

Denis Smith in the Charleston Gazette: Use The Injunction To Rethink Charter Disaster

Denis Smith, former school administrator in West Virginia and Ohio and former consultant in the Ohio Department of Education charter school office, gave some sage advice to the residents in West Virginia. His opinion piece provides substantial insight into the broader context of the charter world.

Denis Smith: Use injunction to rethink charter disaster (Opinion)

By Denis D. Smith

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The action of Kanawha Circuit Judge Jennifer Bailey in issuing an injunction to halt the opening of five charter schools in West Virginia is welcome.

Unlike the school privatization zealots in the Legislature, who refer to themselves as lawmakers, Judge Bailey knows the law, and she determined that the creation of a school district within an existing school district is unconstitutional, unless a majority of the voters who live within the county school system agree to such action.

Part of the mess reviewed by Bailey is the West Virginia Professional Charter School Board, a figment of legislative imagination, unelected, but populated by cronies of the governor, where state lawmakers created a mechanism to craft instant schools within existing county school systems. And, oh yes, regardless of the title of this unelected board, the five initial appointees have not shown any substantial background or experience as licensed, professional educators.

A closer look at the mechanics of the West Virginia charter school legislation reveals a flagrant attempt to use public money for private purposes. For example, Ron Packard, the CEO of Accel, one of the private management companies in line to operate some of the new schools, founded K12 Inc., a charter school management company that is listed on the New York Stock Exchange. Anyone who is even vaguely familiar with charter schools knows that, because private management companies operate the schools, the profit motive comes first.

Said another way, when a company has operations in Arizona, California, Colorado, Indiana, Michigan and Ohio, the bottom line is that student achievement and community connectedness in West Virginia aren't going to be the primary concerns of a national charter school chain.

Worse yet, one study found that teachers working in Accel schools are paid about 7% below the national average. That is not the case, however, with charter school execs like Ron Packard, whose compensation package with his previous company was more than \$19 million in a four-year period.

When you do the math, charter schools do a good job of squeezing classroom teachers and kids in generating the greatest yield on revenue to compensate their CEOs and other administrators to the detriment of the learning needs of children. By comparison, a survey conducted in spring 2021 of seven Upstate New York public school districts showed that a superintendent's total compensation averaged \$217,000 per year, a figure that is higher than the nation as a whole, but still a fraction of what many charter school CEOs are paid.

The situation we now see with the injunction imposed by Bailey, based as it is on a careful reading of the West Virginia Constitution, is the result of ill-advised and poorly constructed legislation. By comparison, I offered this statement in July 2021 in a Gazette-Mail op-ed:

"A public system is where the residents own their schools, have oversight through an elected county board of education and have not outsourced them to privateers, including some charter management

companies, like K12 Inc., which is traded on the New York Stock Exchange."

With a charter school system, county residents will not own the school or have a hand in choosing their neighbors to serve on the board in a democratic election. County residents also will have no say on the salary offered to the school head, as that action is reserved for the company that manages the school. These companies are free to appoint their own cronies to serve on the board, just like Gov. Jim Justice allows his friends to serve on a "professional" charter school board.

We also must remember that charter schools are not public schools, even though they make that claim. They do receive public funds, but they are not considered public schools, because there is no oversight provided by a governing board selected by qualified voters in the communities the schools serve.

In light of the injunction imposed by Bailey, West Virginia citizens should press the Legislature to hit the pause button and clean up the faulty legislation that created these hybrid and ambiguous structures that put further strain on a public education system that already is woefully underfunded in producing tomorrow's literate, thoughtful and ethical citizens.

In reconsidering charter schools in West Virginia, I offer this observation. In 1939, at the outset of World War II, Winston Churchill said, "Russia is a riddle wrapped in a mystery inside an enigma." Remove the reference to the country and allow his words to describe charter schools. Only the Legislature can explain why its members have approved the creation of charters, a riddle wrapped in a mystery inside an enigma, an action designed to destroy our existing and vulnerable system of public education, the very bedrock of our democracy.

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