

Task Force on Public Charter Schools

Dr. Paul L. Vance, Chairman

AGENDA

Tuesday, October 20, 1998
2:00 p.m.

Room 110, Lowe House Office Building

- I. Call to Order and Opening Remarks**

- II. Public Testimony on HB 999, as Originally Introduced**

- III. Closing Remarks and Adjournment**

The Maryland Coalition for Educational Reform



Volume 1, Number 1, October, 1998

Reform is not easy

Congratulations! You are one of the caring citizens in the state of Maryland interested in improving our state's educational system. Needless to say, reform is not an easy job.

We are the Maryland Coalition for Educational Reform and we see ourselves as a forum for interested individuals in the state who want to see educational reforms made to the system and want to discuss how these reforms should occur. We plan to coordinate a statewide effort. This newsletter is a start. We plan to publish it frequently, and we are counting on you to give us news, ideas, and stories.

As current chairman of the Coalition, I believe that it is necessary to provide parents with educational alternatives for their children. The neighborhood school does not always offer the most appropriate educational program for every child in its district. In a state as diverse as Maryland, it would be impossible to expect every school to meet every child's educational needs. In many other states, such alternatives are already being provided in many forms. In addition to magnet schools, the most common forms currently being implemented are charter schools and vouchers for private education.

We feel that parents in the state of Maryland clearly need alternatives for their children's education. One way to accomplish this is to allow people to leave their neighborhood schools, for a different public education of their choosing. We believe that the Maryland school system will be greatly enhanced through the passage of a strong public charter school bill. Such legislation will provide the opportunity to develop alternative public schools that are held directly accountable to the parents, children, and community they serve.

To this end, I hope you will read this newsletter from cover to cover. In it, we will provide you with information about charter schools. We will tell you what they are and what they are not. We will describe charter schools that are successfully educating children throughout the country. You may be aware that nearby, in Wash-

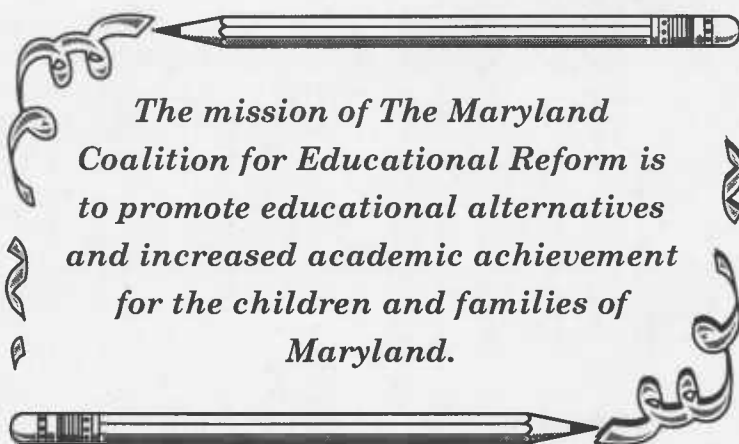
ington DC, there have already been 24 charter schools approved, with 19 currently open serving children from pre-kindergarten through 12th grade.

Also included in this newsletter will be information regarding charter school websites, charter school activities underway throughout the state, federal charter school

programs, and an event calendar. In this issue we have focused on the Task Force on Public Charter Schools currently meeting in Annapolis which is chaired by Dr. Paul Vance, Superintendent of Montgomery County Public Schools. The public is invited to testify before the task force on October 20th. It is particularly important that those of us who are concerned about the need for alternative educational opportunities offer our voice. We need to let our legislators know that we want educational choices, that we want public charter schools.

I hope you will join us in this critical effort. We need to act as quickly as possible. Our children deserve the best educational opportunities that we can provide right now. Our families deserve the opportunity to choose the type of education they feel would most benefit their children. So please use this newsletter as your forum. Send us names of interested people for the mailing list; give us information about topics that are of interest to you; tell us your experiences so we can include them in future issues. Most important, please volunteer to provide testimony at the Task Force meeting on October 20th. I look forward to meeting all of you soon. In the meantime, let us begin!

Sylvia Fubini, Chairman ■



What is a Charter School?

Charter schools are public schools. Their purpose is to increase academic achievement. Free of many of the constraints of the large school systems, charter schools are financed with the same per-pupil public funds as traditional public schools. Like other public schools, charter schools are open to all children within the district tuition-free. Also like other public schools, they are responsible for providing a free and appropriate education to all students. Charter schools provide families with choices for their children's education.

By being an independent district, charter schools have an autonomy that is missing in larger school districts. These public schools are run privately and are typically developed by parents, educators, or community organizations. Charter schools are usually designed around a particular educational philosophy or curricula focus, such as: back-to-basics, arts-based, or technology. They may also target a specific population, such as college bound or at-risk students. Thus, they provide the opportunity for parents to choose schools with teaching

styles that match their child's learning styles.

Each charter school's board of trustees is held accountable for the operation of the school. Charter schools must achieve academic results, operate as a viable organization, and be faithful to the terms of their charter. Schools that do not meet these conditions will be closed, thus eliminating schools that consistently fail to meet the needs of our children.

Charter schools are currently educating students successfully in more than half of the United States; 33 states and the District of Columbia are home to 1,129 charter schools, serving over one quarter of a million children. This progress has been made in just six years. Charter schools introduce competition into public education by providing families with educational alternatives. As citizens concerned about the quality of education for all Maryland children and the families' right to make educational choices, we advocate passing progressive charter school legislation in our state.

Let's Work Together

- Do you know people to be added to our list?
- Tell us your ideas for school reform
- How can we help you?
- You name it—call us!

Joni or Tom, 410-312-1662, jonig@erols.com

- Would you like to be more actively involved?
- What are the education needs in your community?
- Copy this newsletter and pass it around!



The Maryland Coalition for Educational Reform
c/o Gardner
6152 Silver Arrows Way
Columbia MD 21045

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What's Going on with Charter Schools in Congress?

Charter schools are largely an instrument of state education policy, but the federal government's role in support of charters includes access to funding through federal education programs like Title I and IDEA. The most visible of those programs is the Federal Charter School Grant Program — initially authorized and funded during the 1994 reauthorization of the federal Elementary and Secondary Education Act. Appropriations for that program have increased from \$6.0 million in the first year to \$80.0 million in the fiscal year ending September 30, 1998. President Clinton has proposed increasing the size of the program to \$100.0 million in the coming year as part of his strategy to help create 3,000 charter schools in the country in the early 21st Century.

In order for Maryland to qualify and compete for federal charter

school funding, we must have an enabling state statute. The new federal legislation requires that state applications for federal funding be prioritized based upon the quality of the state law.

For information about proposed changes in Federal charter grant funding, see the summary prepared by Charter Friends National Network at www.charterfriends.org/federal.html ■

Maryland's Task Force on Public Charter Schools

In 1996, Maryland legislators determined that the right to establish public schools came under the jurisdiction of the school districts. Therefore, Maryland did not need statewide charter school legislation. However, in order for Maryland to be eligible for federal charter school grants, there does need to be an enabling state statute. Thus, the Task Force on Public Charter Schools was formed to determine what is necessary to satisfy the United States Department of Education.

Task Force Agenda

Here is the Task Force schedule and directions to the meetings. All meetings are open to anyone interested in this topic.

Tuesday, Oct. 20, Senate Office Building, Rm. 100, 2:00 PM. Agenda: "Major Stakeholders" have already been invited to offer comments, but groups and individuals may also provide public comment at this meeting.

Tuesday, November 24, 10:00 AM: Agenda: Wrap-up, draft legislation proposed (Md. Senate Office Building: Take Rt. 50E to Rowe Ave, Historic District. Follow Rowe to Senate Office building on right. To park, take Calvert, which veers off to right, most traffic will be going that way, to parking garages on left, and walk one block to SOB). For more information on hearing schedule, call Lynn Raymond, Legislative Services, at 410-841-3710. ■

Did You Know?

- Maryland has fewer school districts than nearly every other state;
- Maryland has the sixth largest pupil-teacher ratio among all states;
- Maryland saw a 10.8% decline in number of students graduating from high school over the last 10 years;
- Maryland ranks 30th among all states in daily student attendance.

Resources

- **CHARTER SCHOOLS Listserv/ Email Discussion Group.**
The listserv provides a space for discussion about the charter school movement and idea. Information may be found online at <http://csr.syr.edu/resource/listserv/listserv.html>
- An extensive list of charter school resources and conferences can be found on The Center for Education Reform website at: <http://edreform.com/resource/chconorg.htm>
- **PAGE: Partners Achieving Great Education**
Joni Gardner and Tom Foster, Co-Directors
The mission of PAGE: Partners Achieving Great Education is to

partner with schools, parents, community organizations, and businesses to develop and support innovative education.

Tom and Joni have been working within the charter school movement in Arizona and Washington, DC. They are now focusing their attention on supporting the efforts to develop innovative, educational alternatives in Maryland and will serve as the point of contact for the MD Coalition for Education Reform
c/o Joni Gardner
6152 Silver Arrows Way
Columbia, MD 21045
Phone: 410-312-1662
Fax: 410-312-1664
E-mail: jonig@erols.com

What's Happened to Date in the Task Force?

The Task Force on Public Charter Schools had their initial meeting on October 7, 1998. Attending the meeting, in addition to task force members, was Mr. Alex Medler, Charter School Consultant for the U.S. Department of Education. There were approximately 12 interested citizens in attendance.

Following the opening remarks by Chairman Dr. Paul Vance, Dr. Robert Rice reviewed the current suggested Maryland charter school guidelines published by the State Board of Education. At the present time, Montgomery County is the only district that is developing a policy for chartering schools. The recommendation will be presented to the Montgomery County Board of Education on November 10th. Despite the interest in

charter schools in other districts, there is presently no other movement to make charter schools a reality in Maryland.

Alex Medler, Charter School Consultant for the U.S. Department of Education, underlined the necessity for the state law and federal grant application to be competitive with other states, not merely to meet minimal requirements. He discussed pending federal legislation that, if passed, would give priority to states with laws that meet specific criteria.

Following Mr. Medler's update on the status of the Federal Charter Schools Program and review of laws in other states, there was a review of HB 999. Mr. Hiram Burch reviewed the key points of the Bill introduced during the

1998 legislative session. He followed with a discussion on the fiscal effects of the law. ■

How Does Maryland Rank Among States on Education?

The National Assessment of Educational Progress (NAEP) is mandated by Congress (GEPA, Section 406) to monitor continuously the knowledge, skills, and performance of the nation's children and youth. Under this legislation, NAEP is required to provide objective data about student performance at national, regional, and, on a trial basis, state levels. NAEP publishes the Nation's Report Card and can be accessed on-line at <http://nces.ed.gov/naep/>

One of the findings included in the report is that from 1992 to 1996 the average math scores for Maryland students in grades 4 and 8 did not change significantly, while that of students across the nation increased.

Interesting Fact Sheets about Maryland Education can be found on The Maryland State Department of Education website at www.msde.state.md.us/SCO/factsheets/

These facts were found on the MD State Department of Education site:

- Maryland's class sizes are generally larger than the national average and our attendance lower;
- We rank near the top in how much we spend, but near the bottom in how much we spend versus how much we could spend, having a significant amount of funds available to spend on education.

Please Come!

The next Task Force meeting will be held on October 20 at 2 p.m. in Room 100 of the James Senate Office Building. We need to demonstrate our interest in developing educational choice for the education of Maryland children. Please attend and testify!

These are the ground rules if you wish to testify:

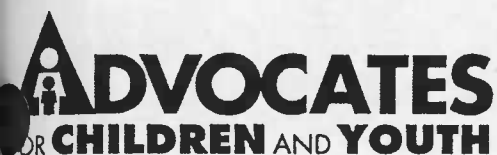
- no more than five minutes will be allowed;
- testimony should relate to the provision of House Bill 999, as originally introduced in the 1998 legislative session (we have copies of the bill), or offer other suggestions for legislation that would enable Maryland to qualify for federal funds;
- sign up in Room 100 between noon and 1 p.m. to testify (note: if you can't get there early, call Joni or Tom at (410) 312-1662 and we'll sign you up;
- bring 30 3-hole punched copies of your testimony
- written testimony will also be accepted (before the hearing) and should be sent to Dr. Paul Vance, c/o Task Force on Public Charter Schools, 90 State Circle, Room 214, Annapolis, MD 21401.

Maryland Coalition for Educational Reform

c/o Gardner

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Columbia MD 21045

Address Correction Requested



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Task Force on Public Charter Schools

October 20, 1998

Testimony on House Bill 999

My name is Laura Weeldreyer and I am Education Director at Advocates for Children and Youth, a statewide organization recognized for its policy expertise on issues which affect children. For the last ten years, ACY has influenced laws, social policy, and public spending with only one goal in mind – giving children the chance they deserve to grow into healthy, caring, productive adults.

Today I am representing the New Schools Advisory Board in Baltimore City. For the past two years, the New Schools Advisory Board has worked to create opportunities for the development of new public schools and the transformation of existing low-performing public schools under the operation of non-profit institutions. The New Schools are currently the closest relative to charter schools in the state of Maryland.

The New Schools are public school in the Baltimore City Public School System, which are given greater authority in exchange for greater accountability. Each of the nine schools has a contract with the city that spells out the accountability requirements. The New Schools have authority over hiring of staff, curriculum, budget, and governance. The New Schools must participate in all system and state assessment initiatives, such as the MSPAP and the Maryland Functional Tests. The only assessments from which the schools are exempted are those tied directly to county curriculum.

In response to House Bill 999, I offer the knowledge and experience we have gained throughout the process of creating a New Schools Initiative. If the process for obtaining a charter is to be controlled by the individual county, I strongly recommend following Baltimore's lead in creating an advisory board that includes a diverse set of stakeholders both inside and outside of the school system. Our board includes system representatives, parents, union representatives, community members, and representatives from a variety of non-profit organizations and foundations. Our diversity in perspective has been invaluable. The Advisory Board has been responsible for the development of the Request for Proposal, the solicitation of proposals and operators, the evaluation of proposals, and, once selected, ongoing support of operators. The New Schools Advisory Board also makes recommendations to the New Baltimore City Board of School Commissioners on policy decisions affecting New Schools and acts in a general troubleshooting capacity.

In HB 999, you have stated that any charter application will be reviewed within sixty days. From our experience, this would be a particularly cumbersome task for the school system. As we began the process of soliciting applications for New Schools, we bumped up against non-negotiable internal deadlines of the school system, which led us to drastically change our review and selection process. For example, we had originally decided to select schools in May and then we found that budgets are completed in April. If we wanted our schools to receive any money, they had to be in the mix earlier than May.

