

Your Question:

What, if any, state policies exist that connect arts education and school choice?

Our Response:

Education Commission of the States and the Arts Education Partnership identified connections between arts education and school choice policies related to authorizer approval preference, charter rules, enrollment and extracurricular participation. Overall, very few states directly address arts education in policies related to school choice, and the connections that exist are indirect. Enrollment and extracurricular participation were the only instances identified where state policy directly impacts arts education and school choice.

Types of Charter Schools That May Be Given Approval Preference:

Maine, Massachusetts and North Carolina have charter school laws that allow authorizers to give preference to applications for schools with specific academic approaches or themes, innovations and comprehensive (well-rounded) learning experiences. While these three laws do not explicitly include the arts, the arts may be included as an academic theme, innovation, or as part of a comprehensive or well-rounded education.

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| Maine | Authorizers may give preference to proposals that expand opportunities for children who are not realizing their full potential, who may be disaffected or disengaged in their current education situations and who may be at risk of failure academically, socially, economically or personally. Authorizers may encourage proposals that include a specific academic approach or theme to address the diverse educational needs of communities in the state. Citations: Me. Rev. Stat. Ann. 20-A § 2406 |
| Massachusetts | The state board of education may give priority to charter applications that have demonstrated broad community support, an innovative educational plan and a demonstrated commitment to assisting the district it is in to support educational change. Citations: Mass. Gen. Laws ch. 71 § 89 |
| North Carolina | In reviewing charter school applications, the state board is encouraged to give preference to applications that demonstrate the capability to provide comprehensive learning experiences to students identified by the applicants as at risk of academic failure. Citations: N.C. Gen. Stat. Ann. § 115C-218.5, N.C. Gen. Stat. Ann. § 115C-218.45 |

At-Risk Students

Additionally, of the 44 states, plus the District of Columbia, with charter school laws, 21 states have laws directing authorizers to give preference to charter school applications that demonstrate a commitment to serving at-risk students. [Research demonstrates](#) that there is a strong relationship between arts engagement and academic achievement for at-risk youth. High arts participation has been linked to improved school grades, test scores, honors society membership, high school graduation, college enrollment and achievement, volunteering and civic engagement. When used as a strategy for serving at-risk students, arts education policies can be another point of connection with charter school laws.

States With At-Risk Language:

1. Alabama
2. Arkansas
3. California
4. Colorado
5. Connecticut
6. Illinois
7. Kentucky
8. Louisiana
9. Maine
10. Maryland
11. Massachusetts
12. Missouri
13. New York
14. North Carolina
15. Ohio
16. Oklahoma
17. Rhode Island
18. South Carolina
19. Tennessee
20. Washington
21. Wisconsin

Charter School Rules

Generally, states exempt charter schools from state policies that govern traditional public schools, but states vary in the exemptions they allow for charter schools. Charter school laws in 30 states specifically state that non-traditional schools are not exempt from statewide rules related to assessment, standards, teacher certification and graduation requirements. Of the 30 states, 14 have arts education requirements: Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kentucky, Minnesota, New Jersey, New York, Virginia, Washington and Wyoming. In these 14 states, charter schools are not exempt from arts education requirements.

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| Arizona | Charter schools are subject to statewide assessment requirements. Arizona has an arts education assessment requirement. Citations: Ariz. Rev. Stat. Ann. § 15-183 |
| California | Charter schools are required to conduct statewide assessments and meet content standards. The state of California has arts education standards for elementary and secondary schools. Citations: Educ. Code § 47610; Cal. Educ. Code § 47611; Cal. Educ. Code § 41365 |
| Colorado | Charter schools are subject to accountability and assessment provisions. Colorado has an arts education assessment requirement. Citation: Colo. Rev. Stat. Ann. § 22-30.5-104 |
| Idaho | Each public charter school is exempt from the rules governing school districts, except for charter school-specific rules promulgated by the state board of education and rules including teacher certification. Idaho has a license requirement for arts teachers. Citations: Idaho Code Ann. § 33-5210; Idaho Code Ann. § 33-5204 |

