



Task Force on Public Charter Schools Members

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Minutes of the Task Force on Public Charter Schools November 24, 1998

The third and final meeting of the Task Force on Public Charter Schools was convened at 10:00 a.m. on Tuesday, November 24, 1998 in Room 110 of the Lowe House Office Building. All members were present with the exception of Senator Conway and Tamera Carlton.

Call to Order and Opening Remarks

Dr. Vance opened the meeting by reviewing the minutes of the October 7 meeting and commenting that he had worked with staff over the past month to prepare draft legislation that reflects the concerns and comments offered at the last meeting and that complies with the provisions of the Federal Charter School Expansion Act of 1998.

Dr. Vance stated that today's meeting would be an opportunity for the task force to discuss the proposed draft legislation and make its final recommendations. To facilitate this discussion, Dr. Vance asked Fran May, legislative counsel at the Department of Legislative Services, to review the proposed draft legislation.

Overview of the Proposed Draft Legislation

Fran May gave a comprehensive overview of the legislation, highlighting that the draft legislation reflects the concerns and comments of the testimony provided at the October 20 meeting and the criteria identified in the federal Charter School Grant Program. During Fran May's presentation, the following questions were asked:

- Dr. Gillen asked whether a charter school could enter into a contract if it was not considered a separate legal entity. Fran May responded that charter school could enter into a contract with the county board even if it were not considered a separate corporation.
- Ms. Templeton asked whether the county board would be liable for the charter school's actions. Fran May responded that the county would be liable.
- Senator McCabe questioned whether the teacher certification requirement could be waived. Dr. Vance responded that current law permits the requirement to be waived.
- Dr. Gillen asked if references to the procurement of services in §9-109 applied to the hiring of teachers and if the charter school would have to rely on the county's pool. Dr. Vance responded that the charter school likely would have broad latitude in hiring teachers and that it would not necessarily be dependent on the county's pool for hiring teachers.

- Ms. Templeton asked for an example of public school facility regulations. In response, an example of the regulations relating to the size of the classroom was provided.
- Dr. Rice asked if §9-112 was consistent with the IASCC requirements. Hiram Burch responded that the section was consistent with current law.
- Dr. Gillen asked whether the federal charter school start-up grants could be used to support construction costs. Staff responded that the grants may be used for planning and development costs, which may not necessarily include capital construction costs.

Discussion of the Proposed Draft Legislation

Dr. Gillen made a motion to discuss establishing the charter school as an independent entity. the motion failed three to four.

§9-101

In response to Dr. Rice's concerns that the definition of a charter school comply with the federal requirements, Dr. Vance offered an amendment to §9-101 that would state that a charter school is:

"(6) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution." The amendment was adopted.

§9-102

No amendments were offered to this section.

§9-103

Dr. Rice commented that adding an appeals process did not guarantee that the State would receive funds under the federal Charter School Grant Program.

Dr. Gillen offered an amendment to insert *"or the State Board of Education"* after "Board" in §9-103(A). This would allow both a county board of education and the State board to serve as charterin authorities. The amendment was adopted five to one, with one abstention.

In reference to this amendment, Dr. Grabenstein commented that this would impose a mandate on the county schools. Dr. Grabenstein also asked that if a charter was granted by the State Board, would the charter school be accountable to the State or county board? Senator McCabe

commented that this would encourage the formation of additional charter schools and Dr. Gillen commented that this change could improve the State's ability to receive federal start-up funds.

Dr. Rice suggested as an alternative to the amendment, that the State board would be eligible to submit an application to establish a public charter school. That amendment was not seconded.

At the conclusion of the meeting, Dr. Rice made a motion to reconsider the amendment that would allow the State Board to serve as a chartering authority. The motion was adopted. However, there was not a subsequent vote taken on the original motion. To rectify this situation, staff was directed to take a vote of the members present. A majority of the task force members (seven to two) voted to remove the State Board as a chartering authority.

§9-104

Dr. Gillen offered an amendment to strike "staff" and substitute "one or more certified teachers" in §9-104 (A). This amendment would have broadened the scope of teachers eligible to apply for a charter. The motion failed three to five.

Senator McCabe offered an amendment to substitute for §9-104(A)(5) *"one or more individuals residing in a county that may or may not have a child in the public school system."* Senator McCabe explained that the current language excluded people from outside of the public school system from applying for a charter. The motion failed four to four.

