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Contents

- A. Introduction
- B. Federal Private School Choice Highlights
- C. State Private School Choice Highlights
- D. Private School Choice Legal Developments
- E. Charter Schools: Expanding Market Share
- F. State Charter School Legislative Highlights
- G. Federal Charter School Legislative Highlights
- H. Charter School Legal Developments
- I. 2016 Weighted Student Funding Expansion in the States

A. Introduction

In the past year, the United States continued strong progress toward more educational freedom. Legislative victories in 2015 and 2016 heralded six additional new school choice programs, raising the total to 59 programs across 28 U.S. states and the District of Columbia.¹ These programs are characterized by vouchers (which allow qualified students to use their public school funds toward a private school education), tax-credit scholarships (whereby individual or corporate tax donations fund non-profit scholarship granting organizations, known as SGOs, that issue scholarships to students), and education savings accounts (which allow qualified students to use their public school funds toward a wide variety of educational purposes such as tuition, textbooks, software and tutoring). Such progress toward school choice reflects a growing approach in public education toward school funding that reflects the needs of individual students and follows them to the schools of their choice.

More children are taking part in school choice programs as well. Over 390,000 students received a voucher, tax-credit scholarship, or education savings account (ESA) to enroll in the schools of their choice in 2015, up more than 75,000 from the previous year.² At the same time an estimated 30,000 more parents and families received tax relief through individual tax credits or education expense-related deductions, for an estimated total of 911,500 in 2015.³

Americans continue to support school choice in increasing numbers, laying the foundation for future reforms. A January 2016 national poll conducted by the American Federation for Children found that 70% of Americans support school choice, including over three-quarters of millennial and Hispanic voters.⁴ Additionally, over 64% said that they were more likely to vote for a candidate who favored expanding school choice.⁵ Less than a quarter of Americans now oppose school choice, down from 27% last year.⁶

B. Federal Private School Choice Highlights

In December of 2015, Congress passed the Every Student Succeeds Act (ESSA), a massive federal education bill that reauthorized the Elementary and Secondary Education Act, replacing its long-expired predecessor, No Child Left Behind. Despite heated debate in Congress, ESSA's legislative disputes focused more on federal and state governments' regulatory jurisdictions for testing and funding requirements than on school choice.⁷ Despite an inspiring pilot program to allow for further experimentation in 50 new districts with "weighted student formulas"—whereby the funds to educate students reflect their individual educational needs and follow them to the schools of their choice—the bill created six new federal programs and left the status quo essentially unchanged for private school choice.⁸ While earlier amendments to the bill would have

made Title I funds (for schools with high percentages of poor students) portable, following individual qualifying students instead of going directly to schools, those proposals were defeated.⁹

Despite the relatively unchanged federal status quo regarding private school choice policy, there's reason for optimism. On February 3, 2016, the House Education and Workforce Committee held a hearing on "Expanding Educational Opportunity Through School Choice."¹⁰ The hearing's guests included AEI education scholar and school choice advocate Gerard Robinson, North Carolina State Representative Rob Bryan, and Florida Tax Credit Scholarship alumna Denisha Merriweather, who all advocated expanding private school choice programs in their testimony.¹¹

C. State Private School Choice Highlights

Alabama: On June 9, 2015, Alabama raised the total tax amount that private businesses can direct toward private school education scholarships (the annual scholarship tax credit cap) from \$25 million to \$30 million and raised its individual business contribution cap from \$7,500 to \$50,000.¹² However, in the process the state lowered the program's income eligibility limit from 275% of the federal poverty level down to 185%.¹³ For a family of four, that changed average income eligibility from \$67,000 to \$45,000, though current scholarship recipients were grandfathered into the program.¹⁴

Arkansas: On March 31, 2015 Arkansas passed the Succeed Scholarship Program for Students with Disabilities. The voucher program, which starts in the 2016–2017 school year, will enable families to withdraw roughly 70% of their students' public school funding to use toward private school tuition and fees.¹⁵ Eligible children must have an Individualized Education Plan (IEP) with Arkansas, have been enrolled in the state's public school system for at least a year previous, or be dependents of active-duty military members.¹⁶ Within these criteria, 13% of the state's children are eligible to access the program.¹⁷

Arizona: In 2015 Arizona expanded several pre-existing school choice programs. On April 7, 2015, the state expanded its education savings account (ESA), the oldest in the nation, to allow access by over 55,000 students living on 22 Native American reservations.¹⁸ That same day, Arizona approved legislation enabling more types of businesses to receive tax credits for contributing to scholarship organizations in the state.¹⁹

Arizona's ESA expanded even further in 2016. An early effort to make all public school children eligible for the program, SB 1279, failed a full vote after passing the Senate.²⁰ Nevertheless, two smaller expansions did pass. These were SB 1457, which gives 18–22 year-old students with disabilities access to ESA funds, and SB 1280, which extends ESA eligibility to siblings of current recipients as well as students who are blind, deaf or have an Individualized Education Plan (IEP) for another disability.²¹

District of Columbia: The DC Opportunity Scholarship Program (OSP), which provides eligible students with vouchers for private school tuition, may be in danger of losing its funding next fiscal year. The program has served nearly 6,400 children since 2004 and currently enrolls over 1,200 students,²² but the final version of the \$1.1 trillion “omnibus” spending bill passed in December of 2015 left out the program’s appropriation, even though the House passed five years of funding for DC OSP in October.²³ Congress must act by the end of the fiscal year in September 2016 for the program to be able to continue.

Florida: On January 14, 2015, Florida expanded the eligibility of its pre-existing special-needs-focused ESA, the Gardiner Scholarship Program. The law now covers three and four year-olds and covers students suffering from muscular dystrophy and autism.²⁴ Along with a 2016 appropriation of \$53.4 million (up from \$18.4 million the previous year), Florida’s ESA will be able to serve an estimated 5,000 students.²⁵

Indiana: In April 2015, Indiana increased its tax-credit scholarship program’s tax credit cap by \$1 million per year and removed its voucher program’s funding cap altogether for elementary students.²⁶

Kansas: In the 2015–2016 school year, Kansas implemented its Tax Credit for Low Income Students Scholarship Program, which it passed in April 2014. The program makes corporations eligible for a 70% tax credit for donations to approved Scholarship Granting Organizations (SGOs), non-profits which issue scholarships to private schools.²⁷ Each SGO can issue up to \$8,000 per student for tuition, transportation and other school fees.²⁸ Though there’s no dollar limit on the size of individual tax credits that can be claimed, the statewide cap on credits awarded is \$10 million.²⁹ Eligible students must have enrolled in failing public schools with Title I “Priority” status the previous year, and come from families with incomes eligible for the federal free lunch program (\$31,125 or less for a family of four in 2015–2016).³⁰ Under these criteria, 22% of Kansas students are now eligible for scholarships.³¹

