

## CHARTER SCHOOLS

### MABE POSITIONS

The Maryland Association of Boards of Education, representing all local boards of education in Maryland:

- ✓ **Supports** local control and authority over public schools, including public charter schools, and supported passage of the Public Charter School Act of 2003, and secured amendments to the Charter School Improvement Act of 2015, to ensure that Maryland's charter school law is aligned with this principle.
- ✗ **Opposes** rigid state funding formulas in favor of the flexibility provided by longstanding case law.
- ✗ **Opposes** legislation which would diminish the local board's role as sole chartering and oversight authority, or otherwise weaken the charter school law's academic or fiscal accountability requirements.

### BACKGROUND

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.

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 decisions regarding charter schools may be appealed to the State Board to ensure that local decisions are not arbitrary, unreasonable, or illegal. Since 2003, issues concerning charter school applications and renewals, funding requirements, and facilities have been addressed through legal opinions of the State Board of Education.

In 2011 legislation was enacted to expand the access of charter schools to surplus school property. If the county government has no plans for the property, the school board must notify their charter schools that the property is available. In 2012, bills opposed by MABE would have weakened the charter school law by removing local boards as the primary charter authorizer, and granting the State Board de novo review of local decisions.

The Public Charter School Improvement Act of 2015 included major revisions to local and state board chartering authority, provides greater flexibility for successful charter schools, and calls for a study to determine appropriate levels of funding (Senate Bill 595). The law establishes a program through which a high performing charter school may become eligible for exemptions from a broad range of local board policies upon renewal. In addition, charter schools may be exempted from the lottery-based enrollment process based on student characteristics and geography. Importantly, following passage of the Charter School Improvement Act of 2015, the local board of education is the sole chartering authority for granting a charter. MABE collaborated with other education stakeholders in support of many of the key provisions of this legislation.

In 2018, MSDE received a federal grant for more than \$17 million for the purposes of assisting new and existing charter schools. MABE supports the administration of the MSDE Charter Schools Grant Program in a manner that is consistent with each local board's charter authorizing authority and Maryland's public charter school law.

Each local board has developed charter school policies, many boards have reviewed and decided upon charter proposals, and more than 50 charter schools have been approved and are operating in several local school systems. MABE believes local board authorizing control is key to the fact that Maryland's charter schools have not experienced the financial or academic failures seen in so many other States.

For additional information, see [MABE's Resolution on Public Charter Schools](#).