I also want to address the scope of material expected in the charter school application. In Baltimore, we have a two-phase application procedure. In the first phase, applicants include information about their vision for the school, curriculum or theme, relationship

to the community, plans for admissions, and their qualifications for running a school. Once an applicant has passed through phase one (on the strength of the written proposal and an interview), phase two requires a much more stringent, detailed proposal. This proposal includes staffing plans, a school calendar and much of the same information you have suggested in HB 999. The two different phases are important because the New School operators are often reluctant to proceed with discussions of hiring staff or budget allocations until they have received some assurance that they will be granted permission to run the school. Also, the New School operator often needs information and assistance from the school system in order to complete this kind of proposal. The two phases provide the opportunity for technical assistance.

I believe strongly that charter schools will benefit from a state-level appeals process, with the authority to override county-level decisions.

Funding is a critical issue for New Schools and charter schools. Deciding on a funding formula has been a complex task in Baltimore. As you consider the issues around funding, I want to share the importance of start-up grants. In the first year, the New Schools Advisory Board raised \$60,000 per school as start-up money. This money was necessary not for the purchase of *things*, but for the purchase of time: the schools needed to be able to hire teachers before the first day of school to plan, write curriculum, and help physically set up the school. I hope you will consider our experience and the experiences of others nation-wide as you address the issues of funding.

In closing, I propose that the Task Force on Public Charter Schools may benefit from a presentation on the New Schools Initiative. Members of the Advisory Board, BCPSS staff, and New Schools operators would be happy to return and speak in detail about the challenges and rewards of this initiative.

Thank you.

Comments for Task Force on Charter Schools

Tom Foster, Co-Director

Partners Achieving Great Education (PAGE)

P.O. Box 77702

Washington, DC 20013

202-669-7396

What Makes a Good Charter School Law?

Good Afternoon. My name is Tom Foster. I have my Masters degree in education and have taught 6th grade. I have also been involved in the charter school movement for the past two years. I am actually a resident of Washington, DC, but I am speaking today at the request of the Maryland Coalition for Educational Reform because of my experience as both a teacher and a charter school supporter.

The question before the task force today is to determine what makes a good charter school law. In order to make that determination; we must first ask ourselves, "What makes a good school?" These are my thoughts.

First, a good school must be well run. A well-run school has a long-term vision. A well-run school is able to bring together the people and resources to pursue that vision. And, in the end, a well-run school is accountable to the criteria of that vision.

To run a charter school well, the management needs to have this vision before they are approved. They need to establish the terms of their accountability before they are approved. They need to have experience running a business, because it is a business, albeit an altruistic one. They need to have experience with fund-raising, because the funds provided will likely not be enough to reach their vision. In short, they need to be entrepreneurs capable of holding it all together. While the law should not dictate the types of people to start schools, the law should dictate that a sound business plan, curriculum, and accountability plan be detailed before approval.

The second criterion is that a good school must have good teachers. A good teacher is able to show a student the joys of learning. A good teacher is knowledgeable about the subject. A good teacher cares about every child in the class and can meet all of their learning needs. A good teacher is able to prepare the students for what lies ahead in their lives.

So a good charter law must ensure that our children have good teachers. The law should require that schools evaluate their teachers and hold them accountable. But let me emphasize that it should be the schools that evaluate, on their own terms, what makes a good teacher. The management of the school knows the abilities of their teachers and sees the results before them.

Should these teachers be certified? A certified teacher has received training in child development—that is good. A certified teacher has received training on methodology—that is good. But, has a certified teacher worked in the private sector to truly understand the application of the skills and knowledge being taught? Usually not. There is a value to real world experience and we should not refuse schools the opportunity to capitalize on that value.

Schools need to have the flexibility to hire the people they feel best meet the needs of their students. And they need the flexibility to pay those teachers whatever market value is suitable for the people involved. If they need to pay more to attract a Ph.D. from NASA or pay less to offer a teacher a smaller class, then the law should not be in the way of the management and the teachers that choose to work under those terms. In the end, it is they who are accountable for ensuring the success of the students and the school.

The third major criterion for a good school is that it has the support of the community. I believe the reasons for this are obvious: the school is the community and the community is the school. If the two are in discord, neither will succeed.

The law should require a clear demonstration of community support. This could be testimonials at public hearings, letters of support, or even surveys for new schools. In specific reference to House Bill 999 regarding the conversion of an existing public school into a charter school, I don't believe that 51% of a community is enough support and that a 60% or even a two-thirds majority should be considered.

I stated three criteria for a good school. Those being good management, good teachers, and the support of the community. A well-written charter school law can help ensure these are in place. Allow me to summarize the elements I believe make a good law:

- The management of a charter school should be able to demonstrate a long-term plan for the school and have the expertise to carry the plan out.

- The charter schools should have the flexibility to hire the staff they feel is best.
- Teachers should have the freedom to work at the schools of their choice at the salary of their choice.
- The applicants need to be able to demonstrate the support of the local community.
- The conversion of an existing public school should require more than 51% of those involved.

Other items specific to House Bill 999 that I would like to address, but not go into detail are:

- All charter schools should be non-profit organizations.
- Private and parochial schools should be able to convert to charter schools as long as they convert to non-profit organizations and comply with the separation of church and states laws. This would allow proven schools to open their doors to all students.
- Schools should be chartered for at least ten years to enable the management to secure long-term financing. Periodic review would help ensure accountability to standards.
- Facility and start-up costs should be provided. If we are putting our faith in the people running the charter school and educating our children, then we should give them the resources necessary to succeed.
- The sibling preference clause is excellent. There should also be a preference clause for students attending an existing public or private school that is converting to charter status.
- The provision to pay for transportation is commendable and should remain in tact.
- The provision to pay for students that must be placed outside the public charter school is also commendable.

In closing, there are many elements that make a good school. Charter laws can be designed to help ensure that all charter schools are good schools. Charter laws can also be designed to allow the freedom needed to let the innovators innovate and provide good choices for parents, children, and teachers. I believe Maryland has a tremendous opportunity to show the nation a charter school law that ensures both choice for all and accountability for all.

Comments to the Task Force on Public Charter Schools

Hearing Date: October 20, 1998

Written Testimony by:
Amanda Gardner
6152 Silver Arrows Way
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410-312-1662

My name is Amanda Gardner. Currently, I am a senior at Long Reach High School in Columbia, MD where I play varsity soccer, student-direct drama productions, and serve as president of the National Honors Society. Additionally, I hold the position of Middle School Liaison for the Howard County Association of Student Councils. In tenth grade I attended an arts focused Charter School in Arizona. The school represented a turning point in my education. At the school I had numerous opportunities unique to its format, opportunities that aren't available in public schools. I became responsible for obtaining my education. I was encouraged to make the most of my education and was held accountable when I failed to meet my own established expectations and the expectations of the school.

At the charter school I attended, there were many resources. Books, computers, and teachers were the most readily available resources, though students were encouraged and were provided opportunities to complete hands-on research in their field of interest. At my school teachers were considered a resource and facilitator rather than the final word on a subject or research question. It was the job of the teacher to guide the student along the path of finding answers, drawing conclusions, and applying information. This meant that the student learned how to solve problems in the real world without being spoon-feed every item of information-which is sometimes the case in a traditional public school setting. Charters schools are exceptionally versatile in that they can be whatever people desire; whatever there is a need for. They are able to cater to the specific needs of the community or group. If someone is looking to provide a place of learning for people gifted in the areas of computer technology, the arts, or political science, a charter school has the ability to create a unique program. Our world is constantly changing and likewise it is necessary for education to reform as well. Charter schools don't take away from the public school system but rather they enhance it. Charter schools provide families with options.

Traditional school settings don't work for everyone, a fact that is evident in the failure rates, discipline problems, and overall frustration of parents, students, teachers, and administrators. Charter schools are able to

achieve amazing things because of their ability to keep class sizes small. Students are able to develop individualized programs of study, which if nothing else gets students involved in their education. Isn't that what it's all about? Instilling in children of the country the desire to learn; getting them on the bandwagon of the quest for knowledge. One important attitude I learned from attending a charter school is that life is not about knowing everything, it's about being able to find answers and apply what is already known. A person who is able to research and sort out information from all of the billions of sources in the world is going to be more successful than someone who was able to get all A's in a school where they were never required to think.

Another amazing capability of charter schools is individualized attention. I am amazed that while I was at the charter school I spent numerous hours with the director of the school. I had personal relationships with all of the teachers at my school and the administrators and directors. I even knew people on the Governing board of the school. At my school now, I have to go on a wild goose chase to find the principal. Every administrator I ask has a different story of where the principal is and yet they are all linked by walkie-talkies. At the charter school I was always able to find the director of the school if I had a question or just wanted to talk. Students' opinions were valued and applied at the charter school I attended. There was a student representative on the site council who had equal voting rights with the adult members.

After returning to a traditional public school, I have noticed some acute differences between my peers and myself. I possess much more motivation, initiative, and self-directed drive to learn, explore, and grow. My problem solving skills far outweigh those of my peers. I am more creative, articulate, and able to interact effortlessly in professional, adult situations. I have also noticed that I possess a resourcefulness that many of my peers lack. I seem to have more experience than most of my peers as well. After leaving my charter school, I was comfortable completing many functions of the business world including interviews, communication, creating a portfolio, and initiating a meaningful research project. In everyday class situations, I notice that for the most part, my peers do not look for connections between subject areas and they do not integrate concepts, which is a skill that I was taught at a charter school. My experience at a charter school helped shape me as a capable human being. I was not just a student at the charter school. I was a unique individual discovering my abilities, interests, and talents while learning about life and preparing to enter the real world.

Comments to the Task Force on Public Charter Schools

Hearing Date: October 20, 1998

Testimony by:
Joni Gardner
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I have been working with Charter schools in Arizona and Washington, DC for 3 ½ years and currently serve on the Board of Directors of Carmel Community Integrated Arts Charter School located in Chandler, Arizona. My 3 children have attended Maryland Public schools except for the year they lived in Arizona, during which time they attended a charter school.

When I attended the first meeting of the Task Force on Public Charter Schools, the general consensus was that there is little interest in charter schools in Maryland. My experience over the past year has been very different. I have spoken to people all over the state. They have expressed concerns about education for their own children. They have expressed the desire to start charter schools. They would like to see our state provide a wider range of educational alternatives. When I have described the positive impact charter schools are having in Arizona, many people expressed the desire to see those type of changes happen in Maryland. These are people who are interested, but for personal reasons do not want to speak out publicly, until Maryland has a state enabling charter school statute.

There is a group in Prince George's County involved with a pre-school attended by students who would be considered at hi-risk of academic failure. Their students do well until they enter their community elementary schools. They would like to open a charter school for these students that builds on the foundation they receive in the pre-school program, one in which they can succeed.

There is a teacher, who I observed in Cecil County. She works with children from an extremely impoverished community. Many students have one or both parents in jail, many are from drug or alcohol addicted families, many of her students have moved from relative to relative. Her dream is to open a residential school, provide a safe and nurturing environment. Children can learn much better when their basic needs are being met. There are national precedents for residential charter schools. One example is the SEED Public Charter School in Washington, DC opened this year as a college preparatory school for at-risk inner-city children, whose residential settings are disruptive to their education. There are many Maryland communities that would benefit from this type of educational alternative.

I know a Montgomery County teacher who is anxious to open a charter school using the International Baccalaureate Program, a rigorous academic curriculum emphasizing the ideals of international understanding and responsible citizenship that relates the experience of the classroom to the realities of the world outside. He has done considerable research, partly through contacting operating charter schools in Texas that use this curriculum. There are many counties in Maryland that would be interested in a school with this particular focus.

I know of a non-profit group that wants to open a charter school in Baltimore. This school would serve children K-12, with a focus on developing leadership skills, strong academic skills, and implementing community based projects and internships. Beginning with Kindergarten the program develops the skills necessary for the students' success in the high school academic program and internships. The internships will serve as a stepping stone for graduating students to successfully meet the challenges of college education, vocational training, or the business world. The city of Baltimore would benefit greatly from a school that produced students with these skills.

My personal interest is to partner with agencies that work with abused and neglected children. I would like to develop a school that would provide stability for children who are in the Social Service system, often moving from foster home to foster home. I would use an arts-based curriculum, tied to the state academic instructional standards. The students would meet their academic goals in a setting that nurtures their emotional needs. They could remain in the same school regardless of their place of residence. My intent is that it would be a transitional program, serving children for as long as they need it. When they are ready, they could go to another charter school, a private school, to their neighborhood public school, or choose to remain at this school. The reality is, there is a need for this type of charter school in every county in our state.

As public charter schools, all of these schools would have an open enrollment. They would provide an education option for families, who currently have very few choices. I have discussed many other charter school designs with people in Maryland, including schools designed for children with learning disabilities that are based upon NIH research for teaching children with dyslexia. GT/LD parents have a difficult time finding middle school programs for their children. I have also talked with a special education teacher who would like to have more autonomy than is possible in the traditional public system. With supportive charter school legislation, we could open schools throughout the state that would address the different needs of children and families in ways beyond those of the traditional public system.

With the help of the Task Force Members, we can create charter schools that will enable the public school system in the state to meet the unique needs of Maryland students and families.

Last week the new federal legislation passed as Alex Medler of the United States Department of Education, described at the last Task Force meeting. It will give priority to states that require the review and evaluation of charter schools at least every 5 years.

If we closely monitor the charter schools in Maryland, holding them accountable to the terms of their charter agreement and to the state performance standards, we can ensure that we have quality schools. Charter schools are intended to increase academic achievement. Any school that is not increasing the academic achievement of our children should not be allowed to continue with the status quo.

The federal legislation will also give priority to states with multiple chartering agencies. Arizona and Washington, DC, among many other states, have chartering agencies that are separate from the local school boards. Charter schools were introduced as innovative alternatives to traditional public schools. If their development is under the control of the traditional system, will we really develop schools that are different from those we already have? With a separate chartering agency, we will eliminate unnecessary competition between traditional public schools and public charter schools. All Maryland schools should work together to best educate our children.

The third major change in the federal legislation will give priority to states whose statute gives charter schools a high degree of autonomy over budgets and expenditures. The more autonomy we allow, the more creative schools can be. If we dare to allow charter schools autonomy while holding them accountable, we will discover, as many states have, that there are innovative and alternative educational models that will increase academic achievement. To be truly innovative, it is important that public charter schools have autonomy over personnel, THE major expenditure in a school.

As we consider a Maryland charter school law that will qualify and be competitive for federal funds, let's also consider the education of Maryland children. Let's take this opportunity to write a law that will enable a diverse range of public charter schools that will increase the academic achievement of the diverse needs of Maryland children.

