



NIL SINE MAGNO LABORE

# Board Update To Staff

## February 2015

# Presentation Goals

- Address issues and concerns among our staff with regard to
  - Recently proposed legislation
  - Funding lawsuit
  - Annual Report/State of the School

# Recently Proposed Legislation

In summary...

- Maryland's law has consistently been rated as one of the worst
- Most of the statements by opponents are inaccurate, misleading, and appear to be intended to inflame teachers and other staff.
- In the Governor's bill, the actual changes to the law are modest, and still wouldn't result in our state having a model law, though it would make positive improvements. (The local bill included more best practices such as multiple local authorizers, but was shelved in favor of the Governor's more politically palatable bill.)

# Maryland's law is rated one of the worst

- The Center for Education reform ranks Maryland's law the 7<sup>th</sup> worst.
- The National Alliance for Public Charter Schools ranks Maryland's law the worst in the nation.
- The National Association of Charter School Authorizers (which tends to favor local districts/status quo) ranked Maryland's law the third worst *among states that only allow local Board authorizers*. We scored 2 out of 30 points. (Only allowing local Board to authorize charters is a worst practice.)
- Maryland received an F for funding equity, the 6<sup>th</sup> worst in the nation.
- The latest charter school report commissioned by the legislature documented the lack of fair funding and freedom that charter schools in Frederick County and across the state have been dealing with since the establishment of the first charter.

[http://www.marylandpublicschools.org/MSDE/programs/charter\\_schools/doc/CharterSchoolReport12172014.pdf](http://www.marylandpublicschools.org/MSDE/programs/charter_schools/doc/CharterSchoolReport12172014.pdf)

[http://www.qualitycharters.org/assets/files/Documents/Policy/NACSA\\_014\\_SLR\\_FINAL\\_1-15-15.pdf](http://www.qualitycharters.org/assets/files/Documents/Policy/NACSA_014_SLR_FINAL_1-15-15.pdf)

<http://www.uaedreform.org/wp-content/uploads/2014/charter-funding-inequity-expands-md.pdf>

# What constitutes a good law?

What Is Happening Now	What Should Happen
Charters get 68% of per pupil funding that the regular public schools get of the operating budget, and receive the rest in services they don't necessarily want or need	Charters receive 98% of the operating budget and choose which services they want to buy back from the local district
Charters receive 0% of the capital budget	Access to capital funding as needed or a stipend of \$1,500 per student annually
Charter school staff are employees of the local school Board, and charters have to hire on a schedule that the local HR department sets.	Charter school staff are employees of the non-profit that runs the school, and can manage the staff as they need
Charter school staff are required to have state certification	Charter school staff are required to pass a background check, but the charter school sets job requirements.
Charter schools are required to adhere to local, state, and federal mandates, including those that take away from their mission and vision	Charter schools are freed from all mandates with the exception of those related to health, safety, and non-discrimination.
Charter schools are limited in Frederick County to four year initial charter terms.	Initial charter length should be at least five years, with charter terms up to 15 years with high stakes review every five years regardless of the total term length

# What constitutes a good law?

What Is Happening Now	What Should Happen
Local school systems evaluate charter Principals	The charter Board should evaluate their Principal
Virtual charter schools are not allowed	Virtual charter schools should be allowed
Only local school Boards can authorize charter schools in Maryland, and the State Board exercises limited oversight	Multiple authorizers are allowed, and authorizer performance is evaluated on a regular basis
Waivers from regulation are generally not supported by local school Boards; a charter applicant in Frederick County was denied in part because they requested a waiver.	Charter schools are automatically granted waivers from most requirements, but never state testing requirements or those related to health, safety, or non-discrimination
Charter schools are subject to collective bargaining agreements that the local school Board agreed to. Charter Boards literally do not have a seat at the table during negotiations	Charter schools, as independently run schools, may be unionized or not. If unionized, the charter Board negotiates directly with the union.
Access to employee retirement systems is guaranteed, since school employees are local Board employees	Charter school employees have the option to participate in the state pension system, but aren't required to.

# Opponents are providing incorrect information

From the teacher's union web site: "**High standards. Accountability.** Local control. Student and employee protections. **Innovative instruction.** They're just some of the factors that make Maryland's charter school law the **strongest in the nation.** Maryland's charter school law **encourages innovation and respects autonomy,** fits the needs of a local school district, and **ensures that high standards are met** and all school employees are protected under collective bargaining agreements. **The law strikes the right balance between local control, accountability, and innovative instruction.** However, in recent years, **profiteers in the national charter school movement have sought legislative solutions that undermine the local control of communities, lower standards, and channel public funding to less accountable for-profit charter schools.** These outcomes are not right for our students or for Maryland. **At a time when some charter schools are being closed because of poor performance or mismanagement, it is inappropriate to seek an overhaul of a law that is clearly working to meet the needs of students, parents, school employees, and school districts."**

**Red means inaccurate.** Green means accurate but this is a weakness of the law. **Yellow means misleading.**

# Opponents are providing incorrect information

**“High standards. Accountability”** Maryland’s law is one of the few laws in the country that lacks accountability provisions and has no criteria for revocation or renewal.

