September 20, 2017

Kentucky Charter Schools Advisory Council

Friends of Education,

I write today out of a deep concern for the future of charter schools in Kentucky. The Department of Education, along with Dr. Lewis and each of you, have done excellent and thoughtful work in crafting the regulations for charter schools in Kentucky. Those of us who contributed to and advocated for this law are grateful for that effort, but for successful charter schools, each leg of the stool must be strong. Today, you have before you two thoroughly broken legs.

Two of the documents before you, the charter school application and the charter school contract, existentially threaten the birth of charter schooling in Kentucky. Neither is required by the statute to be created as a uniform document, though properly crafted, that uniformity can serve us well. Sadly, this attempt at uniformity has stretched its hand far beyond its role in clarifying and codifying what is presented in statute, and instead sets out to bury would-be applicants in superfluous and onerous paperwork as it simultaneously mandates a one-sided, authoritarian relationship between charter schools and their authorizers via contract.

HB520 was crafted with care, making use of best practices and tested legislation from high-performing charter sectors across the country, fitted to the unique mold of Kentucky. We should trust that work, and as such, we should build a uniform application that asks all that is required by Kentucky statute, including the detailed application requirements laid out in HB520, and nothing more. This will prevent excessive burdens on applicants in an already intense and complex application process.

Silimarly, we should craft a baseline charter contract with all the components detailed in the law and nothing more. The nature of chartering schools requires that we balance autonomy and accountability, and that balance must begin with the charter contract. It should maintain a level of standardization for purposes of holding authorizers accountable and keeping their work comparable, but it should also be unique to each school, reflecting its mission and goals in the context of that district. The contract from the state should provide that standardization as required by the statute, and it should leave the rest to the charter school and its authorizer to negotiate.

In sum, both the application and contract developed by KDE significantly depart from the statute's requirement for the promulgation of regulations. Excessive questions in the application, many of which are redundant when and if they are relevant, serve to confuse applicants, complicate and lengthen applications, and burden applicants with the responsibility of detailing items that are in no way relevant to the quality or viability of their applications. A contract that grants broad approval and intervention powers to authorizers undermines charter autonomy and

creates opportunities for antagonistic authorizers to administratively abuse charter schools while avoiding accountability for the damage. Neither of these is acceptable if we wish to grow a charter sector focused on serving kids.

Finally, I'd like to reiterate a simple remedy. The statute details the necessary and benchmarked components for both a uniform charter application and a baseline charter contract. Those components should be converted into each document, respectively, to best encourage the growth and stability of a high-performing charter sector.

Thank you for your time and consideration in this critical matter.

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