



Dr. John D. Barge, State School Superintendent
"Making Education Work for All Georgians"

The facts:

1. Since 2003, at least \$5 billion earned through the QBE formula funding has been withheld from Georgia's students. *(SEE ATTACHMENT A)*
2. This has led to students in two-thirds of school districts (121 out of 180) having shortened school years – ranging from 144 to 179 days – as well as pay cuts for thousands of Georgia teachers in the form of furlough days, and since 2008 alone, layoffs for 4,423 teachers throughout Georgia. *(SEE ATTACHMENT B)*
3. Yet the General Assembly plans to come up with more than \$430 million in new state funds for state charter schools over the next five years – the cumulative cost assuming a new commission creates only seven new charter schools per year, the average approval rate of the previous commission. *(SEE ATTACHMENT C)*
 - In FY 2018 alone, it would cost \$109 million per year in new state funds for the 50 state charter schools that would then exist (including the 15 already receiving extra state funds).
 - This includes the additional \$33 million per year in additional state funds for the 15 state chartered special schools for this year alone (including the 13 schools created to serve former Commission school students).
 - These extra state funds average \$7,400 per pupil – which is higher than the total funding of 60 Georgia school districts. *(SEE ATTACHMENT D)*
4. Instead, this \$430 million should be used to restore the austerity cuts to students in Georgia's traditional public schools – including those in Georgia's locally-approved charter schools. Our students deserve a full 180-day school year and our teachers deserve full pay.
 - Restore the 180-day school year for Georgia's students
 - Restore essential student services like student transportation and student support to effective levels
 - Restore all teacher positions with full pay for a full school year

Let me say this again: I fully support the creation of high quality charter schools for Georgia's students.

5. But I only support high quality charter schools, those with a consistent record or those who have demonstrated capacity for:
 - Strong academic results
 - Well trained and high functioning governing boards

- Financial sustainability
- Legal and regulatory compliance

However, I cannot support the creation of a new, costly, and unnecessary state bureaucracy.

6. As a conservative, I believe our state needs to be fiscally responsible, support local community control, and limit government.
7. This amendment runs counter to all three of these critical conservative principles.
8. In fact, the amendment creates an unnecessary government agency and restricts local community control.

Let me tell you why we don't need another state agency.

9. The Department of Education currently reviews state charter school applications.
 - In 1998, Georgia law gave the state Board of Education authority to approve charter schools that had been denied by a local board of education.
 - Since 2001, when the first state charter schools were established, the DOE has reviewed at least 52 state charter school applications. (*SEE ATTACHMENT E*)
 - 19 of these 52 state chartered special school applications were approved by the SBOE – and 15 are operating today.
 - Between 2009 and 2011, the Department also reviewed all 62 Commission charter applications. (*SEE ATTACHMENT F*)
 - And the Department itself served as staff for the Commission for more than half of its life – from 2008-2010.
 - Following the Supreme Court decision in 2011, the Department also reviewed state chartered special school applications from all 16 Commission schools, as well as petitions from several Commission schools seeking local charter approval. (*SEE ATTACHMENT G*)
 - Although the Department followed every step of its rigorous charter application review process, it still completed its review in less than a month.
 - This level of effort was exerted on behalf of the 15,000 students who were enrolled in the 16 Commission schools for 2011-12.
10. With the state charter schools review process already in place, why does Georgia need another state agency to do the same thing?

Passage of the charter school constitutional amendment would take away local community control of its schools.

"Shall the Constitution of Georgia be amended to allow state or local approval of public charter schools upon the request of local communities?"

11. The amendment ballot language is misleading for several reasons.
12. First, the amendment doesn't tell voters that if the measure passes, a new state agency with its own million-dollar budget will be created to do what two existing government bodies can already do under current Georgia law.
13. Second, although the constitutional amendment mentions "local approval" and "the request of local communities", in practice it actually takes away local community control.
 - If the amendment passes, the law actually guarantees the state's ability to override local denials of charter school applications.
 - In fact, the State Charter Schools Commission that would be established if the amendment passes can only consider state charter school applications that have first been denied by a Local Board of Education.
 - Consequently, the state could begin creating a large number of charter schools that serve local communities but with no participation at all from the local school districts.
 - The amendment runs counter to Georgia's long history and culture of strong local control of community schools.

