MABE Maryland Association of Boards of Education
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BILL: **Senate Bill 595**
TITLE: **Public Charter School Expansion and Improvement Act of 2015**
POSITION: **OPPOSE**
DATE: **March 4, 2015**
COMMITTEE: **Education, Health and Environmental Affairs Committee**
CONTACT: **John R. Woolums, Esq.**

The Maryland Association of Boards of Education (MABE), representing all twenty-four of Maryland's local boards of education, believes that the Charter School Act of 2003 provides a sound framework for the authorization and operation of successful public charter schools in Maryland. Therefore, MABE opposes Senate Bill 595.

Today, nearly 18,000 students attend nearly 50 public charter schools; schools which are operating successfully within the framework established by the Public Charter School Act. MABE believes that it is no accident that our charter schools have not experienced the failures of public accountability and performance in the areas of student achievement and financial management all too common in charter schools in other states. In stark contrast to Maryland's approach, other states have adopted laws which have provided less state and local board oversight, less transparent accountability for student achievement and financial stability, and less reasonable limitations on the operations of cyber charter schools and for-profit charter schools.

MABE supported passage of the 2003 Charter Schools Act because it sets the same high standards for instruction and financial management of public charter schools as for all other public schools. The proposed legislation would set charter schools above other public schools, in terms of per pupil funding and facility funding, and at the same time weaken or eliminate quality assurances in Maryland's current law, by:

- Removing the Maryland teacher certification requirements for charter school teachers and staff;
- Allowing the State Board to grant a charter school a comprehensive waiver from all provisions of law and regulations applying to other public schools;
- Making the State Board of Education the chartering authorizer and employer for charter schools approved on appeal or for converted public schools;
- Adopting a charter school funding formula that would rigidly mandate providing per pupil funding based on 98% of all federal, state and local funds in the school system budget;
- Making MSDE the school construction program administrator for all charter schools;
- Making charter schools eligible to participate in the state's capital improvement program; and
- Allowing charter schools to grant enrollment preferences to students based on special needs or geographic school attendance area.

MABE opposes this legislation, based on our adopted Resolution and Legislative Position, which clearly state the association's support for the establishment of high quality public charter schools.

The Public Charter School Act of 2003 created Maryland's public charter school program "to establish an alternative means within the existing public school system in order to provide innovative learning opportunities and creative educational approaches to improve the education of students." The law defines a public charter school as a new public school or conversion of an existing public school to which parents choose to send their children, and which is nonsectarian, tuition-free, open to all students, in compliance with State and federal health, safety, and civil rights laws, and operated in pursuit of a specific set of educational objectives.

The law also requires charter schools to comply with provisions of law and regulation governing other public schools unless waivers are granted by the State Board of Education. The Act reserves chartering authority to local boards, including the responsibility to review all applications, and approve or deny applications based on an assessment of the applicant's capacity to achieve innovative educational goals and operate a public school. Local decisions regarding charter schools may be appealed to the State Board to ensure that local decisions are in accordance with state law, and not arbitrary or unreasonable.

Following the Act's 2003 passage, the State Board issued legal opinions defining "commensurate funding"; and each local board has developed charter school policies, many boards have reviewed and decided upon charter proposals, and nearly 50 charter schools have been approved and are operating in several local school systems. Again, MABE believes local board authorizing control, and school system oversight by professional educators and administrators, is key to the fact that Maryland's charter schools have not seen the financial or academic failures experienced in other states.

Other states' experiences with failing charter schools continue to demonstrate that Maryland's charter school law is strong precisely because it holds charter schools to the same high academic and financial management standards as other public schools. MABE supports protecting Maryland's strong charter school law to ensure that charter schools are run well, and that all students, whether they attend a public charter school or a traditional public school, receive high quality instruction.

MABE, and Maryland's local boards of education, are actively engaged in dialogue with charter school applicants and operators, and education organizations advocating for initiatives to facilitate the continued success and expansion of public charter schools. As charter authorizers, local boards recognize the need for ongoing collaboration in pursuit of an excellent state charter school program.

However, MABE does not believe that radically revising the Charter School Act is necessary to accomplish this goal. Instead, MABE and local boards of education request that the General Assembly maintain the current law's balance of statewide clarity and uniformity, the State Board of Education's role to adopt state guidelines and to decide on appeals from local board decisions, and local school system and board of education responsibility to review and decide on charter school applications and operations in accordance with state law and local policies and procedures. This balanced approach should be maintained, and the proposals contained in Senate Bill 595 to upset this balance should be rejected, in light of Maryland's track record since 2003 of authorizing successful public charter schools.

For these reasons, MABE urges this committee to issue an unfavorable report on Senate Bill 595.