NEW BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS

Department of Education
200 East North Avenue
Baltimore, Maryland 21202
410-396-8709

Shauna G. Mitchell
Legislative Liaison

October 20, 1998

TO: Members of the Task Force on Public Charter Schools

FROM: Shauna G. Mitchell, Legislative Liaison

RE: House Bill 999 -- Public Charter Schools

POSITION: SUPPORT WITH AMENDMENT

Thank you for the opportunity to testify on House Bill 999 as it was originally introduced during the 1998 Session of the General Assembly.

House Bill 999 establishes a public school charter program for the purpose of implementing a variety of educational approaches that may not be available in the traditional public school classroom. The bill authorizes local boards of education to grant charters that will be valid for an initial 4-year period. Under the bill, a public charter school will be operated independently of the local board and managed by its board of trustees. An existing public school may become a charter school if at least 51% of the teaching staff and the parents sign a petition supporting it.

The New Board of School Commissioners supports the concept of charter schools. In 1997, the Board contracted with four non-profit organizations to manage public schools under the New Schools Initiative. In Cycle One of the New Schools Initiative, three schools were selected as wholly New Schools: Midtown Academy (K - 3), New Song Academy (K - 8), and Harlem Park Academy (6 - 8). One of the New Schools, City Springs Elementary, was an existing school that is now under the operation of the Baltimore Curriculum Project. In Cycle Two of the Initiative, the Board contracted with four non-profit organizations to manage five existing, low performing schools.

The purpose of the New Schools Initiative is to foster innovative and effective approaches to instruction and school management. The New Schools have significantly more autonomy than other public schools in the areas of management and instructional programs, but the schools also must meet higher accountability standards.

The Board supports the provisions of House Bill 999 that authorize local boards of education to grant charters to operate a public charter school. However, we believe that the local boards should be the only agencies in the State authorized to grant charters to public charter schools. Moreover,

there are certain provisions of the bill that seem problematic.

First, in section 9-104(d), the bill provides that 51% of the teaching staff and 51% of the parents or guardians can petition to make a public school eligible to become a public charter school. This number is too low and should be increased to a higher percentage of the parents and staff.

Second, in section 9-112(b)(2), the bill requires that the county board pay the educational expenses of a student who requires an educational placement outside of the public charter school because of a handicapping condition. As you know, the Baltimore City Public School Systems spends a great deal of money providing services to special education students. If the public charter school can not provide for a student, the student should first be sent back to the regular public school system so that the student's needs can be met through the system.

Third, in section 9-114, the school system is required to provide students who attend public charter schools with the same level of transportation as provided to students attending other public schools. Currently, all the schools participating in our New Schools Initiative our neighborhood schools. Moreover, the parents were informed that they are responsible for providing transportation for their students if they choose to send them to one of these schools. As the provisions is currently drafted, it could prove to be potentially costly to the school system.

Finally, we are not opposed to a charter school receiving the same per pupil allocation costs for a student as an existing public school. However, if a charter school is located in an outside facility, the school system does not want to be responsible for the utilities or maintenance and upkeep of that facility.

We respectfully request your consideration of the issues that we have raised concerning House Bill 999 .

AMENDMENTS

On page 4, after line 6, insert:

“(C) THE COUNTY BOARD MAY GRANT OR REJECT AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL.”. This is added to clarify the county board’s authority to reject an application.

On page 5, after line 25, insert:

“9-107.1

A PUBLIC CHARTER SCHOOL SHALL REMAIN A PART OF THE SCHOOL SYSTEM GRANTING THE CHARTER.”. This is to ensure that the charter school remain under the oversight of the county board.

On page 9, in line 24, strike beginning at the second “the” through “former” in line 24, and substitute “A SIMILAR”. This would guarantee that a teacher who took a leave of absence would be able to obtain a similar teaching position, but not necessarily the same teaching position that was held previously.



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<http://www.msta.nea.org>

Karl Kirby Pence, *President*
Patricia A. Foerster, *Vice President*
Michael A. Butera, *Executive Director*

October 20, 1998

Dr. Paul L. Vance, Chair
Task Force on Public Charter Schools
Superintendent of Schools
850 Hungerford Drive
Rockville, MD 20850

Dear Dr. Vance:

During the 1998 Session of the General Assembly, the Maryland State Teachers Association opposed HB 999, as it was originally proposed. The concerns expressed at that time remain the same today.

MSTA supports school reform, including charter schools that promote rigorous learning standards, decentralized and shared decision making, and choice in public school educational offerings. Dependent upon the charter school law which determines how charter schools are developed, structured, governed, and funded, charter schools can be agents of change by charting new and creative ways of teaching and learning, or they can allow unprepared people to start schools and undermine education. What type of law does Maryland desire?

During the October 7, 1998, meeting of the Charter School Task Force, Alex Medler from the U.S. Department of Education made clear that if the reason for considering this legislation is to qualify for federal start-up funds, then it is the wrong reason. Beyond any funding issue, and more importantly, the research and analysis of the charter model indicates that its impact on learning is uncertain at best. This is clearly demonstrated by the Preliminary Study conducted by the National Education Association (copy is attached).

There is much more to learn about the impact of charter schools and their potential to promote school change. Furthermore, charter school laws differ from state to state, which presents Maryland with the additional challenge of determining which model or combination of models would work best in a state that has traditionally been a leader in public education reform. Before charter school legislation can be passed, there needs to



be more research on the charter models' impact in order to avoid undermining public education reform efforts that are occurring in Maryland today.

In case this Task Force determines that legislation is appropriate at this time, MSTA has many concerns surrounding HB 999. Similar concerns are outlined in the *Report of the Public Charter School Study Group to the Maryland State Board of Education*.

A charter school must truly be a public school. Under HB 999 as written that was not the case. While a charter school is governed by a separate group of parents, educators, etc., it should remain a part of the county public school system. In other words, a charter school should not become a separate legal entity as proposed in HB 999; instead, a charter school should be operated independently within the existing county public school structure and should be governed by a Board of Trustees. To truly be a public school also requires that the employees and administrators of the charter school remain employees of the county board of education. Furthermore, the employees assigned to the charter school should remain members of their respective collective bargaining units.

For a charter school to remain a public institution would also require limitations on who can establish a charter school. HB 999 allows for-profit corporations to become eligible to receive a charter. In other states, charter schools have proven to be a lucrative business for these corporations. When these corporations are allowed to run a charter school, it is viewed as independent, thus becoming an isolated pocket of potential change. The traditional public schools are not allowed to learn from the charter school experience, which destroys any hope of systemic reform of the traditional public schools.

As a taxpayer-funded school, charter schools must be able to demonstrate a level of academic standards at least as high as in other public schools. This requires certified professionals to work with the students in all charter schools. HB 999 allows the individuals establishing the charter school to propose qualifications of the teaching staff and to establish reasonable criteria to evaluate students. This would allow unprepared and unqualified people to start charter schools.

HB 999 allows public charter schools to be located in any "suitable location." A public charter school must adhere to the public school building codes. If the building code is waived for public charter schools, Maryland, like other states, will have schools in store fronts without adequate restrooms, without a cafeteria, a library, a gym, etc. Or worse, the charter school will be located in buildings that are dilapidated and dangerous to the health of the students and employees.



Finally, the funding mechanism for charter schools requires close examination. HB 999 provides that a public charter school should receive an amount not less than 90% nor more than 100% of the per pupil operating costs for educating the same kind of students. "Per pupil operating cost" is not defined in the Education Article of the Maryland Annotated Code. A funding mechanism such as the "basic current expense" figure as defined in Section 5-202 of the Education Article should be utilized. Regardless, charter school students should receive the same funding as students in the traditional public schools. In many states the charter school students receive more funding which creates an unequal playing field for students and dissension in many communities.

For all the above reasons, MSTA believes that it is essential that a more in-depth examination of charter school research and its impact and the various existing charter laws occur before legislation is considered by the General Assembly. Maryland has been a leader in its focus on public education and through the collaborative work of education advocates and stakeholders, administrators, teachers, and legislators, it continues to be among the leading states with real school reform and improved student performance. Creating charter school law in haste may only frustrate the progress of Maryland's continuing public school reform efforts.

Furthermore, the MSTA is not convinced that Maryland needs to go any further than what has been incorporated in Section 2-206 of the Maryland Annotated Code. We would welcome an opportunity to expand the implementation of proven school designs, such as offered by New American Schools.

Respectfully submitted,

A handwritten signature in cursive script, reading "Karl K. Pence", is positioned above the printed name.

Karl K. Pence
President

cc: Members of the Task Force on Public Charter Schools

TIME: 1:00 P.M.

October 20, 1998

TECHWORLD PRESENTATION

On behalf of Techworld Public Charter School, Incorporated, its Board of Trustees and Community Leaders, we thank the House Appropriation Committee for allowing us the opportunity to participate in this historic process. We believe that the House Appropriation Committee has provided the necessary support in bringing a needed change and opportunity to students in the State of Maryland. THE ACADEMIC FOCUS OF TECHWORLD IS A COLLEGE PREPARATORY INSTRUCTION IN MATHEMATICS, SCIENCE, AND THE ANALYSIS, DESIGN, DEVELOPMENT, TESTING, IMPLEMENTATION, AND MAINTENANCE OF THE INTERNET AND INFORMATION SYSTEMS SOLUTIONS THROUGH THEORETICAL AND HANDS-ON TRAINING.

Our mission is to provide a diverse student population with the best possible education through a focus on the fundamental academic disciplines of an atmosphere that will positively reinforce continued academic achievement. TECHWORLD provides students with the opportunity to explore emerging Internet technologies by dynamically integrating theories and practices with the development and use of software applications and computer networks. Upon completion of TECHWORLD, students will be prepared for the JOB MARKET, HAVE THE SKILLS TO FORM A CORPORATION, OR ATTEND COLLEGE. TECHWORLD pledges to educate all students through the implementation of GOALS 2000 which incorporates new teaching approaches, building partnerships, accountability and have high expectations for all students.

Currently, Maryland residents are in need of a High School that will prepare its students for the Technology Revolution. We are in need of specialize technical training that bases its academics on computerized information gathering skills, and higher level thinking skills which will be the cornerstone of TECHWORLD's curriculum. TECHWORLD currently serves 147 9th grade students from Washington, DC and Maryland. Subsequent years will have grades 10 through 12 as students progress from one grade to the next. However, no student will be denied the opportunity to attend TECHWORLD. We are proud to showcase TECHWORLD's academic curriculum. TECHWORLD students have the opportunity to major in three academic disciplines. They are ELECTRONIC STUDIO ART, SYSTEMS AND COMPUTER SCIENCE, AND COMPUTER BASED MANAGEMENT AND INFORMATION SYSTEM NETWORKS. We believe this academic curriculum will best prepare our students for the Technology Revolution. The question we should be asking ourselves is "do we want our students looking at this technology or designing this technology".

Also, students at TECHWORLD will follow all student policies and procedures for the proposed chartered school. One of the most important components is the parental involvement at TECHWORLD. Parents will have the opportunity attend training sessions to show how they can become effective members of their child's support team. These functions will include but not limited to tutoring, setting up parent workshops, and developing Judiciary procedures for students. The House Appropriation Committee should allow each local jurisdiction to decide on the number of charter schools that can be chartered. In addition, each local jurisdiction should have two chartering authorities. This brings about a needed check and balance in the chartering process.

In conclusion, TECHWORLD is responsible for ensuring that each student is learning. We have set 5 targets that will ensure achievement of our Educational Outcomes. They are the learning environment, special needs, self-esteem and understanding, parent/guardian involvement and professional development. In the course of their studies, students attending TECHWORLD will develop skills that will allow them to formulate questions or define critical issues. Through critical thinking and quantitative analysis, students will be able to find relevant information using evaluation tools. Students will solve problems and make decisions based on available information. Those students whose families prefer a rigorous secondary education may choose TECHWORLD. However, if they become dissatisfied, they are free to return to their regular public or private school. This mechanism puts emphasis on the needs of the students, and helps to ensure that these needs are met.

Finally, TECHWORLD will provide a real choice in educational opportunities for students, parents, and faculty. The availability of choices within public education, not just for those who can afford private schools, ensures a real opportunity for all students of the District of Columbia regardless of the financial status of their families. This is our world. Welcome to TECHWORLD, the next step towards 21st Century education.

Testimony Regarding Charter School Issues

Thank you for the opportunity to address the Task Force regarding issues related to Charter Schools. The Board of Education of Prince George's County Public Schools has not yet taken a position on Charter Schools. Therefore, my remarks will be limited to a few general issues related to House Bill 999, as well as comments with respect to some specific provisions within the Bill.

As we begin examination of issues related to the possibility of implementing Charter Schools in Maryland, our paramount concern is one that has been expressed consistently as part of the national debate on this issue: Will Charter Schools drain desperately needed resources from an already strained budget that must support quality education programs for our growing population? With the student population of Prince George's County Public Schools increasing by 2000 to 3000 students per year, every dollar is needed to provide programs, services, and space for our students.

A second general concern regarding the establishment of Charter Schools is the lack of a solid "track record" regarding the effectiveness of Charter Schools. Problems encountered by Charter Schools make national headlines, with little objective, solid research to indicate how effective these schools are in meeting students' needs, or how the school districts in which Charter Schools have been established fare with regard to the potential diversion of dollars and other resources. Along with any legislation related to Charter schools, school systems in Maryland need current, objective, specific information about the advantages and problems associated with implementing Charter Schools.

The literature currently available on Charter Schools indicates that such schools are "freed" from the policies and procedures of the district. Our concern is that many of these policies and procedures have been designed to ensure equity and accountability within and among schools. Although House Bill 999 addresses some of the issues related to equity, diversity and special needs students, more emphasis on these areas is needed.

Advocates of Charter Schools emphasize the importance of choice for students and families in selecting the types of educational settings they

desire. There are many ways to provide for choice without establishing Charter Schools. For example, in Prince George's County Public Schools, more than 20 different magnet programs have been implemented in approximately 60 schools. It will be important for my school district to review House Bill 999 in the context of our existing opportunities for choice.

In Prince George's County, a municipal government from one of our communities has come forward to express interest in converting an existing school to a Charter School. This issue has created significant concern among parents in the community who fear the consequences of such action. Care must be taken to listen to all voices within a community, and provide all citizens with accurate information. The proposed legislation, in my opinion, does not provide sufficient opportunities for community input.

At this time, I would like to address some of the specific provisions of House Bill 999. The provision in the proposed bill related to students who are eligible to attend a public Charter School is not clear. For example, what is meant by the provision, "...establish reasonable criteria to evaluate prospective students?" This provision seems at odds with the provision that "...the Charter School, to the maximum extent practicable, shall seek the

enrollment of a representative cross-section of the community's school age population, including such factors as racial, economic, and academic diversity."

