



September 21, 2017

Dear Chairman Lewis and Members of the Charter School Advisory Council,

As you move forward with the implementation of HB 520 and the goal of creating quality charter schools across Kentucky, I write to commend you, to voice a serious concern and to make a recommendation. My perspective here is both my own and that of my organization, ExcelinEd, a member of the coalition of local and national partners that worked to support HB 520 and prior efforts, and that now works to support its implementation.

It is clear you have a sincere desire to ensure that only the best charter schools serve Kentucky families, and I commend you for that. At the same time, I am concerned Kentucky will not realize this goal specifically because of the way in which the proposed regulations concerning charter school applications and charter school contracts are written. In crafting HB 520, the Kentucky legislature clearly intended to reduce achievement gaps by creating new and different public school options for Kentucky families. I'm concerned that the burdensome and prescriptive nature of these particular regulations might seriously dampen the state's ability to fulfill that mission, that the proposed regulations do not reflect the spirit and intent of the law and they should be reconsidered.

As a former special education teacher, charter school administrator and state authorizer, I know how difficult it is to strike the right balance between accountability and autonomy. As a special education teacher, I remember having the strong desire to make sure my students had the right answers. There were times when I was sorely tempted to answer questions for them, or to create structures for them that helped them remember answers without fully understanding the concept. This temptation followed me when I became a school administrator and supported teachers, and again when I oversaw charter schools at the state level. I was so concerned that my students, teachers and schools might fail that I was tempted to prescribe as much as possible.

In the end, this approach didn't serve my students well because it was difficult for them to apply their knowledge in new and different situations. That was my fault as a teacher. While my intent was honorable, my tendency to prescribe worked against my original intent to see the independence and success of my students. That is when I realized my role was not to control students - it was to facilitate their learning. By shaping the classroom environment, by giving concise and clear directions and by allowing my students some autonomy I was able to understand what it meant to be a good teacher.

Good policymaking and good teaching have a lot in common. As policymakers, the tendency and desire to mitigate risk and control outcomes is very real, and those desires often come from good intentions. But those well-intended prescriptions - specifically, the prescriptions in the proposed application and



contract regulations - won't actually help achieve HB 520's original intent: the creation of new and different school options for the students who need them the most. In fact, states that have adopted similar prescriptions have seen a significant decline in quality charter applications and approvals over the last few years.

Therefore, I would recommend that you reconsider the proposed regulations and ask the following questions: (1) are these regulations concise and clear? (2) will they lead to the realization of the law's original intent: the creation of a flourishing, high-quality charter landscape? and (3) do they encourage the appropriate level of autonomy and innovation intended in HB 520? At present, I would suggest to you that they do not.

Respectfully Submitted,

A handwritten signature in black ink that reads "Sam Duell". The signature is written in a cursive, flowing style.

Sam Duell
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