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"Chartering" Maryland's Future: Is There An Expanded Role For National Charter Management Organizations In Our Schools?

Introduction

In 2003, the Maryland General Assembly passed legislation authorizing the creation of public charter schools in the state. Eleven years later, forty-seven charter schools are educating approximately 18,000 students across Maryland.[1] The vast majority of those schools (31) are located in Baltimore City, where charters educate roughly 10,000 of the City's 84,000 public school students.[2] Across the rest of the state, however, public charter schools are quite rare, as three-quarters of Maryland's school districts have no operating charter schools.

In 2013, the General Assembly asked the Maryland State Department of Education (MSDE) to study a number of educational issues specific to charters and make recommendations. MSDE commissioned the Schaefer Center on Public Policy at the University of Baltimore to prepare a report on the state of charter schools in Maryland. The MSDE Report, released in December 2014, provides data regarding the landscape of public charter schools in Maryland, recommends changes to select policies, and supports the expansion of the public charter sector in Maryland.[3]

While the MSDE Report provides a statewide perspective for this Abell Report, trends in Baltimore and nationwide provide another. Over the past decade, a handful of high performing public charter schools have developed in Baltimore, but the need for high-quality educational offerings, particularly for low-income students, remains high.[4] The arrival of a new CEO for Baltimore City Schools in July 2014 and the election of a pro-charter Republican governor for Maryland in November 2014 suggest changes to current education policies. One possible direction involves inviting successful charter management organizations (CMOs) to open new schools or, in some cases, take over the management of underperforming schools. This reform strategy, currently being attempted in cities like Camden, New Jersey, is attracting national attention.[5]

Policy makers in Baltimore and Maryland must ask whether these national, high performing charter management organizations have a role to play in the future of Maryland's schools. In the hope of providing context for those discussions, this Abell Report investigates two related questions:

1. **Are there CMOs in other cities that have been successful in increasing the academic achievement of students with profiles similar to those of students in Baltimore City public schools?**

2. **Would those CMOs be willing to come to Baltimore and, if so, under what terms?**

From Charter Schools to Charter Management Organizations

Charter schools originated as alternatives to traditional public schools. By operating outside the bureaucracies of large public school systems, charter schools could theoretically be laboratories for the development of alternative pedagogies, themes, and approaches. They could use the fiscal autonomy granted them by district and state authorizers to make mission-driven, school-level decisions about budgets, staffing, and related instruction strategies necessary to produce high levels of achievement for all students.

Advocates across a range of political ideologies seized on charter schools as unlocking the unrealized promises of publicly-funded education.[6] One set of those advocates focused specifically on the apparent failure of the traditional public schools to improve the academic performance of low-income students of color and used charter school legislation to create new school models focused, with often razor sharp precision, on eliminating the achievement gap. The charter schools' successes and their failures have prompted fierce debates about privatization, equity, market-driven reforms, teachers' unions, funding formulas, and parental power. The debates have only become more heated in recent years, as student test scores – not to mention district budgets, teacher attrition rates, and bottom lines – have been deployed as data points for researchers, advocates and pundits on all sides.[7]

One trend is undeniable, however: charter management organizations (CMOs) have emerged as major players in the national debate over charter schools. CMOs form when charter school leaders, believing they have developed a successful school model, replicate that model to other schools. The theory is that students (and districts) will benefit from the institutional knowledge, economies of scale and proven record of success that CMOs could offer.

Nationally, the Center for Research on Educational Outcomes (CREDO) at Stanford University has identified 167 CMOs operating 1372 schools.[8] Some CMOs are comprised of small networks, with only three or four schools, whereas others, like the Knowledge is Power Program (KIPP) is a network of networks, with 141 schools in 20 states and the District of Columbia, serving over 50,000 students.[9] The size and scope of many of these CMOs is only growing larger, as select high performing CMOs are expanding in cities and states across the country.[10]

The vast majority of charter schools in Baltimore City are independent charters, but there are currently two organizations that operate three or more schools in Baltimore City and thus could be considered CMOs: the Baltimore Curriculum Project and the City Neighbors Foundation. KIPP is the only national CMO currently in Baltimore City, and it operates only one school. Typically KIPP prefers to operate between 4 and 6 schools in a given school district.