**“Innovative instruction”** Maryland charters cannot evaluate their teachers using their own evaluation instrument that are tailored to the instructional methodology used at the school, and must use the district’s evaluation process.

**“strongest in the nation”** Maryland’s law has been repeatedly found to be among the worst laws in the nation by multiple, independent evaluators for over a decade.

**“encourages innovation and respects autonomy”** Maryland’s charters are not free to innovate and have virtually no autonomy. Even changing the weighting of homework in student grades requires us to ask permission from the local district.

**“fits the needs of a local school district”** Only in the sense that the local district gets complete control over the charter school and is not required to provide equitable funding. Charters provide local districts with a cost savings, since, among other things, charters provide the district with a facility that helps reduce overcrowding at other schools, but charters receive no capital funding.

# Opponents are providing incorrect information

**“ensures that high standards are met”** By this, MSEA is referring to teacher certification requirements. There is no evidence that certification correlates to effective teaching. Research into this goes back over 40 years.

**“all school employees are protected under collective bargaining agreements”** While true, this is a requirement and not an option for teachers. Nationally, 93% of charter teachers are non-union. Though Maryland law does allow charter schools to ask local Boards to negotiate changes that are specific to the charter school on its behalf, charter operators are not given a seat at the negotiation table. Our attempts to guarantee that our staff could remain at our school and not be removed due to seniority rules were rejected by FCTA.

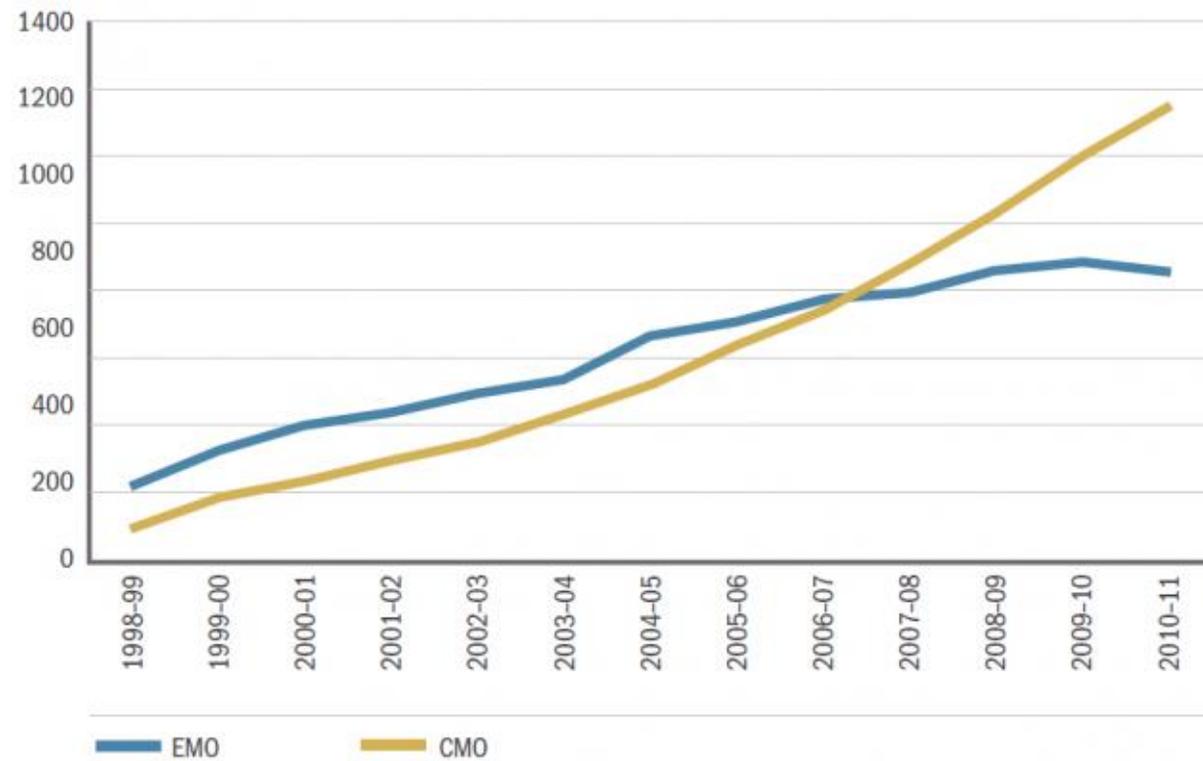
**“The law strikes the right balance between local control, accountability, and innovative instruction.”** The law is entirely slanted to favor local districts and existing collective bargaining agreements and not charters’ interest in being innovative. Private foundations won’t consider giving grants to Maryland charters and the federal government has marked down applicants in our state precisely because our law is so far out of the mainstream.

