

# Protecting Maryland's Charter School Law



## Why are charter schools important?

Charter schools provide an opportunity for focused learning using innovative curricula and instructional methods with the goal of enhancing student achievement. They have the potential to facilitate education reforms and develop new and creative teaching methods that can benefit children in all public schools.

However, research has shown that charter schools are not a panacea for every problem plaguing students.

**High standards. Accountability. Local control. Student and employee protections. Innovative instruction. They're just some of the factors that make Maryland's charter school law the strongest in the nation.**

**Maryland's charter school law encourages innovation and respects autonomy, fits the needs of a local school district, and ensures that high standards are met and all school employees are protected under collective bargaining agreements. The law strikes the right balance between local control, accountability, and innovative instruction.**

**However, in recent years, profiteers in the national charter school movement have sought legislative solutions that undermine the local control of communities, lower standards, and channel public funding to less accountable for-profit charter schools. These outcomes are not right for our students or for Maryland. At a time when some charter schools are being closed because of poor performance or mismanagement, it is inappropriate to seek an overhaul of a law that is clearly working to meet the needs of students, parents, school employees, and school districts.**

## CHARTER SCHOOLS IN MARYLAND

In 2003, the General Assembly passed legislation authorizing charter schools in Maryland. The legislation outlined the parameters for applicants, authorizers, employees, the application timeline, and the review and revocation of charter agreements.

Since the passage of the law, charter schools have been opened in Anne Arundel, Baltimore, Frederick, Prince George's, and St. Mary's counties and Baltimore City. The majority of charters are found in Baltimore City, where 38 of the state's 52 charter schools operate and more than 10,000 of the state's 17,000 charter school students are enrolled.

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Studies have consistently shown that although some charter schools may do well, on average, most perform about the same as or worse than traditional public schools. For example, the wide-ranging CREDO Study conducted by Stanford University, which compared charter school students with comparable traditional public school students, found that while 17 percent of charter school students did better than comparable public school students, 37 percent of charter school students did worse and 46 percent showed no statistical difference. In Maryland, overall charters have performed as well or worse than comparable public schools. *See charts of Maryland charter school performance, page 2.*

Such results should caution policymakers when considering the proposals of some charter school advocates to weaken standards and funnel more students towards schools which overall have had a mixed record at best. Instead, we should remain focused on high standards, the success of all students, and protecting a charter school law that encourages both of these critical goals.



Percentage of Students Proficient or Advanced on the Reading MSA Charter versus Comparison Schools

Grade	2009	2010	2011	2-Year Change 2009 to 2011	Difference In 2-Year Change: Charter vs. Comparison
<b>All Grades</b>					
Charter	78%	78%	76%	-1%	0%
Comparison	79%	79%	78%	-1%	
<b>Grade 3</b>					
Charter	79%	76%	75%	-4%	-3%
Comparison	81%	79%	80%	-1%	
<b>Grade 4</b>					
Charter	77%	81%	79%	2%	4%
Comparison	82%	79%	80%	-2%	
<b>Grade 5</b>					
Charter	82%	83%	84%	1%	3%
Comparison	85%	85%	84%	-2%	
<b>Grade 6</b>					
Charter	77%	80%	73%	-4%	-2%
Comparison	79%	80%	77%	-2%	
<b>Grade 7</b>					
Charter	72%	76%	78%	6%	2%
Comparison	72%	77%	76%	4%	
<b>Grade 8</b>					
Charter	80%	72%	70%	-10%	-7%
Comparison	78%	70%	75%	-2%	

Percentage of Students Proficient or Advanced on the Math MSA Charter versus Comparison Schools

Grade	2009	2010	2011	2-Year Change 2009 to 2011	Difference In 2-Year Change: Charter vs. Comparison
<b>All Grades</b>					
Charter	68%	72%	69%	1%	3%
Comparison	74%	73%	72%	-2%	
<b>Grade 3</b>					
Charter	74%	80%	77%	2%	2%
Comparison	81%	83%	82%	1%	
<b>Grade 4</b>					
Charter	78%	84%	82%	4%	6%
Comparison	84%	87%	82%	-2%	
<b>Grade 5</b>					
Charter	70%	71%	71%	1%	1%
Comparison	76%	78%	76%	0%	
<b>Grade 6</b>					
Charter	66%	71%	68%	2%	3%
Comparison	75%	74%	74%	-1%	
<b>Grade 7</b>					
Charter	56%	61%	60%	4%	-3%
Comparison	57%	66%	64%	7%	
<b>Grade 8</b>					
Charter	60%	61%	55%	-6%	9%
Comparison	68%	48%	53%	-15%	

Source: Maryland's Public Charter School Program: Providing High-Quality Choices in Public Education/2011 Charter School Annual Report, Maryland State Department of Education

## WHAT MAKES MARYLAND'S CHARTER SCHOOL LAW STRONG?

The success of charter schools depends upon how they are designed and implemented, including strong oversight and assistance provided to charter school leaders. Maryland's charter school law creates the structure needed to lay the groundwork for student and school success. Indeed, because of these criteria and strong vigilance in the review of each proposed Maryland charter school, the success rate of those approved is much higher than in many other states.