Are there national CMOs that have been successful in supporting the academic achievement of students with profiles similar to those of students in Baltimore City public schools?

Yes. CREDO recently investigated whether the supposed benefits of CMOs translated into greater student learning gains than could be seen in either independent charter schools or traditional public schools. Nationwide the findings were mixed which, given the mixed results of public charter schools and traditional public schools, is not surprising.[11]

There were, however, some populations for whom CMOs were realizing impressive learning gains. Specifically, CREDO found "[s] tudents in poverty (those eligible for free or reduced lunches), ELL [English language

learners] students, and SPED [special education] students all have significantly stronger growth in reading and math scores when attending a school associated with a CMO as compared to students attending non-CMO charters or traditional public schools."[12] The study also found that black students (both in poverty and not in poverty) who attended a CMO charter had stronger growth in both reading and math than black students attending a traditional public school; however, the difference between black non-poverty students in traditional public schools and CMOs is not significant in reading.[13] For the critical subpopulation of black students in poverty – a significant population of Baltimore City public schools – the CREDO findings demonstrate that there are CMOs that are achieving impressive academic outcomes.

The CREDO analysis also found that students in CMO-run charter schools achieve better learning gains over time than do students in independent charter schools. The authors explain: "Students who attend a CMO charter school not only have stronger average growth than students who attend a non-CMO charter school, but the growth of CMO charter students increases more as they spend more years in the school than does the growth of students attending non-CMO charter schools."[14]

Even with those successes, however, the CREDO study sounded a note of caution. It found that crossing state boundaries can be a hurdle for many otherwise successful CMOs, as changes in state laws can have a profound impact on the conditions in which charter schools operate. As a result, students in multi-state CMOs had weaker growth in reading and math than did students in those CMOs that had more geographically concentrated networks.[15] One can conclude that those CMOs which post impressive student learning outcomes across different states – and thus confound this general trend – appear best suited for replication and expansion across state lines.

CREDO also evaluated individual CMO networks using statistical models based on the average growth of their students in math and reading as compared to traditional public school students. While the authors note that these results should be viewed with caution (primarily because the scores are aggregate values), the results provide a glimpse at which CMO networks are able to improve the rate of academic growth for their students. The list also provides information about the number of schools and number of students served by the CMO and whether the students are in poverty and/or children of color.[16]

We examined CREDO's list for CMOs that are achieving success with students whose profiles are similar to students in Baltimore City and that are doing so at scale (which we loosely defined as operating five or more schools with 500+ students). A handful of CMOs stood out in CREDO's lists. Those CMOs included: Mastery Charter (PA, NJ), Breakthrough Schools (OH), IDEA Academy (TX), KIPP (national), Uncommon Schools (NY, MA, NJ), and YES Prep (TX).

Would those CMOs be willing to expand into Baltimore? Or in the case of KIPP, expand within Baltimore?

A. CMO expansion process

Abell reached out to leaders of several high performing national CMOs to better understand the factors they consider when evaluating an opportunity to expand into a new city or region.[17] The decision to open a new school – let alone expand into a new city or region – is the result of an often intense deliberative process involving a CMO's board members and leadership. Sometimes this process occurs in the context of an organization's strategic planning process; at other times, it is a separate process undertaken when

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the organization determines it is in a position to grow. But the organization's readiness to expand is only part of the equation. "The impulse to grow nationally is a powerful force," one CMO leader explained, "but without enabling local conditions, it's thwarted." The evaluation of those conditions can take months or even years, as CMOs weigh a variety of factors. Here are the factors they consider, ranked loosely by priority:

1. **Need.** Top on each list was the profile of the students who would be served and whether those students fit the mission of the organization. "Would we be serving the kids we're meant to serve?" one asked. "Is there a demand for the kind of educational product we provide?" To ascertain the level of need in an area, one leader described making "heat maps" that identified areas with high concentrations of high poverty students. "We don't want to put down schools in areas of affluence or with low concentrations of students," he explained. "It just wouldn't make sense for our model."

