

# DEMOCRATS

*for* EDUCATION REFORM

March 8, 2010

The Honorable Gordon D. Fox  
Speaker of the House  
323 State House  
Providence, RI 02903

Re: Removing the Charter Cap Limit/Race to the Top funding

Dear Speaker Fox:

I write today to express our thoughts and concerns regarding removal of the charter cap in Rhode Island. As you know, the House version of the bill (H-7208) sponsored by Representative Gablinske completely removes the charter cap, which is currently set at 20 (one of the most restrictive caps in the nation). The Senate version of the bill sponsored by Senator DiPalma (S-2406) raises the cap to 35 (which would still be one of the most restrictive caps in the nation, see attached list of finalists).

As there are no guarantees to assure funding for Rhode Island in the first round of Race to the Top (RttT) with passage of either bill, the only question that remains is which bill puts Rhode Island in the best possible position to get approved for funding. Democrats for Education Reform believes lifting the cap entirely is the better option for Rhode Island. We take this position acknowledging that the Senate bill is a huge step forward for Rhode Island and the bill, as drafted, fully embraces the charter cap thresholds outlined in the RttT application. Because many other states have embraced similar thresholds or have no cap at all, it is important for Rhode Island to further distinguish itself from competing states by removing the cap altogether.

The RttT funding process is very unique, in that the U.S. Secretary of Education Arne Duncan retains and has broad discretion with regard to which states will ultimately be rewarded. This is not an issue of compliance with regard to the application, but competition between many states that are seeking these funds. It is important to note that seven of the 15 finalists announced last week by Secretary Duncan have no charter cap limit (Kentucky has no charter law).

Secretary Duncan was recently quoted as saying it is “safe to say” the recipients of the funding will be in the single digits, further favoring the seven schools without charter caps. Secretary Duncan further noted in his March 4<sup>th</sup> statement that all 16 states left in the running for funding scored at least 400 out of the 485 attainable points in the application. This means the decision between winning states and losing states may come down to as little as a few points – therefore it is critical for Rhode Island to separate itself in other ways.

Again, Secretary Duncan has broad discretion with regard to the outcome of the decision-making process. As Michele McNeil reported Friday in *Education Week*, “the point spread is so close that these state presentations, in which teams of five will make their closing arguments to the peer reviewers, will determine who wins millions, and who leaves empty-handed.”

The Senate bill increases the charter cap to 35 schools. Again, while this is a step in the right direction – and the bill is drafted in a manner that meets the requirements of the charter school section of the RttT

application - the bill only meets the requirements of the RttT application. It does not send a clear and distinct message to Secretary Duncan that Rhode Island is committed to education reform - compared to what other states are doing. We firmly believe without completely removing the charter cap, as the Gablinske bill does, Rhode Island will be taking a risk it may regret – essentially a \$126 million gamble.

There are other aspects of the Senate version that we fully embrace as sound public policy – including supporting and encouraging high performing charter schools while discouraging expansion of ineffective charter schools.

Again this is about competition, not compliance. The competition between states is very tight. Rhode Island is competing against many other states and must do more than meet the requirements of the application to become one of the few states selected for RttT funding.

Rhode Island has an opportunity – and a very short window of time – to send a clear, distinct message to Secretary Duncan that you are serious and committed to education reform. We believe Rhode Island will be best positioned to receive funding by removing the cap entirely. We are asking the charter cap limit be addressed in the coming weeks and certainly prior to April 15, when Secretary Duncan will make his final decision regarding which states will receive funding.

This situation is further exacerbated by the fact that Rhode Island is the only state in the country without a school funding policy. Clearly, we understand the funding policy question cannot be addressed in the next few weeks, but we are asking and hoping the charter cap situation can be addressed during this short time frame. We appreciate your attention to this matter and I am certainly available to answer any questions you may have. Please do not hesitate to contact me or our lobbyist in Rhode Island, Bill Fischer.

Sincerely,



Joe Williams  
Executive Director  
Democrats for Education Reform

Cc: Representative Douglas Gablinske  
Beth Cotter, House Policy Analyst  
Senate Leadership and staff