



### **Comments/Questions about HB 881 from Amy Anderson (APA Consulting):**

- Section 20-2-2080 mentions start-up funds for the Commission. I would encourage you to talk with Randy DeHoff at the CO Charter Institute about how much money would be adequate to start-up the commission (he has been at the Institute here since its inception). This section also discusses the qualifications required of those serving on the Commission. I encourage you to include people who have backgrounds/experiences with/in charter schools. The Colorado Charter School Institute draws funds from additional taxpayer money through appropriations, which has caused it to reach the chopping block a couple of times in the legislature. Some per pupil funds also support its operations. However, this institute is not the model for my bill as it is set up as an authorizer of last resort. We have that already in our state board.
- In section 20-2-2081 (4), the role of the co-sponsor seems clear but then in (5), (6), and (7) it seems to become diluted or diminished (Commission seems to step in and do the work that should be the responsibility of the co-sponsor). I encourage you to change this section to focus on how the Commission will hold the co-sponsor accountable but that the co-sponsor is accountable for its schools. The co-sponsor would be required to provide information to the Commission about the academic, fiscal and operational success of its schools. If schools were falling below expectations, the co-sponsor would be responsible for taking action in/with those schools. If the co-sponsor failed to do so within some reasonably established time period then the Commission could step in. This is an issue that we would allow the Commission members to decide. It should not be legislated/
- RE: exclusive authority in section 20-2-2082, if there was any way to get around the exclusive chartering provision, I think that the implementation of this would be smoother. CO has had some difficulties in places that have exclusive authority—specifically districts choosing not to approve charter applications without good reasons, but not going as far as creating moratoriums (in order to keep in compliance with the exclusive authority). This leads to an increasing number of appeals to our state board resulting in lengthy battles to approve charter applications. Colorado does not have exclusivity. What they offer through the Institute is a place to for applicants to go ONLY AFTER school boards have demonstrated that they are not chartering. Conversely, our bill, modeled after Florida's commission, will be an authorizer that any applicant can seek review from, and exclusivity simply allows local boards to apply for the right to retain exclusive control. The burden of proof is on the district to prove that they have and will continue to be open to charters, not on the applicant to prove they haven't been, as is the case in Colorado.

In addition, Florida reviewed and rejected the Colorado Institute as a model. Colorado institute also only allows state funds to go to charters, which is what our State board currently does if it charters on appeal. Our bill would rectify that and allow local monies to follow.

- In section 20-2-2093 I suggest the following changes:
  - (a) (2) – Evaluate and ensure the fiscal stability of the school.



- (a) (3) – Grant “conditional” approval, at its discretion, a charter before the applicant has secure space.....Also something along the lines of: Final approval would not be granted until the charter demonstrated that it had secured a permanent facility and had sufficient resources to operate it and open it as planned.
  - (a) (3) (c) – Change to something along the lines of: The sponsor shall ensure that the charter school’s proposed educational program is effective and consistent with state educational goals. This is again an attempt to regulate the process before the Commission and state have had an opportunity create and approve a process.
- In section 20-2-2096 I don’t understand why students who are not part of the school district should be counted in that district’s enrollment (since they attend a charter sponsored by the Commission, not the district). It would seem as though an alternative funding model would make more sense than counting them and funding them through districts that no longer have any authority over the kids/schools they attend. This is an incorrect statement. The students who attend charters funded by the Commission still reside in a school district which is the primary distributor for local funds. Our goal in Georgia is to ensure proper allocation of local funds to all public school students, not just those attending district-sponsored public schools. That is the model in all but 10 charter school states and we’d like to see progress, not bad policy.

The author of this memo is an attorney that represents school districts and hostile charter applicants and as such, her views reflect problems encountered in seeking funding, not good policy ideas.



**Comments/Questions about HB 881 from Todd Ziebarth (National Alliance for Public Charter Schools):**

P. 5, 20-2-2081 (b) (4): I'd delete the following part of this provision: "The commission shall annually review and evaluate the performance of each cosponsor based upon the financial and administrative support provided to the cosponsor's charter schools". I think cosponsors should be evaluated on authorizer responsibilities (like those outlined in later sections of the bill), not operator responsibilities. We would like our cosponsors in Georgia to be evaluated on both. I reject this suggestion.

P. 6, 20-2-2081 (b) (15): I'd delete this provision. Again, it sounds less like authorizing charters, and more like operating them. This is a partnership and we want to reflect that.

P. 12, 20-2-2085 (a) (2): I'd delete this provision. Not to beat a dead horse, but I don't think that authorizers should be directly providing services to charters, like food service and transportation (unless perhaps as a last resort). This section is being misread.

P. 15, 20-2-2093 (c): The emphasis on "innovative" can be tricky. What if someone else already runs a school like the one proposed somewhere else in the district or even the state? Is it still innovative? I'd change it to "effective" This is a non—substantive comment.

P. 17, 20-2-2096. What's the impact of these funding provisions? Currently, the charters approved by the state on appeal only receive state dollars. Without local dollars and facilities dollars, their funding is fall short of what goes to the traditional schools. This funding scheme also calls into question their long-term viability. Do these provisions address these inequities? What's the practical impact of them? In other words, what per-pupil amount will a commission-approved charter in Atlanta receive? This comment ignores the fact that this bill seeks to ensure all funds necessary for the provision of the school reach the school. This comment reflects an ignorance of state law and charter funding best practices.

One other issue that the bill doesn't consider is the LEA status of commission-approved or cosponsor-approved charters. Will these schools be their own LEAs? Will the commission be the LEA? Will cosponsors be LEAs? LEAs are local education agencies and in GA, those are school districts (and most other places) Being an LEA entails compliance and regulatory management that is at odds with model authorizers on which this bill is based. Schools can and may be LEAs in most charter laws like this one proposed. But authorizers are not and should not be LEAs or they duplicate efforts of state and local agencies and become bureaucracies. This issue was also considered and rejected in Florida.