Ms. Templeton asked for clarification of §9-104(B), relating to the role of a non-profit organization in the application process. Fran May responded that this provision would allow a non-profit corporation to assist in establishing a charter school.

§9-105

Delegate Leopold offered an amendment to substitute 51% for two-thirds. Dr. Gillen emphasized that this change would encourage the creation of additional charter schools. Ms. Templeton stated that keeping the level at two thirds demonstrated that there was strong support to convert the public school to a charter school. The motion failed three to five.

Delegate Leopold offered an amendment to change 2/3 to 60%. The amendment was adopted five three.

§9-106

Dr. Gillen offered an amendment to strike §9-106 (B)(6), explaining that he would prefer that the charter schools receive a blanket waiver from all regulations except those relating to the safety, health, and civil rights of the students. Dr. Rice commented that striking this provision would not allow a county board to obtain an adequate view of how the charter school would operate. The

motion failed one to six.

§9-107

Ms. Templeton offered an amendment to strike §9-107 (B)(2). Senator McCabe commented that a county should retain the flexibility to contract with an outside agency in reviewing applications. Mr. Grabenstein commented that contracting with an outside agency may be important to the board members in smaller counties since these members may lack the knowledge to make an informed decision about an application. The motion failed one to five, with one abstention.

Delegate Leopold offered an amendment to require the State Board to consult with an advisory board in considering appeals. The advisory board would be appointed by the governor and would include: a parent, member of the business community, a certified teacher actively employed in the public school system; a local board member; and a faculty member or administrator of an institute of higher education. This amendment was adopted five to two.

Dr. Gillen offered an amendment to insert "*if initially made to the county board and*" before "is denied" in §9-107(D). The motion was not seconded.

§9-108

No amendments were offered to this section.

§9-109

Dr. Gillen offered an amendment to strike §9-109 and substitute §9-107 from HB 999. This amendment would have established the charter school as an independent entity. This motion failed two to five.

Dr. Gillen offered an amendment to strike §9-109(A)(2). The motion was not seconded.

Dr. Gillen offered an amendment to strike §9-109(A)(3) and substitute language that would grant the charter school a blanket waiver from all regulations except those pertaining to the safety, health, and civil rights of the students. The motion was not seconded.

Dr. Gillen offered an amendment to strike the phrase "and in activities that fulfill the school's charter" from §9-109(A)(3). The motion failed three to five.

§9-110

Delegate Leopold offered an amendment to §9-110 (A)(2) that would strike "random basis" and substitute "*on the basis of a lottery*". This amendment was adopted seven to one.

Dr. Gillen offered an amendment to §9-110(B) to add a subsection (4) that would allow community schools only if the school's enrollment reflected the community's racial balance. The motion failed one to six with one abstention.

Ms. Templeton offered an amendment to insert, after §9-110(B):

"A public charter school shall seek to enroll a representative cross-section of the community's school age population, including such factors as racial, economic, and academic diversity." The amendment was adopted

§9-112

Dr. Gillen offered an amendment to substitute "public agency" with "county board" in §9-112(C)(2)(I). The motion was not seconded.

The task force agreed that State funds should be directed to all publicly-owned charter school facilities, not just facilities owned by the county board of education.

§9-113

Dr. Gillen offered an amendment to §9-113(A)(2) that would allow the State or county board to grant a blanket waiver. The amendment did not pass.

§9-114

No amendments to these sections were offered.

§9-115

There was an amendment offered to strike (A).¹ The amendment was adopted.

§9-116

Delegate Leopold offered an amendment to §9-116 (C) (1) that would allow at least 80% of the teaching staff to hold the proper Maryland certification. The motion failed two to four, with one abstention.

Delegate Leopold offered an amendment to §9-116(C)(2) to strike "in an extraordinary case." The amendment was adopted five to three.

Dr. Rice offered an amendment to §9-116(B)(2)(I) to strike "shall remain" and substitute "may remain". The motion was not seconded.

Dr. Rice offered an amendment to strike §9-116(B)(3) as he believed it conflicted with current law. The motion was not seconded.

§9-117

No amendments to this section were offered.

§9-118

Dr. Rice offered an amendment to §9-118(A)(2) to insert "*up to*" a period of four years. The amendment was adopted six to two.

Dr. Rice offered an amendment to §9-119(A)(3) to insert "*up to*" a period of five years. The amendment was adopted seven to one.

Dr. Gillen offered an amendment so that §9-118(C)(2) would read "in a form prescribed by the charter." The motion failed three to five.

