

PROTECTING QUALITY, ACCOUNTABILITY, AND EQUITY IN MARYLAND'S CHARTER SCHOOL LAW



“Chartering has become an industry, and in many cases, rapid expansion has replaced innovation and excellence as goals.”

- Brown University's
Annenberg Institute for
School Reform



While we support Maryland’s charter schools and are open to further strengthening our already strong law, many of Gov. Hogan’s proposals are extreme, counterproductive ideas that would lower the state’s high standards for quality, accountability, and equity.

Gov. Hogan’s proposed legislation would lower the state’s high standards for quality, accountability, and equity.

The metric of success for our law should be whether charters are serving their students well, experimenting with scalable innovations, and acting as responsible stewards of taxpayer dollars—not simply the number of charters operating in Maryland.

Unfortunately, many who push for the rapid expansion of charter schools have a different goal. These advocacy organizations, like the National Alliance for Public Charter Schools (NACPS), seek to lower standards to make it easier for charter schools to open. Yet in state after state, lowered standards have led to increased fraud, the undermining of local control, and poor performance. Minnesota, the state with the “strongest” law according to the NACPS report card, has been plagued by the fraud and waste of millions of taxpayer dollars funding charter schools, including embezzlement and fabricated enrollment data by charter operators.

Maryland’s high standards have supported a number of successful charter schools while avoiding the pitfalls experienced by states with lower standards. By the metrics of fostering accountability, fiscal responsibility, and educational quality, Maryland’s charter school law has proven to be one of the strongest in the country.

Disproportionate Funding at the Expense of Traditional Public School Students

There should be deep concerns about the disproportionality of funding directed to charters in Gov. Hogan’s proposed legislation. The legislation defines commensurate funding as 98% of what traditional public schools receive from local, state, and federal allocations. That percentage is based on a 2005 State Board of Education decision that local school systems could retain 2% of expenditures for administrative costs. But when the Department of Legislative Services surveyed local school systems that year, it found that 87% of costs happened at the school-level—independent of the school system—and recommended a range of 86%-90% should there be a uniform statewide percentage. We should produce a reputable, updated calculation before rigidly—and perhaps incorrectly—defining commensurate funding in state law.



GOV. HOGAN'S CHARTER SCHOOL BILL:

A May 2014 report from The Center for Popular Democracy found more than \$100 million in fraud, waste, and abuse of taxpayer dollars helping to fund charter schools in

15 states.

Disproportionately funds charters at the expense of traditional public school students

Establishes a facilities funding system that risks wasting taxpayer dollars and delaying the needs of traditional public schools

Allows charter schools to hire uncertified teachers

Gives charter schools the ability to dodge many state quality control standards

Lowers standards for working and learning conditions by disempowering educators from having a strong voice in their workplace

Allows charter schools to avoid the most disadvantaged students

On the capital side, the legislation would ban local school boards from withholding approval of an application until a facility is secured. A charter school operator could apply without having a building secured, receive approval, start the enrollment and funding process, and then decide not to open—creating serious complications and possibly wasting taxpayer dollars. At the very least, this process would push charter school capital funding requests to the front of the school construction queue at a time when traditional public schools face a \$3 billion school construction shortfall.

Lowering Standards for Educator and School Quality

The legislation would allow a charter school operator to hire uncertified teachers, who lack the basic level of competency and expertise that is required of all Maryland's teachers and expected by Maryland's parents. This lack of certification also raises real questions about whether charter school employees would be entitled to any due process protections, or whether they could be fired on a whim—as was recently seen in a Washington, D.C. charter school where teachers were allegedly fired for teaching about Black History Month.

Gov. Hogan also proposes making an end run around Maryland's collective bargaining law that ensures there are high-quality educators and working conditions across the state. His legislation would permit charter operators to hire teachers and then limit them to forming a bargaining unit at the school level instead of joining the county unit—greatly weakening their bargaining power in an attempt to lower compensation, benefits, and educator input. Unfortunately, states that greatly limit or eliminate the ability of charter school educators to effectively organize have become breeding grounds for charters with undesirable working conditions, difficulty recruiting and retaining outstanding educators, and poor student outcomes.

Harmful Student Selection Practices

Under Gov. Hogan's legislation, charter school operators could implement a weighted lottery system that gives added value to a certain "geographic attendance area" granted its median income is less than the median income of the county or state. But since the median income of Baltimore City (the local jurisdiction with by far the most charter schools) is barely half that of Maryland's, such a system would allow schools to systematically disadvantage Baltimore City's poorest children by permitting charters to avoid enrolling children from specific, disadvantaged neighborhoods and backgrounds and instead cater to the students who are more likely to succeed.

We stand ready to work with Governor Hogan and the Maryland General Assembly to make adjustments that truly improve our charter school law. This legislation goes much too far and risks breaking the balance we have in Maryland now. These bills (HB 486/SB 595) should receive unfavorable reports.



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