2. **Economic Sustainability: Per Pupil Funding and Facilities.** CMOs consider the local funding formulas very carefully in evaluating whether or not their schools would be viable operationally and financially. More than one CMO leader voiced a philosophical commitment "to operating schools on public dollars at scale" and said they needed to ensure that per pupil aid was sufficient. Ideally, one explained, they look for places where the law "funds charters at the same amount as district schools." Another challenge to the economic sustainability of CMOs is the cost of the school building. In some districts, charters are expected to pay for facilities using a portion of their per pupil allocation; in other districts, the charters are granted facilities in addition to the per pupil allocation. In Newark, one CMO leader explained, charters receive a $3K per pupil allocation for facilities on top of the regular per pupil funding. In New York City, she continued, the school system is required to find you a building in which to operate. Another operator explained that their organization decided to move to Memphis, in part, because they were guaranteed facilities there. "Access to district facilities or to facilities funding," one explained, "is absolutely critical. One of our biggest obstacles to opening schools has been not having access to facilities."

3. **State charter law: Autonomy.** CMO leaders study the charter legislation in the cities and states they are considering to determine whether the legislation grants the autonomy they determine is necessary for their operations. They expressed a preference for more autonomy, particularly around the areas of operations and hiring. One CMO leader put it simply: "We would want charter laws that protect our ability to operate our schools autonomously, with a long enough operating window and which hold schools accountable for performance but in ways that are reasonable." An authorizer that is empowered to promote autonomy while still providing accountability is a key part of that process. Almost all CMO leaders stressed the

importance of autonomy in hiring decisions. As one explained, "we'd want to ensure there was nothing in the legislation that restricts who we hire… and we'd ideally love to have as few restrictions on teacher qualifications too (e.g. an environment that allows teachers to teach while they pursue certification.)"

When asked specifically if the presence of a collective bargaining agreement between the teacher's union and the school district would be a factor in a CMO's decision about whether or not to expand to a certain city, all but one said yes. One leader explained that many staff who came from unionized environments "complained about the us-vs-them culture [of unionized schools] and the constraints on doing what needs to be done for kids, including getting rid of teachers who are not effective and not improving." She said that collective bargaining would be, for them, "a deal breaker." Another CMO leader shared that their organization had considered Chicago as a possible expansion city, "but then the teacher strike happened there and it was off the list." The only CMO leader who didn't immediately dismiss a city with a collective bargaining agreement was one who admitted he hadn't thought about it before. "We don't know enough about the details of working with a union," he said, "to know what it would mean for our model."

4. **Community Support.** What is the community's attitude toward the CMO and the possibility of expansion? Some CMO leaders differentiated between grassroots community support, government/district support, and the support of the philanthropic community; others grouped these stakeholders collectively as the "community." The relative breadth of the definition, however, was less important than the strength of the support the community provided.

   Fleshing out what the community support would look like in different cities is a key component of the CMOs' fact-finding processes. Once the decision to expand to a new city was made, one CMO leader explained, his leadership team sought out a unified, supportive community and considered broader changes to urban infrastructure, neighborhood demographics, and existing civic partnerships as fundamental to selecting that new city. Another CMO leader said they look for cities with "key supportive stakeholders" such as the SUNY Charter School Institute which can "help support a community of practitioners." To underscore the importance of community support, a different CMO leader expressed her organization's decision *not to expand* as reflective of their desire to stay rooted in their existing communities and strengthen ties with their existing community partners.

5. **Opportunity to grow: Multiple schools.** Each of the CMO leaders spoke directly of a desire to have more than one school – usually a guarantee of five or six schools – in any city in which they opened. They explained they would achieve better economies of scale and create a stronger culture if they could grow multiple schools at the same time. Moreover, opening multiple sites at the same time, one leader explained, allows for further "training and professional development opportunities for principals and teachers, creates cohorts for teachers, and fosters opportunities for collaboration."

6. **Talent Pipeline.** CMO leaders expressed interest in expanding to communities with a pre-existing talent pipeline for teachers and school leaders. One named Teach for America as a key indicator of that pipeline, but said they considered other alternative certification programs as indicative of that pipeline as well. When asked why the alternative certification programs were considered a salient factor, the leaders replied that they had achieved programmatic success with teachers from those pipelines, and they wanted to echo that success in their new sites. Another factor worth noting, though, is that younger teachers are less expensive than more experienced ones and might also be willing and able to work the longer hours required at some of these CMOs.