§9-119

Delegate Leopold offered an amendment to § 9-119(E) that requires the State Board of Education to render a decision within 90 days. The amendment was unanimously adopted.

Dr. Gillen offered an amendment to strike §9-119 (B)(4) that referred to the county's ability to revoke a charter if it found that the school's academic condition was substantially deficient. Dr. Gillen stated that the county would have that authority under §9-119(B)(2). The motion failed three to five.

§9-120, §9-121

No amendments to these sections were offered.

Uncodified Section 2

Dr. Gillen commented that placing a cap on the number of charter schools could hurt the State's ability to compete for federal start-up grants and offered an amendment to require the counties to set the limit at at least five charter schools. The motion was not seconded. Senator McCabe also offered an amendment to require the counties to set a limit at at least one. The motion was not seconded.

Dr. Rice made a motion to reconsider the amendment to §9-103 that would allow the State Board of Education to serve as a chartering authority. The motion was adopted six to two. Since

a vote was not taken on the amendment to §9-103, Dr. Vance asked staff to take a vote of the members. As a result, members voted seven to two to remove the State Board as a chartering authority.

Closing Remarks and Adjournment

Dr. Vance concluded the meeting by thanking the members for serving on the task force. He indicated that a copy of the legislation that incorporated the comments from today would be sent to the members by December 2, with comments from the members due by December 7.

Minutes of the Task Force on Public Charter Schools

October 20, 1998

The second meeting of the Task Force on Public Charter Schools was convened at 2 p.m. on Tuesday, October 20, 1998, in Room 110 of the Lowe House Office Building. All members were present with the exception of Senator McCabe.

Call to Order and Opening Remarks

Dr. Vance opened the meeting by reviewing the minutes of the October 7 meeting and commenting that this meeting would be an opportunity to solicit public input on HB 999, as originally introduced and other suggestions for legislation.

Public Testimony

Karl Pence, Maryland State Teachers' Association

- Not convinced that Md. needs legislation -- inappropriate to enact enabling legislation for sole purpose of qualifying for federal funding.
- Charter schools should exist within the public school system.
- For-profit entities should not be allowed to establish charter schools; this erodes the local control.
- Teachers employed at a charter school should be certified and should remain members of the collective bargaining unit.
- Charter schools should adhere to public school building codes -- they should not be permitted to operate in any "suitable location".
- Charter schools should be subject to the same regulations as traditional public schools; if the regulations impede a schools ability to educate students, then perhaps the regulations should be reassessed.
- Funding: per pupil operating costs are not defined in the Education Article; need to develop a statutorily defined basis for allocating funds to charter schools. Also, not sure if the "lunch pail" model of funding is the appropriate model.
- Delegate Leopold requested that MSTTA send a copy of their amendments to HB 999 to all task force members. Delegate Leopold also questioned whether MSTTA would support legislation that incorporated these amendments.

Jerome Clark, Superintendent, Prince George's County Board of Education

- Prince George's county school board has not taken a position on charter schools. However, concerned about whether charter schools will drain resources from public schools and whether they are an effective medium for educating students.
- Exempting charter schools from regulations could affect the areas of equity, diversity, and attention to special needs students.
- Local system already have existing opportunities for choice; would like assurances that adequate community support exists before a charter schools is designated.
- In written testimony, highlights specific provisions of the bill that may need clarification:
 - Enrollment: does the provision requiring the charter school to "establish reasonable criteria to evaluate prospective students" conflict with the provision stating that "charter schools, to the maximum extent practicable, shall seek enrollment of a representative cross-section of the community's school age population";
 - Enrollment: allowing students to attend a charter school outside of their county -- could create imbalances in the physical space and monetary resources of the local systems;
 - Community Support: divisiveness could occur if only a simple majority elects to convert a public school to a public charter school -- need to increase above 51%;
 - Staff: would the teachers at a newly created charter school be certified or belong to the teacher's union? What would be there salary requirement?; and
 - Disciplinary measures: should the charter school system's disciplinary policy conform to the school system's approved Student Code of Conduct?
- Requested that a copy of the materials from the October 7 meeting of the task force.

Nancy King, President, Montgomery County Board of Education

- Opposed HB 999 last year; however, would support charter schools as long as the local boards of education and superintendents are the only entities that accept and evaluate charter school applications.

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- See charter schools as semi-autonomous entities that operate within the local school system.
- Supports MABE's policy principles regarding charter schools.