**“However, in recent years, profiteers in the national charter school movement have sought legislative solutions that undermine the local control of communities, lower standards, and channel public funding to less accountable for-profit charter schools.”** The exact opposite is true. The trend in recent years is for non-profit management, and the vast majority of charters have always been non-profit. Opponents have used the small number of mismanaged for-profit charters to smear the entire charter movement.

**“At a time when some charter schools are being closed because of poor performance or mismanagement, it is inappropriate to seek an overhaul of a law that is clearly working to meet the needs of students, parents, school employees, and school districts.”** The charter school renewal rate is 85% and Maryland’s rate is roughly the same (83%) based on numbers provided by Dorian Barnes from MSDE that we used to compute the renewal rate. There will always be charters that close due to mismanagement or other reasons, and that’s one of the great benefits of charter schools.

# History

- Most charters are freestanding non-profits, but among those that hire management companies, the trend is for non-profit management



Note. Data drawn from *Profiles of For-Profit and Nonprofit Education Management Organizations Thirteenth Annual Report: 2010-2011*, by G. Miron, J. L. Urschel, M. A. Yat Aguilar, and B. Dailey, Tables 5 and 8. Copyright 2012 by the National Education Policy Center.

<http://www.charterschoolcenter.org/fastfact/number-schools-operated-nonprofit-charter-management-organizations-outpacing-profit-educati>

# Opponents are providing incorrect information

Other sentiments/concerns we've heard include:

**“We will lose our pensions”** Both the local bill and the Governor’s bill explicitly guarantee that teachers will still be a part of the pension system.

**“Charters will fire a bunch of people or treat them unfairly”** Charters have no interest in firing anyone without cause. If charters become the employer of staff, they have more incentive to treat them well since they have to compete with the local district for employees. (This benefits teachers, too! You want more employers fighting over you, not less.)

**“Charters might hire uncertified teachers. I don’t want to work with uncertified staff”** Charters outside of Maryland routinely hire uncertified staff. What really matters is how effectively a teacher teaches, not their paper credentials. Decades of research does not support the idea that uncertified candidates are unqualified.

# Opponents are providing incorrect information

Other sentiments/concerns we've heard include:

**“FCCS doesn't like its teachers. Otherwise it wouldn't support this bill and send out research attacking education schools.”** From the classical perspective—and supported by research--education schools are failing to adequately prepare teachers for the classroom. We are asking for the flexibility to hire experienced classical teachers. Our charter's mission and vision is to follow reliable research in all areas of the school. Maryland's law currently prevents us from following this research. This doesn't mean that our current staff are not qualified; it just means we shouldn't be forced to automatically exclude qualified staff who aren't certified.

**“I'm the main breadwinner in my family. How do I know that I'll have a job in the future?”** Neither the regular public schools nor charter schools can offer a lifetime guarantee of employment. As previously expressed, our intention is to make our staff offers that they will find so attractive that 100% of them will accept the offer.

# Funding Lawsuit

- The Frederick County District Court ruled against Frederick Classical Charter School's request to include all categories of funding in its per pupil allocation.
- This case raises a larger, philosophical question about administrative law. Currently administrative agencies at both the state and federal levels have been granted great deference from the courts in interpreting the areas of the law that apply to them. Some have argued against this sort of supra-legal reasoning, as it makes administrative agencies more powerful than the law.
- FCCS Inc. is consulting with its attorney about a possible appeal.

# Annual Report/State of the School

- The overall climate of the school is substantially better than last year.
- There are aspects of the charter that are not being implemented yet; in the vast majority of cases our staff was genuinely not aware of the expectations.
- We encourage all staff and parents to spend more time reading the charter document. We identified a lack of understanding of the mission and vision of the school and an understanding of its foundational documents and research as our biggest internal challenge.
- Our accelerated hiring process in the first and second year did not help this situation, making it difficult for new hires to spend time understanding the document and reading the research citations.
- We fully expect that by the end of year three we will hit our stride.