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House Education Budget Committee

RE: House Bill 2580 – Kansas Public Charter Schools Act

February 20, 2012

Lana Gordon, Chair
Connie O'Brien
Sheryl Spalding
Tom Arpke
Valdenia Winn

Clay Aurand, Vice-Chair
Ward Cassidy
Brenda Landwehr
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Madame Chair and Committee Members:

Thank you for allowing me to speak this afternoon regarding this proposed legislation. I commend the framers of this bill for their work to bring plausibility to Kansas Charter School legislation. As a founding member of the Maurice Holman Academy of Excellence Public Elementary Charter School in Kansas City, I am speaking to you from first-hand experience regarding this issue and regarding the need for new legislation that allows for creation of charter schools with potential for success.

Under the current law any organization or group that wishes to petition for a charter school must, pursuant to the guidelines developed by the State Department of Education, submit a petition to the local board of education of a school district. This local board has the authority to approve or deny any petition. This is the **first** reason to seriously consider HB 2580. I believe there is general consensus that the administration of any school district in which a school is chartered believes that such a school is in competition with local schools. If a school is petitioned for by any group outside the local school district, the likelihood of its approval is minimal at best. What school district, or any other organization for that matter, will authorize the implementation of a perceived competitor? The best way to eliminate the competition is to prevent it.

In the unlikely event the charter petition is approved, the likelihood of its survival is dependent upon its competitor, because that competitor has total control and authority over every aspect of the school. This provides a mechanism allowing the local authorizer to establish rules that cannot be followed or goals that cannot be met. The second best way to eliminate the competition is simply to kill it. This is the **second** best reason to seriously consider HB 2580. Should the petition for charter be denied, which is the most likely result, the petition is dead. The petitioning organization has no recourse because the current law has no provision for appeal. This is the **third** best reason to seriously consider HB 2580.

For those of us who believe in the spirit of healthy competition and for those who have participated in the free enterprise system environment in which our culture and country has developed, grown, and thrived, we know that a little competition never hurt business. In fact, competition is particularly good for consumers; consumers in this case are students, our children. Competition tends to make what business offers just a little bit better, if not much better. Providing an environment that offers better educational opportunity, whether in charter schools or in our traditional public schools, is the **fourth** best reason to seriously consider HB 2580.

The question arises that if we remove the local district as the only authorizer of charter schools who will do that job? HB 2580 provides for the establishment of a Kansas public charter school commission. This commission will serve (1) as an authorizer, (2) to approve or deny other entities requesting chartering authority, and (3) to resolve disputes between authorizers and public charter schools. While this may provide an unfortunate loophole for those that may abuse the authority, it nonetheless is a more viable option than what currently exists.

This bill also sets forth that all appointed commissioners “should have demonstrated understanding of and commitment to charter schooling as a strategy for **strengthening** public education.” Most of our existing administrators of school districts or of school boards wear narrow glasses that only see charter schools as competition, not as a means to strengthen public education. The wisdom of allowing our postsecondary educational institutions to serve as a chartering authority prevents charter schools from being an endangered species in Kansas. Enabling these authorizers on a contractual basis adds accountability to the entity and further emphasizes the spirit of competition in regards to the successful education of our children.

There are many persons qualified to teach our children a magnitude of lessons and topics to help them succeed in our society who do not have teacher certification. HB 2580 seeks to remedy this inequity by providing an exemption from the teacher certification requirements established by the state board. This in no way diminishes the quality of education but possibly enhances it. Additionally, not requiring charter school employees to be “members of any existing collective bargaining agreement between a school district and its employees” allows the costs for operating the school possibly to be less and employees possibly to take home a larger share of their paycheck. The state and the taxpayers could potentially get more for less. That is, children could receive more competency-based, student-directed learning for less money; or more bang for your buck.

A charter school as defined in the bill provides for (1) **autonomy** over decisions for the charter school, including, but not limited to, matters concerning finance, personnel, scheduling, curriculum and instruction; (2) **governance** by a governing board (not by the local school district); and (3) **operation** under the oversight of its authorizer in accordance with its charter contract. These elements are essential at the school level and should not be made by school district administration. From experience I can tell you that when the district is the authority over the charter school, chances are the charter school will look exactly like all the other schools in the district, defeating the purpose of the charter school.

When charter school teachers and administrators must make requests for supplies and materials needed for the school from the local school district and such school district is the final decision-maker determining if the materials are necessary for the operation of the school or for use in classrooms, it detracts from the efficiency and authority of the charter school and of the persons responsible for the day-to-day operations of the school. HB 2580 places these decisions in the proper place, with those who operate the school.

The provision in the bill allowing an initial term of five (5) operating years allows the opportunity for the operators of the school and the State Board of Education to determine the effectiveness of the school in achieving student success. Placing undue pressure and

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responsibility on parents and community members to raise funds necessary for operation of a school is not in keeping with the state's obligations to provide for student education. A provision in HB 2580 that allows for gifts, donations, and grants to be directed to the charter school by individuals and organizations greatly increases the school's opportunity for success. I applaud the provision of a tax credit for donations and contributions to charter schools.

While this bill, if passed into law, may not be perfect, I personally see it to be at least 200% better than the existing law. I strongly encourage the members of this committee to give parents of the children of Kansas more choices to select from when they seek the best place for the quality education they desire for their children.

Respectfully submitted,

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