A general overview of the economic sustainability question suggests that these CMOs would not find Baltimore's current funding formula to be a favorable one.

B. How Baltimore and Maryland stack up

Where does Baltimore and, more broadly, Maryland stand in this analysis? Would these successful CMOs consider expanding here? Many of the CMOs with whom Abell spoke could not offer a direct evaluation of Baltimore's landscape for charter expansion because they had yet to study the legislative framework or the facts on the ground. But based on the criteria they identified, it is possible to consider how Baltimore would fare should such an evaluation take place with current legislation and policies in effect.

1. Baltimore City has thousands of low-income students who are struggling to make the kinds of academic gains necessary to close the racial and economic achievement gap. Parents in Baltimore City are eager for high quality options.

Of the 84,730 students enrolled in Baltimore City Schools in the 2013-2014 school year, the vast majority (84.5 percent) qualify for Free and Reduced-Price Meals. Baltimore City Schools are predominately African American (83.8 percent of total enrollment) with white students accounting for 8 percent and Hispanic/Latino students accounting for 6 percent of the remaining student population. There is also a small, but growing population of English language learners (3.9 percent).[18]

Despite recent gains in reading test scores, the educational outcomes of students in Baltimore City remain stubbornly low. A recent analysis of Baltimore's National Assessment of Educational Progress data shows that, since 2009, students in Baltimore City Schools have made statistically significant gains in 8th grade reading and increases in 4th grade reading. Even with these improvements, Baltimore students still perform in the bottom third of the nation's largest cities according to the Trial Urban District Assessment (TUDA) data. The most notable area of concern is the stagnation in math scores. Baltimore actually saw increases in mathematics scores from 2009 – 2011, followed by a decline from 2011 – 2013. Meanwhile, urban districts similar to Baltimore made math gains from 2011- 2013.[19]

The waitlists to get into the city's most popular public charter schools are also long. For the 2014-2015 school year, five elementary/middle schools have waitlists with over 400 families and one school has over 600 families on its waitlist.[20] Because each charter school maintains its own waitlist and because families can be on multiple waitlists at the same time, it is not currently possible to present an unduplicated count of families on waitlists for Baltimore City charter schools.

2. A general overview of the economic sustainability question suggests that these CMOs would not find Baltimore's current funding formula to be a favorable one.

Maryland law requires local school districts to provide equal funding to all students, whether they attend traditional public schools or public charter schools. In theory, this would be an

attractive baseline to CMOs that claim an interest in operating solely on public funds. In practice, however, charter advocates question whether the current method of calculating the "per pupil" is equitable and charge that students at public charters are actually receiving less funding from the city and state than are students at traditional public schools.

The first issue regards facilities. Charter schools in Maryland must pay the costs of their own facilities, whether that involves the payment of rent or of a mortgage, out of their per pupil allocation; traditional public schools do not pay for their facilities. With facilities costs ranging from $200 to $1500 per student, charter school operators claim there is an immediate reduction in the value of their "per pupil" allocation.[21] The cost of facilities creeps in again through the debt service payments on the district's buildings. Each year, the district uses restricted budget funds to pay debt service, reducing the amount of money available for operating expenses and the "per pupil" allocation. As charter advocates explain, the charter schools "are essentially paying debt service (through a reduced per pupil figure) whether or not they are located in public school buildings."[22] The cost of the debt service is projected to increase significantly as a result of the district's ambitious building plans. Charter advocates claim that "because facilities are not specifically addressed in the law, the per-pupil allocation is inherently unequal."[23]

Beyond the issue of facilities looms a larger set of concerns regarding the transparency and predictability of the funding formula. Charter advocates in Baltimore City report that it is still unclear which services are provided to public charters and which they have to pay for directly.[24] Moreover, they claim that the process of "buying out" of contracts with vendors (such as food service providers) is often unclear and bureaucratically complex, straining the charter operators' abilities to conserve funds.[25] Finally, they note the unintentional impact of collective bargaining on the rapid escalation of charter school teacher salaries. The teacher contract negotiated in 2010 includes $20,000 increases for "model teachers", a designation that is conferred by the central office and not by the principal or the charter operator. Traditional public schools are insulated from the effects of these "bumps" because they calculate their budgets using average salaries, but because charters use actual salary figures, they face a more volatile annual budgeting process when teachers are centrally "bumped" to a significantly higher salary.[26]

3. Maryland's charter law has a reputation for "weakness" among charter advocates, who cite the law's lack of autonomy for charter schools as a central cause for concern.

