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April 23, 2015

The Honorable Larry Hogan  
Governor  
The State of Maryland  
100 State Circle  
Annapolis, MD 21401

Dear Governor Hogan:

I wanted to take a moment to personally reach out to you to explain why I, and many of my colleagues across our great state and nationally, have publicly called on you to veto the charter school bill currently awaiting your signature. Senate Bill 595, The Public Charter School Improvement Act of 2015, no longer reflects the bold change your original proposal envisioned and will do nothing to improve the state's already 'F' graded charter school law. In fact, some of the provisions are a step backwards.

The organization I lead today has amassed decades of research and analyses of charter schools, worked with dozens of states to ensure laws were being implemented and interpreted properly, and is responsible for helping the first charter schools to open in Maryland. All of this data and experience prove that one of the most important factors in ensuring a school's success is the existence of non-district authorizers. Maryland's current law allows the State Board of Education to serve as a secondary authorizer on appeal. However, that body has yet to act in this capacity.

The proposal before you today **removes the State Board's check and balance authority to review county school district actions on charter applications, and its potential to serve as a school's authorizer in a binding appeal.** It further strips your ability, as Governor, to influence charter school decisions through your appointments to the State Board.

Again, while current law has been interpreted differently, it ensures that decisions at the local district level are taken more seriously and has proven to be an important check and balance for charter applicants who have had to file suit to become operational or receive more equitable funding. This is a significant rollback on current law and will have a major impact on existing and would-be schools.

**Online charter schools would be prohibited** under SB 595, eliminating the potential for this innovative modality of schooling now possible in 29 other states that has proven to be a lifeline for approximately 310,000 students nationally. Under the current law, there is no language prohibiting online learning. Again, this provision of SB 595 is a setback.

Rather than establish equitable funding as your proposal originally sought to do, SB 595 requires an invasive study by the State Department of Education intended to **stall the enforcement of funding of all public school students attending public charter schools at a “commensurate” level as current law dictates.** This study was clearly an effort by opponents to tie up small, underfunded charter schools with more bureaucracy, which will require schools to find additional staff and resources to report on inputs rather than focus those resources on lifting student outcomes in the classroom.

While there are components of SB 595 that some believe to be a path towards greater autonomy for charter school operators, the collective experience of my organization and its advisors in policy implementation predicts otherwise. This proposal would make every operational feature subject to a legal agreement with county school districts. While it promises to provide for greater autonomy for charter operators after five years, it actually **removes the flexibility districts may have already had in negotiating reasonable operational changes throughout the term of a charter, by now making all negotiations subject to a legal agreement.** Further, SB 595 emphasizes more union control as nothing that could give greater flexibility to a charter school, “may be construed to take precedence over an agreement of a local bargaining unit in a local school system.”

Governor, your original proposal sought to give teachers a choice in this matter. SB 595 only strengthens the union grip on our public schools.

The legislation does allow charter schools to make preferences on enrollment with weighted lotteries, but I would argue that this is already feasible under current law through proper waivers from various rules and regulations. A charter applicant is not prohibited from designing a charter model that caters to a specific demographic like special needs, English Language Learners or low-income students. The lack of clarity in the application process that exists in current law, has led to this misinterpretation and why few believe achieving weighted lotteries in the Senate’s bill is the only gain.

Charter schools are intended to be schools that operate by choice, are held highly accountable for results in exchange for freedom and flexibility while being funded equitably. Maryland’s charter school law lacks these core tenets and **your signature on SB 595 now, will make it even more difficult for charter school advocates, parents and students to bring about the positive change you campaigned on.** I appreciate your commitment to revisiting this issue in the future. However, based on the collective experience in Maryland and nationally, if you sign this bill now there will be no further appetite from legislators to work with you even if they make promises now to the contrary.

I urge you to take these concerns under serious consideration and veto Senate Bill 595.

Respectfully,

  
Kara Kerwin  
President