. An applicant may appeal to the state board of education, which may affirm, modify or reverse the local school board's decision.</p>

<u>State</u>	<u>Who can approve charter schools?</u>	<u>Is there an appeals process in place for charter applicants?</u>
Kansas	Both the local school board and the state board of education must approve a charter application.	No.
Louisiana	Local school boards or the state board of education.	Yes. If a local school board denies a charter school proposal or places conditions on it that are unacceptable to those proposing the charter, the charter applicant may send the proposal to the state board of education.
Maryland	Local school boards. However, under certain conditions specified in the state's charter school law, the state board of education can approve the restructuring of a public school as a charter school.	Yes. If a local school board denies an application to establish a charter school, the applicant may appeal the decision to the state board of education, who may direct the local school board to grant a charter and must mediate with the local school board and the applicant to implement the charter.
Massachusetts	For commonwealth charter schools, the state board of education. For Horace Mann charter schools, the local school board, the local teachers union, and the state board of education.	No.
Michigan	Local school boards, intermediate school boards, community colleges or state public universities, all subject to state board of education review for compliance with law.	Yes. If petition to a local school board is rejected, applicant may have it placed on local ballot.

<u>State</u>	<u>Who can approve charter schools?</u>	<u>Is there an appeals process in place for charter applicants?</u>
Minnesota	Local school boards, intermediate school boards, cooperatives, nonprofit organizations, public postsecondary institutions or private colleges, all subject to approval by the state commissioner of education.	Yes. School districts receiving an application must act within 90 days or it goes to the state commissioner of education. Denied charters may be appealed to the state commissioner of education, whose decision is binding.
Mississippi	Both the local school board and the state department of education must approve application.	No. If a local school board denies an existing school's request for a petition, however, the state board of education may request a hearing to receive further information from the local school board and the faculty of the existing school.
Missouri	The following entities may approve charter schools: the Kansas City and St. Louis school boards; a public four-year college or university located in the Kansas City and St. Louis school districts or in a county adjacent to the county in which the districts are located with an approved teacher education program that meets regional or national standards of accreditation; a community college in the Kansas City and St. Louis school districts; and any private four-year college or university located in a city not within a county with an enrollment of at least 100,000 students and with an approved teacher preparation program. If a charter is approved by one of these authorizers, it is submitted to the state	Yes. If a sponsor rejects the charter school application, the applicant can appeal to the state board of education. If the state board of education grants the proposed charter, the state board of education becomes the authorizer of that school. If the state board of education rejects the application, their decision is subject to judicial review.

<u>State</u>	<u>Who can approve charter schools?</u> board of education, which may disapprove the granting of the charter within a specified time period.	<u>Is there an appeals process in place for charter applicants?</u>
Nevada	A charter applicant may apply to either a local school board or the state board of education. A local school board may apply to the state department of education for authorization to sponsor charter schools within the school district. A local school board's application must be approved by the state department of education before the local school board may sponsor a charter school. A charter school application approved by a local school board must also be approved by the state department of education.	Yes. A charter school applicant may appeal a local school board's decision to the state board of education's subcommittee on charter schools, who makes a recommendation on the application to the state board of education. Then, the state board of education decides whether to approve or reject the application. If the state board of education denies the application, the charter school applicant may appeal the decision to the district court of the county in which the proposed charter school will be located.
New Hampshire	In one route, the local school board and the state department of education must approve the application. In a second route, in place between July 1, 2003, and June 30, 2013, only the state board of education must approve the application.	Yes. Denied charters may be appealed to state board of education. If the state board of education approves the application, it shall issue a charter enabling the formation and operation of the charter school.
New Jersey	The state commissioner of education.	Yes. Approvals and denials may be appealed by local school boards and prospective charter schools to the state board of education.
New Mexico	Local school boards or the state board of	Yes. If the local school board denies a charter

<u>State</u>	<u>Who can approve charter schools?</u>	<u>Is there an appeals process in place for charter applicants?</u>
	education.	school application or imposes conditions that are unacceptable to the charter applicant, the charter applicant may appeal the decision to the secretary of education. In addition, the secretary of education, upon its own motion, may review decisions of any local school board concerning charter schools. The decision of the secretary of education is final and not subject to appeal.
New York	Local school boards and the Chancellor of the New York City Public Schools may approve conversions and start-ups. The State University of New York board of trustees and the State Board of Regents may approve start-ups. The New York State Board of Regents must also approve any charter application approved by another entity.	No.
North Carolina	Local school boards, the University of North Carolina or the state board of education. Charter schools approved by local school boards and the University of North Carolina must also be approved by the state board of education.	Yes. A charter application denied by local school board or the University of North Carolina may be appealed to state board of education.
Ohio	For conversion charter schools, local school boards. For start-up charter schools in "big eight" school districts, "academic emergency" school districts, "academic	No. Although rejected applicants may apply to other chartering authorities.

