

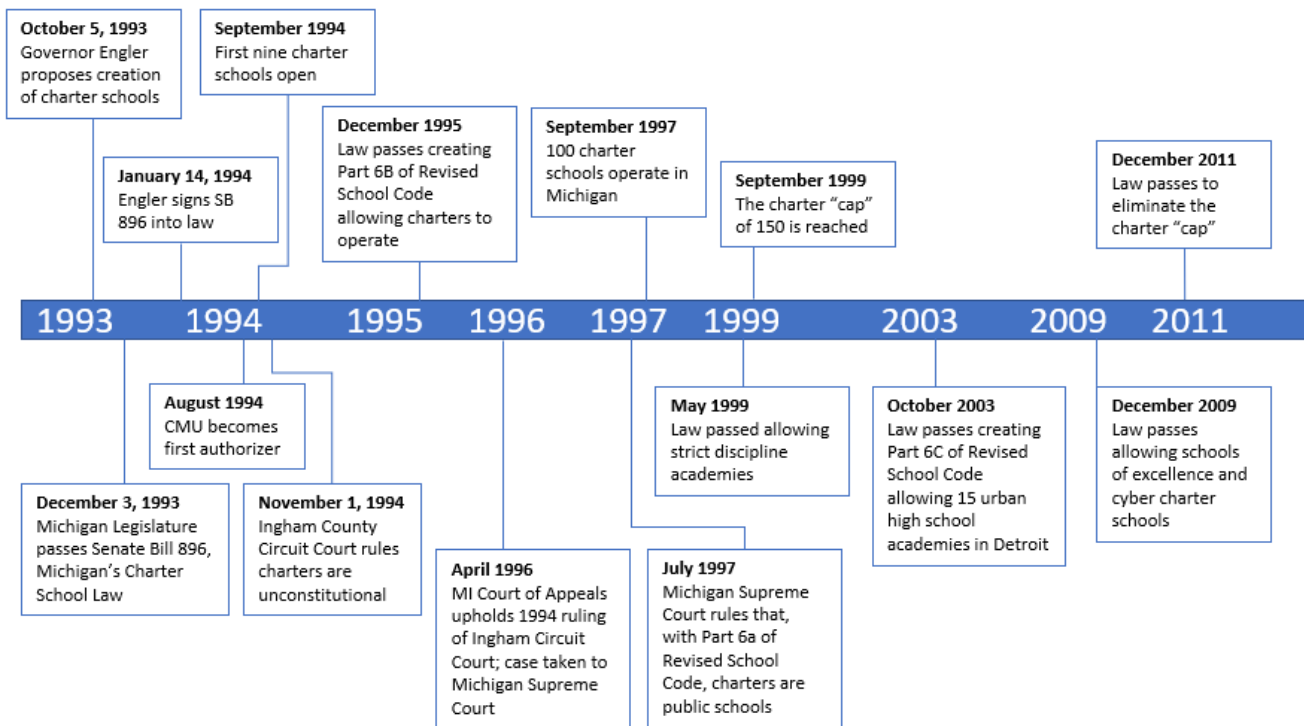


# CHARTER LAW SUMMARY

## A Summary

### Origins

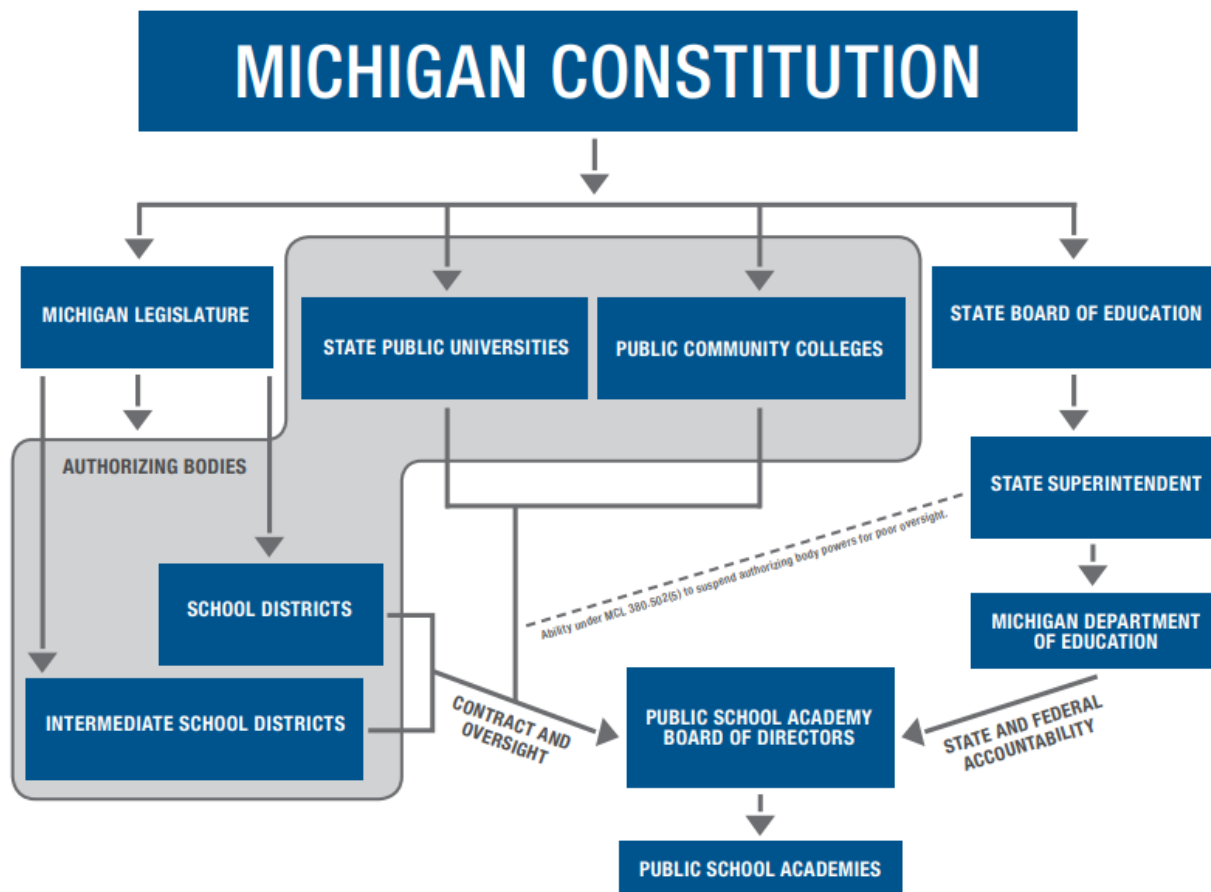
Charter public schools began in Michigan after Governor John Engler called for “real change” in education in 1993. He specifically cited charter public schools as new and innovative schools that would provide an option for students and families. He suggested they would be free from regulation and would have clarity of mission within their charter. The Michigan legislature responded with Senate Bill 896, which created the state’s first charter school law. The timeline below shows the legislative history of how this charter law has evolved.



