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BILL: House Bill 878
TITLE: Public Charter School Act of 2017
POSITION: OPPOSE
DATE: February 28, 2017
COMMITTEE: Ways and Means Committee
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The Maryland Association of Boards of Education (MABE), representing all twenty-four of Maryland's local boards of education, believes that the Public Charter School Act of 2015 provides a sound framework for the authorization and operation of successful public charter schools in Maryland. Therefore, MABE strongly opposes House Bill 878.

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 set the same high standards for instruction and financial management of public charter schools as for all other public schools. In 2015, Governor Hogan proposed legislation to set charter schools above other public schools, in terms of per pupil funding, and at the same time weaken or eliminate quality assurances in Maryland's current law. Those proposals were rejected by the General Assembly in favor of creating new opportunities for autonomy for charter schools with proven track records of success. MABE firmly believes that these very recently enacted charter school reforms should be allowed to take effect.

Most importantly, MABE opposes House Bill 878 because it is not only a reintroduction of prior proposals to boost funding and weaken accountability for charter schools. This bill would go much further by creating a new Charter School Authority with statewide powers to open new schools and convert existing schools without any role for the local board of education or local community. This bill would allow a low performing school in any of the 24 school systems to leave that school system, in pursuit of higher per pupil funding and avoidance of all regulations applicable to other public schools. A "persistently" low performing school need only be low performing once to become eligible to convert to a charter school. These converted charter schools, and any newly chartered schools, would only have to adhere to the academic standards adopted by the Charter Authority. Charter school employees would not be public school employees, and charter school teachers and principals would not have to be certified educators or participate in the same professional development as other public school educators. And yet, charter school employees would qualify for all of the same state and local retirement and health benefits as public school employees.

MABE opposes this legislation based on the association's support for the establishment of high quality public charter schools. Maryland's charter school law appropriately 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 law 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 board decisions regarding charter schools may be appealed to the State Board to ensure that local decisions are in accordance with state law, and are not arbitrary or unreasonable.

Following the original law's passage in 2003, 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 law, substantially revised in 2015, is necessary to accomplish this goal. Instead, MABE and local boards of education request that the General Assembly maintain the 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 House Bill 878 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 House Bill 878.