Louisiana: In June 2015, Louisiana’s \$42 million appropriation to its school voucher program increased its capacity by approximately 600 spots, enabling the program to serve up to 8,000 students for the coming school year.³²

Mississippi: On July 1, 2015, Mississippi started accepting applications for its education savings account—the Equal Opportunity for Students with Special Needs Program.³³ The ESA, which passed April 16, 2014 and is the nation’s third, awards eligible students 80% of their public school funding, equivalent to \$6,500 in the 2015–2016 school year.³⁴ Students must have had an IEP with Mississippi within the past 18 months to qualify for the program, which makes over 13% of Mississippi children eligible.³⁵ Though the state caps student participation at 500 students, the program is an important step forward for choice nonetheless.³⁶

Montana: On May 12, 2015, Montana passed a tax-credit scholarship program, its first school choice legislation in state history. Known as Tax Credits for Contributions to Student Scholarship Organizations, the program launched on December 11th of that year.³⁷ The legislation allows individuals and corporations to claim a 100% tax credit for contributions to approved SGOs to fund scholarships for private school tuition and tutoring.³⁸ The individual credit cap is \$150, with the total amount of credits awarded statewide capped

at \$3 million for the 2015–2016 school year.³⁹ SGO scholarships cannot be greater than 50% of average per-pupil public school spending for the second-most recent fiscal year (\$5,437 in 2013–2014).⁴⁰ On top of this, each SGO’s average scholarship award cannot exceed 30% of average per-pupil spending for the second-most-recent fiscal year (currently \$3,262 from 2013–2014).⁴¹ While the program’s donation caps and SGO regulations needlessly limit its scope, every student between ages 5 and 19 in Montana is eligible for the scholarships, and the law allows the program to take on more students as its funding grows.⁴²

Nevada: Nevada was a powerhouse for educational freedom in 2015, sending two school choice bills to the governor’s desk in the same legislative session.

In April, the state passed the Educational Choice Scholarship program, the state’s first school choice initiative, a tax-credit scholarship starting in the 2015–2016 school year.⁴³ The program allows corporations to claim 100% tax credits for contributions to SGOs, which can be carried forward for five years and count against the state’s Modified Business Tax.⁴⁴ The total amount of credits for 2015–2016 is capped at \$5 million statewide, and at \$7,775 for individual SGO scholarships. However, the program can grow over time as the total tax credit cap can grow by 10% each year, and the maximum scholarship limit is indexed to yearly CPI increases.⁴⁵ The tax-credit scholarships are available to children from families at or below 300% of the federal poverty line (\$72,750 for a family of four in 2015–2016.) With this criteria, 54% of Nevada families with children are eligible for the program.⁴⁶

In addition to its tax-credit scholarships’ success, Nevada won the most impressive victory of the years’ school choice gains by enacting a near-universal education savings account program in June.⁴⁷ The nation’s fifth ESA on the books, Nevada’s has by far the widest scope. The program awards 90% of Nevada’s average per-pupil spending (\$5,139 in 2015–2016) to parent-controlled accounts to use on any approved educational expense.⁴⁸ Families eligible for the federal free and reduced-price lunch program (\$44,863 for a family of four in 2015–2016) receive fully 100% of per-pupil funds (\$5,710 in 2015–2016).⁴⁹ Parents can spend their account funds on options as diverse as private school tuition, tutoring, distance learning, education software, even disability therapy or college tuition.⁵⁰ Eligible students must have attended a Nevada public school for at least 100 days before an establishing an ESA, which makes 93% of Nevada students eligible for the program.⁵¹ Despite ongoing legal challenges discussed in the next section, the program is by far the most expansive school choice endeavor yet passed into law.⁵²

North Carolina: While North Carolina did not introduce any new school choice legislation in 2015, it improved pre-existing voucher programs from the previous year.

The state increased the maximum award of its special-needs voucher, the Special Education Grants for Children with Disabilities from \$6,000 to \$8,000 per year.⁵³ The legislature also appropriated an additional \$250,000 to the program, raising its budget to \$3.25 million annually.⁵⁴

As well, North Carolina increased the voucher funding for its low-income, student-focused Opportunity Scholarships to \$17.6 million for 2015–2016 and to \$24.8 million for 2016–2017.⁵⁵ The funding expands the

Opportunity Scholarship's budget to 129% of its 2014–2015 levels, greatly increasing the number of children it can now serve.⁵⁶

Ohio: In June 2015, Ohio Gov. John Kasich signed a budget increasing the value of all of Ohio's statewide voucher programs.⁵⁷ The EdChoice scholarship, which gives vouchers to students from failing schools, saw its awards increase to \$4,650 per year for K-8 students and \$5,900 per year for high school students for the 2015–2016 year.⁵⁸ Ohio also raised its Income-Based Scholarship award to \$4,650 per year and the maximum awards for its Autism and Jon Peterson Special Needs Scholarships to \$27,000 per year.⁵⁹

Oklahoma: On June 3, 2015, Oklahoma expanded its special-needs-focused tax-credit scholarship—the Equal Opportunity Education Scholarship.⁶⁰ The legislature allowed early childhood programs for children as young as three to qualify under the scholarship, which previously only applied to school-aged children.⁶¹ Additionally, the legislature raised the maximum tax credit value for contributions to SGOs from 50% (the lowest in the nation alongside Indiana⁶²) to 75%.⁶³

In her February 1, 2016 State of the State address, Oklahoma Gov. Mary Fallin said she was “100 percent supportive of Education Savings Accounts,” calling on her state legislature to pass existing ESA legislation and send it to her desk that session.⁶⁴

South Carolina: In 2015, South Carolina passed and launched the Refundable Educational Credit for Exceptional Needs Children, the nation's second refundable tax-credit program.⁶⁵ Depending on which is cheaper, the program extends a refundable tax credit to parents of special needs children worth up to \$10,000 or the full tuition cost of a given private school.⁶⁶ The program's structure particularly helps low-income families—those that owe less in state taxes than the total credit they are allowed in the program receive a refund equal to the difference of the two.⁶⁷ Despite a funding cap of \$4 million, it appears the program may be able to coordinate with South Carolina's pre-existing tax-credit scholarship for special needs children, which would bring the cumulative budget to \$12 million.⁶⁸ Eligible children must be designated by the state Department of Education as meeting the federal definition of a “child with a disability,” and the student's parents must believe that their assigned public school district does not sufficiently meet their child's needs.⁶⁹ Students are also eligible who have been diagnosed within the last three years by an approved healthcare professional⁷⁰ with a listed disability or impairment.⁷¹ Altogether, 13% of South Carolina students are eligible for the refundable tax credit.⁷²