*Shauna Mitchell, New Baltimore City Board of School Commissioners
(provided amendments with her testimony)*

- Local Boards of Education should be the only chartering authority; and the charter school should trade autonomy for a higher degree of accountability.
- For existing public schools to convert to a charter school, more than 51% of the parents and teaching staff should support the conversion (9-104(d)).
- If a handicapping condition prevents a student from attending a charter school, the student should be returned to the public school before the county is required to pay for an educational placement outside of the system (9-112(b)(2)).
- Current transportation provision would be costly to the system; parents participating in the new schools initiative did so knowing that they would provide for their student's transportation.
- Supports providing the same per-pupil operating expenditures for a student attending a charter school; however, the local system should not be responsible for the upkeep of the facility.

Midtown Academy - Thomas Strosheim (teacher), Vernice Harrison (parent), Joan Brown (administrator), and Tiffany Watts (student)

- Stressed the benefits of schools such as the Midtown Academy; students are performing well on the assessment tests.
- Midtown Academy has strong parental support; each parent agrees to volunteer 75 hours of their time. This level of parental support is needed because funds are limited.
- Emphasized that all capital needs come from their operating budget. Although Baltimore City set the amount of funds the school would receive, they've had to supplement this funding with their own source revenues.

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- Dr. Vance requested that the task force receives a copy of the guidelines for the new schools initiative.

Eric Schwartz, Maryland Association of Boards of Education

- Advocates "simple" charter school legislation. Reiterates that local boards of education already have the authority to create charter schools and waive local regulations for those schools.
- Believes HB 999 intruded on local control by including provisions on collective bargaining, special education, transportation, student and teacher discipline, and property acquisition laws.
- Would prefer to see legislation that sticks to the State Board of Education's charter school guidelines; tailoring it to federal guidelines is pointless since the federal guidelines are subject to change.
- MABE would limit HB 999 to the following provisions:
 - A county board of education may grant a charter to operate a public charter school as provided by regulations adopted by the State Board of Education;
 - These regulations should allow the charter school to request exemptions from the State Board from certain rules that inhibit its flexible operation and management;
 - The regulations should not limit the number of charter schools allowed;
 - The regulations should require the local boards to periodically review and evaluate the charter school to ensure that it is meeting or exceeding its academic performance requirement; and
 - Existing private and parochial schools should not be allowed to convert to public charter school status.

Robert Lazarewicz, Howard County Board of Education

- Originally opposed HB 999.

- Important to recognize the aspect of local control and authority as they relate to the charter school initiative.
- Adopted a resolution stating the county's position on charter schools; position similar to the criteria adopted by MABE.
- Concerns relating to HB 999:
 - Application process: 60 days may be an inappropriate time frame (page 5, line 30);
 - Calendar: ability of charter school to establish its own calendar/school day could strain the local board's public transportation budget (page 6, line 12);
 - Disciplinary process: does not contain a student appeal process (page 8, lines 16-21);
 - Transportation: unfunded mandate if county required to transport students attending an out-of-county charter school (page 9, line 34); and
 - Employee relations: collective bargaining and the board of trustee's authority to not implement certain provisions of the respective bargaining agreement (page 10, lines 17-20); and extended leave provisions (page 11, lines 6-19).

Betty Pitt, American Federation of Teachers

- Will forward to staff her written testimony and a copy of the AFT's national criteria on charter schools.
- Opposes HB 999 as originally drafted. She commented that charter schools have generated little public interest in Maryland and that efforts should focus on improving Maryland's existing public schools.
- Upon Delegate Leopold's request, she indicated that her organization would review MSTA's amendments and notify the task force of the organization's position.

John Woolums, Maryland Association of Counties

- County governments have an important role and interest in school funding issues; charter schools receiving public funds should receive the same form of public budget scrutiny

required of other public schools. Believes the language in HB 999 does not address such areas.

- Stressed importance of ensuring that charter schools are fiscally accountable and in compliance with local planning and zoning ordinances.

Tom Foster, Partners Achieving Great Education

- To succeed, charter schools must have (1) sound management -- including strong accountability systems and administrators with fund-raising experience; (2) quality teachers -- including non-certified teachers who should not be subject to certain salary schedules; and (3) community support -- the 51% majority required in HB 999 is not high enough.
- Would support legislation that :
 - Allows charter schools to operate as non-profit entities;
 - Allows existing private and parochial schools to convert to a public charter school;
 - Charters schools for ten years with periodic review;
 - Provides facility and start-up costs; and
 - Retains the sibling preference clause, the transportation clause, and the clause providing that the State pay for students that must be placed outside the public charter school.
- Delegate Leopold asked what would be an adequate level of teacher/parent support to which Mr. Foster suggested a two-thirds majority. Delegate Leopold also asked about an appeals process if a county board of education denies a charter. Mr. Foster suggested that appeals should be made to the State Board of Education.