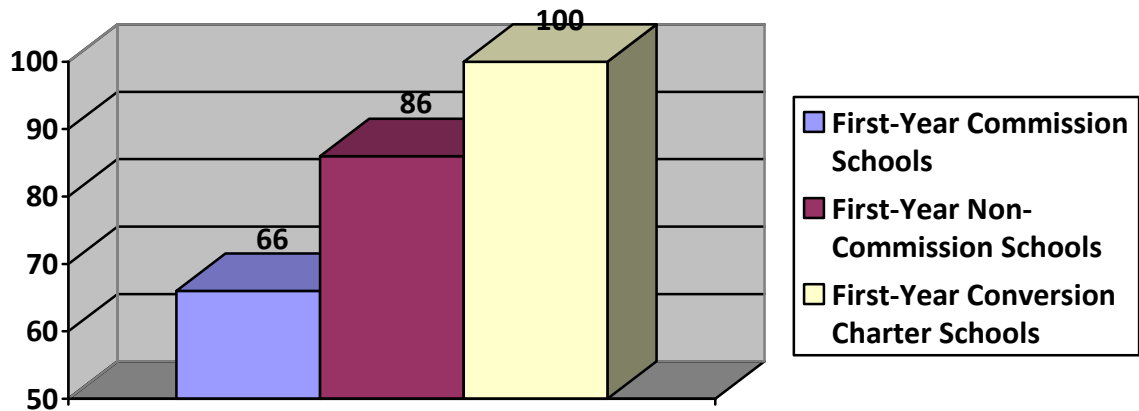
The public also needs to know that some portion of millions of dollars in state funds that state charter schools would receive will go into the pockets of out-of-state, for-profit charter school companies – rather than into the education of Georgia's students.

14. Almost 60% of the commission charter schools had contracts with EMOs (for-profit education management organizations) vs. only 12% for all other start-up charter schools in Georgia, which means a portion of the \$86 million in state funds these schools receive will go to out-of-state companies. (*SEE ATTACHMENTS H AND I*)

Now let's talk about results.

15. Charter schools in Georgia do not consistently outperform traditional public schools.
 - In 2010-11, Georgia's traditional public schools outperformed its charter schools, with 73% making AYP compare to 70% of charter schools. (*SEE ATTACHMENT J*)
16. Only one of the 13 schools serving former Commission school students meets the definition of a high-quality charter school – and that school is now a locally-approved charter school (The Museum School of Avondale Estates). (*SEE ATTACHMENT K*)
 - Some Commission schools were academically of high quality, but in 2010-11:

Percentage of Schools Making AYP



- And all those that failed to make AYP were EMO schools. (*SEE ATTACHMENT L*)
- Leads one to ask if EMOs have students' best interests in mind or just interested in lining their pockets.
- In addition, only one of eight Commission schools (12.5%) performed better than their local school districts in 2010-11 on the math, ELA/reading and science CRCTs – while five performed worse on all tests. (*SEE ATTACHMENT M*)
 - The one that did outperform its local district did not have an EMO (The Museum School of Avondale Estates) – while three of the five that were outperformed by their districts were EMO schools (Atlanta Heights Charter School, Coweta Charter School, and Peachtree Hope Charter School).
- Only one Commission school was financially of high quality (Museum School). Some barely survived or were deeply in debt, and one collapsed leaving \$1.6 million in outstanding debt (Peachtree Hope). (*ATTACHMENT K*)
- Some Commission schools have high quality governance, but most were run by their EMOs or their governance simply collapsed (Peachtree Hope). (*ATTACHMENT K*)
- Some Commission schools are high quality in compliance, but some were unable to meet critical deadlines – and one is on notice that charter termination is imminent if it doesn't comply with federal and state law and rule. (*SEE ATTACHMENTS K AND N*)

Amendment advocates have said the amendment protects choice in public education – but high quality choices are more important than choice for the sake of choice. Creating more choices without proper oversight is bad government and means more money

taken from our traditional public schools students for an unnecessary and duplicative function.

17. In addition to 110 local and state charter schools, Georgia also has the following educational choices for its students:
- Charter Systems and IE2
 - College and Career Pathways for all students
 - Georgia Virtual School
 - College and Career Academies – including many locally approved charter academies built on close collaboration with local business communities and area Technical Colleges
 - Scholarship Tax Credits
 - Special Needs Scholarships
 - Magnet Programs
 - District-wide School Choice

Amendment advocates have said that if the amendment fails, chartering in Georgia will be harmed. But I want the citizens of Georgia to know that our local school districts are receiving and approving high quality charter school applications to serve Georgia's students. In fact, Georgia's history of locally-approved charter schools has yielded some of the finest charter schools in the nation.

