

Charter School Caps

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Recommendation

- Eliminate or raise the cap on charter schools.

A charter cap is a ceiling on the number of charters that the state or charter authorizer may grant and/or a limit on student enrollment. Caps are artificial limits on charter school growth with no connection to charter school quality or growing student and parental demand. Most charter school laws originally included some type of cap resulting from political tradeoffs, not because it was good education policy.¹

Texas

Texas has a cap limiting the number of open-enrollment charters that the State Board of Education may grant to 215 (excluding university-sponsored charters).² In November of 2008, the State Board of Education issued the remaining five charters and hit the cap. This means that the State Board of Education is prohibited from issuing more open-enrollment charters to existing charter holders (for additional campuses under a different charter) or entities applying for a charter for the first time, regardless of the growing student waiting list. With nearly 17,000 students on a waiting list to attend a charter school in Texas last year, the cap is preventing charter schools from meeting consumer demand.³

States with Caps

Of the 40 states with charter schools, 25 states and the District of Columbia (see chart on back) currently have some type of cap limiting charter school growth.⁴ The states are Alaska, Arkansas, California, Connecticut, Washington D.C., Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Mexico, New York, North Carolina, Ohio, Oklahoma, Rhode Island, Tennessee, Texas, Utah, and Wisconsin.⁵ In nine states, the cap is severely constraining growth including: Delaware, Hawaii, Illinois, Massachusetts, Michigan, New Hampshire, North Carolina, Ohio, and Texas.⁶

States without Caps


Fifteen states currently do not have a cap on charter school growth including: Arizona, Colorado, Delaware, Florida, Georgia, Kansas, Maryland, Minnesota, Nevada, New Jersey, Oregon, Pennsylvania, South Carolina, Virginia, and Wyoming.⁷

States without a Cap
Arizona
Colorado
Delaware*
Florida
Georgia
Kansas
Maryland**
Minnesota
Nevada*
New Jersey
Oregon
Pennsylvania
South Carolina
Virginia
Wyoming

*DE has a 1-year moratorium on new charters; NV has a moratorium on state-approved charters and some districts.
 **No state limit, school districts create their own limit.

Source: Center for Educational Reform and National Alliance for Public Charter Schools.

State Cap Changes

Some states legislatures are making changes to their cap. For example, Colorado allowed their cap to sunset. California has a moving cap allowing 100 more charters a year. In 2007, New York raised their cap at the insistence of education reformer and Chancellor of New York City Public Schools Joe Klein.⁸ 

States	Cap	Special Conditions
Alaska	60	
Arkansas	24	24 new starts; unlimited conversions; KIPP and other schools with demonstrated success are exempt from cap.
California	1050	100 more permitted each year.
Connecticut	24	
DC	-	20 per year.
Hawaii	48	25 for conversions; 23 for new starts, 1 additional for every one which has charter revoked or has been accredited for more than 3 years.
Idaho	-	Six per year; only one per school district each year not including virtual charter schools. No whole district may be converted to a charter district.
Illinois	60	30 in Chicago and 15 in Chicago suburbs; 15 in rest of state.
Indiana	-	Unlimited for schools sponsored by local school boards; 20 per year by the mayor of Indianapolis (increases by 5 annually).
Iowa	20	One per school district, sunsets in 2010.
Louisiana	42	Schools authorized in Statewide Recovery District are exempt from cap.
Massachusetts	120	72 state approved charters; 48 school district approved conversion charters; state must approve 3 new charter schools in struggling districts.
Michigan	-	Unlimited authorizations by local school boards, intermediate school boards, or community colleges. 150 authorized by state universities although no single one may authorize more than 50% of university total; 15 high schools in Detroit can be opened by groups meeting certain funding criteria.
Mississippi	15	Five charters per year between 2005 and 2008; no more than 50% of the public schools in one district may be conversions.
Missouri	-	Unlimited in STL and KC only.
New Hampshire	-	Unlimited for local boards, up to 20 for state board; no more than 10% of resident pupils, in any grade, shall be eligible to transfer to a charter school in any school year without school board approval.
New Mexico	100	75 new, with only 15 authorized per year; 25 conversions (no new conversions as of July 1, 2007).
New York	200	50 of the 200 are reserved for New York City and can be approved by any of the 3 authorizers; unlimited conversions.
North Carolina	100	5 per school district per year.
Ohio	-	No new charters may open, however, charters meeting state performance targets are exempt and may open one new school for each school that meets the targets. Unlimited conversions may open; there is a moratorium on virtual schools.
Oklahoma	-	Unlimited in school districts with 5,000 or more students with a population of at least 500,000; starting in January 1, 2008, only 3 new schools may be approved each year.
Rhode Island	20	20 charters serving no more than 4% of students statewide. Moratorium on new charters until Fall 2008.
Tennessee	50	No more than 50 schools statewide, 24 of which will be located within Shelby County, which includes Memphis.
Texas	215	Not including schools started by public universities or district charters.
Utah	-	Cap on student enrollment of 32,921 students for the 2008-09 school year.
Wisconsin	-	Only one school allowed for the University of Wisconsin-Parkside serving up to 480 students; unlimited for local school boards, City of Milwaukee, University of Wisconsin-Milwaukee and Milwaukee Area Technical College.

Source: Center for Educational Reform and National Alliance for Public Charter Schools.

Endnotes

- ¹ Todd Ziebarth, *Stunting Growth: The Impact of State-Imposed Caps on Charter Schools*, National Alliance for Public Charter Schools (Jan. 2006) 2, http://www.uscharterschools.org/cs/rview/uscs_rs/2125; Author's conversation with Todd Ziebarth, Vice President of Policy at the National Alliance for Public Charter Schools on February 6, 2009.
- ² Texas Education Code, Chapter 12, Subchapter D, Section 12.101(b).
- ³ Brooke Dollens Terry and Michael Alexander, *Calculating the Demand for Charter Schools*, Texas Public Policy Foundation (Aug. 2008) <http://www.texaspolicy.com/pdf/2008-08-PP14-charter-bt.pdf>.
- ⁴ Center for Education Reform, *State-by-State Charter Law Profiles, 2008*, <http://www.edreform.com/index.cfm?fuseAction=cLaw>.
- ⁵ Author's conversation with Todd Ziebarth, Vice President for Policy, National Alliance for Public Charter Schools on February 6, 2009; Center for Education Reform, "State-by-State Charter Law Profiles, 2008," <http://www.edreform.com/index.cfm?fuseAction=cLaw>.
- ⁶ Author's conversation with Todd Ziebarth, Vice President of Policy at the National Alliance for Public Charter Schools on February 6, 2009.
- ⁷ Author's conversation with Todd Ziebarth, Vice President of Policy at the National Alliance for Public Charter Schools on February 6, 2009 and Alison Consoletti, Director of Research, Center for Education Reform on February 12, 2009 and February 20, 2009.
- ⁸ Author's conversation with Gary Larson, formerly with the California Charter School Association, on February 5, 2009 and Todd Ziebarth, Vice President of Policy at the National Alliance for Public Charter Schools, on February 6, 2009.