Tennessee: On June 10, 2015, Gov. Bill Haslam signed Tennessee's Individualized Education Act (IEA) into law, as the nation's fourth ESA and the state's first school choice program.⁷³ The program goes into effect in the 2016–2017 school year, giving parents of children with disabilities the power to control an educational fund that can be spent on services such as private school tuition, tutoring, online education, special education therapy, or tuition at a post-secondary institution.⁷⁴ IEAs provide 100% of the state and local funds a child would have received at his or her residentially zoned public school, along with any special education funds a child's IEP would provide—an estimated \$6,200.⁷⁵ Eligible students must be able to enroll in kindergarten through 12th grade, have an IEP, and be diagnosed with a listed disorder or mental/physical

impairment.⁷⁶ Students must also have been enrolled in a Tennessee public school the previous two semesters, be attending one for the first time, or have received an IEA the previous year. Currently, 2% of Tennessee students meet the eligibility requirements for an ESA.⁷⁷

Wisconsin: Already host to three school choice programs (two income-based vouchers and a tax deduction for private school parents), Wisconsin added an additional initiative in 2015, the Special Needs Scholarship Program. This voucher program is slated to start in the 2016–2017 school year and provides \$12,000 per eligible student.⁷⁸ From 2017–2018 onward, voucher payments will increase by the same percentage as Wisconsin’s public school funding, giving the program room for long-term growth.⁷⁹ Eligible students must have an IEP, have enrolled in a Wisconsin public school for the entire previous year, and have applied and been rejected to attend a public school in one or more non-resident districts under Wisconsin’s open enrollment program.⁸⁰ Continuing participants remain eligible as long as they have an IEP and attend an eligible school through age 21 or graduate high school, whichever is sooner.⁸¹ Under these criteria, 13% of Wisconsin K-12 students are eligible for the voucher.⁸²

Gov. Scott Walker’s June 2015 budget also raised the statewide voucher caps for students who meet its income qualifications. The budget increases those caps for a further 10 years before eliminating them altogether, greatly expanding the number of children who will have access to the programs.⁸³

D. Private School Choice Legal Developments

Alabama: On March 2, 2015, the Alabama Supreme Court ruled 8–1 that the state’s tax-credit scholarship, the Parent-Taxpayer Refundable Tax Credits and Education Scholarship program, was constitutional. A lower court had ruled in May to strike down the law, claiming that the scholarship violated equal protection.⁸⁴

Arizona: On January 6, 2016, Arizona Gov. Doug Ducey appointed long-time school choice advocate Clint Bolick to the Arizona Supreme Court. In addition to his role as President of the Alliance for School Choice, Bolick co-founded the libertarian law firm the Institute for Justice. In this capacity, Bolick was instrumental in key legal victories for school choice, such as the landmark 2002 U.S. Supreme Court verdict in *Zelman v. Simmons-Harris*, which upheld Cleveland’s school voucher program under the First Amendment’s Establishment Clause.⁸⁵ More recently, Bolick was head of litigation at the Goldwater Institute, where he defended Florida’s Education Savings Account and tax credit laws from legal challenges in December of 2014.⁸⁶

Colorado: On June 29th, 2015, the Colorado Supreme Court ruled in a 3–1–3 decision that the Douglas County Choice Scholarship Program was unconstitutional due to the state’s Blaine amendment, which prohibits the state from publicly funding religious schools.⁸⁷ Though a setback for school choice locally, the decision may present an opportunity for a broader legal victories for reform advocates. In October, the state submitted a writ of certiorari to the Supreme Court, which is currently considering whether to accept the case at the time of this writing.⁸⁸

Florida: Florida saw developments on two school-choice-related lawsuits in the past year.

In February 2015, Florida’s Second Circuit Court formally closed the case file on *Tom Faasse et al. v. Rick Scott*, which had challenged Florida’s Gardiner Scholarship Program on the grounds that it violated the state constitution’s “single subject matter rule.”⁸⁹ The court dismissed the case in December of 2014 with prejudice (i.e. permanently) due to the plaintiff’s lack of standing in not being able to show harm by the program. The plaintiffs made no appeal.⁹⁰

In May 2015, the same Florida court dismissed a lawsuit from the Florida Education Association (FEA) challenging the state’s Tax Credit Scholarship Program. The original lawsuit, dating to August 2014, claimed that the tax credits were actually a voucher system, which Florida ruled unconstitutional in the 2006 case *Bush v. Holmes*. The Circuit Court dismissed the FEA suit on the grounds that it lacked legal standing. Since then, the plaintiffs have appealed the ruling and are awaiting oral arguments to again determine their standing in the case. Trial is expected to begin early in 2016.⁹¹

Georgia: In February 2016, Georgian Superior Court Judge Kimberly Adams dismissed a constitutional challenge to the state’s Qualified Education Expense Tax Credit program, protecting the tax credit scholarships of over 13,000 Georgian students.⁹² The plaintiffs alleged that the tax credit scholarships violated the state constitution’s Blaine amendment, which prohibits the state from publicly funding religious schools. However, Adams ruled that tax-credit-eligible donations constituted private funds rather than public expenditures supporting school choice, citing precedent from the U.S. and other state supreme courts.⁹³

Louisiana: On November 11, 2015, Louisiana’s Fifth Circuit Court of Appeals overturned a district court ruling that granted the U.S. Department of Justice (DOJ) pre-clearance review of the state’s voucher system, the Louisiana Scholarship Program (LSP).⁹⁴ The DOJ originally filed suit against the program in September 2014, attempting to use a federal desegregation order from 1975 to prohibit eligible children from using their vouchers, alleging that the schools they left would be more segregated.⁹⁵ In its ruling, the Fifth Circuit argued that the lower court had exceeded its jurisdiction and called the Department’s attempt to use the desegregation order to restrict the LSP “disingenuous.”⁹⁶

Missouri: On January 15, 2016, the United States Supreme Court granted certiorari in the case of *Trinity Lutheran Church of Columbia, Mo. v. Pauley*, which challenges the constitutionality of state Blaine amendments.⁹⁷ The case disputes Missouri applying its own Blaine amendment to a religiously neutral school choice program, and argument is expected in the spring.⁹⁸

Montana: On December 16, 2015, the Institute for Justice (IJ) filed a lawsuit in Montana’s Flathead County District Court challenging the Montana Department of Revenue’s rules prohibiting scholarship granting organizations from issuing scholarships to children to attend religious schools.⁹⁹ The suit, on behalf of parents of participating children, argues that the statute governing Montana’s tax-credit scholarship already gives parents of eligible children the right to choose which school to enroll in.¹⁰⁰ The plaintiff contends that setting regulations stating otherwise violates religious liberty and equal protection rights.¹⁰¹

Later that month, the Pacific Legal Foundation (PLF) also filed a lawsuit challenging the Montana Department of Revenue’s rules, on behalf of the Association of Christian Schools International (ACSI), this time in federal court.¹⁰² PLF argues that the Department of Revenue’s rules violate the First Amendment’s Establishment and Free Exercise clauses, as well as the 14th Amendment’s Equal Protection clauses, and Montana’s law governing the tax-credit scholarship program.¹⁰³

Nevada: Since the passage of its landmark, near-universal Education Savings Accounts in 2015, Nevada is the center of an ongoing series of lawsuits from opponents of its program.