In a report released in January 2014, the National Alliance for Public Charter Schools (NAPCS) listed Maryland 43rd out of 43 states that has a charter law.[27] NAPCS claimed Maryland's law "needs improvement across the board" and found specific problems with the limited number of authorizing options in Maryland, the lack of operational autonomy, and the need to ensure "equitable operational funding and equitable access to capital funding and facilities."[28]

MSDE's Charter School Study explores how the lack of operational autonomy is manifested in charter school personnel issues. According to the Study, charter operators claim "that many of their most frustrating dealings with their district's administration were occasioned by personnel issues" and cite a range of challenges including having to hire staff who were not committed to the mission of the school and difficulty removing teachers who had not performed satisfactorily. Operators expressed additional concerns about bureaucratic hurdles in processing prospective employees and difficulties in organizing professional development that supports the operator's mission while upholding the school district's collective bargaining

agreement.[29] Still, the MSDE Charter Study concludes that "not all charter operators are unhappy with the [personnel] situation… and would be happy to continue the existing relationship." It also affirms that "a broad consensus in the community of Maryland's charter school operators" support collective bargaining, with the caveat that they would like that bargaining done by the charter operators.[30]

Despite the NAPCS rankings and the challenges cited in the MSDE Study, there are those, including the Maryland State Educators Association, who claim Maryland's is a strong charter law and grants a healthy mixture of autonomy and oversight.[31] Debate on the relative strength of the actual law might be irrelevant, however as the reputation of Maryland's charter law played a definitive role in the U.S. Department of Education's decision not to renew Maryland's charter school planning grant.[32] As explained in the MSDE Study, federal grant reviewers cited specific concerns about the lack of autonomy granted to charter operators: "Maryland charter schools have limited autonomy as a result of the restrictive requirements to comply with the provisions of laws and regulations governing other public schools."[33]

4. There is a diverse community of charter supporters across the city, and while there are pockets of strong support, Baltimore does not demonstrate the unified support of charter schools that is characteristic of some other cities in the country.

There is a diverse community of charter supporters across the City with a growing, if not fully unified, system of support. Charters fit well within the portfolio approach of the Baltimore City Public School System, which offers choice for all middle and high school students. Within Baltimore City Schools, the Office of New Initiatives provides data and support for new school creation and systemic reform. Outside of City Schools, there is an organized and staffed Coalition of Charter Schools that advocates on behalf of charter school operators and a New and Charter Advisory Board that makes recommendations to Baltimore City Schools regarding charter approvals, renewals, practices and policies. Baltimore has a reputation for a strong group of education philanthropists who have provided support for charters and new schools over the last two decades.

5. Opportunity to grow.

As mentioned at the outset of this report, only two CMOs, the City Neighbors Foundation and the Baltimore Curriculum Project, are currently operating more than two schools in Baltimore City. It has not been the practice of the Baltimore City Public Schools, as the authorizer, to grant charters for multiple schools at one time, nor for charter applicants to request multiple schools. Even KIPP, which opened its first school in Baltimore in 2002 and, shortly thereafter, instituted a national strategy of growing within the communities where it was currently operating, has thus far found it difficult to scale beyond one K-8 school. A former KIPP leader explained that while KIPP Baltimore wants to add schools, the operating conditions in Baltimore (specifically, the challenges of securing facilities, lack of autonomy over personnel decisions, and difficulty in securing national expansion funding) have made such discussions unproductive thus far. The lack of national expansion funding potentially affects other Baltimore charters interested in growth. National funders like the Charter School Growth Fund, which has invested millions of dollars in other communities, will not invest in Maryland because of concerns about the operating conditions local charters face.

This strong national demand makes CMO expansion a "seller's market" where even the most attractive districts are struggling to attract a handful of highly regarded operators.