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| Illinois | Charter schools are exempt from all state laws and regulations in the school code governing traditional public schools and local school board policies, except laws and regulations pertaining to the following: state goals, standards and assessments. Illinois has arts education standards for elementary and secondary schools. Citations: 105 Ill. Comp. Stat. Ann. § 5/27A-4; 105 Ill. Comp. Stat. Ann. 5/27A-5 |
| Indiana | Charter schools must follow laws and rules governing the following: academic standards, accreditation, assessment and remediation, and accountability for school performance and improvement. Indiana has arts education standards for elementary and secondary schools. Citations: Ind. Code Ann. § 20-24-8-4; Ind. Code Ann. § 20-24-8-5 |
| Iowa | A charter school or innovation zone school is exempt from all statutes and rules applicable to a school, school board or a school district, except those federal, state and local laws pertaining to: accountability, reporting and content standards. Iowa has arts education standards for elementary and secondary schools. Citations: Iowa Code Ann. § 256F.4; Iowa Code Ann. § 256F.5 |
| Kentucky | Not waived are requirements related to: qualified teachers, high school course offerings meet or exceed the minimum required for high school graduation, education programs designed to meet or exceed the student performance standards adopted by the state board. Kentucky has a licensure requirement for arts teachers, an arts education high-school graduation requirement, and standards for elementary and secondary schools. Citations: Ky. Rev. Stat. Ann. § 160.1592; Ky. Rev. Stat. Ann. § 161.141 |
| Minnesota | Charter schools are exempt from all statutes and rules except those related to assessments and accountability, among others. Minnesota has an arts education assessment requirement. Citation: Minn. Stat. Ann. § 124E.03 |
| New Jersey | Charter schools may request exemptions from various laws except those pertaining to assessment, among others. New Jersey has an arts education assessment requirement. Citation: N.J. Stat. Ann. § 18A:36A-11 |
| New York | Nothing in the state's charter school law affects the requirements of compulsory education established in state law. New York has an arts education high-school graduation requirement. Citation: N.Y. Educ. Law § 2854 |
| Virginia | Charter schools may operate free from various school district policies and state regulations as established in the school's contract but are subject to the following laws: the state's Standards of Quality, including Standards of Learning and Standards of Accreditation. Virginia has arts education standards for elementary and secondary schools. Citation: Va. Code Ann. § 22.1-212.6; Va. Code Ann. § 22.1-212.6:1 |
| Washington | Charter schools are exempt from most statutes and rules applicable to traditional public schools, but must comply with laws pertaining to assessment. Washington has an arts education assessment requirement. Citation: Wash. Rev. Code Ann. § 28A.710.040 |
| Wyoming | Charter schools may operate free from state regulations and policies, except those related to standards and assessments. Wyoming has arts education standards for early childhood, elementary and secondary schools as well as an arts education assessment requirement. Citation: Wyo. Stat. Ann. § 21-3-304; Wyo. Stat. Ann. § 21-3-305 |

Massachusetts and New Mexico do not have automatic rule exemptions for charter schools, but allow the state to waive certain requirements. In these states, charter schools would not be exempt from arts education requirements unless the requirements were specifically waived. Other states, like [Texas](#), specifically state that charter schools may not be required to offer any aspect of a common core state standards curriculum.

Read more about [state arts education policies](#).

Read more about [charter school polices](#).

Enrollment

Three states have policies on charter school admission and enrollment related to the arts. [New Jersey](#), [Pennsylvania](#) and [Texas](#) allow charter schools specializing in the arts to adopt student enrollment criteria that may limit admission to a grade level or concentration of study. New Jersey requires a school's charter to outline evaluation criteria. Texas statute states that the governing body that operates a charter school specializing in the arts must adopt a study admission policy with non-discriminatory criteria.

Extracurricular Activities

Four states — [Oregon](#), [South Carolina](#), [Texas](#) and [Utah](#) — have adopted specific policies that allow homeschooled or charter school students to participate in interscholastic or extracurricular activities, including the arts, at public or charter schools in their districts.

Texas is the only state that allows charter school students to satisfy the fine arts credit required for graduation by participating in a community-based fine arts program. The credit may only be earned if it meets requirements set forth by the state, the program is not provided by the district or charter school in which the student is enrolled, and the student has not been dismissed from the regular school day to participate.

Exceptions

Oregon and South Carolina maintain the same extracurricular eligibility requirements for homeschooled or charter school students, except for school attendance. Utah students are not allowed to participate in interschool contests or competitions for music and drama that are supported by a traditional public school.