On August 27, 2015, the American Civil Liberties Union (ACLU) of Nevada filed a lawsuit, *Duncan v. State of Nevada*, challenging the state’s recently passed ESA program.¹⁰⁴ The suit alleges that the ESA law violates Nevada’s constitution by allowing funds to be used for a “sectarian purpose,” that it allows for a competing system of private schools whose standards could diverge dramatically from public schools, and that it could allow participating private schools to potentially discriminate based on “religion, sexual orientation, and gender identity.”¹⁰⁵

On September 9, 2015, Educate Nevada Now and the Education Law Center of New Jersey filed a separate lawsuit, *Lopez v. Schwartz*, on behalf of parents of public school children, with similar claims as *Duncan*.¹⁰⁶ *Lopez* alleges that the ESA program will also violate Nevada’s Blaine amendment, will reduce the amount of funds deemed sufficient to operate Nevada public schools, and create a non-legislatively established system of schools not free and open to all students.¹⁰⁷ Trial is also expected in 2016.

On December 22, 2015, Lieutenant Governor of Nevada Mark Hutchinson filed a third suit in support of Nevada’s ESA program on behalf of participating parents.¹⁰⁸ The suit requested a declaratory relief, asking the Clark County District Court to affirmatively rule the ESAs constitutional in order to give the state treasurer no reason to prevent funding the program while the *Duncan* and *Lopez* lawsuits were pending.¹⁰⁹ However, on January 7, 2016, Attorney General of Nevada Adam Laxalt filed a motion to dismiss Hutchinson’s case for lack of standing and to disqualify Hutchinson’s firm on the basis that the lieutenant governor was a member.¹¹⁰ While Laxalt agreed that the ESAs are also constitutional, he feared that Hutchinson’s suit would “distract and divide the State’s efforts to defend the program” from the *Duncan* and *Lopez* cases.¹¹¹

However, four days later, Carson City District Court Judge James Wilson granted an injunction for the *Lopez* plaintiffs to put Nevada's ESA program on hold mere weeks before the state treasurer would have begun distributing funds.¹¹² Judge Wilson argued that plaintiffs "have met their burden of clearly proving that there is no set of circumstances under which the statute would be valid," a sign that ESA opponents may prevail come trial.¹¹³ As of this writing, the State Supreme Court has granted State Treasurer Dan Schwartz's request to grant an expedited hearing for the challenges against the ESA program, which ensures that trial starts sometime in April or early May, as opposed to August or later.¹¹⁴

New Hampshire: On December 14, 2015, a New Hampshire court denied the state's preliminary injunction in its suit against the Town of Croydon School Board's "town tuitioning" practice.¹¹⁵ Croydon does not have a middle or high school and is allowed to send its children to neighboring schools or one that meets the unique needs of its students under New Hampshire law.¹¹⁶ New Hampshire's Department of Education filed suit against Croydon's school board after the latter allowed five of the town's 37 school-aged children to attend a Montessori school under the program, arguing that Croydon is barred from sending its children to private schools. A hearing is expected in the spring of 2016.¹¹⁷

North Carolina: On July 23, 2015, in a 4–3 ruling, the North Carolina Supreme Court upheld the constitutionality of the state's two voucher programs, the Special Education Scholarship Grants for Children with Disabilities and the Opportunity Scholarship Program. The decision overturned a North Carolina superior court decision which ruled that the state's public dollars could not go to private and religious schools.¹¹⁸

Oklahoma: On February 16, 2016, the Oklahoma Supreme Court unanimously upheld the state's school voucher program for special needs as constitutional.¹¹⁹ The plaintiffs in *Oliver v. Hofmeister* had contested the program using Oklahoma's Blaine amendment, but the court found that as the law was "void of any preference between a sectarian and non-sectarian school," that the state was not exerting influence "for any sectarian purpose" by merely allowing religious schools to be eligible for the voucher program, citing precedent from the Supreme Court's landmark *Zelman v. Simmons-Harris* case, which upheld vouchers in Ohio in 2003.¹²⁰ Explaining this distinction further, the court argued that "When the parents and not the government are the ones determining which private school offers the best learning environment for their child, the circuit between government and religion is broken."¹²¹

Wisconsin: On December 23, 2015, the U.S. Department of Justice's Civil Rights Division issued a letter to the Wisconsin state superintendent of public instruction informing the state that it had closed its investigation and found no wrongdoing after an ACLU complaint in 2011 alleging discrimination against students with disabilities within the Milwaukee Parental Choice Program.¹²²

E. Charter Schools: Expanding Market Share

Charter schools continue to serve ever more American children. During the 2015–2016 school year, charter enrollment rose by over 250,000 students and over 400 new charter schools opened.¹²³ With these increases, there are now over 6,800 charter schools educating an estimated 2.9 million students throughout the country.¹²⁴ To put things in perspective, that’s a 9% jump since the fall of last year, and part of a six-fold increase over the past 15 years.¹²⁵

In all, charter schools now educate 6% of the entire public school population.¹²⁶ As the country becomes friendlier to school choice, charter schools are an increasingly scalable and widespread alternative to traditional public schools in more school districts than ever before.

In fact, there are now 14 school districts where charter schools achieved at least a 30% market share of public school students, according to the NAPCS’s 2015 annual survey (see Table 1).¹²⁷ The report documents that an additional 45 districts met the 20% mark, and over 160 now have at least 10% charter school market share.¹²⁸

New Orleans and Detroit topped this year’s list again, enrolling 93% and 53% of their students in charter schools, respectively.¹²⁹ Flint, Michigan surpassed Washington D.C.’s enrollment this year to edge them out for third place, reaching 47% to the District’s 44% charter market share.¹³⁰

It’s also important to note that these market-share gains all occurred despite 272 charter schools closing down this year. Unlike traditional public schools, charters are far more accountable for poor performance, and when they don’t deliver, parents’ exert their right of exit on the schools in question.¹³¹

Table 1: Top Ten Public Charter School Students by School District (2014–15)

Rank	School District	State	Charter students	Non-charter students	Total	Enrollment Share
1	Orleans Parish School District	LA	42,860	3,340	46,300	93%
2	Detroit City School District	MI	52,420	47,040	99,460	53%
3	School District of the City of Flint	MI	5,660	6,490	12,150	47%
4	District of Columbia Public Schools	DC	37,680	47,550	85,230	44%
5	Kansas City, Missouri School District	MO	9,980	14,230	24,210	41%
6	Gary Community School Corporation	IN	5,010	7,570	12,580	40%
7	The School District of Philadelphia	PA	64,090	130,660	194,750	33%
8	Hall County Schools	GA	8,200	17,080	25,280	32%
	Victor Valley Union High School District	CA	4,390	9,500	13,890	32%
9	Indianapolis Public Schools	IN	13,830	30,100	43,920	31%
	Grand Rapids Public Schools	MI	6,900	15,610	22,510	31%
10	Dayton City School District	OH	6,220	14,220	20,440	30%
	San Antonio Independent School District	TX	17,000	40,450	57,450	30%
	Cleveland Municipal School District	OH	16,220	38,730	54,950	30%

Source: *A Growing Movement: America’s Largest Charter School Communities, Tenth Annual Edition*, (Washington, D.C.: National Alliance for Public Charter Schools, November 10, 2015), p. 2.

