

September 10, 2002

Dear School Board Presidents and Superintendents:

You recently received a communication dated August 19, 2002, regarding House Bill 4800 from Don Wotruba, director of Legislative Affairs for MASB. In the message, you are requested to encourage my members and leaders to contact their legislators and lobby against the bill.

The purpose of this letter is to tell you that I am offended that MASB would knowingly ask you to interfere with my organization in such a manner. The Michigan Education Association supports House Bill 4800. I have taken the liberty to attach a document that I believe outlines the merits of HB 4800. Please take this opportunity to read it. I cannot emphasize enough that inaction on this bill has already caused a number of charter schools to be authorized by Bay Mills Community College. In fact, 12 charter schools have been authorized by BMCC and 41 others await approval for this school year, 2002-2003.

During my three years as president of MEA, our associations have worked cooperatively on many issues as members of the Education Alliance. The voucher victory is the prime example of that cooperation. And, although it is my sincere wish that we continue to work together, it is clear that we will not always be on the same side on every issue. However, this difference of positions on HB 4800 has escalated to more than just a difference of opinions. Not only were you asked to encourage my members and leaders to go against the MEA, but this was done with what I find to be biased and erroneous information. And, this is not the first time that MASB has crossed lines on this issue. A few months ago during testimony on HB 4800, comments were made on behalf of MASB that encouraged legislators to consider arguments and actions that would diminish our ability to bargain contracts within charter schools. Again, let me restate that I believe it is your absolute right to promote your positions. However, that testimony went far beyond getting your opposition to HB 4800 on the record and was totally contrary to the understanding we thought we had with your leadership.

I hope that you agree that we cannot allow this kind of behavior to undermine the exceptional working relationships that you and our leaders have forged at the local level. Clearly, there are too many enemies of public education outside of our gates for us not to continue to work together.

As you may know, I was appointed to the Charter Schools Commission by Sen. John Cherry. I served—like all commission members—with a commitment to provide the Legislature a blueprint for legislation to satisfy charter school opponents and proponents alike. Every one of the official commission members signed off on the commission report.

The status quo hurts children, public school employees and public education. The education community has a window of opportunity now to get HB 4800 (H-4) passed and to put checks and balances into the charter school movement for the first time since the non-traditional public schools were created in 1993—and before Bay Mills Community College floods the state with charter schools.

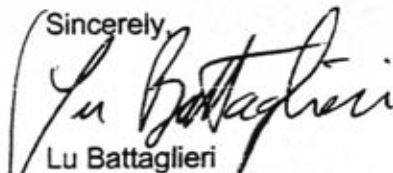
The bill:

- limits and controls charter school growth;
- requires full disclosure of financial records, personnel information, curriculum;
- forces charters to comply with conflict of interest statutes;
- makes charters recruit students who are eligible for special education;
- requires management companies to comply with FOIA requests;
- wipes out profit motive by forcing authorizers to use 3 percent fee to support charters;
- makes charters subject to oversight by authorizing boards and the state superintendent of public instruction similar to traditional public schools;
- includes Bay Mills Community College under the statewide university cap (closes the loophole allowing authorization of an unlimited number of charter schools);
- stops intermediate school districts from turning programs into charters and negating employee contracts.

There are many other requirements that are too numerous to mention here. Thus, I am also attaching a three-page document that outlines all of the requirements written into HB 4800.

As president of the MEA and as a member of the commission, I stand by my commitment to support HB 4800 (H-4) as written. It mirrors the commission report, meets all of MEA's goals for charter schools, and our lobbyists will be working to pass it.

I urge you to review this information. A no vote on HB 4800 is a vote against accountability and a vote for unlimited charter schools.

Sincerely,  
  
Lu Battaglieri  
President

**HB 4800**  
**Charter School Accountability and Caps**

**Local Charter Schools**

- Must comply with conflict-of-interest statutes in their dealings with educational management companies.
- Prohibits specific relationships between members of the board of the public school academy (PSA), employees of the PSA and employees of educational management companies.
- Must make specific efforts to recruit students who are eligible for special education services.
- Net value of all assets returns to the state if a PSA ceases to operate.
- Strong language that any debt of any kind incurred by a PSA is not an obligation of the state or of the authorizing board, but is strictly between the PSA and the lender.
- Requires PSAs to provide information concerning their operation to the public in the same manner as required for public schools.
- Requires PSAs to provide to the public the names and other personal information on the members of their boards; their policies; their budgets, including amendments; bills that they pay; and quarterly financial reports.
- Requires PSAs to provide a list of their teachers, including individual salaries, teaching certificates or permits, and compliance with the criminal background checks and unprofessional conduct checks required of public schools.
- Must provide copies of all management contracts and service contracts.
- Requires PSAs to make available any other information that the School Code requires school districts to maintain and make available.
- Requires PSAs to make public their curriculum documents.
- Prohibits employing one person in more than one position or paying more than one full-time salary to an individual.
- Must annually assess all students in grades 3-8 in reading and math as required under federal law.
- Must notify all PSAs and public schools within a 30-mile radius of a proposed opening or closing of a building.
- Boards of PSAs and traditional public schools must assure all requirements are met by management companies with which they contract.

**Management Companies**

- Rules apply to management companies that run charter schools or traditional public schools.
- Must provide assurance of sufficient expertise to operate schools.
- Must provide personnel information on their employees such as name, salary, certification, education, relevant experience, and employment record.
- Must provide detailed financial information on the operation of schools including budgets, detailed records on all funds received and the expenditure of these funds, investments and carryover.
- Must provide detailed information on all contractual arrangements entered.
- Must provide detailed financial information on all leases, mortgages or loans affecting the school(s).
- Must provide all information necessary for the PSAs to comply with their reporting requirements.

- Finally, 2005 through 2008, each university is limited to issuing no more than one new charter for an academy that is not a “special purpose” academy for each charter it issues for a new “special purpose” academy.

**Collective Bargaining**

- Requires intermediate school districts that issue charters for programs that they operate, or for programs that are similar to those they operate, to include a provision in the charter that requires the employees of the PSA to be included in the collective bargaining agreement covering the employees of the ISD.