

# THE Center for Education Reform

10th anniversary

1001 Connecticut Avenue, NW  
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August 14, 2003

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The Honorable Robert Ehrlich  
State House  
100 State Circle  
Annapolis, MD 21404

Dear Governor Ehrlich:

I am writing to express deep concern over the recent developments surrounding the implementation of the new charter school law. Over the past several months, we have been invited to, and participated in several meetings to help see that charter schools are well positioned to begin in Maryland, despite weaknesses in the law. We appreciate being included in these meetings, however, it is clear from the product developed to guide charter school applications that the seasoned advice offered by ours and several other groups has been ignored.

The charter school policy established by the State Department of Education is completely at odds with the intent of the law. My organization is listed as one of the many groups that collaborated on the creation of the model policy on charter school applications yet every piece of research and data provided to guide the process was omitted from the final policy. We declined to be involved after the initial meetings when it became clear that the policy was being guided by special interests, and not with the best interest of the teacher/parent applicants in mind.

The policy established actually does not mirror the law at all. It adds restrictions that were not legislatively approved. It discourages flexibility and creates more regulations.

For five years CER has led the charge to create a charter school movement in the state of Maryland. Upon your election, when you identified education as one of your top three priorities, we mobilized our charter advocates who had been working on this issue for many years, and together, we were hopeful that something substantive and worthwhile would come out of the legislature. Unfortunately, a mediocre law was enacted.

On May 15, 2003, Lt. Governor Steele hosted a meeting with a group of individuals to discuss how to "move forward" despite the law.



He made it clear that the Administration was not happy with it, but that the Administration was going to do all it could to make sure that a healthy environment be created for charter schools to thrive.

Shortly thereafter, Deputy Superintendent Richard Steinke called a meeting to discuss model policy for local districts to use when accepting and approving applications. At both these meetings, and several other meetings between May and July, only a handful of true charter school advocates were present, while the majority of attendees were the very people who testified *against* charter legislation in years past. Despite our best efforts to present research and facts on how to create a healthy environment for charter applicants, our words were ignored, while the sentiments of those who don't want charter schools in Maryland were heartily accepted and welcomed.

We would have hoped for a much better process and completely different result. Despite your leadership and the early support of Superintendent Grasmick, the policies created for charter schools send a clear message that anyone interested in charters need not apply.

Legislative intent was not upheld by the new policy. I have enclosed an important fact sheet on the charter policy for your review. It is based on an analysis of all forty charter school laws and on our ten-year history of working with charter schools.

I would ask that you, as Governor, statutorily reject the charter policy which does not reflect either the law or its intent. If you would like help with creating a model policy, I hope you will contact me.

Best Regards,



Jeanne Allen  
President

Enclosure

CC: Superintendent Nancy Grasmick

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## SPECIFIC PROBLEMS WITH DRAFT POLICY

1. **The policy gives local school boards control over charter school personnel**
  - The policy states that the district superintendent retains the authority to *assign and transfer* educators to charter schools. That should be the right of the charter school board of directors, not the sponsor.
  - The policy states that employees in the charter school must be evaluated in a manner that is consistent with state law and applicable to local district policy and regulations. The charter school board should be given the authority to create its own standards for evaluating performance.
  - Charter school operators are required to be "under the **supervision** of the local board of education." Every other state law requires charter school operators to be under the control of the charter school's governing board, not the sponsor.
2. **The policy creates additional and unnecessary layers of bureaucracy**
  - The policy states that charter schools must go through two layers in order to apply for and be granted a waiver to bypass certain local or state regulations. Each applicant must apply first to the local board and second to the state board, but the policy does not define a deadline for the local or state board to make a decision.
  - The policy gives local boards control of all aspects of the school because issues such as transportation, student admission, facilities assistance, and the term of the charter, are left to be negotiated between the board and the applicant. This kind of system subjects the applicant to contend with schools boards that may be adversarial from the start.
  - The policy requires students to be physically present on school premises for a *period of time substantially similar* to that which other public school students spend on school premises. That means that the school boards might have cause to reject any applications that offer substantially longer school days and school years.
  - The policy states that a public charter school "has the legal status of the other public schools." This statement suggests that charter schools will not have any legal autonomy.