F. State Charter School Legislative Highlights

Alabama: On March 19, 2015, Alabama became the 43rd state to pass a law authorizing public charter schools with Gov. Robert Bentley's signing of the "Alabama School Choice and Student Opportunity Act."¹³² The law enabled "start-up charter schools" to open, with an unlimited number of future conversion charter schools (charters that start in former public school buildings) possible.¹³³ Without a cap, the law gives more flexibility for future charter operators to take full advantage of the state's new school choice opportunities.

Oklahoma: On April 16, 2015 Oklahoma Gov. Mary Fallin signed SB 782, which allows charter schools to operate throughout the state for the first time.¹³⁴ Since 1999, the previous Oklahoma law only allowed charters in roughly 4% of the states' school districts, making it one of the weakest in the country.¹³⁵ SB 782's success should allow further expansion of educational choice for more Oklahomans, regardless of where they live.¹³⁶

West Virginia: West Virginia remains one of only seven states in the country that does not allow charter schools to operate. In March 2015, however, its Senate passed the West Virginia Public Charter Schools Act.¹³⁷ The bill made it through the House's Education and Finance committees and made to the floor, but the legislative session ended before the bill could get its final reading and vote.¹³⁸ Nonetheless, the momentum around the bill showed that West Virginia could be ripe for opening its doors to charter schools in 2016.

Wisconsin: Wisconsin is known for some of the country's most restrictive charter laws, ranking 38 out of 43 nationwide on the National Alliance for Public Charter Schools' 2015 index.¹³⁹ Like many states, Wisconsin charters face a per-pupil funding disparity with traditional public schools. Another major problem is that Wisconsin confines the state's "2r" charter schools (those Wisconsin law gives the actual flexibility and independence to make them meaningfully different from public schools) to operate mostly in Milwaukee. However, on July 12, 2015, Gov. Scott Walker signed a budget with provisions that begin to alleviate the second issue. The budget added new "2r"-authorizing charter entities and eligible counties for expansion. The budget also removed the state's numerical cap on charter growth and allowed the University of Wisconsin system to authorize charters in Milwaukee and Madison. Additionally, the budget also increased charter governing boards' independence and autonomy.¹⁴⁰

G. Federal Charter School Legislative Highlights

Despite its lackluster outlook for private school choice, the Every Student Succeeds Act's passage in December did allow more flexibility for charter school funding. The bill specifically contains provisions allowing more entities to administer state grants for charter schools, prioritizes funding for states that more equitably fund charter schools and their start-up costs, and gives charter schools in state grant programs the ability to use their funds for more varied school improvements.¹⁴¹ Charter schools receiving federal grants now have additional language protecting their hiring and firing decisions and have more flexibility demonstrating compliance with, and more access to, Title I funds as well.¹⁴²

H. Charter School Legal Developments

Florida: In May 2015, the Palm Beach County School Board sued to appeal the decision of the Florida State Board of Education to allow the Florida Charter Educational Foundation to open a school in the county. In 2014, Palm Beach rejected the Foundation's application, arguing that its schools weren't sufficiently "innovative"¹⁴³ despite the charter organization's well-established reputation for high quality.¹⁴⁴ In April, Florida's State Board of Education overturned Palm Beach's decision, arguing that the board lacked "good cause to determine that the applicant failed to meet the requirements" of the application.¹⁴⁵ In January, the National Alliance for Public Charter Schools led a coalition of school choice groups in submitting an amicus brief to the court arguing that Palm Beach's definition of "innovation" is too narrow and Florida was right to overturn its decision.¹⁴⁶

Washington: The biggest legal setback for school choice in the past year was the Washington State Supreme Court's September 4, 2015 ruling that the state's voter-approved charter school law was unconstitutional. In a ruling affecting over 1200 pupils right at the beginning of their school year, the court argued that charter schools do not qualify as "common" schools under the Washington constitution, and therefore cannot receive public funding intended for educational purposes.¹⁴⁷ To add insult to injury, Washington Gov. Jay Inlee then promptly refused to allow an emergency legislative session to vote on a constitutional amendment that would have allowed charters to be funded as before.¹⁴⁸ However, there seems to be hope for a legislative fix as of this writing. On January 20, 2016, the state Senate passed a bill that would continue funding charter schools through state lottery revenues rather than through the general fund.¹⁴⁹ This bill became law in April 2016, allowing charter schools to operate based on separate funding from traditional public schools.

I. 2016 Weighted Student Formula Expansion in the United States

Student-based budgeting is a policy tool that goes by several names including “backpack funding,” “fair student funding” and “weighted student formula.” It allows education funds to be distributed in an equitable and transparent manner by tying funds directly to individual students based on their unique needs. A comprehensive program allows funds to follow students to the schools of their choice where, unlike with traditional school budgeting systems, principals have significant discretion over how resources are allocated.

Educators overwhelmingly support the additional autonomy afforded to them by student-based budgeting. A comprehensive survey of public school principals in Hawaii by the Education Institute of Hawaii found that respondents strongly supported empowering school-level leaders, including Gov. David Ige’s plan to expand funding allocated through the state’s weighted student formula to 75%.¹⁵⁰

This is critical, as Reason Foundation research has shown that school-level budget autonomy, where money follows the child, was strongly associated with higher district performance.¹⁵¹ In fact, a school district that allocated 50% of its budget to the school level via per-pupil funding was nearly 10 times more likely to close achievement gaps than a district that only allocated 20% of its budget in this manner.¹⁵²

Student-based budgeting can be implemented at both the state level (e.g. Hawaii and Rhode Island) and at the district level (e.g. New York, Houston and Cleveland). It has rapidly expanded throughout the U.S. as governors, school boards and superintendents seek to help close achievement gaps through equitable funding and principal empowerment. This trend continued in 2015–2016 as policymakers and education officials moved toward adopting or expanding portable funding programs.

