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City schools to challenge state decision on charters

Equal spending for all students places system finances at risk, officials say

Relief to be sought from courts, federal agency

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The city school system will seek a court order and file a federal complaint challenging a decision requiring school systems to spend as much to educate charter school students as they spend on students in traditional schools, chief Bonnie S. Copeland said yesterday.

School officials in Baltimore and elsewhere have been riled by the Maryland State Board of Education's ruling Friday. The school systems say it could hamper their financial well-being and take resources away from students in regular public schools. They also believe it could require them to improperly turn over federal money earmarked for poor children.

"It has ... started us down a dangerous path of building a two-tiered system, one that will ultimately hurt all students in Baltimore City," Copeland said. "If this decision by the state board is allowed to stand, it will force us to spend at least \$13 million more than we had budgeted for charter schools. This means that we! would be required to take away essential services from all of our students."

Copeland fired off letters to the state's 23 other superintendents yesterday asking for their support in a fight that could have an impact on all systems - though perhaps none as great as in Baltimore, which has the largest number of groups seeking to launch charter schools.

She invited the other superintendents to a meeting at city school headquarters May 18 to discuss the ruling.

In Harford County, where two charter schools are scheduled to open within two years, Superintendent Jacqueline Haas said that following the state's directive could harm students in existing schools. She recommended to Harford's school board on Monday that it support Baltimore schools if they filed a legal challenge against the state. The state board's ruling came after three charter groups in Baltimore and Prince George's County filed appeals over disputes with their local school boards.

Advocates for the publicly funded, independently operated schools contend the ruling follows the wishes of state lawmakers. In a charter school law passed two years ago, the legislature directed that charters be paid an amount "commensurate" with what regular public schools receive.

"The idea is the money would follow the child, and that's what the state board has ruled," said Joni Berman, president of the Maryland Charter School Network.

Baltimore school officials' decision to fight the ruling signals further problems for charter schools in Maryland, which already must contend with what advocates say is an ineffective charter school law.

"It is one of the weakest laws in the country, and [Maryland is] one of the least-friendly environments for charter schools," said Jeanne Allen, president of the Center for Education Reform, a Washington-based charter advocacy group. "That may start to change with this enforcement" by the state board.

The issue of charter school funding has spilled over into the courts at a time! when most Maryland systems are dealing with charter schools for the first time. Although there are about 3,500 charter schools nationwide, there is only one existing charter school in the state.

That school, Monocacy Valley Montessori School in Frederick County, has been running a deficit since it opened in 2002 because of inadequate funding, said founding board member Leslie Mansfield, who was encouraged by the state ruling. "We were trying not to jump too high," she said.

The schools that make up the state's first major wave of charter schools are scheduled to open starting this fall. Five are planned in Baltimore, in addition to seven existing schools that want to convert to charters; two in Anne Arundel County; two in Harford County; and one in Prince George's County.

The groups that filed appeals to the state board were challenging plans by officials in those systems to provide resources to charter schools through a combination of funds and system! -provided services, such as special education and transportation. Charter operators argued they needed their resources in cash to have the flexibility to operate innovative programs.

In its ruling, the state board agreed that charters should have control over their funding. The board said systems should divide their operating budgets - a combination of local, state and federal revenue - by the total number of

students enrolled, and use that "average per-pupil amount" to determine a charter school's share based on its enrollment.

For Baltimore, that formula could mean the system must pay charter schools nearly \$11,000 per pupil, a figure that school officials say could force the already financially troubled system to find \$13 million more than it has budgeted.

One major problem, city school officials argue, is that the state board improperly lumped millions in federal poverty grants - intended to benefit schools with large numbers of needy students - into the pot of money it directed be shared with charter schools. That issue will form the basis of the complaint to the U.S. Department of Education, Copeland said.

City school officials say the state board and charter groups have an unrealistic view of how operating dollars should be shared. If \$11,000 per student were turned over to charter schools, the system would not have enough money to maintain the current level of services and programs for the rest of its students.

"It's not that simple," said Karen Hawley Miles, a school finance expert who is a consultant to Baltimore schools and other urban districts. "There's a huge fixed cost to operating a district that doesn't vary [significantly] by the number of schools or pupils."

Miles said some federal money should be withheld from charter schools unless their children are eligible for them, such as if they have disabilities or are from low-income families. She also said the operating dollars that should be shared with charter schools should exclude money the system spends on expenses other than K-12 education, including debt service and adult education.

In Washington, where there are 42 charter schools and a dozen more opening this fall, children are entitled to certain funding regardless of whether they attend traditional or charter schools. More money is given to schools if they enroll students who qualify for extra assistance.

Under state law, the Baltimore school system can appeal a decision of the state school board in Maryland Circuit Court. Because the state board ordered the system to comply with the ruling and provide contracts to charter schools within 15 business days, the system may first seek a court order to put the ruling on hold.

Allen, of the Center for Education Reform, said Baltimore officials are harming charter schools' missions by resisting the state board's ruling.

"The more these folks challenge it, the more they're affecting the delivery of good schools for these kids," she said.

Views on the state board ruling - and the possibility of a challenge by Baltimore and Prince George's County - were mixed around the region.

School officials in Howard, Baltimore and Frederick counties said they were monitoring the legal tussle but did not want to weigh in yet. An attorney for Prince George's County schools did not return a call seeking comment.

Eric J. Smith, Anne Arundel County's schools chief, said he was not troubled by the state ruling because he and his board always intended to give charter schools a great deal of control over funding.

Smith said he did not think the number of approved charter schools in his county - two - would break the bank for Anne Arundel schools.

"We don't see an issue right now," he said. But he added: "Not having limits [on the number of charter schools] in Maryland ... could ultimately have a negative impact on a district's ability to serve its students."

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