

RACE TO THE BOTTOM: Gov. Hogan's Charter School Expansion Law

A Dubious Ranking:

Maryland's Charter School Law Is NAPCS's "Worst"

The National Association of Public Charter Schools notoriously ranked Maryland 43rd (out of 43) in the nation in charter school laws – although we are at the top in the nation in every educational category. Who is NAPCS (and what a nerve!)

Gov. Hogan, with the help of the Walton-funded National Alliance for Public Charter Schools, has manufactured a crisis in Maryland.

The crisis started with a report from NAPCS labeling Maryland's laws the worst in the nation – 43 out of 43 states with charter school laws. That would seem to be a cause for concern in a state that, year after year, ranks at or near the top on broader measures of education quality – number 3 among the 50 states according to Education Week. So, many Marylanders were concerned by the NAPCS report. However, a closer look at NAPCS and its rubric may explain why a state with a strong public education system and a growing charter school sector would be marked down.

What is the National Alliance for Public Charter Schools? It is an organization that puts quantity ahead of quality, lobbying for more charter schools. Some of its proposed laws for charter schools closely track the work of the American Legislative Exchange Council, or ALEC, which is working to enrich corporations and, as one ALEC member put it, "stomp out local control."

ALEC's board of directors includes people who work for: Jeb Bush's Chiefs for Change, which was tied to a pay-for-play scheme for online charter schools in Maine; a charter school company in Florida under federal investigation for misusing tax dollars; and two for-profit colleges that, according to a congressional report, received tens of millions in federal funds but had dropout rates higher than 50%. NAPCS is a multimillion-dollar operation that pays executive director Nina Rees, a former official with the ultraconservative Heritage Foundation, more than \$300,000 per year.

How did NAPCS rank the states?

It's not just who NAPCS is that creates cause for concern; the organization's ranking system for charter school laws is based on weak accountability, minimal oversight and rapid, no-holds-barred expansion. With that as the starting place, it's no surprise – and actually a positive – that Maryland didn't rank near the top as defined by NAPCS. A closer look reveals that Maryland lost points for:

- Not having charter cyber schools. But student academic performance at cyber charters is weak, leading the National Education Policy Center to recommend that lawmakers "slow or stop growth in the number of virtual schools and the size of their enrollment until the reasons for their relatively poor performance have been identified and addressed."
- Not having two or more authorizers for each district. NAPCS gave Ohio full credit in this category, even though an official with the pro-charter National Association of Charter School Authorizers criticized Ohio's charter school authorizers, noting that there was a "real quality control problem" and compared the oversight to the lawlessness of the "wild West."

NAPCS rankings are not a measure of whether a states' education laws are good for students and taxpayers. In fact, their highest rankings go to states where charter schools run wild.

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- Not having a complex reporting system and authorizer funding. But the complex reporting system isn't necessary when local school districts are overseeing the schools, and the authorizer funding doesn't apply to school districts. To get a higher ranking on NAPCS's rubric, Maryland would have had to create more unnecessary paperwork and shift more education funds away from classrooms. Michigan, the subject of a yearlong newspaper investigation titled "Michigan spends \$1B on charter schools but fails to hold them accountable," got 6 points more than Maryland on the reporting measure and 4 points more on authorizer funding.
- Not allowing educational service providers. Maryland got 0 out of 8 points in this category even though the report says: "in practice, the state allows all types of educational service providers to operate all or parts of charter schools." Pennsylvania, which has opened the door wide for educational service providers and got 4 out of 8 points, has seen more than \$30 million lost to fraud and mismanagement in charter schools, much of going to for-profit "providers."
- Not allowing uncertified teachers. Maryland lost 6 points because the state "does not exempt charter schools from state teacher certification requirements."
- Not union-busting. Maryland lost 9 points because state law "provides that a charter school's teachers remain covered by the school district collective bargaining agreement."

The misguided rubric used for ranking charter school laws produced bizarre results. States like Maryland and Alaska, which have focused on quality and fairness when creating charter school laws, are at the bottom of the list. Meanwhile, at the top of the NAPCS list are:

1. Minnesota. A new report there found charter schools lagging neighborhood schools and failing to close the achievement gap. In response, NAPCS' state affiliate said they "will oppose any legislative efforts that give authorizers more authority to close low-performing schools."
2. Louisiana. Charter schools in the state are facing a lawsuits for not serving students with special needs and for excessive suspensions and expulsions.
3. Michigan. As noted above, the state's charter schools were the subject of a yearlong investigative report that found widespread fraud and mismanagement. Instead of responding to the facts and carefully reported conclusions, Michigan resident and NAPCS board member Dan Quisenberry attacked the journalist's credibility.

Conclusion

A closer look at NAPCS and its rankings suggest that they are not a measure of whether a states' education laws are good for students and taxpayers. In fact, it may be that the highest rankings go to the states where charter schools run wild. Marylanders would be wise to look objectively at our schools and seek ways to improve them, but the National Alliance of Public Charter Schools, run by charter school companies and ultraconservatives from out of state, would send us in the wrong direction.



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