At the federal level, the Every Student Succeeds Act included a pilot program in which 50 districts will be permitted to combine federal, state and local funding into a weighted student formula.¹⁵³ If the pilot program is successful, then any district will be eligible to apply beginning in the 2019–2020 school year.¹⁵⁴

At the state level, Georgia Gov. Nathan Deal’s Education Reform Commission conducted a comprehensive evaluation of how to improve its Quality Basic Education funding system. It recommended implementing a weighted student formula to allocate funds based on student characteristics, including a weight for low-income students.¹⁵⁵ Importantly, the commission’s recommendations would also phase out Georgia’s top-down salary schedule, which severely restricts how districts compensate teachers.¹⁵⁶

In Arizona, Gov. Doug Ducey’s Classrooms First Initiative Council made recommendations aimed at promoting equity, transparency and student outcomes in education funding. These recommendations included requiring districts to report school-level expenditures and creating a website that allows parents to determine how much funding their child generates.¹⁵⁷

Additionally, Pennsylvania’s Basic Education Funding Commission, which heard testimonies from myriad stakeholders across the state, including parents, academics and school leaders, recommended comprehensive reforms that would address rampant funding inequities that have persisted for decades.¹⁵⁸ Central to its proposal is a weighted student formula that would provide a baseline of per-pupil funding plus adjustments for individual student characteristics, such as poverty and English-language learners.¹⁵⁹

At the district level, Indianapolis Public Schools (IPS) will pilot student-based budgeting next year as part of comprehensive reforms aimed at addressing funding inequities and decentralizing decision-making.¹⁶⁰ Currently, IPS’s most challenging schools, such as Indianapolis Public School 15 where the majority of students are low-income and three out of five fail state exams, receive less per-pupil funding than many other schools in the district.¹⁶¹ IPS Superintendent Lewis Ferebee would like to give principals as much control as possible over their budgets, stating that “Great leaders need to be making those decisions about their schools. They have the local context. They know their students. We want to have the ability to make decisions about how to support them.”¹⁶²

In Connecticut, Norwalk Public Schools will introduce student-based budgeting in 2016–2017. About 39% of its operating budgeting will be controlled by student governance councils at each of the district’s 19 schools.¹⁶³ New Haven Public Schools is also considering transitioning to weighted student funding after a study by Education Resource Strategies found that school funding had little correlation to student need.¹⁶⁴

Additionally, Chicago Public Schools, which implemented student-based budgeting in 2013, will grant additional budget autonomy to 25 high-performing principals in an effort to empower and retain its high-performing leaders.¹⁶⁵ This exemplifies how student-based budgeting practices evolve over time as districts refine the model to adapt it to their unique needs.

In Maryland, a study found that Montgomery County Public Schools is using its federal and state compensatory education funds generated by lower-income students to subsidize its operating budget, and that the district allocates more-expensive staff to wealthier schools.¹⁶⁶ The district will explore transitioning to student-based budgeting as recommended by the county’s Office of Legislative Oversight, which commissioned the report.¹⁶⁷

Similarly, a report by A+ Schools in Pittsburgh called for the city’s school district to adopt student-based budgeting to address its funding inequities and lack of transparency.¹⁶⁸ Currently, there is a \$5,000 gap between Pittsburgh Public Schools’ top- and bottom-funded schools, resources aren’t allocated according to need, and no statistically significant relationship exists between pupil funding and income level.¹⁶⁹

Endnotes

- 1 “Fast Facts on School Choice,” Friedman Foundation for Educational Choice, 2015, <http://goo.gl/293cN4>
- 2 Lisa Snell and Aaron Smith, *Annual Privatization Report 2015: Education*, (Los Angeles: Reason Foundation, June 2015), p. 2.
- 3 “Fast Facts.”
- 4 “2nd Annual National School Choice Poll Released,” American Federation for Children, January 28, 2015, <http://goo.gl/pf5Xca>
- 5 Ibid.
- 6 Ibid.
- 7 Lindsey Burke, *The Every Student Succeeds Act: More Programs and Federal Intervention in Pre-K and K-12 Education*, Backgrounder #3085 on Education (Washington D.C.: Heritage Foundation, December 2, 2015).
- 8 Tyler Koteskey, “One cheer for Obama’s new education law,” CapX, December 15, 2015, <http://goo.gl/25238c>
- 9 Tyler Koteskey, “Title I funding portability is key to ESEA reform,” The Hill, July 9, 2015, <http://goo.gl/cpGuER>
- 10 “Expanding Educational Opportunity Through School Choice,” Education and the Workforce Committee, February 3, 2016. <http://goo.gl/yvp1il>
- 11 Ibid.
- 12 “Bentley signs Alabama Accountability Act,” WBRC News, June 10, 2015. <http://goo.gl/fnc88J>
- 13 Jason Bedrick, “The Year of Educational Choice: Final Tally,” Cato at Liberty, December 14, 2015. <http://goo.gl/Z92UJ4>
- 14 “Bentley signs Alabama Accountability Act,” <http://goo.gl/fnc88J>
- 15 *The ABCs of School Choice: 2016 Edition*, (Indianapolis: Friedman Foundation for Educational Choice, January 25, 2016), p. 21.
- 16 Ibid.
- 17 Ibid, p. 21.
- 18 Brittany Corona, “School Choice in the States April 2015: Arizona,” Friedman Foundation for Educational Choice, May 6, 2015. <http://goo.gl/lk9N3O>
- 19 Ibid. <http://www.edchoice.org/BRIEF--School-Choice-in-the-States-April-2015/>
- 20 “Arizona Senate Passes Bold Universal ESA Bill,” American Federation for Children, February 22, 2016, <http://goo.gl/PshTyh>
- 21 Janice Palmer, “Highlights of Arizona’s Legislative Session—Legislation,” Helios Education Foundation, May 23, 2016, <http://goo.gl/jac13g>.
- 22 D.C. Opportunity Scholarship Program, 2016. <http://goo.gl/VxVenF>
- 23 Editorial Board, “Knuckling under on D.C.’s voucher program,” *Washington Post*, December 18, 2015. <https://goo.gl/jtCZjd>
- 24 “Patricia Levesque on the Florida Legislature’s Passage of SB 672,” Foundation for Florida’s Future, January 14, 2016. <http://goo.gl/3h5Wb5>
- 25 *The ABCs of School Choice*, p. 31.
- 26 Robert Enlow, “School Choice in the States April 2015: Indiana,” Friedman Foundation for Educational Choice, May 6, 2015. <http://goo.gl/lk9N3O>
- 27 *The ABCs of School Choice*, p. 49.
- 28 Ibid.

