

PUBLIC CHARTER SCHOOLS HOME RULE ACT OF 2008

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Mr. WAXMAN, from the Committee on Oversight and Government Reform, submitted the following

SUPPLEMENTAL REPORT

[To accompany H.R. 6322]

This supplemental report shows the minority views with respect to the bill (H.R. 6322), as reported, which was not included in part 1 of the report submitted by the Committee on Oversight and Government Reform on July 28, 2008 (H. Rept. 110-782, pt. 1).

DISSENTING VIEWS

District of Columbia charter schools are governed by the DC School Reform Act of 1995 (SRA). The SRA, considered the strongest charter school law in the nation, guarantees charter school autonomy from District of Columbia Public Schools and from the DC government.

H.R. 6322 amends the SRA by modifying the appointment process for the District of Columbia Public Charter School Board (DC PCSB) members to an unknown system to be determined by the DC City Council.

In existence for 13 years, the DC PCSB is nationally recognized as an exemplary authorizer of high quality public charter schools, working efficiently to authorize first-rate public charter schools at the same time that DC public schools have been beset by leadership turnover and poor student performance.

Currently, when there is a vacancy on the DC PCSB, the U.S. Secretary of Education compiles a list of potential replacements. In order for the Secretary to place candidates on the list, staffs from the U.S. Department of Education confer with colleagues to identify individuals who are knowledgeable about public education and charter schools. Candidates are also suggested to them from various national and local DC organizations. A vetting process is undertaken to screen candidates and narrow down the list. The list

is then presented to the Mayor from which to choose board members.

When this bill was introduced, the sponsor explained that she was motivated purely by “home rule” considerations and not by any concerns about the DC PCSB or the charter schools. In fact, she heaped praise on both, stating that: “My bill is not intended as a criticism of the [PCSB] or its work. D.C. residents have created huge demand. The exponential growth of charter schools and their long waiting lists are a solid indication of [their] success in meeting the needs of thousands of students.”

Given the widespread support for public charter schools in the District of Columbia, many advocates are concerned about H.R. 6322. These concerns stem from the fact that the implementation of an unknown appointment system may endanger objectivity in the chartering process. It’s perfectly conceivable that the Mayor, in his mission to reform DCPS, would like to see chartering curtailed. To that end, if he had sole discretion in appointing board members, he could appoint individuals who are philosophically opposed to charter schools and who would use their position to limit the number of new and expansion charter schools.

In other jurisdictions, if a city or local school district is opposed to chartering, charter school founders may appeal to or apply directly to the state. Because of the District of Columbia’s unique status, power is concentrated in the Mayor who plays the role of Governor and controls the State Education Agency. By providing candidates for the PCSB, the U.S. Secretary of Education is like a proxy for the state. The Secretary serves a “checks and balance” function and helps to ensure that the appointed members are not opposed to chartering.

The DC PCSB is a highly-regarded, highly-effective charter school authorizer that serves as a model for other states. There have been no accusations or findings of fraud, misappropriation of funds, or any type of malfeasance by staff or board members. To tamper with the series of checks and balance which have proven successful for the past 13 years could potentially impede the future success and independence of the DC PCSB.

During the full committee markup of H.R. 6322, I offered a non-partisan, compromise amendment to sunset the provisions of the bill after five years. Since the bill does not indicate what the new appointment process will be, this balanced amendment would have allowed Congress to evaluate the newly established process and would have done much to alleviate the concerns of those who worry that this bill would compromise the success of the DC PCSB and allow for the appointment of members hostile to charter schools. If concerns about the changes proved unfounded, than a permanent extension of the modifications would have been noncontroversial and allowed for certain unanimous passage through Congress. Given the partisan refusal to consider such a subtle amendment, I voiced my opposition to the bill’s passage and urge the majority to reconsider its rigid, uncompromising stance on this offer.

VIRGINIA FOXX.