18. Our best charter schools – including Amana Academy, Brighten Academy, DeKalb PATH Academy, and KIPP WAYS – are locally-approved charter schools that do amazing things for our students.
19. So far this year, we have received six locally-approved charter applications and expect to receive an additional three locally-approved applications. (*SEE ATTACHMENT O*)
- At least one former Commission school is included in this year's strong applicant pool – as are two high-quality charter school applications approved by Savannah-Chatham County School System.
 - This year's nine locally-approved applications is up significantly from the four we received last year.
20. The constitutional amendment is based on the assumption that our local boards of education are denying approval to high quality charter school applicants. That is simply not the case.
21. With few exceptions, our local districts are denying only those applicants that should be denied – because they are not high quality applicants.
- Last year, we received state charter applications from seven charter school applicants that had been denied locally – all of which should have been denied.
 - Only one was approved (*Ivy Preparatory Academy*) because their financial situation improved enough to justify subsequent approval.

- This year, we have received an additional seven state chartered special school applications, and most are not of sufficient quality to warrant local school board approval.
- And, it is worth noting that the Commission itself did not approve 38 out of 50 Commission applications that had been denied by local school districts (76%) – further evidence that local districts were properly denying low quality applications. (SEE ATTACHMENT P)

22. Rather than spending millions of dollars on lobbying for a new state agency, amendment advocates should spend that money on developing high quality charter school applicants that our local school districts can easily approve.

Finally, amendment advocates have said that if the amendment fails then the current state chartered special school law will also be overturned by the Supreme Court, but that is not a sufficient reason to pass the amendment. The General Assembly could easily overcome these concerns.

23. Amendment advocates make the following argument:

- While the Supreme Court decision overturning the Commission last year explicitly stated that their decision did not apply to state chartered special schools (see footnote 5 on page 5 of that opinion), the minority opinion argued strongly that the arguments for overturning the Commission did apply to overturning state chartered special schools as well (see pages 22 and 23 in that opinion).
- It is worth noting that the state chartered special schools law remained unchallenged for the past 14 years because everyone accepts that QBE funds should follow students and – since state chartered special schools received only QBE funds – students at local school districts were not harmed.
- However, starting this year, state chartered special schools now receive additional state funds outside the QBE funding pool (per HB 797) – and local school districts are now being hurt because those new funds are not being used to reduce austerity cuts instead.
- Thus, HB 797 – which gives state charter schools additional state funds regardless of whether the amendment passes – actually appears to make it more likely that the state chartered special schools law *would* be challenged in the event the amendment fails.
- However, if amendment advocates want to protect state chartered special schools, they should work with the General Assembly to restore the austerity cuts made to QBE. State chartered special schools then can afford to operate with QBE funding only.
 - Ivy Prep had strong academic results for the two years it operated only on QBE funding (2008-2010).

- Therefore, when the General Assembly is restoring austerity cuts, they should also repeal the section of HB 797 that provides additional state funds to state chartered special schools.

I have been advised by some to remain neutral on the charter schools amendment, but I think Georgia needs to know where its top educational leader stands on such an important issue.

24. My thoughts about the charter school amendment and, ultimately, my position against the amendment, follow months of careful thought, reflection, and study.

- This decision was not made in haste and is not the result of any partisan pressure.

25. Public schools educate more than 90% of our school-aged children in Georgia, and education is the driving force of economic development in our state.

26. Public education should be the priority of our state, because economic development and quality of life depend on quality schools.

27. Public education is worth protecting and supporting. My commitment has been, and continues to be, to improve public education in Georgia for all our students.

28. The charter amendment does not protect or support public education in Georgia. In fact, it will have the opposite effect.

29. As a conservative leader and conservative supporter of public education in Georgia I value innovation with accountability. I do not value siphoning money from our schools to support state charter schools or to create a new and unnecessary state agency.

I simply cannot support the charter school amendment.

List of Attachments

Attachment A – Austerity Cuts Since 2003

Attachment B – School Districts with School Years Under 180 Days

Attachment C – Projected Cost of State Chartered Special School Supplement, FY 2012-2018

Attachment D – School Districts with Total Local + State Per Pupil Funding Below \$7,000

Attachment E – SCSS Application History, 2001-2012

Attachment F – Commission School Application History, 2009-2011

Attachment G – Department of Education Application History, 2010-11

Attachment H – EMOs in Georgia, 2010-12

Attachment I – SCSS Total Funds, FY 2013

Attachment J – Percentage of Charter and Traditional Public Schools Making AYP, 2007-11

Attachment K – Commission School High Quality Charter School Ratings

Attachment L – First Year Charter School Academic Performance, 2010-11

Attachment M – Commission School Academic Performance vs. Home District(s)

Attachment N – Odyssey School Non-Compliance Letter, August 7, 2012

Attachment O – Department of Education Charter Application Pipeline, 2012-13 Cycle

Attachment P – Commission School Application Summary, 2009-2011