- 29 Ibid.
- 30 Ibid.
- 31 Ibid.
- 32 “A winner in Louisiana’s state budget: K-12 education,” NOLA.com, June 15, 2015. <http://goo.gl/dnu7wI>.
- 33 *The ABCs of School Choice*, p. 69.
- 34 Ibid.
- 35 Ibid.
- 36 Ibid.
- 37 Michael Chartier, “Montana’s Universal Tax-Credit Scholarship Bill Simplified,” Friedman Foundation For Educational Choice,” May 12, 2015. <http://goo.gl/DQvHuS>
- 38 Ibid.
- 39 Ibid.
- 40 Ibid.
- 41 Ibid.
- 42 *The ABCs of School Choice*, p. 71.
- 43 Sandra Chereb, “Gov. Sandoval signs Nevada school choice bill,” *Las Vegas Review-Journal*, April 13, 2015. <http://goo.gl/Cr2j4m>
- 44 *The ABCs of School Choice*, p. 73.
- 45 Ibid.
- 46 Ibid.
- 47 Jonathan Nelson, “Nevada Passes School Choice For All,” *Economics21*, June 14, 2015. <http://goo.gl/WhL4NW>
- 48 *The ABCs of School Choice*, p. 75.
- 49 Ibid.
- 50 Ibid.
- 51 Ibid.
- 52 Ibid.
- 53 *The ABCs of School Choice*, p. 79.
- 54 Jason Bedrick, “The Year of Educational Choice: Final Tally.” <http://goo.gl/Z92UJ4>
- 55 *The ABCs of School Choice*, p. 81.
- 56 Ibid.
- 57 “Governor Kasich Signs Budget,” *School Choice Ohio*, June 30, 2015. <http://goo.gl/Oo2eo4>
- 58 Ibid.
- 59 Ibid.
- 60 Jay Chilton, “Fallin Signs Bill Expanding Tax Credit for Education Scholarship Gifts,” *Middleground News*, June 5, 2015. <http://goo.gl/2xHw7A>
- 61 Ibid.
- 62 Jason Bedrick, “Breaking Down ‘Earning Full Credit,’” *Friedman Foundation for Educational Choice*, June 1, 2015. <http://goo.gl/4fxUfr>

- 63 Chilton, “Fallin Signs Bill Expanding Tax Credit.”
- 64 “2016 Oklahoma State of the State Address,” KSWO News, February 1, 2016. <http://goo.gl/RL6FUK>
- 65 “South Carolina – Refundable Educational Credit for Exceptional Needs Children,” Friedman Foundation for Educational Choice, 2015. <http://goo.gl/5rjH1J>
- 66 *The ABCs of School Choice*, p. 105.
- 67 Ibid.
- 68 Ibid.
- 69 U.S. Department of Education, Individuals With Disabilities Education Act, Sec. 300.8 “Child with a disability,” 2004. <http://goo.gl/kOPZuM>
- 70 Approved healthcare professionals include a “licensed speech-language pathologist, psychiatrist, or medical, mental health, psycho-educational, or other comparable licensed healthcare provider.” *The ABCs of School Choice*, p. 110.
- 71 Eligible disabilities include “a neurodevelopmental disorder; a substantial sensory or physical impairment (such as deaf, blind, or orthopedic disability); or some other disability or acute or chronic condition that significantly impedes the student’s ability to learn and succeed in school without specialized instructional and associated supports and services tailored to the child’s unique needs are also eligible.)” Ibid.
- 72 Ibid.
- 73 “Governor Haslam Signs School Choice Bill for Special Needs Students in Tennessee,” American Federation for Children, June 10, 2015. <http://goo.gl/divLfR>
- 74 *The ABCs of School Choice*, p. 108.
- 75 Ibid.
- 76 Listed disabilities include “autism, deaf-blindness, a hearing impairment (including deafness), an intellectual disability, an orthopedic impairment, a traumatic brain injury, or a visual impairment (including blindness),” Ibid.
- 77 Ibid.
- 78 *The ABCs of School Choice*, p. 123.
- 79 Ibid.
- 80 Ibid.
- 81 Ibid.
- 82 Ibid.
- 83 “Highlights of Wisconsin budget signed by governor,” KARE 11, July 12, 2015, <http://goo.gl/FsW1vN>
- 84 *The ABCs of School Choice*, p. 129.
- 85 Damon Root, “Meet Clint Bolick, Libertarian Lawyer Turned Arizona Supreme Court Justice,” Reason.com, February 5, 2016. <https://goo.gl/IQh7WC>
- 86 “Florida Judge Dismisses Attack On New Program For Special Needs Students,” Goldwater Institute, December 30, 2014. <http://goo.gl/WpPN4M>
- 87 Ibid.
- 88 “*Douglas County School District, et. al., Petitioners v. Taxpayers for Public Education, et. al.*,” Supreme Court of the United States, January 25, 2016. <http://goo.gl/KChKxJ>
- 89 *The ABCs of School Choice*, p. 130.
- 90 Ibid.
- 91 “Is School Choice Constitutional?” Friedman Foundation for Educational Choice, February 24, 2016. <http://goo.gl/7FDaS7>
- 92 Jason Bedrick, “Georgia Rejects Challenge to School Choice,” Cato at Liberty, February 9, 2016. <http://goo.gl/WeKROC>

- 93 Ibid.
- 94 *The ABCs of School Choice*, p. 131.
- 95 “*Brumfield v. Dodd*,” Louisiana Department of Education, 2015. <https://goo.gl/PfJHX5>
- 96 *Brumfield v. Louisiana State Board of Education*, No. 14-31010, (5th Cir. 2015).
- 97 “*Trinity Lutheran Church v. Pauley*,” The Beckett Fund for Religious Liberty, 2016. <http://goo.gl/CC5aC3>
- 98 Ibid.
- 99 Chris Dobrogosz, “Montana Moms Sue to Restore School Choice,” Institute for Justice, December 17, 2015. <http://goo.gl/rvxMh3>
- 100 *The ABCs of School Choice*, p. 131.
- 101 Ibid.
- 102 “ACSI Sues Montana For Prohibiting Faith-Based Schools in State’s School Voucher Program,” Association of Christian Schools International, December 29, 2015. <https://goo.gl/rR0Rft>
- 103 Ibid.
- 104 *The ABCs of School Choice*, p. 132.
- 105 Ibid.
- 106 Ibid.
- 107 Ibid.
- 108 Sandra Chereb, “Lieutenant governor criticized over ESA suit,” *Las Vegas Review-Journal*, December 24, 2015. <http://goo.gl/JSSfzj>
- 109 *The ABCs of School Choice*, p. 132.
- 110 “Attorney General Laxalt Files Motion to Dismiss Third ESA Lawsuit,” Nevada Attorney General Paul Laxalt, January 7, 2016. <http://goo.gl/7WUq9v>
- 111 Ibid.
- 112 Sandra Chereb, “Decision delays Nevada education savings accounts,” *Las Vegas Review-Journal*, January 11, 2015. <http://goo.gl/N3kq76>
- 113 Ibid.
- 114 “Editorial: State Supreme Court right to fast-track ESA case,” *Las Vegas Review-Journal*, February 20, 2016. <http://goo.gl/FhYGCi>
- 115 *The ABCs of School Choice*, p. 132.
- 116 Ibid.
- 117 Ibid.
- 118 Anne Blythe and T. Keung Hui, “NC Supreme Court upholds school voucher program,” *The News & Observer*, July 23, 2015. <http://goo.gl/SiYDIY>
- 119 *Oliver v. Hofmeister*, No. 113,267 (Okla. Feb 16, 2016). <http://goo.gl/fwOZ7l>
- 120 *Oliver v. Hofmeister; Zelman v. Simmons-Harris*, 536 US 639 (2002).
- 121 *Oliver v. Hofmeister*, <http://goo.gl/fwOZ7l>
- 122 *The ABCs of School Choice*, pp. 133–134.
- 123 *A Closer Look at the Charter School Movement: Charter Schools, Students, and Management Organizations, 2015–2016*, (Washington, D.C.: National Alliance for Public Charter Schools, February 3, 2016), p 1.
- 124 Ibid.