Sylvia Fubini, Maryland Coalition for Educational Reform

- Advocates "strong" charter school legislation since parents have few alternative vehicles for educating their students.
- Noted that large school districts are very powerful and often resistant to change.

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- Charter schools should receive a fair amount of autonomy in exchange for increased accountability.

Reverend Dr. Kerry Hill

- Supports the charter school concept as not all children can succeed in a public school environment.

Joni Gardner, Parent

- Supports charter schools -- her children have attended charter schools in Arizona.
- Maryland's legislation should conform to the federal guidelines.
- Interest in charter schools is strong in Maryland; however, individuals unlikely to act on interest until the State adopts enabling legislation.

Daanen Stracher, Techworld Charter Schools

- Task force needs to examine charter schools in the overall concept of systemic reform; charter schools do not drain resources away from the existing public school system.
- Discussed the virtues of independent/dependent charter schools; suggested that the task force examine Florida's enabling statute.
- Start-up costs are a significant barrier for charter schools. For example, he found it difficult to acquire property for the school as the school did not have a financial history.
- Views charter schools as an economic development tool; parents move to areas with charter schools.

Laura Weeldreyer, Education Director, Advocates for Children and Youth/ New Schools Advisory Board in Baltimore City

- If the local boards of education control the process for obtaining a charter, then charter applications should be reviewed by an advisory group that includes a diverse set of stakeholders -- both inside and outside the county school system (parents, teachers, union

representatives, community members, foundation representatives). Baltimore City did this in developing its New Schools Initiative.

- Review of charter school applications: have a set application deadline instead a rolling application deadline. Otherwise, schools encounter non-negotiable internal deadlines of the school system -- make sure the application schedule conforms to these deadlines (e.g., the budgets are due in April, so don't award a charter in May).
- Consider a two-phased application process. Completing the application is difficult; a first round could encourage more individuals to apply and weed out all but the serious applicants. Only applications with significant merit would be required to complete the more detailed second round application.
- Retain a strong State-level appeals process.
- Provide start-up grants in the mix of funding.
- Delegate Marriot asked about the relationship between the advisory group and the school board. Ms. Weeldreyer responded that the relationship was advisory only
- Dr. Gillen asked about the genesis of the new school initiative. Ms. Weeldreyer responded that it resulted from the special education lawsuit, a desire to establish innovation within the system, and the district's experience at the Stadium School. Dr. Amprey established an advisory board to develop the new schools initiative. This advisory board does have the support of the City Commissioners, although the level of support is questioned at times.
- Dr. Cornish asked about the teacher turnover rate in the new schools. Ms. Weeldreyer commented that it varies among the schools and that it is unclear who evaluates the school operators.

Maryland Congress of Parents and Teachers (written testimony only)

- Supports the principles identified in MSDE's Guidelines for Use by the Local School Systems in Considering Charter School Applications (July 1997).

Jay M. Gillen, Task Force Member (written testimony only)

- Should allow other public bodies to grant a charter, namely State Board of Education, publicly funded universities, or units of local government.