Further, it appears that, as currently stated, the provision enabling non-county residents to enroll in the Charter School could be problematic in districts with growing populations that have limited space and resources.

I have grave concerns about the provision in the bill that would enable an existing public school to be eligible to become a Charter School if at least 51% of the teaching staff signed a petition of support, as well as the parents and guardians of at least 51% of the students attending the school. Such a simple majority leaves too much room for divisiveness within the community and faculty, and could create dissention that would limit the school's effectiveness in future years.

The proposed bill appropriately includes the provision that all classroom teachers and professional support staff shall hold the appropriate Maryland certification. Although the language in the bill stating that if an existing school becomes a public Charter School the employees would be deemed to

be members of the prior bargaining unit, it is less clear what the status of teachers in newly created schools would be. Nor is it clear from the language in the bill what salary requirements would be in place for teachers in newly created Charter Schools.

The requirement in the proposed bill that Charter Schools not be exempt from regulations pertaining to assessment, testing, civil rights or student health and safety is sound, as is the requirement that such schools comply with the provision of services to students with disabilities. Further, it is important to note that the bill includes the need for the Charter School to comply with state and federal antidiscrimination laws.

The proposed bill includes the provision that a student may be expelled from a public Charter School based on criteria determined by the Board of Trustees. How does such a provision relate to the school system's approved Student Code of Conduct? This provision may need further elaboration.

The issues and questions I have raised in this testimony are but a few of the concerns that must be addressed by state and local education agencies in discussions about Charter Schools. Ultimately, our responsibility is to our

children, and our obligation is to ensure that they receive a quality education that prepares them for responsible citizenship in the 21st century.

In the Senate of the United States,

October 8 (legislative day, October 2), 1998.

Resolved, That the bill from the House of Representatives (H.R. 2616) entitled "An Act to amend title VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools.", do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the "Charter School Expan-*
3 *sion Act of 1998".*

4 ***SEC. 2. INNOVATIVE CHARTER SCHOOLS.***

5 *Title VI of the Elementary and Secondary Education*
6 *Act of 1965 (20 U.S.C. 7301 et seq.) is amended—*

7 *(1) in section 6201(a) (20 U.S.C. 7331(a))—*

8 *(A) in paragraph (1)(C), by striking "and"*

9 *after the semicolon;*

1 (B) by redesignating paragraph (2) as
2 paragraph (3); and

3 (C) by inserting after paragraph (1) the fol-
4 lowing:

5 “(2) support for planning, designing, and initial
6 implementation of charter schools as described in part
7 C of title X; and”; and

8 (2) in section 6301(b) (20 U.S.C. 7351(b))—

9 (A) in paragraph (7), by striking “and”
10 after the semicolon;

11 (B) by redesignating paragraph (8) as
12 paragraph (9); and

13 (C) by inserting after paragraph (7) the fol-
14 lowing:

15 “(8) planning, designing, and initial implemen-
16 tation of charter schools as described in part C of title
17 X; and”.

18 **SEC. 3. CHARTER SCHOOLS.**

19 (a) *PURPOSE.*—Section 10301(b) of the *Elementary*
20 *and Secondary Education Act of 1965* (20 U.S.C. 8061(b))
21 is amended—

22 (1) in paragraph (1)—

23 (A) by inserting “planning, program” be-
24 fore “design”; and

25 (B) by striking “and” after the semicolon;

1 (2) in paragraph (2), by striking the period and
2 inserting “; and”; and

3 (3) by adding at the end the following:

4 “(3) expanding the number of high-quality char-
5 ter schools available to students across the Nation.”.

6 (b) *CRITERIA FOR PRIORITY TREATMENT.*—Section
7 10302 of such Act of 1965 (20 U.S.C. 8062) is amended—

8 (1) in subsection (c)(2)—

9 (A) in subparagraph (A), by striking “and”
10 after the semicolon;

11 (B) in subparagraph (B), by striking the
12 period and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(C) not more than 2 years to carry out
15 dissemination activities described in section
16 10304(f)(6)(B).”;

17 (2) by amending subsection (d) to read as fol-
18 lows:

19 “(d) *LIMITATION.*—A charter school may not receive—

20 “(1) more than 1 grant for activities described in
21 subparagraphs (A) and (B) of subsection (c)(2); or

22 “(2) more than 1 grant for activities under sub-
23 paragraph (C) of subsection (c)(2).”; and

24 (3) by adding at the end the following:

25 “(e) *PRIORITY TREATMENT.*—

1 “(1) *IN GENERAL.*—

2 “(A) *FISCAL YEARS 1999, 2000, AND 2001.*—

3 *In awarding grants under this part for any of*
4 *the fiscal years 1999, 2000, and 2001 from funds*
5 *appropriated under section 10311 that are in ex-*
6 *cess of \$51,000,000 for the fiscal year, the Sec-*
7 *retary shall give priority to States to the extent*
8 *that the States meet the criteria described in*
9 *paragraph (2) and 1 or more of the criteria de-*
10 *scribed in subparagraph (A), (B), or (C) of*
11 *paragraph (3).*

12 “(B) *SUCCEEDING FISCAL YEARS.*—*In*
13 *awarding grants under this part for fiscal year*
14 *2002 or any succeeding fiscal year from any*
15 *funds appropriated under section 10311, the Sec-*
16 *retary shall give priority to States to the extent*
17 *that the States meet the criteria described in*
18 *paragraph (2) and 1 or more of the criteria de-*
19 *scribed in subparagraph (A), (B), or (C) of*
20 *paragraph (3).*

21 “(2) *REVIEW AND EVALUATION PRIORITY CRI-*
22 *TERIA.*—*The criteria referred to in paragraph (1) is*
23 *that the State provides for periodic review and eval-*
24 *uation by the authorized public chartering agency of*
25 *each charter school, at least once every 5 years unless*

1 required more frequently by State law, to determine
2 whether the charter school is meeting the terms of the
3 school's charter, and is meeting or exceeding the aca-
4 demic performance requirements and goals for charter
5 schools as set forth under State law or the school's
6 charter.

7 “(3) *PRIORITY CRITERIA.*—The criteria referred
8 to in paragraph (1) are the following:

9 “(A) The State has demonstrated progress,
10 in increasing the number of high quality charter
11 schools that are held accountable in the terms of
12 the schools' charters for meeting clear and meas-
13 urable objectives for the educational progress of
14 the students attending the schools, in the period
15 prior to the period for which a State educational
16 agency or eligible applicant applies for a grant
17 under this part.

18 “(B) The State—

19 “(i) provides for 1 authorized public
20 chartering agency that is not a local edu-
21 cational agency, such as a State chartering
22 board, for each individual or entity seeking
23 to operate a charter school pursuant to such
24 State law; or

1 “(ii) in the case of a State in which
2 local educational agencies are the only au-
3 thorized public chartering agencies, allows
4 for an appeals process for the denial of an
5 application for a charter school.

6 “(C) The State ensures that each charter
7 school has a high degree of autonomy over the
8 charter school’s budgets and expenditures.

9 “(f) AMOUNT CRITERIA.—In determining the amount
10 of a grant to be awarded under this part to a State edu-
11 cational agency, the Secretary shall take into consideration
12 the number of charter schools that are operating, or are ap-
13 proved to open, in the State.”.

14 (c) APPLICATIONS.—Section 10303 of such Act (20
15 U.S.C. 8063) is amended—

16 (1) in subsection (b)—

17 (A) in paragraph (1), by inserting “and”
18 after the semicolon;

19 (B) by redesignating paragraph (2) as
20 paragraph (3);

21 (C) by inserting after paragraph (1) the fol-
22 lowing:

23 “(2) describe how the State educational agency—

24 “(A) will inform each charter school in the
25 State regarding—

1 “(i) Federal funds that the charter
2 school is eligible to receive; and

3 “(ii) Federal programs in which the
4 charter school may participate;

5 “(B) will ensure that each charter school in
6 the State receives the charter school’s commensu-
7 rate share of Federal education funds that are
8 allocated by formula each year, including during
9 the first year of operation of the charter school;
10 and

11 “(C) will disseminate best or promising
12 practices of charter schools to each local edu-
13 cational agency in the State; and”; and

14 (D) in paragraph (3) (as redesignated by
15 subparagraph (B))—

16 (i) in subparagraph (E), insert “plan-
17 ning, program” before “design”;

18 (ii) in subparagraph (K), by striking
19 “and” after the semicolon;

20 (iii) by redesignating subparagraph
21 (L) as subparagraph (N); and

22 (iv) by inserting after subparagraph
23 (K) the following:

24 “(L) a description of how a charter school
25 that is considered a local educational agency

1 under State law, or a local educational agency
2 in which a charter school is located, will comply
3 with sections 613(a)(5) and 613(e)(1)(B) of the
4 *Individuals with Disabilities Education Act*;

5 “(M) if the eligible applicant desires to use
6 subgrant funds for dissemination activities
7 under section 10302(c)(2)(C), a description of
8 those activities and how those activities will in-
9 volve charter schools and other public schools,
10 local educational agencies, developers, and poten-
11 tial developers; and”;

12 (2) in subsection (c), by striking “10302(e)(1)
13 or”; and

14 (3) in subsection (d)(1)—

15 (A) by striking “subparagraphs (A) through
16 (L)” and inserting “subparagraphs (A) through
17 (N)”; and

18 (B) by striking “subparagraphs (I), (J),
19 and (K)” and inserting “subparagraphs (J),
20 (K), and (N)”.

21 (d) *ADMINISTRATION*.—Section 10304 of such Act (20
22 U.S.C. 8064) is amended—

23 (1) in subsection (a)—

24 (A) in paragraph (4), by striking “and”
25 after the semicolon;

1 (B) in paragraph (5), by striking the period
2 and inserting a semicolon; and

3 (C) by adding at the end the following:

4 “(6) the number of high quality charter schools
5 created under this part in the State; and

6 “(7) in the case of State educational agencies
7 that propose to use grant funds to support dissemina-
8 tion activities under section 10302(c)(2)(C), the qual-
9 ity of those activities and the likelihood that those ac-
10 tivities will improve student achievement.”;

11 (2) in subsection (b)—

12 (A) in paragraph (5), by striking “and”
13 after the semicolon;

14 (B) in paragraph (6), by striking the period
15 and inserting “; and”; and

16 (C) by adding at the end the following:

17 “(7) in the case of an eligible applicant that pro-
18 poses to use grant funds to support dissemination ac-
19 tivities under section 10302(c)(2)(C), the quality of
20 those activities and the likelihood that those activities
21 will improve student achievement.”;

22 (3) in subsection (f)—

23 (A) in paragraph (1), by inserting before
24 the period the following: “, except that the State
25 educational agency may reserve not more than

1 10 percent of the grant funds to support dissemi-
2 nation activities described in paragraph (6)";

3 (B) in paragraph (2), by inserting ", or to
4 disseminate information about the charter school
5 and successful practices in the charter school,"
6 after "charter school";

7 (C) in paragraph (5), by striking "20 per-
8 cent" and inserting "10 percent"; and

9 (D) by adding at the end the following:

10 "(6) DISSEMINATION.—

11 "(A) IN GENERAL.—A charter school may
12 apply for funds under this part, whether or not
13 the charter school has applied for or received
14 funds under this part for planning, program de-
15 sign, or implementation, to carry out the activi-
16 ties described in subparagraph (B) if the charter
17 school has been in operation for at least 3 con-
18 secutive years and has demonstrated overall suc-
19 cess, including—

20 "(i) substantial progress in improving
21 student achievement;

22 "(ii) high levels of parent satisfaction;
23 and

24 "(iii) the management and leadership
25 necessary to overcome initial start-up prob-

1 lems and establish a thriving, financially
2 viable charter school.

3 “(B) *ACTIVITIES.*—A charter school de-
4 scribed in subparagraph (A) may use funds re-
5 served under paragraph (1) to assist other
6 schools in adapting the charter school’s program
7 (or certain aspects of the charter school’s pro-
8 gram), or to disseminate information about the
9 charter school, through such activities as—

10 “(i) assisting other individuals with
11 the planning and start-up of 1 or more new
12 public schools, including charter schools,
13 that are independent of the assisting charter
14 school and the assisting charter school’s de-
15 velopers, and that agree to be held to at
16 least as high a level of accountability as the
17 assisting charter school;

18 “(ii) developing partnerships with
19 other public schools, including charter
20 schools, designed to improve student per-
21 formance in each of the schools participat-
22 ing in the partnership;

23 “(iii) developing curriculum materials,
24 assessments, and other materials that pro-
25 mote increased student achievement and are

1 *based on successful practices within the as-*
2 *suming charter school; and*

3 *“(iv) conducting evaluations and devel-*
4 *oping materials that document the success-*
5 *ful practices of the assisting charter school*
6 *and that are designed to improve student*
7 *performance in other schools.”.*

8 (f) *NATIONAL ACTIVITIES.*—Section 10305 of such Act
9 (20 U.S.C. 8065) is amended to read as follows:

10 “*SEC. 10305. NATIONAL ACTIVITIES.*

11 “(a) *IN GENERAL.*—The Secretary shall reserve for
12 each fiscal year the greater of 5 percent or \$5,000,000 of
13 the amount appropriated to carry out this part, except that
14 in no fiscal year shall the total amount so reserved exceed
15 \$8,000,000, to carry out the following activities:

16 “(1) *To provide charter schools, either directly or*
17 *through State educational agencies, with—*

18 “(A) *information regarding—*

19 “(i) *Federal funds that charter schools*
20 *are eligible to receive; and*

21 “(ii) *other Federal programs in which*
22 *charter schools may participate; and*

23 “(B) *assistance in applying for Federal*
24 *education funds that are allocated by formula,*

1 including assistance with filing deadlines and
2 submission of applications.

3 “(2) To provide for the completion of the 4-year
4 national study (which began in 1995) of charter
5 schools.

6 “(3) To provide for other evaluations or studies
7 that include the evaluation of the impact of charter
8 schools on student achievement, including information
9 regarding—

10 “(A) students attending charter schools re-
11 ported on the basis of race, age, disability, gen-
12 der, limited English proficiency, and previous
13 enrollment in public school; and

14 “(B) the professional qualifications of teach-
15 ers within a charter school and the turnover of
16 the teaching force.

17 “(4) To provide—

18 “(A) information to applicants for assist-
19 ance under this part;

20 “(B) assistance to applicants for assistance
21 under this part with the preparation of applica-
22 tions under section 10303;

23 “(C) assistance in the planning and startup
24 of charter schools;

1 “(D) training and technical assistance to
2 existing charter schools; and

3 “(E) for the dissemination to other public
4 schools of best or promising practices in charter
5 schools.