<u>State</u>	<u>Who can approve charter schools?</u>	<u>Is there an appeals process in place for charter applicants?</u>
	<p>watch" school districts and school districts that are part of the pilot project area: local school boards; boards of joint vocational school districts; boards of educational service centers; state universities, as approved by the state department of education; federally tax-exempt entities, as approved by the state department of education; or, when another authorizer fails to comply with its obligation as a sponsor, the state department of education.</p>	
Oklahoma	<p>Charter schools shall only be sponsored by a school district or an area vocational-technical school district in districts with an average daily membership of 5,000 or more and which all or part of the school district is located in a county having more than 500,000 residents or in a county which is contiguous with a county having more than 500,000 residents, provided no charter school shall be chartered in School District 1029 in County No. 14 and School District 1027 in County No. 9.</p>	<p>Yes. The applicant may submit a revised application for reconsideration to a potential sponsor within 30 days after receiving notification of the rejection. If a potential sponsor rejects the revised application, the applicant may proceed to mediation and/or binding arbitration.</p>
Oregon	<p>Local school boards.</p>	<p>Yes. An applicant for a start-up charter school may appeal the decision of the local school board to the state board of education. An applicant may seek judicial review of an order of the state board of education.</p>

State	<u>Who can approve charter schools?</u>	<u>Is there an appeals process in place for charter applicants?</u>
Pennsylvania	Local school boards. Two or more local school boards may grant regional charters.	Yes. Denied applications may be appealed to a state charter school appeals board, whose decision is binding. All decisions by the state charter school appeals board are subject to appellate review by the Commonwealth Court.
Rhode Island	State board of regents, after charter school has been approved by local school board or state commissioner of elementary and secondary education.	No.
South Carolina	An applicant must first submit an application to the state-level charter school advisory committee, who determines whether the application is in compliance. If so, the application is forwarded to the authorizer chosen by the school (either the local school district or the South Carolina Public Charter School District), who then determines whether or not to approve the application.	Yes. A charter application denied by the state-level charter school advisory committee may be appealed to the state board of education, whose decision is final. A charter application denied by a local school board may be appealed to the state board of education by the charter applicant. A charter application approved by the South Carolina Public Charter School District may be appealed in certain circumstances to the state board of education by the local school district where the charter school will be located. Upon its own motion, the state board of education may review a decision of either a local school district or the South Carolina Public Charter School District. A final decision of the state board of education may be appealed by any party to the circuit court for the county in which the proposed charter school is or was to have located.

<u>State</u>	<u>Who can approve charter schools?</u>	<u>Is there an appeals process in place for charter applicants?</u>
Tennessee	Local school boards.	Yes. An applicant for a start-up "alternative charter school" may appeal a local school board's decision to the state board of education. The decision of the state board of education is final and not subject to appeal.
Texas	Local school boards for school district-approved charters. State board of education for open-enrollment charters.	No.
Utah	Local school boards and the state charter school board, subject to state board of education approval.	Yes. Applications rejected by a local school board may be submitted to the state charter school board. Applications rejected by the state charter school board may be submitted to the state board of education for approval. State board of education decisions are subject to judicial review.
Virginia	Local school board. Two or more local school boards can sponsor a regional charter school.	No.
Wisconsin	Outside of Milwaukee, local school boards. In addition, the University of Wisconsin-Parkside may sponsor one charter school. In Milwaukee, the local school board, city of Milwaukee, University of Wisconsin-Milwaukee or Milwaukee Area Technical College.	Yes. For applications rejected by the local school board in Milwaukee, the person seeking to establish the charter school may, within 30 days after the denial, appeal the denial to the state superintendent of public instruction.

<p>State Wyoming</p>	<p><u>Who can approve charter schools?</u> Local school boards.</p>	<p><u>Is there an appeals process in place for charter applicants?</u> Yes. In the first appeal to the state board of education, it reviews the decision and may remand the decision back to the local school board for reconsideration. In the second appeal to the state board of education, it reviews</p>
---------------------------------	--	--