

Senate Bill 451 – Public Hearing – Testimony  
Eli Baumwell

Mr. Chairman, members of the Finance Committee and other delegates, thank you. My name is Eli Baumwell, I am the Policy Director for the ACLU of WV. I am here to urge you to vote AGAINST Senate Bill 451.

At the outset, I have to commend the members of the House, particularly those on the Education Committee. The lack of stakeholder consultation, consensus building, and deliberation in the Senate is a poor way to enact any policy, particularly one so massive and sweeping. The changes that have already been proposed in this chamber demonstrate a much better process. The result is a piece of legislation that is much improved, though still flawed.

Notably, opening the state to charter schools, even as a pilot program creates several constitutional concerns. Article 12, Section 10 of the WV Constitution requires voter approval of any new school district or organization, which is in direct conflict with how a charter school would be established. The Recht Decision and the implementation of the Educational Master Plan ultimately puts the supervision of schools under the State Board of Education as a constitutional mandate. Exempting charters from this supervision directly contradicts this requirement. Finally, opening the doors to charter schools inevitably results in siphoning money from public school districts. As it will be resource-poor districts, that are struggling with basic operating costs, that are most likely to lose students, it will only exacerbate inequity between districts, a likely violation of the equal protection mandate, also explained in the Recht decision.

Again, I want to thank the members of the House who have taken the time to truly understand the broad array of policy proposals crammed into SB 451. The substitute coming out of the Education Committee does alleviate many concerns. However, it is still a flawed piece of legislation, and should be rejected.