6 “(5) To provide (including through the use of 1
7 or more contracts that use a competitive bidding
8 process) for the collection of information regarding the
9 financial resources available to charter schools, in-
10 cluding access to private capital, and to widely dis-
11 seminate to charter schools any such relevant infor-
12 mation and model descriptions of successful pro-
13 grams.

14 “(b) CONSTRUCTION.—Nothing in this section shall be
15 construed to require charter schools to collect any data de-
16 scribed in subsection (a).”.

17 (g) COMMENSURATE TREATMENT; RECORDS TRANS-
18 FER; PAPERWORK REDUCTION.—Part C of title X of such
19 Act (20 U.S.C. 8061 et seq.) is amended—

20 (1) by redesignating sections 10306 and 10307
21 as sections 10310 and 10311, respectively; and

22 (2) by inserting after section 10305 the follow-
23 ing:

1 "SEC. 10306. FEDERAL FORMULA ALLOCATION DURING
2 FIRST YEAR AND FOR SUCCESSIVE ENROLL-
3 MENT EXPANSIONS.

4 "(a) IN GENERAL.—For purposes of the allocation to
5 schools by the States or their agencies of funds under part
6 A of title I, and any other Federal funds which the Sec-
7 retary allocates to States on a formula basis, the Secretary
8 and each State educational agency shall take such measures
9 not later than 6 months after the date of enactment of the
10 Charter School Expansion Act of 1998 as are necessary to
11 ensure that every charter school receives the Federal funding
12 for which the charter school is eligible not later than 5
13 months after the charter school first opens, notwithstanding
14 the fact that the identity and characteristics of the students
15 enrolling in that charter school are not fully and completely
16 determined until that charter school actually opens. The
17 measures similarly shall ensure that every charter school
18 expanding its enrollment in any subsequent year of oper-
19 ation receives the Federal funding for which the charter
20 school is eligible not later than 5 months after such expan-
21 sion.

22 "(b) ADJUSTMENT AND LATE OPENINGS.—

23 "(1) IN GENERAL.—The measures described in
24 subsection (a) shall include provision for appropriate
25 adjustments, through recovery of funds or reduction of
26 payments for the succeeding year, in cases where pay-

1 ments made to a charter school on the basis of esti-
2 mated or projected enrollment data exceed the
3 amounts that the school is eligible to receive on the
4 basis of actual or final enrollment data.

5 “(2) *RULE.*—For charter schools that first open
6 after November 1 of any academic year, the State, in
7 accordance with guidance provided by the Secretary
8 and applicable Federal statutes and regulations, shall
9 ensure that such charter schools that are eligible for
10 the funds described in subsection (a) for such aca-
11 demic year have a full and fair opportunity to receive
12 those funds during the charter schools’ first year of
13 operation.

14 **“SEC. 10307. SOLICITATION OF INPUT FROM CHARTER**
15 **SCHOOL OPERATORS.**

16 “To the extent practicable, the Secretary shall ensure
17 that administrators, teachers, and other individuals di-
18 rectly involved in the operation of charter schools are con-
19 sulted in the development of any rules or regulations re-
20 quired to implement this part, as well as in the development
21 of any rules or regulations relevant to charter schools that
22 are required to implement part A of title I, the Individuals
23 with Disabilities Education Act (20 U.S.C. 1400 et seq.),
24 or any other program administered by the Secretary that

1 provides education funds to charter schools or regulates the
2 activities of charter schools.

3 **"SEC. 10308. RECORDS TRANSFER.**

4 "State educational agencies and local educational
5 agencies, to the extent practicable, shall ensure that a stu-
6 dent's records and, if applicable, a student's individualized
7 education program as defined in section 602(11) of the In-
8 dividuals with Disabilities Education Act (20 U.S.C.
9 1401(11)), are transferred to a charter school upon the
10 transfer of the student to the charter school, and to another
11 public school upon the transfer of the student from a charter
12 school to another public school, in accordance with applica-
13 ble State law.

14 **"SEC. 10309. PAPERWORK REDUCTION.**

15 "To the extent practicable, the Secretary and each au-
16 thorized public chartering agency shall ensure that imple-
17 mentation of this part results in a minimum of paperwork
18 for any eligible applicant or charter school."

19 (h) **PART C DEFINITIONS.**—Section 10310(1) of such
20 Act (as redesignated by subsection (e)(1)) (20 U.S.C.
21 8066(1)) is amended—

22 (1) in subparagraph (A), by striking "an ena-
23 bling statute" and inserting "a specific State statute
24 authorizing the granting of charters to schools";

1 (2) in subparagraph (H), by inserting “is a
2 school to which parents choose to send their children,
3 and that” before “admits”;

4 (3) in subparagraph (J), by striking “and” after
5 the semicolon;

6 (4) in subparagraph (K), by striking the period
7 and inserting “; and”; and

8 (5) by adding at the end the following:

9 “(L) has a written performance contract
10 with the authorized public chartering agency in
11 the State that includes a description of how stu-
12 dent performance will be measured in charter
13 schools pursuant to State assessments that are
14 required of other schools and pursuant to any
15 other assessments mutually agreeable to the au-
16 thorized public chartering agency and the char-
17 ter school.”.

18 (i) *AUTHORIZATION OF APPROPRIATIONS.*—Section
19 10311 of such Act (as redesignated by subsection (e)(1)) (20
20 U.S.C. 8067) is amended by striking “\$15,000,000 for fiscal
21 year 1995” and inserting “\$100,000,000 for fiscal year
22 1999”.

23 (j) *TITLE XIV DEFINITIONS.*—Section 14101 of such
24 Act (20 U.S.C. 8801) is amended—

1 (1) in paragraph (14), by inserting “, including
2 a public elementary charter school,” after “residential
3 school”; and

4 (2) in paragraph (25), by inserting “, including
5 a public secondary charter school,” after “residential
6 school”.

7 (k) *CONFORMING AMENDMENT.*—The matter preceding
8 paragraph (1) of section 10304(e) of such Act (20 U.S.C.
9 8064(e)) is amended by striking “10306(1)” and inserting
10 “10310(1)”.

Attest:

Secretary.

105TH CONGRESS
2D SESSION

H. R. 2616

AMENDMENT

HIR 2616 EAS—2
HIR 2616 EAS—3
HIR 2616 EAS—4
HIR 2616 EAS—5



MARYLAND PTA

SPEAKING FOR CHILDREN
FIGHTING FOR PUBLIC SCHOOLS
GUARANTEEING PARENT PARTICIPATION

October 20, 1998

TO: Task Force on Public Charter Schools

FR: Carmela Veit, President
Carolyn Roeding, VP for State Legislative Activity

RE: *HB 999 – Public Charter Schools*

The Maryland Congress of Parents and Teachers supports the need for legislation that will enable Maryland charter schools to qualify and compete for federal funding; however, we oppose *HB 999 – Public Charter Schools* as originally written.

The Maryland Congress of Parents and Teachers recommends that enabling legislation incorporate existing state law which vest authority to establish schools with each local board of education; and the Maryland State Department of Education's *Guidelines for Use by Local School Systems in considering Charter School Application*, July 1997. Charter schools should meet current accountability provisions of local education authorities, as well as federal and state regulations and statutes. These guidelines have been distributed to all boards of education to assist in establishing charter schools.

In addition, while funding for charter schools, both capital and operating, are the responsibility of the local jurisdiction, moneys must not be diverted from public schools.

CARMELA A. VEIT, PRESIDENT

MARYLAND CONGRESS OF PARENTS AND TEACHERS, INC. • 3121 ST. PAUL STREET, SUITE 25 • BALTIMORE, MARYLAND 21218
TEL: 410-235-7290 • FAX: 410-235-0357

October 20, 1998

Good Afternoon Ladies and Gentleman,

I would like to thank you for this opportunity to address The Task Force this afternoon. My name is Vernice Harrison. I am the mother of 3 children attending The Midtown Academy in Baltimore City. I would like to share with you some of my journey toward a quality public school education for my children.

Due to dissatisfaction with the zone school in our area my husband and I felt we had no other choice except to pursue a private school education for oldest daughter. During her time at this small private school we began to feel that the curriculum was not challenging her to the fullest. The school did not embrace our desire and willingness to participate and offered little opportunity for input into our child's education.

We then enrolled her in one of the better elementary / middle schools in the city. This school boasted small class size, integrated Core Knowledge curriculum and significant parental involvement. As time passed it became clear that this would not be the collaborative experience we had envisioned. *The curriculum changed without parent's knowledge or consult. *Class size began to creep upwards and *teacher dissatisfaction became evident. In fact, my daughter's teacher, a 20-year veteran of that very school, became so frustrated with the situation that she ultimately left. The school administration was clearly unable or unwilling to address the needs of the classroom teachers or families in a collaborative manner.

As our younger children approached school age, again we began to research options for our children's education. While considering the alternatives, which included another public school, homeschooling or private, a friend invited us to attend an open house at The Midtown Academy; which is one of three wholly new schools created under The New Schools Initiative Program in Baltimore City.

After attending the open house we were encouraged by what we saw and heard. *Teachers excited about teaching. *Children caring for their school and each other. *Parents thoroughly involved in the process of running the school. *Administrators with a hands approach and an open door policy, and members of the surrounding communities volunteering their time, energy and resources to help the school.

This visit and several others showed us that we were not alone, there are indeed many families like ourselves who are searching for a true school community. A chance to make the educational choices we feel are right for our children. And a desire to invest time and effort to make these choices succeed.

These type of schools can truly be a place for everyone All contributions to the achievement of the common goals are valued. Each person brings unique talents and skills to the effort. *From the parents and teachers who design the curriculum and enrichment activities, * families who sell cases of candy and boxes of pizza, * community members who help to net work computers for the classrooms, *and families who help to maintain the building. Everyone is valued and no effort is considered small. So at the end of the day everyone can take pride in the part they played in making their child's school a success.

So after just one full school year, Midtown can boast about its class size, test scores, student achievements, curriculum and outstanding parental involvement. Everyone continues to work hard and the rewards are the successes of our children.

I feel that I represent many Marylanders who are looking for the ability to choose alternative types of education for their children. Given the chance to fully participate in the education of Maryland's most valuable resource **our children** we all can share in strengthening or community as a whole. Midtown is a shining example of this ideal taking shape.

Respectfully Submitted,

Vernice L. Harrison, Parent

**TESTIMONY BEFORE THE
MARYLAND TASK FORCE ON CHARTER SCHOOLS
OCTOBER 20, 1998**

Dr. Vance and members of the Task Force on Public Charter Schools, we appreciate the opportunity to appear before you today to discuss potential charter school legislation. We are representatives of the Midtown Academy, located at 1398 Mt. Royal Terrace, Baltimore MD 21217 – Thomas Stroschein, a teacher in the school, Vernice Harrison, a parent of three students, and Joan Brown, Co-Director of the School. We are already on record in support of HB 999, as introduced in the last session of the Maryland General Assembly.

Midtown Academy opened in September 1997 as an autonomous public school within the Baltimore City Public School System, that is, a public school with a non-profit governing board. The school was formed by parents and teachers in Reservoir Hill and Bolton Hill through the New Schools Initiative and is one of three such schools to open last year. Of these, the Academy is the only one that was created entirely through a grassroots effort by both communities. Our experience in establishing and starting up the school might be instructive to you as you consider legislation for the next session of the General Assembly.

The Midtown Academy mission is to be a parent-teacher run school. We provide a superb public education for children whose families are determined to participate fully in their children's education. The school exists to prepare children from a young age to be competent, confident, effective, and involved citizens of their community and the world at large. The school seeks to create its own community, bridging neighborhoods based on the common goals we have for our children. The entire school is to model the goals of idealism, hard work, cooperation, democracy, self-governance and community responsibility that we wish to instill in our children.

Midtown Academy, Inc., a non-profit organization led by a board composed of community, parental, businesses, and educational representatives, is legally responsible for Midtown. Our governance system is even more broadly representative of the teachers, co-directors, parents, and community supporters, involving them in the School Management Committee, board committees, and the Community Council. We are involved in everything from cleaning the school to raising funds to addressing curriculum issues.

It also differs from other public schools because it features a rigorous, Core Knowledge curriculum, an "inclusive" special education program, and the requirement that parents commit at least 10 hours a month of service to the school, in addition to participating fully in their children's education.

The neighborhoods of Bolton Hill and Reservoir Hill contain a great mixture of wealth and poverty, racial groups, and homeownership. Historically there has been little interaction between the two communities but Midtown Academy changes that by bringing the two neighborhoods together to strive for the common goal of excellent education. An elaborate lottery system for

student admissions resulted in significant strides towards our goal of reflecting the population of the two neighborhoods. No academic admissions requirements are used. The student enrollment at Midtown Academy is 17% Caucasian or Asian and 83% African American. This compares with the three area public schools that have 100% African American student population. About half of Midtown's children are eligible for free or reduced-cost breakfast and lunch. After two years of working together to improve our children's' education, it has become clear that two socially, racially, and economically distinct communities working together toward a common goal can make a real impact on race reconciliation in Baltimore.

In addition to empowering parents and students, the Midtown Academy is stabilizing the communities of Reservoir Hill and Bolton Hill. The school has already had a significant impact: families have moved here, are planning to move here, or have not moved away, specifically because the school provides high quality public education in the community. In fact, educators from around the country are monitoring the Academy's progress because the school has the potential to demonstrate that a public school can enhance communities while providing the highest quality education.

Midtown Academy started operation in the 1997-1998 school year with four classes, Kindergarten through Third Grade, with twenty children per class. We have added a fourth grade class this current school year and will continue to grow each year until we have finally operate a K-8 school.

The Baltimore City Public Schools (BCPS) made a three year commitment to Midtown Academy in 1997 under the New School Initiative. In turn we made several commitments to the BCPS (and ourselves) as we began operation in September, 1997:

First, Midtown will achieve a 96% level in overall student attendance by the end of our third year.

Midtown surpassed that goal in our very first year with a 96.5% attendance rate.

Second, the composite scores for 50% of the students in grade 3 and 5 will meet or exceed proficiency level 3 on the MSPAP and 50% of the students will achieve a satisfactory score on the CORE Curriculum annual assessment by the end of the third year.

The MSPAP scores are not yet available but the results of the California Diagnostics Test and the Comprehensive Test of Basic Skills are an indication of our progress in our first year. At all grade levels, our students lowest improved reading score (2nd Grade) was 150% above the City average. Our 3rd Graders placed 4th highest in the City, 120% above the City average. Math scores were comparable to our reading scores. Midtown's overall math scores were the highest in the City. Our 2nd graders were testing at a 5th grade level, the highest in the City.