6. The talent pipeline for teachers in Baltimore is strong.

Baltimore is home to a very active Teach for America corps, which brings 150 new teachers to Baltimore City each year and boasts 700 alums, many who continue to work in the education arena after their two year TFA commitment. The Baltimore City Teacher Residency trains and places an additional 125 new teachers each year, and the Urban Teacher Center currently adds an additional 48 new teachers. Taken together, these three programs account for roughly half of the new teachers hired each year by Baltimore City Schools. While there are still concerns about retaining high quality teachers in high need schools, this pipeline is strongly reflective of the teacher candidates sought by the high performing CMOs.

C. National Competition for these CMOS is Strong

Interest in attracting these high performing CMOs runs high in certain parts of the country. In 2012, New Jersey passed the Urban Hope Act which created a special classification of "renaissance schools" and paved the way for high-performing CMOs Uncommon, KIPP, and Mastery to open clusters of schools in Camden, New Jersey. With a per pupil allocation of almost $24K and a promise of new facilities, the three CMOs (with a possible fourth) are projected to open 15 schools and enroll 9,754 students, nearly as many as currently enroll in Camden's traditional public schools.[34] In 2014, in what experts call "one of the most far-reaching efforts to nurture mutually beneficial relationships" between districts and CMOs, the Florida Department of Education announced that it would offer financial incentives to help some of its highest-need districts in the state attract successful CMOs.[35]

The demand is being felt by the CMOs, too. One CMO leader we interviewed had received unsolicited proposals from five different cities, offering packages including philanthropic grant support, facilities, and a guarantee of multiple schools. (The unsolicited interest was, in fact, what drove the leadership of the CMO to develop their own criteria for expansion and launch their national analysis of sites.)

This strong national demand makes CMO expansion a "seller's market" where even the most attractive districts are struggling to attract a handful of highly regarded operators. In September 2014, the Washington Post reported that Washington, DC received no new applications from out-of-state operators. This lack of interest was surprising, the article noted, because DC "has some of the highest per-pupil spending in the country, charter-friendly politicians, strong philanthropic support, and a metropolitan environment that is attractive to many potential teachers and school leaders."[36] With 44 percent of students in the District enrolled in charter schools, the article noted, the lack of new applications could hardly stem from a lack of public interest. Rather, the problem appeared to be too much competition from other districts and too little appetite for expansion from the CMOs.

Conclusion

CMOs that have been successful in educating low-income children of color have emerged as vital players in the national education reform landscape. This inquiry reveals that there are a number of high-performing CMOs that are achieving success educating children with profiles similar to those students in Baltimore City public schools and that are doing so at scale. It also reveals that these CMOs are in strong demand nationally and absent a concerted effort to create a change in the charter legislation or pass special legislation along the lines of New Jersey's Urban Hope Act, it is highly unlikely that these CMOs would expand to Baltimore. If Maryland policymakers hope to increase the number of high performing charter schools in Baltimore by attracting these high performing CMOs, they would need to change current policy. At the same time, the national competition for these highly coveted CMOs is so fierce that there is no guarantee that these CMOs would choose Baltimore even if those changes were put into effect.

As policy makers in Baltimore and Annapolis contemplate the results of Maryland's first decade of charter schools and plan a path forward, a deeper inquiry into national CMOs with effective track records is warranted. Is there a role for one (or a handful) of these high performing CMOs in Maryland? Might they be interested in opening new schools here or in partnering with school districts to transform a cluster of low-performing schools, as is being done in Camden, New Jersey? If interest does exist, what, if anything, can be done to attract them to Baltimore and to Maryland? We encourage these questions and the conversations that ensue.

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ABELL
FOUNDATION

111 South Calvert Street, Suite 2300
Baltimore, Maryland 21202-6174

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About the Abell Foundation

The Abell Foundation is dedicated to the enhancement of the quality of life in Maryland, with a particular focus on Baltimore. The Foundation places a strong emphasis on opening the doors of opportunity to the disenfranchised, believing that no community can thrive if those who live on the margins of it are not included.

Inherent in the working philosophy of the Abell Foundation is the strong belief that a community faced with complicated, seemingly intractable challenges is well-served by thought-provoking, research-based information. To that end, the Foundation publishes background studies of selected issues on the public agenda for the benefit of government officials; leaders in business, industry and academia; and the general public.

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