### Michigan’s First Charter School Law

PA 362 of 1994 created part 6A of the Revised School Code, which established the creation of charter public schools. It provided the authority to four entities to serve as charter school authorizers: the board of a local school district, the board of an intermediate school district, the board of a community college,

and the board of a state public university. The graphic below displays Michigan’s legal and regulatory framework.



Charter public schools are organized and administered under a board of directors. An application is filed with an authorizer and the law designates a minimum set of requirements for this application. These requirements include the board’s articles of incorporation and bylaws as well as the school’s grade range, admission policy, calendar, and a copy of the educational goals and curriculum to be used within the charter public school. The law also gives charter public schools operated by state public universities or community colleges the ability to use non-certificated teachers and to contract with personnel as necessary to operate.

With Public Act 362 in place, nine charter public schools opened in the Fall of 1994. The first state university authorizer was Central Michigan University.

## The Challenge of Michigan’s Charter School Law

The first charter law, with its permission to open schools that would compete with the existing public school system and the ability to contract for educational staff (that possibly would not be certified), created a firestorm with education traditionalists. They challenged the law in 1994 before the Ingham

County Circuit Court, who found that public charter schools were unconstitutional because they were not public schools. This decision was appealed and ultimately made it to the Michigan Supreme Court.

During this time, additional legislation was passed to create a Part 6B of the Revised School Code to ensure that charter public schools were public schools. This happened with the passage of Public Act 416 of 1994.

In July 1994, the Michigan Supreme Court ruled that Part 6A was, in fact, constitutional. This action then repealed the law created by PA 416. At this time, 100 charter public schools already were operating in Michigan.

## Michigan's Charter "Cap"

In order to make the charter public school law more palatable, a charter "cap" became part of the legislation. The law stated that the governing boards of state public universities could not collectively have a combined total number of charter public school contracts beyond 150. With few traditional public school districts or intermediate school districts selecting to charter schools, this effectively capped the total number of charter public schools that could open in the state. By September 1999, this cap was reached with 150 schools chartered by state public universities in operation.

In October 2003, legislation was passed to allow 15 "urban high school academies" in the City of Detroit. Public Act 179 of 2003 created a new Part 6C of the Revised School Code. Part 6C permitted state public universities to issue up to 15 contracts for "urban high school academies" in the City of Detroit School District.

In December 2009, the cap was stretched again through the passage of Public Act 205 of 2009, which created "schools of excellence" as a new type of charter public school. This legislation, part of the "Race to the Top" education reform package, created Part 6E of the Revised School Code and allowed for up to 10 new charter public schools in Michigan. If existing charter public schools could demonstrate they met certain criteria, they could convert to schools of excellence with approval from the authorizer. Once a school shifted to this status, an authorizer was permitted to replace the converted school with a new charter public school.

To become a school of excellence, the law used an 80-80-80 rule: schools had to demonstrate that at least 80 percent of K-8 students were proficient on the MEAP test; high schools needed to demonstrate that at least 80 percent of students were graduating or on track to graduate; and the high school needed to have an 80 percent or better attendance rate. In addition, high school students needed to meet a minimum score on the Michigan Merit Exam. Also included in this legislation was the creation of two K-12 cyber schools in an effort to provide full time instruction to urban and at-risk students across the state.

In December 2011, the Michigan legislature passed Public Act 227 of 2011, which increased the amount of charter public schools permitted to operate to 500 through December 2014, and lifted any restriction beyond that.

In 2016, the Michigan legislature passed Public Act 192 of 2016, which required any new charter public school within the Detroit Public Schools Community District to be authorized by a nationally accredited authorizer.

Since 2011, the charter school law has not been amended. In the 2020-2021 school year, 293 charter public schools operated in Michigan.

### **Reflective Questions:**

How are charter public schools meant to be freed from regulation as intended by Governor Engler in 1993?

How was the passage of the charter public school law in 1993 and subsequent laws in following years a “real change” for Michigan’s students and families?

### **Resources:**

[Michigan Revised School Code](#)

[Michigan State School Aid Act](#)