Third, include students with disabilities to the fullest extent appropriate in the local school community, using a total inclusion model.

We are already meeting that goal but greater financial support will enable Midtown to

hire a part-time special educator which will allow for early identification and intervention prior to entry into the costly special education process.

Fourth, at least 90% of the Midtown families will be volunteering an average of 50 hours per school year by the end of the third year.

By the end of the first year, 86% of our parents were volunteering not 50 hours, but 75 hours per school year.

We know that "charter schools" need to be accountable to the broader public and their representatives on the local and state schools boards. But the essence of "charter schools" is that each school is accountable to its own students, parents, and teachers. That is an even higher standard than its neighboring public schools are being held to.

Midtown Academy is just in its second year of operation and the results of year one do not make a trend. And yet the results are inspiring. We have created a model of combining direct parent and teacher involvement in the policies and administration of the school with a strong proven curriculum. We have admitted children without regard to academic achievement and they have achieved spectacular academic results in this setting. We are doing what every school in America wants to do, but many don't or unable to. This task force has the opportunity to not only support the Midtown Academies of the world in their creation, startup, and successful operation, but to offer that experience as a model to other schools.

As you well know, all schools must have adequate financial support to achieve an excellent educational result, and startup funding for "charter schools" is even more problematic. The BCPS agreed to provide Midtown Academy with a \$3500 per student support level in year one, declining to just over \$3200 in year three. That level of support in Baltimore City compares with the \$5,800 - \$6500 range across the state for average per student (at the 90-100% level) support the Department of Legislative Services documented in its fiscal analysis of HB 999.

But that comparison doesn't tell the whole story. Midtown Academy must find its own funding to pay for rent, building maintenance and renovations, materials and books, and classroom resources. Last year foundation grants and support from the communities helped with renovations and start-up costs. In other words, the BCPS funding in year one paid for four teachers, and part time principal, art, and music teachers but would not have provided a classroom to teach in, nor desks or chairs for the children to sit in, textbooks to learn from, the chalkboard to write on, etc.

Receiving even the low end of the 90-100% funding level contained in HB 999 as introduced, would enable Midtown Academy to pay rent, utilities, basic supplies, one teacher per class plus two full-time educational assistants, a full-time equivalent Director, and a half-time special educator. All of these costs are necessary for Midtown Academy to achieve its mission and its performance agreement and we are certain that none will appear to any educator to be frivolous or unnecessary expenditures.

Midtown Academy, like other "charter schools," is struggling to achieve long-term financial

stability at the same time as it strives for educational excellence. It is important that new legislation address this issue in two ways. Charter schools should be one more tool for school districts to use in providing excellent public education, and as such, should be fairly and equitably supported by the local school district. It is critical that the legislative proposal this task force makes address that issue. Maryland charter school legislation should have the result of making our state competitive in tapping federal funding support for charter schools.

In closing, we want to emphasize that the model Midtown Academy offers a good investment for the public education dollar – a modest public funding level yields a successful educational program that attracts thousands of hours of unpaid resources and talents from its parents and communities, and begins to turn racial and economic divisions into an educational community. We offer our assistance to you in creating a bill that can effectively support the appropriate development of charter schools within the broader efforts at state and local levels to substantially improve public education.

Maryland Coalition for Educational Reform
c/o Gardner
6152 Silver Arrows Way
Columbia MD 21045
(410) 312-1662

October 20, 1998

Task Force on Public Charter Schools

I am here representing a new interest group in the state of Maryland, the Maryland Coalition for Educational Reform. Represented in this group are a diverse set of interests and backgrounds united around the belief that there needs to be fundamental reform to the educational system in this state. We need to begin the dialogue about how and by what methods change should take place. We are planning to coordinate a statewide effort to effect such a dialogue.

We have started a monthly newsletter as a first step. I have a copy of our first issue for everyone on the Task Force and will keep all of you on our mailing list. We plan to involve all interested parties in the reform process: parents, teachers, administrators, students, business, and community leaders. This process is way overdue.

We believe that it is necessary, at a minimum, to provide parents with increased educational alternatives for their children. Allowing more choice of educational alternatives will result in greater academic achievement for children and families in Maryland—a result sorely needed as achievement levels of our children continue to drop.

Effecting a dialogue on educational reform in this state is not an easy one, as I have learned. A large part of the problem has been that there are few communication means for those who are dissatisfied with the current system. As we say in our newsletter, Maryland has some of the biggest school districts in the country; they are powerful. In many counties, the PTA, teachers' union, school administration, and school board are symbiotically linked and resistant to change. I served on a commission established by the State Board of Education on charter schools and I was the only parent, in fact the only person that did not represent some constituency within the educational establishment.

I wanted to take a moment to explain how I came to feel that fundamental governance change was the only answer for reform, because maybe some of you will be able to identify with my struggle if you have children. I love the concept of the public school. It represents community to me in all its diversity. Public schools allow my children to meet and connect with children of different races, different lifestyles. I did not have that growing up; I wanted this for my children. I knew that there would be issues; there always are but I believed in the schools.

During my children's educational career, I was active in trying to bring about small changes in my children's schools. I installed a day care center at my

children's elementary school, new play equipment, a meal ticket program, helped to get an incompetent principal transferred, co-chaired a large community effort to reform our high school's academic program, and attempted to start an educational reform committee countywide within the PTA.

I began to realize through this process that, although the school system talked about kids with slogans such as "success for every student" that these slogans were really empty and meaningless. System administrators were consumed with maximizing their budgets and protecting their personnel. I also found many parents to be apathetic about their children's education; in my area, those who were not often had left the public schools. I found bad teachers who were still teaching, but even more so, good teachers who were burned out, isolated, frustrated. I found a business community apathetic and unwilling to politically push reform. The ultimate losers from this continued sad state of affairs are our children.

So in short I found an entire structure that wasn't listening, wasn't looking at students not learning. Instead I heard about the need for more discipline; I saw test scores being "altered" to look better; an emphasis on slogans such as "reduce class size" but with no substance behind it. It was depressing, it is depressing; and the children continue to suffer with the poorest suffering the most. There is no equity here.

We must have fundamental change and my personal view, even though I consider myself a liberal Democrat, is that change must come through breaking the monopoly—to allow alternatives for parents, their children, and too, teachers and administrators. Charter schools are a means for doing so; I hope that this commission will take a proactive stance toward permitting such educational alternatives and freeing them from regulatory strictures to thrive and provide new models for change.

Sylvia Fubini, President

Jay M. Gillen, Ph. D.
810 Gorsuch Avenue
Baltimore, MD 21218
(jgillen@mail.bcpl.lib.md.us)

18 October, 1998

Dr. Paul Lawrence Vance, Chair
Task Force on Public Charter Schools
Superintendent of Schools
850 Hungerford Drive
Rockville, Maryland 20850

Dear Dr. Vance:

I am writing to express my concern regarding the work of the Task Force on Public Charter Schools. The purpose of the Task Force is to recommend legislation which will ensure that Maryland is competitive in applications for federal grants that support charter schools. Unfortunately, the legislation drafted to date fails to ensure a competitive position for Maryland because of at least two extremely serious flaws.

According to the draft legislation, only county boards of education are authorized to grant charters establishing public charter schools. This provision should be changed to allow other public bodies charter-granting powers. Other charter-granting bodies might include the State Board of Education, publicly funded universities, or units of local government--counties or cities directly rather than through their boards of education.

Without these other chartering avenues, public school reformers will be met with the same difficulties they already face: boards of education that are reluctant to allow risk-taking, entrepreneurial reforms. As we heard on October 7 from Mr. Medlar of the U. S. Department of Education, states which only allow local boards to charter schools have a poor record: they charter few schools and tend not to receive federal grants. Mr. Medlar pointed out that legislation pending in Congress will require prioritizing of grant applications on the basis of just this point. States with only one chartering route will receive low priority; states with more than one chartering route will receive a higher priority.

In addition, the legislation calls for charter schools to request specific waivers from local and state regulations. This provision is not "break-the-mold" thinking. Charter schools could be required to convince state and county board officials that every deviation from local policies is justified. Instead, the legislation should provide a blanket waiver from all regulations other than those for safety, health, and civil rights. In this way, schools can focus on their own students and communities without distractions from educators outside the school.

There are several other points that I believe should also be addressed in the legislation, and I would be glad to discuss these with the Task Force. However, the two points above are crucial. Failure to address them will result in few charter schools being created, poor chances for success in the schools that are created, and little or no federal grant money.

Page 2

I look forward to hearing from you regarding ways the Task Force can address these concerns. Thank you very much for your dedication and commitment.

Sincerely,

Jay Gillen, Ph. D.
The Stadium School

cc: Governor Parris N. Glendening
Dr. Nancy Grasmick
Delegate Howard Rawlings
Task Force on Public Charter Schools



Board of Education of Howard County

10910 Route 108
Ellicott City, Maryland 21042-6198
(410) 313-7194

October 20, 1998

Stephen C. Bounds,
Chairman

Karen B. Campbell,
Vice Chairman

Sandra H. French
Linda L. Johnston
Jane B. Schuchardt

Michael E. Hickey,
Secretary/Treasurer

To: Dr. Paul Lawrence Vance, Chair
Task Force on Public Charter Schools

From: Robert S. Lazarewicz, Executive Director of Operations
Howard County Department of Education

Representing: The Board of Education of Howard County

Testimony on Public Charter Schools

The Board of Education of Howard County voted to oppose HB 999/Public Charter Schools as the bill was originally introduced during the 1998 session of the Maryland General Assembly. The Board opposed HB 999 because this particular legislative proposal far exceeded the type of enabling legislation that would allow local school boards to establish charter schools and thus be eligible for existing federal funds. It is important to recognize the aspect of local board of education control and authority as they relate to the establishment of charter schools or any other public education initiative.

The Board of Education also had a number of concerns relative to some of the specific language contained in the original version of HB 999. Some examples are as follows:

- Page 5 - Line 30 - Specifies the number of days (60) in which the local school board has to review and render a decision on a charter school application. Depending upon the complexity and number of proposals submitted, this may be an inappropriate timeframe.
- Page 6 - Line 12 - The provision appears to allow a charter school to establish a school calendar and school day independent of those of the regular public school. These provisions have the potential to impact the fiscal aspects of the local board of education's pupil transportation budget in a negative manner.
- Page 8 - Lines 16-21 - Section (B), (1) (2) concerning expelling students. This provision, as written, does not contain an appeal provision once the teacher and principal have decided to expel a student.
- Page 9 - Line 34 - This transportation related language, while not a mandate, could become a very costly "unfunded mandate," if the State Board of Education were to promulgate regulations requiring school bus service for out-of-county charter school students.

Testimony on Public Charter Schools

October 20, 1998

Page Two

- Page 10 - Lines 9-12 - This section requires charter school employees to remain as members of their collective bargaining unit. However, the "Board of Trustees" may unilaterally decide not to implement certain provisions of the respective bargaining agreement (lines 17-20). This particular provision may become a serious employee relations issue. In this same light, there are various transfer provisions and return to work provisions when a charter school leave expires that far exceed the employment rights of non-charter school employees (page 11 - Line 6-19).

In an effort to facilitate the adoption of enabling charter schools legislation that would allow for charter schools and would not be overly restrictive, the Board of Education of Howard County developed the attached resolution on public charter schools. This resolution was, with minimal changes, recently adopted by the Maryland Association of Boards of Education. This resolution clearly identifies the major legislative provisions that should be considered and acted upon relative to the enactment of charter school legislation.

Thank you for your consideration.

Recommendation Number Nine
Adoption of New Continuing Resolution

Public Charter Schools

(New Continuing Resolution Proposed by the Board of Education of Howard County)

WHEREAS, current Maryland State law implicitly provides that public charter schools may be established by local boards of education, and only by local boards of education; and

WHEREAS, the Maryland State Department of Education, through guidelines aimed at assisting local boards with charter school issues, has stated that public charter schools should not be viewed by local boards as a threat to traditional public education or public school funding; and

WHEREAS, in 1998 the General Assembly concluded that the establishment of a public charter school program in Maryland is in the best interest of the students of this state, and established a Task Force on Public Charter Schools to recommend legislation establishing such a program which will ensure that Maryland public charter schools will qualify and be competitive for federal assistance; and

WHEREAS, a local board member will serve on that Task Force;

NOW, THEREFORE, BE IT RESOLVED, that the Maryland Association of Boards of Education urges that any legislation recommended by the Task Force on Public Charter Schools and considered by the General Assembly include the following provisions for public charter schools:

- that the local board of education retains the sole authority to grant charters;
- that the local board of education maintains overall accountability and funding control, including determining the criteria that will be used in establishing the charters;
- that the local board continues to receive its full local, state, and federal funding allocations for all students in both public schools and public charter schools;
- that the local board of education retains the option to decertify any charter school which fails to meet criteria set forth in the charter or as otherwise specified by the local board;
- that the charter school may request exemptions from the local board from local rules which inhibit its flexible operation and management;
- that the charter school may, with the consent of the local board, request exemptions from the state Board from state rules which inhibit its flexible operation and management;
- that the charter school must otherwise comply with all relevant state and federal laws which generally apply to all other public schools in Maryland;
- that parochial schools and existing private schools be ineligible for conversion to a public charter school.

Maryland Association of Boards of Education



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Testimony on House Bill 999 (as originally filed) Public Charter Schools

Position: OPPOSED

The Maryland Association of Boards of Education (MABE), representing all the State's local boards of education, opposed House Bill 999 as originally filed during the 1998 Session. The bill as filed would have established a Public Charter School Program in Maryland to allow local boards to charter schools, but would have far exceeded what is needed in order to provide for successful charter schools in Maryland.

While MABE is not necessarily opposed to the concept of charter schools, House Bill 999 proposed unnecessary changes to current law. Local boards of education under existing law already have the authority to create charter schools, to waive local regulations for those schools, and to request waivers of both State and federal regulations for those schools. Local boards already can establish a separate curriculum and provide a specific academic focus for those new schools. Local boards can already allow outside groups to oversee the operations of those schools.

Thus the bill as filed was unnecessary, and in fact many provisions intruded on existing areas of local control. The bill unnecessarily impacted collective bargaining, special education, transportation, student and teacher discipline, and property acquisition laws. Such major shifts in education law and policy were unnecessary to create or encourage charter schools.

