

**BILL:** Senate Bill 892  
**TITLE:** School Construction - Public Charter School Facility Fund - Establishment  
**POSITION:** OPPOSE  
**DATE:** February 21, 2024  
**COMMITTEES:** Budget and Taxation  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes Senate Bill 892 which would establish the Public Charter School Facility Fund of \$48 million beginning in FY 2026 and mandate new per pupil payments to charter schools to fund school facility related costs.

MABE supports the establishment of high performing public charter schools to accomplish the original intent of the 2003 Public Charter School Act. MABE supported the balanced approach of this landmark legislation to "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." In 2015, major revisions were enacted to further enhance the ability of high performing charter schools to operate with greater autonomy, while preserving strong accountability measures.

MABE certainly agrees that local boards of education should work with the public charter schools in their jurisdiction to ensure that the school facility needs of the public charter schools are addressed. However, MABE strongly opposes this bill because local boards of education believe that public charter school facility funding decisions should continue to be addressed at the local level, in the context of the locally approved charter application and charter agreement, and local school system facility funding priorities and decisions. MABE opposes this bill's proposal to create a targeted subsidy for charter school facilities.

As this Committee knows, MABE consistently advocates that federal and state laws and regulations preserve the governance role of local boards of education. MABE's support for local board governance authority and autonomy extends to all public schools, including public charter schools. Local boards attribute the longstanding, successful track record of Maryland's high performing public charter schools to the balance of autonomy and flexibility for charter school operators and a strong accountability role for local boards. By contrast, this bill would provide an ongoing, arbitrary amount of funding on a per pupil basis for all charter schools. In addition, the funds could be expended on a very broad range of activities, including charter school operator expenses for debt service payments, rent, maintenance, insurance, and any other expenses that the Interagency Commission on School Construction (IAC) determines were incurred by the school.

A related concern is that the bill does not appear to require any relationship between the funds received and projects undertaken and the school's charter agreement with the school system. Again, MABE opposes creating the Public Charter School Facility Fund because it would establish a uniform State funding program for all charter schools, without consideration for, or alignment with, local school system priorities, plans, and decisions. MABE does not believe that a separate funding stream or new departmental grant program are warranted or appropriate investments of limited State resources available for public education. Instead, local boards support maintaining the role of local school systems in reviewing and approving capital improvement requests from individual charter schools, consistent with the process for other public schools and established in charter agreements.

For these reasons, MABE urges an unfavorable report on Senate Bill 892.