**Accountability:** Charter schools operate under the supervision of the local school district and in accordance with the provisions of its charter and the laws and regulations governing other public schools, except where a charter school may obtain a waiver from a specific provision of law or regulation.

**Admissions:** Charter schools must be open to all students. A lottery system is used if more students apply than space is available.

**Application Timeline:** County boards, and the state board if appealed, must make a decision on a charter application within 120 days of receipt of the application or appeal.

**Certification:** To ensure high standards, the professional staff of a charter school must obtain appropriate state certification.

**Chartering Applicant:** The staff of a public school, parents/guardians of students in that county, a nonsectarian nonprofit entity, a nonsectarian institution of higher education, or any combination of these groups are eligible to apply for a charter. Private, parochial, or home schools cannot be granted a charter.

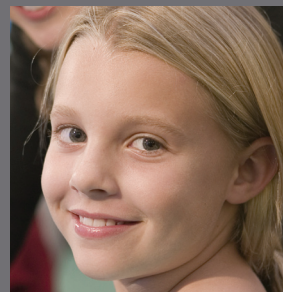
**Chartering Authority:** Local boards of education are the primary chartering authority. The state board of education does, however, have the ability to reverse local board decisions and require local boards to grant a charter. The state board may assume chartering authority only in cases regarding restructured schools where local boards have failed to make a decision on an application within the expedited timeframe specified in the law.

**Collective Bargaining:** To protect employees and ensure that educator voices are considered, charter school employees are public school employees with collective bargaining rights.

**Funding:** Intent of Maryland law is for students in traditional schools to have the same per-pupil funding as students in charters. As such, local boards of education are to provide commensurate funding based on the combined local, state, and federal education aid in each school district.

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## WHAT'S NEXT?

### ✓ Protect Maryland's strong charter school law

Charter schools are important options with the potential to benefit the broader school system by allowing it to explore innovations in teaching and learning on a scalable, pilot basis. However, we must remain wary of organizations promoting charter schools for other purposes, whether it is accessing public funds for privatization schemes or circumventing employee protections and collective bargaining, certification requirements, and accountability measures for students and faculty. Maryland's charter school law guards against these outcomes which detract from student success, and should be protected as an important part of our goals of high standards and strong accountability.

### ✗ Ignore the collective bargaining agreement

**protecting charter school employees**  
Some charter advocates seek a weakening of Maryland's collective bargaining laws for school employees, or suggest that charter school employees not be covered by the union contract. Not only is this bad public policy, it is completely unnecessary. The existing law provides considerable flexibility in the hiring of principals and staff at a charter school. In fact, the only requirement is that staff are certificated employees. Existing law provides for amendments to collective bargaining agreements to address the needs of a public charter school within the current framework. Good faith negotiations could easily provide flexibility to address some of the needs of charter schools regarding hiring employees.

### ✗ Override local school boards as authorizers of

**public charter schools**  
Some groups have sought legislation to grant entities other than local boards of education the authority to grant charters. This effort is misguided and removes control from the hands of the local communities that are best placed to determine the needs of its students. Local boards of education are the best authority to ensure the accountability of charter operators, to monitor the quality of instruction and system-wide equity, and to determine when schools are not meeting their obligations to students and need to be held accountable or closed.

## KEEP THE CHARTER SCHOOL LAW STRONG

While charter schools will remain an important arena for experimenting with scalable, innovative instruction, some charter school advocates will continue to push for less oversight, less local control, and fewer qualifications for charter expansion. Maryland's charter school law will therefore continue to play a critical role in preventing the unfettered proliferation of unaccountable charter schools, the privatization of public education, and the circumvention of certification requirements, collective bargaining, and other important and long-standing laws integral to the quality of Maryland's schools. Our top-ranked schools depend on keeping our standards high and our charter school law strong.

*For more information on this and other important education issues, contact MSEA Government Relations, 410/263-6600; mseagr@mseane.org.*



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