



Maryland POLICY UPDATE

No. 2005-3

April 11, 2005

HOW TO STRENGTHEN MARYLAND'S CHARTER SCHOOL LAW

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Imagine you are an entrepreneur who wants to open a new hamburger restaurant in a city. You are bright, eager, experienced, and ready to take on a new challenge to compete for customers against the well-established McDonald's and Burger Kings of the region.

But what if, in order to open your first new hamburger restaurant, you would need to ask permission of the local McDonald's franchisee first. If that were indeed the case, you might not be that surprised if McDonald's was less than enthusiastic about allowing you to compete with them.

Sound far-fetched? In the state of Maryland, that is exactly what you have to do today in order to start a charter school under the state's curious charter law. The law itself puts up a number of roadblocks to make it exceptionally difficult to get a new charter approved and a school opened.

CHARTER SCHOOLS AND THE MARYLAND CHARTER SCHOOL LAW

Charter schools are public schools that are independently administered and are typically free from some of the regulations that affect regular public schools. In the past 15 years, laws authorizing the establishment of charter schools have been enacted in some 40 states and the District of Columbia. Nearly 3,400 charter schools currently educate about a million students nationwide.

Governor Robert L. Ehrlich, Jr. signed the Maryland Public Charter School Act on May 22, 2003,

which only allows local school boards to grant charters. To date, only a handful of schools has been approved and a few will open this fall. Nevertheless, the hope is that the law will "provide innovative learning opportunities and creative educational approaches," according to the Maryland State Department of Education. Charters may be granted to parents, existing public school personnel, or various other groups.

Recently, the Knowledge Is Power Program (KIPP) submitted an application for a charter school in Anne Arundel County. KIPP's strategy for boosting the academic achievement of students is through a combination of longer school days, weekend/summer classes, demanding curricula, and signed assurances by students, parents, and teachers alike. KIPP's track record of high achievement makes it arguably the best charter school operator in the nation.

Notwithstanding KIPP's past performance, in early March 2005 the Anne Arundel County school board denied their application. In discussing the issue with the *Washington Post*, Anne Arundel County school board member Eugene Peterson said, "I think they have a track record that's admirable. But I believe in my heart and soul that the same kind of quality education can be done in the [traditional] public schools."

That attitude is exactly what is wrong with how charter schools are authorized in Maryland. The operators of the franchise—in other words, the

school board that runs the local public schools—have a vested interest in keeping the competition out. Board members like Mr. Peterson have no objection to KIPP per se; they just do not want to change the status quo.

The Anne Arundel County school board did reverse its decision later that month, but only after pressure came to bear from the Governor, Lieutenant Governor Michael S. Steele, and U.S. Education Secretary Margaret Spellings, among others. It is little wonder that a growing bipartisan group of Maryland lawmakers, including state Senator Roy P. Dyson (D–St. Mary’s) who authored the original charter bill, want to amend the law to make it easier for charters to be authorized.

MICHIGAN AS A BETTER MODEL

While a number of states have good charter school laws, the experience in the state of Michigan is particularly instructive. Passed in 1993, Michigan has one of the longest-running charter school programs in America. More than 200 charter schools are operating, serving some 75,000 students statewide.

The key feature of Michigan’s charter school program is in the authorization process. Yes, individual school districts can authorize charter schools. In fact, the Detroit Public Schools have granted several charters in the past several years. Larger regional school organizations, called Intermediate School Districts, also can and do grant charters.

The vast majority of charter schools in Michigan is authorized by state universities and, to a much lesser extent, community colleges. This approach, which is practiced by several other states, has two key advantages. First, it takes incentives out of the equation. Universities, which do not themselves run (K–12) public schools, have no incentive to capriciously deny a charter that might compete against them for students. Second, universities typically have on faculty a number of individuals who

are competent in many areas of education, including curriculum development and educational administration/finance, and can be a resource to prospective charter school administrators.

IMPROVING MARYLAND’S CHARTER LAW

The first step to improve Maryland’s charter school law is to increase the number of charter authorizers in the state. Certainly universities have the potential to be good authorizers; they have been effective in Michigan and in a number of other states. Also, the Maryland State Board of Education should itself be given more authority to grant charters. Currently, the Board’s power is limited to appellate reviews, but there is little reason that they should not grant charters.

Second, any review of Maryland’s charter law should address the current regulatory requirements put on charter schools. One of the strengths of charter schools is the ability to be innovative, something that is difficult to do in the heavily regulated public school environment. Outside of safety regulations, non-discrimination laws, and perhaps student testing requirements, charter schools should be lightly regulated. As it stands now, charter schools are just as regulated as traditional public schools unless they receive a specific waiver, a bureaucratic and time-consuming process.

Charter schools show remarkable promise for providing an innovative educational environment for Maryland’s children. While the state should be commended for passing charter school legislation, egregious examples like KIPP in Anne Arundel County show that it is time to take a second look at improving the law.

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