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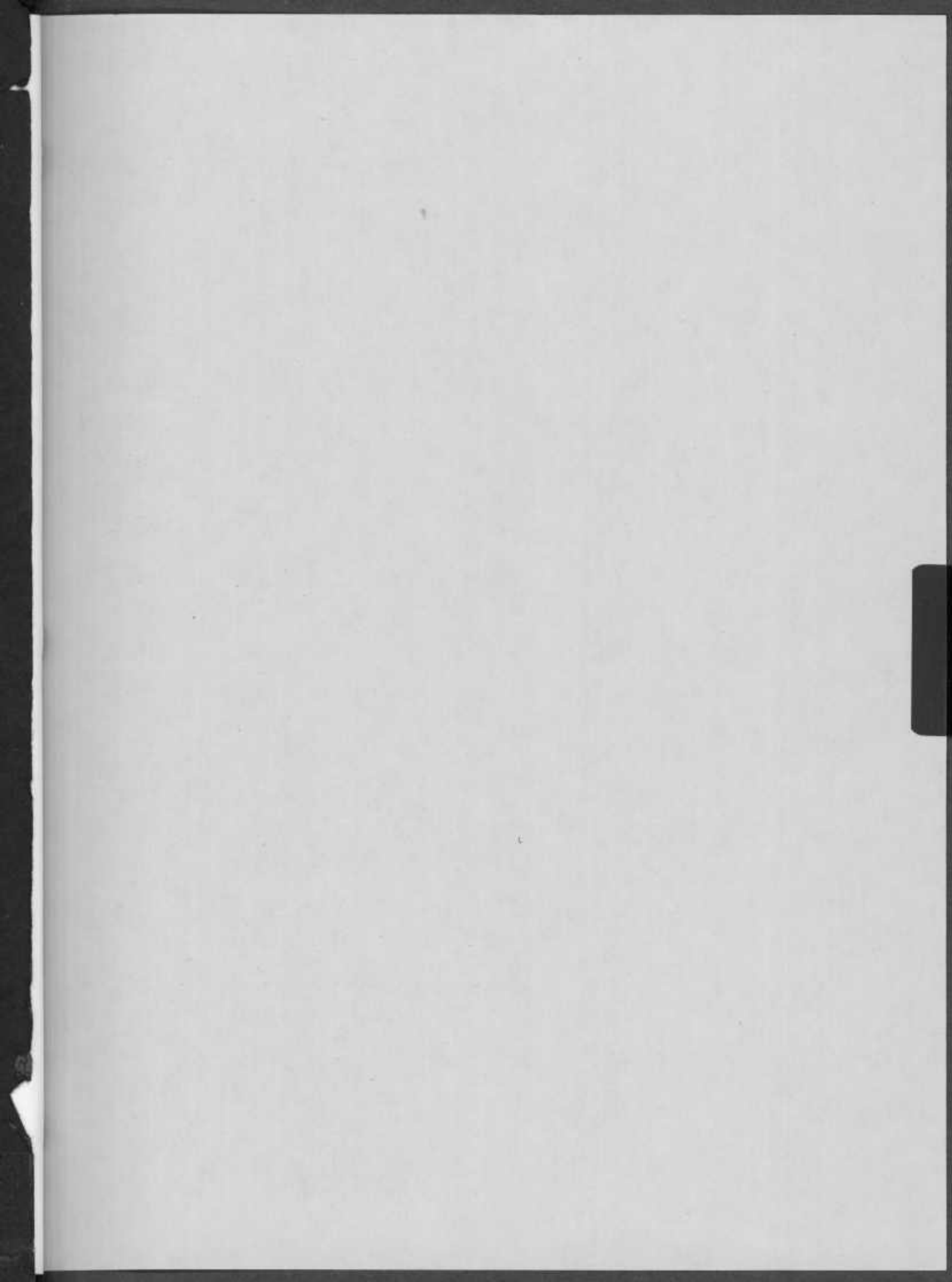
- Legislation should provide a blanket waiver from all regulations other than those for the students' safety, health, and civil rights.

Rosemary Dove, Parent (written testimony only)

- Stresses that charter schools should be authorized to provide learning opportunities for students with disabilities, including moderate to severe learning disabilities (page 7, lines 23 & 24 - add "For students with disabilities, including moderate to severe learning disabilities"). Justification: lines 7-19, page: these students need the "different and innovative learning methods" and the "implementation of a wide variety of educational approaches that are not available in the traditional public school classroom".

Closing Remarks and Adjournment

The next scheduled meeting would be November 24 at 10 a.m. in Room 110 of the Lowe House Office Building. This meeting should serve as an opportunity for the task force to begin developing our recommendations, which must be issued by December 1, 1998. Dr. Vance encouraged the task force to send staff their comments on HB 999 and reminded them that its recommendations must be issued by December 1, 1998.



Task Force on Public Charter Schools

Meeting Schedule

Prepared September 16, 1998

First Meeting: October 7, 1998 (10 a.m.)

- Organizational Matters
- Maryland State Department of Education
 - Overview of Charter Schools
 - Maryland Guidelines
- U.S. Department of Education
 - Update on the federal charter schools program
 - Review of Charter School Laws in Other States
- Department of Legislative Services
 - Review of House Bill 999

Second Meeting: October 20, 1998 (2 p.m.)

- Input from Interested Parties

Third Meeting: November 24, 1998 (10 a.m.)

- Discuss options
- Develop recommendations

Final Meeting (if needed): December 2, 1998 (10 a.m.)

- Review Final Report and Proposed Legislation