If this Task Force determines that there needs to be a state statute specifically on charter schools in order to qualify for federal charter school grants, then new legislation would be required. However, House Bill 999 as originally filed included much more detail concerning charter schools than was necessary in order to qualify for the federal grants. Maryland could qualify for the federal funding by simply stating in statute the following:

(continued on reverse)

- 1) 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;
- 2) The regulations shall allow the charter school to request exemptions from the State Board or local board from certain State or local rules that inhibit its flexible operation and management, and shall have a high degree of autonomy over its budget and expenditures;
- 3) The regulations shall provide that the number of charter schools may increase from one year to the next; and
- 4) The regulations shall provide that the local board shall periodically review and evaluate the charter school to ensure that the school is meeting or exceeding the academic performance requirements and goals as set forth in the school's charter and may revoke that charter if necessary.

Federal law requires nothing further. All other provisions of the first version of House Bill 999 were unnecessary, which is why MABE so strongly opposed the bill as originally filed.

This Task Force should recognize, however, that even if enabling legislation is limited solely to the provisions listed above, Maryland charter schools would not be created in a vacuum. Rather, charter schools would have to comply with all current local and state laws and regulations concerning the operations of public schools (unless those rules are specifically waived by the proper authority, as would be allowed under the proposed charter school legislation). Among these laws and regulations would be requirements on health and safety issues, funding and accountability, local control, and other fundamental conditions that all public schools must meet. In July 1997, the Maryland State Board of Education adopted "Guidelines for Use by Local School Systems in Considering Charter School Applications" which set forth these and other basic requirements for charter schools, and likely the State Board would use these Guidelines as a basis for any State Board regulations required by a new state statute. }

Thus, MABE urges this Task Force to recommend basic legislation to the General Assembly that would allow for charter schools and would qualify those charter schools for federal grants, but would not unnecessarily intrude on local school board authority.



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maco @ annap.infi.net
www@mdcounties.org

October 16, 1998

Dr. Paul Lawrence Vance, Chair
Task Force on Public Charter Schools
90 State Circle
Annapolis, Maryland 21401-1991

Dr. Vance and Task Force Members:

The Maryland Association of Counties (MACo) is grateful for the invitation to comment before the Task Force on Public Charter Schools. While public education is a shared state and local responsibility in Maryland, county governments supply the majority of public education funding and ultimately enact budgets appropriating those funds to local boards of education. Since Maryland counties, in aggregate, dedicate more local funding to education than all other functions combined, clearly county governments have an important role and interest in school funding issues.

While the issue at hand is nominally the enabling of public charter schools to receive federal funding, the language of HB 999 (or any authorizing legislation) sets forth the nature of the schools, and their relationship to existing laws and institutions. While counties would support accessing federal funding by public charter schools, it is these structural issues which draw our comments.

MACo wishes to raise two issues related to public charter schools. The first issue is the ongoing need for fiscal accountability of all public education funding, including funding for charter schools. The second is the need for compliance with planning and zoning ordinances and regulations in establishing schools in non-traditional settings.

MACo has long been an advocate for accountability in public schools. While many of the goals of public charter schools involve loosening of policy regulations, we believe that public fiscal accountability remains critical in the delivery of such a vital public service. Charter schools receiving public funding from the state or county government should receive the same form of public budget scrutiny required for other schools. County officials, who are elected to provide optimal public services for county residents, should have guidance in the direction of priorities for these schools.

Dr. Paul Lawrence Vance
October 16, 1998
Page 2

The language in House Bill 999 (enrolled bill, page 9, lines 19-27) lacks any reference to any such public fiscal accountability. The paragraph on funding seemingly recommends a simple formula based on per-student funding as the only information afforded the public and elected officials. County officials, acting on behalf of voters and taxpayers, have a clear responsibility to appropriate public funding in the best manner possible. A complete void of any information about the education programs and priorities does not allow an informed policy decision, and compromises public accountability.

MACo also recognizes that charter schools may take forms other than the traditional public school setting. Recognizing this as a potential benefit of the charter school concept, MACo also believes that these establishments must comply with appropriate local land use and zoning restrictions. County governments are responsible for maintaining vehicle and pedestrian traffic patterns, maintaining consistent and appropriate land uses, and guiding facility location within their boundaries. These goals are unlikely to be inconsistent with the wishes of any developing charter school, but any implementing legislation should make clear the application of local land use and zoning laws in any such circumstances.

With these two issues in mind, MACo certainly agrees with the premise that Maryland charter schools should be enabled to qualify and compete for federal funding. We believe that enabling legislation to empower the schools to do so should also maintain the appropriate levels of local control to ensure public fiscal accountability and land use conformity. We would be pleased to work with the Task Force or its staff to develop amendment language, either to HB 999 or other proposed legislation, to incorporate these important goals.

Again, we appreciate the opportunity to comment, and offer any assistance that may be needed.

Sincerely,

A handwritten signature in cursive script that reads "Michael Sanderson".

Michael Sanderson
Legislative Director

PLEASE CONSIDER THAT CHARTER SCHOOLS CAN BE A WAY TO PROVIDE EDUCATION FOR STUDENTS WITH MODERATE TO SEVERE LEARNING DISABILITIES, STUDENTS WITH MENTAL ILLNESSES, STUDENTS WITH BEHAVIOR PROBLEMS WHO ARE DISRUPTIVE IN REGULAR CLASSROOMS, AND STUDENTS WITH OTHER DISABILITIES.

Please add to Lines 23 and 24, Page 7 of original House Bill 999 "For students with disabilities including moderate to severe learning disabilities.....". The current method of educating these students is not effective, and the process for obtaining their education is outrageous. **There must be alternatives for educating these students which provide parents with choice, are accountable to parents, and provide a measure of academic/social progress (Lines 7 - 19, Page 4, original House Bill 999).** For students with mild learning disabilities, public school and a few private school programs are designed to provide the same mainstream curriculum in smaller classes with limited support. But what about students with moderate to severe learning disabilities? What about other students the traditional approach to education has failed? **These students need the "different and innovative learning methods" that are developing from current research, and these students need "the implementation of a variety of educational approaches that [are] not available in the traditional public school classroom" (Lines 7 - 19, Page 4, original House Bill 999).** For students with moderate to severe learning disabilities, and for these other students, very few schools exist, space is very limited, and admission, expensive. **We are at the dawn of a new century. There is no excuse for one-size-fits-all education. All children should have an opportunity for an education in a school. No parent and no child should ever experience our education nightmare!**

Personal Experience: We are teaching our thirteen year old daughter at home. Our daughter has multiple disabilities - Code 10 Intensity 5. She is bright and creative, and she enjoys and excels in math, science and art. She has multiple learning disabilities, ADHD, and she is emotionally fragile. Her learning disabilities include great difficulty with the written language - reading and writing - and nonverbal communication (65% of all communication). She has been mainstreamed in public school; she has attended a private school which referred her back to the public school; she has attended a special private school from which she graduated just as she turned twelve years old. For middle school, our daughter was rejected by private/special schools because 1) she was unable to make the transitions required in middle school, 2) her social skills were too deficit, and 3) her learning disabilities were too severe. The county public school has proposed placement in a setting her doctors advise against, and made it clear to us the parents that the county only has to provide a physical placement in which our daughter does not have to make any progress, and the county is not accountable for what happens to her in that placement. We as parents have been forced into a no-win situation. We are grateful for the opportunity to teach our daughter at home, but we realize our daughter greatly misses her last school - a place where she could belong and receive help with her disabilities. For our daughter's sake, we are once more looking for a small school which can individualize her instruction and in which she can function. Public schools are too large; its programs geared toward inclusion and mild learning disabilities. A few private schools offer programs and/or support for academically qualified students with mild learning disabilities. If she can "win the lottery," and we make great sacrifices, maybe she can attend a private / special school.

William E. Doughty

Rosemary Dove

9516 Primrose View Court
Gaithersburg, Maryland 20882
October 16, 1998

Dr. Paul Vance
c/o Task Force on Public Charter Schools
90 State Circle
Room 214
Annapolis, Maryland 21401

Dear Dr. Vance and Members of the Task Force on Public Charter Schools:

We are submitting written testimony for the Tuesday, October 20, 1998 public hearing about public charter schools in Maryland. Please read and include our testimony for consideration at this hearing. Now as legislation is drafted is the time to consider the dimensions and scope of charter schools.

Much research has been done about different types of intelligence and different learning styles, but public school education cannot incorporate much of this research in its design and delivery of education. Many states successfully have charter schools, and the State of Maryland should not be without them. A new century is dawning, and the State of Maryland should continue to lead the nation in education, and step to the forefront of establishing quality charter schools to meet the needs of different children. The days of one-size-fits-all education are at an end.

Providing charter schools for students with learning disabilities and other disabilities should help the State of Maryland qualify and compete effectively for federal funds, and serve the citizens of Maryland well. }

Please do not limit the scope of charter schools. Charter schools have great potential to address the needs of many children in Maryland.

If there are any comments or questions, please contact us at 301-253-4367.

Sincerely,

Rosemary Dove

Rosemary Dove

William E. Dove, Jr.

William E. Dove, Jr.

MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

October 20, 1998

Testimony before the Task Force on Public Charter Schools

Good afternoon, Dr. Vance and members of the Task Force on Public Charter Schools. I am Nancy King, president of the Montgomery County Board of Education, speaking on behalf of our Board.

During the 1998 General Assembly session, the Montgomery County Board of Education opposed HB 999 - Public Charter Schools because we believed that the proscriptive directives in the bill would lessen the authority of local school boards over public schools in their jurisdiction. However, the Board did testify in support of the provisions of § 9-103 of the bill which gave only local boards of education the authority to grant charters to operate public charter schools.

Board members believe strongly that the authority to establish public charter schools must rest only with the local school system if the local board is to retain control of public education and be accountable for student outcomes. They agree with the State Board of Education guidelines which state that "local boards of education and superintendents are the appropriate authority to accept charter school applications, evaluate them, negotiate and charter schools that benefit students within their jurisdictions."

Because of our belief in local control, the Montgomery County Board and staff are developing a local Charter Schools policy so that equitable procedures are in place to evaluate charter school applications from interested groups in Montgomery County. This policy will delineate specific standards for student admission and assessment, governance and financial plans, special education, transportation, facilities, curriculum, personnel and collective bargaining issues. These are all matters that should not be included in state legislation because they are within the purview of local boards' responsibility for public schools in their jurisdiction.

The Montgomery County Board of Education recognizes that basic state legislation is required if

charter schools in Maryland are to be eligible for federal start-up funds. This perspective is consistent with the resolution adopted two weeks ago by the Maryland Association of Boards of Education which urges state legislation that is limited to several basic provisions. State legislation should invest local boards of education with the authority to grant charters and maintain overall funding and accountability control and should assure that all existing local, state and federal funding will continue for students in regular and charter schools. Local boards should have the authority to exempt public charter schools from certain local regulations and, likewise, should permit charter schools to request waivers from specified state regulations. The state law should also require charter schools to comply, at a minimum, with federal and state laws applicable to other Maryland public schools that pertain to the health, safety and civil rights of students and should prohibit existing parochial and private schools from converting to public charter schools. The only additional provisions that must be included in state legislation are those specified in the federal Public Charter Schools Program so that the charter schools are eligible to apply for federal start-up funds.

Key to this process of establishing charter public schools is the recognition that these schools will be established as semi-autonomous operations within the local public school system. Funding will be from local, state and federal government sources although charter schools will be free to obtain other governmental or private grants to supplement these funds. State legislation must be limited only to provisions that establish basic parameters for public charter schools in order to assure that the 24 local school systems in Maryland retain the authority and responsibility they currently have for K-12 public education in their jurisdictions.



Finally, the funding mechanism for charter schools requires close examination. HB 999 provides that a public charter school should receive an amount not less than 90% nor more than 100% of the per pupil operating costs for educating the same kind of students. "Per pupil operating cost" is not defined in the Education Article of the Maryland Annotated Code. A funding mechanism such as the "basic current expense" figure as defined in Section 5-202 of the Education Article should be utilized. Regardless, charter school students should receive the same funding as students in the traditional public schools. In many states the charter school students receive more funding which creates an unequal playing field for students and dissension in many communities.

For all the above reasons, MSTA believes that it is essential that a more in-depth examination of charter school research and its impact and the various existing charter laws occur before legislation is considered by the General Assembly. Maryland has been a leader in its focus on public education and through the collaborative work of education advocates and stakeholders, administrators, teachers, and legislators, it continues to be among the leading states with real school reform and improved student performance. Creating charter school law in haste may only frustrate the progress of Maryland's continuing public school reform efforts.

Furthermore, the MSTA is not convinced that Maryland needs to go any further than what has been incorporated in Section 2-206 of the Maryland Annotated Code. We would welcome an opportunity to expand the implementation of proven school designs, such as offered by New American Schools.

Respectfully submitted,

A handwritten signature in cursive script, reading "Karl K. Pence", is positioned above the printed name and title.

Karl K. Pence
President

cc: Members of the Task Force on Public Charter Schools



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Karl Kirby Pence, *President*
Patricia A. Foerster, *Vice President*
Michael A. Butera, *Executive Director*

November 12, 1998

Dr. Paul L. Vance, Chairman
Task Force on Public Charter Schools
Montgomery County Public Schools
850 Hungerford Drive
Rockville, Maryland 20850

Dear Dr. Vance:

As requested, attached is a copy of MSTAs proposed amendments to HB 999 on public charter schools. After reviewing changes in the recently signed federal *Charter School Expansion Act of 1998*, MSTAs made one modification to the amendments we submitted last spring. That change is in Section 9-105. We propose that an appeal be provided in cases where the county board rejects a charter school application.

Further, I want to reiterate what MSTAs President Karl Pence stated in his verbal and written testimony before the Task Force on Public Charter Schools. Maryland shouldn't pass charter school legislation for the sole purpose of obtaining federal start-up funds. We should take a step back to review recent research and examine the education practices currently being used in existing charter schools across the country. We also need to take a closer look at initiatives that have already started here in Maryland. Furthermore, this legislation if passed, doesn't guarantee that existing nontraditional public school initiatives in Maryland will even qualify for the federal money.

I have also included a copy of the National Education Association's Resolution on *Charter and Nontraditional Public School Options*, which President Pence indicated he would provide to the task force.

If you have any questions, please feel free to contact me at the MSTAs Annapolis office at 410-263-6600.

Sincerely,

Dale E. Templeton
Assistant Executive Director
Center for Affiliates and Advocacy

cc: Kristy Anderson, MSTAs
Karl Pence, MSTAs President
Bob Rankin, MSTAs

**Proposed Charter School Legislation
MSTA Amendments to HB 999**

9-103 Amend to provide that the charter school shall operate independently, but within the existing county public school structure and that it shall be governed, not managed, by a Board of Trustees.

9-104 (a),(b) Strike the ability of a private entity, *aka* for-profit corp., to establish a charter school. [The original legislation had language in it which stated that a private entity could not make a profit; however, there is nothing to prevent them from doing so and there is no way for anyone to monitor their profits since a for-profit is not subject to the Freedom of Information Act.]

