

New effort underway to change Maryland charter schools law

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Maryland should recruit successful charter schools to the state and consider granting them greater autonomy and control over teacher contracts, according to a newly released study by the Abell Foundation, a Baltimore nonprofit that researches education issues.

Charter school advocates say Maryland's law stifles growth of the charter movement, and the Abell Foundation report, to be released Tuesday, found state policies foster an unwelcome environment. A dozen years after a 2003 Maryland law allowed the creation of charter schools, just 47 operate statewide, with 18,000 students enrolled.

"It seems to me that the state should be asking, 'Are these entities producing better results with similar children?' If they are, then they should be recruited to Maryland," Abell's President Robert Embry said.

Gov.-elect Larry Hogan has signaled he would advocate changing the charter law. Last week he named as senior adviser Keiffer Mitchell, a prominent Baltimore Democrat, in part to focus on giving more students access to charters. State legislative leaders also have said they are willing to look at ways to make it easier to open and operate charters.

The Abell Foundation report provides support for that effort, noting that charter organizations such as KIPP Public Charters or Uncommon Schools appear to have been successful in educating low-income minority students. Uncommon operates 42 city schools in Massachusetts, New Jersey and New York, and none in Maryland. KIPP operates 162 schools in 20 states, and two in Baltimore.

The majority of Maryland's charter schools are in Baltimore. In the last school year, 11,800 students, or nearly 14 percent of total city school enrollment, went to charters.

But even in charter-friendly Baltimore, said City Neighbors Charter School leader Bobbi Macdonald, its three schools are constantly chafing under rules that limit their ability to innovate. When school officials asked for freedom to decide how to evaluate teachers, for example, they were told to comply with the city's rules.

In Frederick County, Tom Neumark and a group of families fought for five years to open a charter school focused on providing an education steeped in the classics. At every turn, it seemed to them, the county school board put up obstacles to the school's opening.

The Maryland law "grudgingly allows the creation of charter schools," Neumark said. "We are not asking that it be easier. It has to be fair and reasonable."

In interviews with Abell, large charter operators said restrictions in the Maryland law would discourage them from starting new schools, though the researchers cautioned that some of those operators have not looked extensively at the state's law.

For efficiencies, charter operators tend to cluster a number of schools in one city or state, thus giving more students easy access. But most of the operators in Maryland have just one school.

Embry, who spoke recently with Hogan about charter schools, said he hopes the report will spark a conversation about how charters can better serve the state.

That conversation is likely to be lively, as teacher unions and many local school boards have opposed changes to the law in the past.

Charter schools are publicly funded, independently run schools. As they currently operate in Maryland, only local school systems can approve the opening of a charter school. The districts must fund the schools, which is sometimes viewed as draining money away from public schools.

Charters are open to any student in the school district where they are located. If too many students apply, they are chosen through a lottery.

School systems are expected to keep a watchful eye on charters, requiring them to meet fiscal and academic standards. If test scores are poor, the school system can pull the school's charter, forcing it to close. In Baltimore County, the school system took control of Imagine Discovery Public Charter in 2013 after five years of poor performance, even though parents argued vehemently on the school's behalf.

Maryland charter operators have said they want more control over teacher contracts. Under the 2003 law, charter teachers are part of the local bargaining unit, and all schools must abide by a contract that is negotiated between the school system and the teachers union.

The state law also requires charter teachers to pay dues to the union — a requirement that exists in few other states.

The Abell report highlights KIPP, whose Baltimore schools are on Greenspring Avenue. The first KIPP Baltimore school has consistently beaten scores of other city schools on the Maryland School Assessments, and at times scored as well as some of the highest performing suburban schools in math.

KIPP Baltimore's schools serve 1,450 students, but school officials said they might have opened more schools in a different climate. Kate Mehr, executive director of KIPP Baltimore, said the nonprofit moved into Washington just a year before Baltimore. It has 15 schools there with 4,500 students there, and it is continuing to grow.

Mehr said the Baltimore schools have been hampered by the city's union contract, which gave the best teachers big pay increases. Mehr said her school has 30 model teachers, and the union contract increased salaries \$350,000 over the past several years while school revenue remained flat.

According to the Abell report, charter operators would want more autonomy before moving to Maryland. In particular, they don't want restrictions on whom they can hire and fire and certain certification requirements for teachers, the report said.

Mehr and Macdonald at City Neighbors said they are happy to have charter school teachers be part of the bargaining unit, but they want the ability to negotiate contract details directly with the union.

Per-pupil funding for charter schools also has been an issue. Frederick Classical Charter School believes it should get a greater share of funding and filed a lawsuit claiming it should get a portion of the school system's transportation budget, although its students are driven to school by their parents. If they win, Neumark said, the school would get an additional \$150,000 a year.

Attempts to change the law in the past have gone nowhere. While local school boards have been open to tweaking

technical issues in the law, they oppose an overhaul.

The Maryland Association of Boards of Education "does not see a need to revamp or amend the state law to facilitate successful charter schools," said John Woolums, director of governmental relations for the group.

The association and unions say the constraints that charter advocates point to as weaknesses in the law have actually been its strengths.

"We support charter schools as public schools of choice and incubators of innovation," Woolums said, adding that "local boards, as charter authorizers, are essential to ensuring both fiscal and student performance accountability."

While some other states with lax controls have seen examples of waste and poor academic results, most of Maryland's charters have had good results or results equivalent to other schools in a locality.

An investigation by the Detroit Free Press last year found Michigan spends \$1 billion on charters with little transparency in how the money is spent. Most of the schools don't perform better than the regular public schools.

Charter schools have been popular with parents. Many of Baltimore's 31 charter schools have waiting lists. Macdonald said about 1,000 students are waiting to get into one of three City Neighbors schools.

Frederick Classical Charter could have filled its school twice when it opened in the fall of 2013, and the Baltimore Montessori Public Charter has about 1,000 students hoping for a spot.

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