- 125 Ibid.
- 126 *A Growing Movement: America's Largest Charter School Communities, Tenth Annual Edition*, (Washington, D.C.: National Alliance for Public Charter Schools, November 10, 2015.), p. 2.
- 127 Ibid.
- 128 Ibid, p. 3.
- 129 Ibid.
- 130 Ibid.
- 131 *A Closer Look at the Charter School Movement*, p. 4.
- 132 "Alabama Enacts a Public Charter School Law; Joins 42 States and D.C.," National Alliance for Public Charter Schools, March 3, 2015. <http://goo.gl/i5hc1w>
- 133 Ibid.
- 134 "Oklahoma Passes Comprehensive Charter School Reform," National Association of Charter School Authorizers, April 16, 2016. <http://goo.gl/lqAmX2>
- 135 "Oklahoma House and Senate Pass Two Bills to Allow Public Charter Schools Throughout the State," National Alliance for Public Charter Schools, March 3, 2016. <http://goo.gl/XVmiux>
- 136 Ibid.
- 137 "West Virginia Senate Passes Public Charter School Bill in a Stand for Kids," National Alliance for Public Charter Schools, March 2, 2015. <http://goo.gl/pQTa39>
- 138 Ibid.
- 139 Todd Ziebarth, *Measuring Up to the Model: A Ranking of the State Charter School Laws*, (Washington, D.C.: National Alliance for Public Charter Schools, January 2015), p. 94.
- 140 Todd Ziebarth, "Wisconsin Bill Contains Big Wins for Wisconsin Public Charter Schools," August, 14, 2015. <http://goo.gl/VdXRb6>
- 141 "Charter Schools One Step Closer to Big Win with Senate Passage of ESSA," National Alliance for Public Charter Schools, December 19, 2015. <http://goo.gl/x98O9K>
- 142 Ibid.
- 143 Andrew Marra, "Palm Beach County School Board to fight in court for right to reject charter schools," *Palm Beach Post*, May 12, 2015. <http://goo.gl/uWwt7r>
- 144 Karen Yi, "Palm Beach County takes on charter schools with planned lawsuit," *Sun Sentinel*, May 22, 2015. <http://goo.gl/0I9wGc>
- 145 Andrew Marra, "State overturns local school board, allows charter school to be built," *Palm Beach Post*, April 15, 2015. <http://goo.gl/yydvhu>
- 146 Brief of Petitioner—Appellant at *School Board of Palm Beach County v. Florida Charter Educational Foundation*, 4D15-2032 (4th Distr. Florida 2015). <http://goo.gl/r6e3XW>
- 147 "Washington Charter School Law Ruled Unconstitutional by State's High Court," *The Wall Street Journal*, September 5, 2015. <http://goo.gl/wYcNd9>
- 148 "Inlee will not act to save charter schools despite widespread criticism," Shift Washington, September 10, 2015. <https://goo.gl/RZgHdc>
- 149 "Charter-schools fix passes state Senate," *The Seattle Times*, January 20, 2016. <http://goo.gl/RcpYaD>
- 150 Big Island Now Staff, "Survey Reveals Opinions of Public School Principals," Big Island Now, March 19, 2015, <http://bigislandnow.com/2015/03/19/survey-reveals-opinions-of-public-school-principals/>

- ¹⁵¹ Lisa Snell and Katie Furtick, *Weighted Student Formula Yearbook 2013* (Los Angeles: Reason Foundation, December 5, 2013), <http://reason.org/studies/show/weighted-student-formula-yearbook>
- ¹⁵² Ibid.
- ¹⁵³ Alyson Klein, “ESEA Reauthorization: The Every Student Succeeds Act Explained,” *Education Week*, November 30, 2015, http://blogs.edweek.org/edweek/campaign-k-12/2015/11/esea_reauthorization_the_every.html?r=1366195309&preview=1
- ¹⁵⁴ Ibid.
- ¹⁵⁵ State of Georgia Governor Nathan Deal Office of the Governor, Education Reform Commission, Final Recommendations to Governor Nathan Deal, December 15, 2015. https://gov.georgia.gov/sites/gov.georgia.gov/files/related_files/document/FinalGovERCReport_121415.pdf
- ¹⁵⁶ Ibid.
- ¹⁵⁷ Alia Beard Rau, “10 Key Funding Proposals that Could Change Arizona Schools,” *The Republic*, September 22, 2015, <http://www.azcentral.com/story/news/arizona/politics/education/2015/09/22/10-key-funding-proposals-could-change-arizona-schools/72631230/>
- ¹⁵⁸ Basic Education Funding Commission, *Report and Recommendations*, June 18, 2015, <http://basiceducationfundingcommission.pasenategop.com/files/2014/08/final-report-061915-.pdf>
- ¹⁵⁹ Ibid.
- ¹⁶⁰ Dylan Peers McCoy, “IPS Considering Big Changes in School-Funding Formula,” *Chalkbeat Indiana*, December 10, 2015, <http://www.ijb.com/articles/56164-ips-considering-big-changes-in-school-funding-formula>
- ¹⁶¹ Ibid.
- ¹⁶² Ibid.
- ¹⁶³ Korey Wilson, “Student-based Budgeting Aims to Better Serve Students, Empower Schools,” *The Hour*, January 6, 2016, http://www.thehour.com/news/student-based-budgeting-aims-to-better-serve-students-empower-schools/article_77dbfbae-b4d4-11e5-aa07-13d8d00c63ed.html
- ¹⁶⁴ Aliyya Swaby, “New School-Funding Fix Debated,” *New Haven Independent*, December 2, 2015, http://www.newhavenindependent.org/index.php/archives/entry/new_school-funding_fix_debated/
- ¹⁶⁵ Tyler Koteskey, “Chicago Public Schools to Give More Budget Control to 25 Principals,” Reason Foundation, August 4, 2015, <http://reason.org/blog/show/chicago-public-schools-autonomy>
- ¹⁶⁶ Montgomery County Government, Office of Legislative Oversight, *Resources and Staffing Among MCPS Schools* (Montgomery Country Maryland, 2015) http://www.montgomerycountymd.gov/OLO/Resources/Files/2015_Reports/OLORreport2015-15ResourcesAndStaffingAmongMCPSSchools.pdf
- ¹⁶⁷ Ibid.
- ¹⁶⁸ Tyler Koteskey, “Reason Cited in Pittsburgh Group’s Call for Student-Based Budgeting,” Reason Foundation, January 8, 2016, <http://reason.org/blog/show/pittsburgh-student-based-budgeting>
- ¹⁶⁹ Ibid.