Under (d) amend the process by which an existing public school is converted to a charter school by requiring a secret ballot. The original legislation provided for a petition that had to be signed by at least 51% of the teaching staff and at least 51% of the parents or guardians. The reason for the secret ballot is because people may be willing to sign a petition, but a vote is more serious and it also eliminates the possibility of pushing someone into signing a petition. MSTa also added a provision stating that no child or employee could be required to work or stay in a charter school; therefore the board and the collective bargaining agent would facilitate any necessary transfers of staff and/or students.

9-105 Amend the time for which the county board would have to review an application from 60 to 90 days.

Provide an appeal in cases where the county board rejects a charter school application. Such appeal would be handled by the Maryland State Department of Education.

9-107 Strike the requirement that charter schools be a body corporate; amend the section so that it is an enumeration of the charter schools powers only. [The liability will fall on the local board since the charter is an entity created by the local board.]

9-108 Strike the power of the charter school to establish criteria for evaluating students other than the same standards as those provided by the State.

9-109 Strike the ability of the charter school to accept students from out of county. Strike the phrase "to the maximum extent possible" thereby mandating that the charter schools seek an enrollment representative of the community.

9-110 Amend so that students are expelled from a charter school under the same policy as the county board of education, rather than a separate criteria.

- 9-111 Amend section to mandate that the facility housing the charter school must conform to the public school facility regulations. Strike the right of a charter to construct a facility with public funds.
- 9-112 Amend so that the state and county boards have the ability to grant waivers (rather than exempt the school) to the school from state regulations and local board policy. The waivers would be based upon the charter application and subject to the existing collective bargaining contract.

Strike requirement that the county board pay for educational expenses of a student who due to handicapping condition requires an educational placement outside the charter school.

- 9-113 Amend the section to refer to a specific funding mechanism for education, such as the basic current expense figure, which is defined in section 5-202.
- 9-114 Strike section providing transportation for out of county students
- 9-115 Limit the authority of the Board of Trustees to deciding matters relating to the operation of the schools, including budgeting, curriculum, and operating procedures subject to the school's charter.

Amend to provide that employees and administrators of public charter schools remain public school employees. These employees will also remain a part of their respective collective bargaining units and retain all rights thereunder.

[The original legislation attempts to differentiate between schools that are existing and converted to charters and newly created charters – in the case of an existing and converted school, the employees remain members of the bargaining unit; however the rights under that contract may not be extended to charter employees; in the case of a newly created school, the founding charter members determine what rights employees have, if any.]

- 9-116 Amend to provide an appeal to the State Board any grievance in accordance with 4-205(c).

Strike the establishment of an "advisory grievance committee" which would have had the power to make nonbinding recommendations to the Board of Trustees concerning the disposition of complaints.

HOUSE BILL 999

Unofficial Copy
F1

1998 Regular Session
8lr1073

By: Delegates Leopold, Rawlings, C. Mitchell, Brinkley, Rzepkowski,
Mossburg, Morgan, M. Burns, Flanagan, McKee, Schade, Cadden, La
Vay, Cryor, and Marriott

Introduced and read first time: February 13, 1998

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2

Public Charter Schools

3 FOR the purpose of establishing a Public Charter School Program; providing
4 requirements and criteria for the establishment of a public charter school;
5 specifying the procedures under which a county board of education may grant a
6 charter for the creation of a public charter school; providing for the creation,
7 operation, governance, and personnel policies of a public charter school;
8 providing for certain admissions guidelines for public charter schools;
9 authorizing the State Board of Education and a county board to exempt a public
10 charter school from certain regulatory provisions; providing for certain funding
11 from a county board; providing for certain transportation of students; providing
12 for resolution of complaints against a charter school; requiring a county board to
13 assess and review charter schools in a certain manner; requiring charter schools
14 to prepare an annual report; requiring the State Board of Education to evaluate
15 the Public Charter School Program and prepare a report to the General
16 Assembly in a certain manner; authorizing a county board to revoke a charter
17 under certain circumstances; and generally relating to the creation of a Public
18 Charter School Program.

19 BY adding to

20 Article - Education

21 Section 9-101 through 9-118, inclusive, to be under the new title "Title 9. Public
22 Charter School Program"

23 Annotated Code of Maryland

24 (1997 Replacement Volume and 1997 Supplement)

25

Preamble

WHEREAS, The federal government has appropriated \$80 million in Fiscal Year 1998 to support the implementation and start-up costs for approved public charter schools; and

WHEREAS, Studies have shown that charter schools are not elitist enclaves, but rather serve a wide range of economic and cultural groups; and

WHEREAS, If properly developed, structured, and funded, charter schools have the potential to foster teacher creativity and enrich educational opportunities for many students; and

WHEREAS, The General Assembly finds that the establishment of a public charter school program is in the best interest of the students of this State; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Education

TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

9-101.

IN THIS TITLE, "CHARTER" MEANS THE AUTHORIZATION GRANTED BY A COUNTY BOARD TO OPERATE A PUBLIC CHARTER SCHOOL.

9-102.

(A) THE GENERAL ASSEMBLY FINDS THAT THE ESTABLISHMENT OF PUBLIC CHARTER SCHOOLS AS PART OF THE STATE'S PROGRAM OF PUBLIC EDUCATION ~~CAN ASSIST IN PROMOTING COMPREHENSIVE EDUCATIONAL REFORM~~ WILL PROVIDE INNOVATIVE LEARNING OPPORTUNITIES BY PROVIDING A MECHANISM FOR THE IMPLEMENTATION OF A VARIETY OF EDUCATIONAL APPROACHES ~~THAT MAY NOT BE AVAILABLE IN THE TRADITIONAL PUBLIC SCHOOL CLASSROOM.~~

(B) PUBLIC CHARTER SCHOOLS SHALL BE VEHICLES FOR RESEARCH AND DEVELOPMENT IN AREAS SUCH AS ~~OFFER THE POTENTIAL TO IMPROVE~~ IMPROVING PUPIL LEARNING, ~~INCREASE~~ INCREASING THE EDUCATIONAL CHOICES AVAILABLE FOR PARENTS AND STUDENTS, ~~ENCOURAGE~~ ENCOURAGING THE USE OF DIFFERENT AND INNOVATIVE LEARNING METHODS, ~~ESTABLISH~~ ESTABLISHING A NEW FORM OF ACCOUNTABILITY FOR SCHOOL, ~~REQUIRE~~ REQUIRING THE MEASUREMENT OF LEARNING OUTCOMES, ~~MAKE~~ MAKING THE SCHOOL THE UNIT FOR EDUCATIONAL IMPROVEMENT, AND ~~ESTABLISH~~ ESTABLISHING NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS.

9-103.

(A) (1) A COUNTY BOARD MAY GRANT A CHARTER TO OPERATE A PUBLIC CHARTER SCHOOL AS PROVIDED IN THIS TITLE.

(2) A CHARTER GRANTED UNDER THIS TITLE SHALL BE VALID FOR AN INITIAL 4-YEAR PERIOD AND MAY BE RENEWED BY THE COUNTY BOARD FOR SUBSEQUENT PERIODS OF 5 YEARS.

(B) A PUBLIC CHARTER SCHOOL SHALL BE:

(1) OPERATED INDEPENDENTLY ~~OF THE COUNTY BOARD~~ BUT WITHIN THE EXISTING COUNTY PUBLIC SCHOOL STRUCTURE; AND

(2) MANAGED GOVERNED BY ITS BOARD OF TRUSTEES.

(C) A BOARD OF TRUSTEES, UPON RECEIVING A CHARTER FROM THE COUNTY BOARD, SHALL BE DEEMED TO BE PUBLIC AGENTS AUTHORIZED BY THE STATE BOARD TO ~~SUPERVISE AND CONTROL~~ GOVERN THE PUBLIC CHARTER SCHOOL.

9-104.

(A) A PUBLIC CHARTER SCHOOL MAY BE ESTABLISHED BY:

(1) (I) TEACHING STAFF MEMBERS;

(II) PARENTS OF CHILDREN ATTENDING THE SCHOOLS OF THE COUNTY; OR

(III) A COMBINATION OF TEACHING STAFF MEMBERS AND PARENTS;

(2) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

(3) ~~A PRIVATE ENTITY LOCATED IN THE STATE, IN CONJUNCTION WITH TEACHING STAFF MEMBERS AND PARENTS OF STUDENTS ATTENDING THE SCHOOLS OF THE COUNTY. AN EXISTING PUBLIC SCHOOL.~~

~~(B) (1) IF A PUBLIC CHARTER SCHOOL IS ESTABLISHED BY A PRIVATE ENTITY, REPRESENTATIVES OF THE PRIVATE ENTITY MAY NOT CONSTITUTE A MAJORITY OF THE BOARD OF TRUSTEES OF THE SCHOOL, AND THE CHARTER SHALL SPECIFY THE EXTENT TO WHICH THE PRIVATE ENTITY MAY BE INVOLVED IN THE OPERATION OF THE SCHOOL.~~

~~(2) THE NAME OF THE PUBLIC CHARTER SCHOOL MAY NOT INCLUDE THE NAME OR IDENTIFICATION OF THE PRIVATE ENTITY, AND THE PRIVATE ENTITY MAY NOT REALIZE A PROFIT FROM ITS OPERATION OF A PUBLIC CHARTER SCHOOL.~~

(CB) A PRIVATE OR PAROCHIAL SCHOOL IS NOT ELIGIBLE TO BECOME A PUBLIC CHARTER SCHOOL.

~~(DC)~~ AN EXISTING PUBLIC SCHOOL IS ELIGIBLE TO BECOME A PUBLIC CHARTER SCHOOL IF:

(1) ~~AT LEAST 51% OF THE TEACHING STAFF OF THE EXISTING PUBLIC SCHOOL AND AT LEAST 51% OF THE PARENTS OR GUARDIANS OF THE STUDENTS ATTENDING THE EXISTING PUBLIC SCHOOL SIGNS A PETITION CALLING FOR AN ELECTION BY SECRET BALLOT IN SUPPORT OF THE TO DETERMINE WHETHER THE SCHOOL SHOULD BECOMING BECOME A PUBLIC CHARTER SCHOOL; AND~~

(2) ~~THE PARENTS OR GUARDIANS OF AT LEAST 51% OF THE STUDENTS ATTENDING THE EXISTING PUBLIC SCHOOL SIGN A PETITION IN SUPPORT OF THE SCHOOL BECOMING A PUBLIC CHARTER SCHOOL.~~

AT LEAST 51% OF THE STAFF AND AT LEAST 51% OF THE PARENTS OR GUARDIANS OF THE STUDENTS ATTENDING THE EXISTING PUBLIC SCHOOL VOTE IN THE ELECTION BY SECRET BALLOT IN SUPPORT OF THE SCHOOL BECOMING A PUBLIC CHARTER SCHOOL.

(D) NO CHILD SHALL BE REQUIRED TO ATTEND A PUBLIC CHARTER SCHOOL NOR SHALL ANY PUBLIC SCHOOL EMPLOYEE BE REQUIRED TO WORK IN A PUBLIC CHARTER SCHOOL. THE COUNTY BOARD OF EDUCATION SHALL MAKE ACCOMMODATIONS TO FACILITATE THE TRANSFER OF STUDENTS WHO DO NOT WISH TO PARTICIPATE IN THE PUBLIC CHARTER SCHOOL INTO OTHER PUBLIC SCHOOLS. THE COUNTY BOARD OF EDUCATION AND THE COLLECTIVE BARGAINING AGENT FOR PUBLIC SCHOOL EMPLOYEES SHALL MAKE ACCOMMODATIONS TO FACILITATE THE TRANSFER OF STAFF WHO DO NOT WISH TO PARTICIPATE IN THE PUBLIC CHARTER SCHOOL INTO OTHER PUBLIC SCHOOLS.

9-105.

(A) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL BE SUBMITTED TO THE COUNTY BOARD DURING THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE PUBLIC CHARTER SCHOOL IS TO BE ESTABLISHED.

(B) THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER A DECISION WITHIN ~~60~~ 90 DAYS OF RECEIPT OF THE APPLICATION.

(C) THE COUNTY BOARD SHALL PROVIDE THE RATIONALE FOR REJECTING ANY CHARTER APPLICATION.

(D) THE DECISION OF THE COUNTY BOARD MAY BE APPEALED TO THE MARYLAND STATE DEPARTMENT OF EDUCATION WITHIN THIRTY (30) DAYS OF RECEIPT OF SAID DECISION.

9-106.

AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL INCLUDE:

- (1) THE IDENTITY OF THE CHARTER APPLICANT OR APPLICANTS;
- (2) THE PROPOSED NAME OF THE PUBLIC CHARTER SCHOOL;
- (3) THE PROPOSED GOVERNANCE STRUCTURE OF THE PUBLIC CHARTER SCHOOL, INCLUDING ~~A LIST OF THE PROPOSED MEMBERS OF THE BOARD OF TRUSTEES OF THE PUBLIC CHARTER SCHOOL OR~~ A DESCRIPTION OF THE QUALIFICATIONS AND METHOD FOR THE APPOINTMENT OR ELECTION OF MEMBERS OF THE BOARD OF TRUSTEES;
- (4) THE EDUCATIONAL GOALS OF THE PUBLIC CHARTER SCHOOL, THE CURRICULUM TO BE OFFERED, AND THE METHODS OF ASSESSING WHETHER STUDENTS ARE MEETING EDUCATIONAL GOALS;
- (5) THE ADMISSION POLICY AND CRITERIA FOR EVALUATING THE ADMISSION OF STUDENTS, WHICH SHALL COMPLY WITH § 9-109 OF THIS TITLE;
- (6) THE AGE OR GRADE RANGE OF STUDENTS TO BE ENROLLED;
- (7) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;
- (8) A DESCRIPTION OF STAFF RESPONSIBILITIES ~~AND PROPOSED QUALIFICATIONS OF TEACHING STAFF~~;
- (9) A DESCRIPTION OF THE PROCEDURES TO BE IMPLEMENTED TO ENSURE SIGNIFICANT PARENT INVOLVEMENT OF THE OPERATION OF THE SCHOOL;
- (10) A DESCRIPTION OF, AND ADDRESS FOR, THE PHYSICAL FACILITY IN WHICH THE PUBLIC CHARTER SCHOOL WILL BE LOCATED;
- (11) INFORMATION ON THE MANNER IN WHICH COMMUNITY GROUPS WILL BE INVOLVED IN THE PUBLIC CHARTER SCHOOL PLANNING PROCESS;
- (12) THE FINANCIAL PLAN FOR THE PUBLIC CHARTER SCHOOL AND THE PROVISIONS THAT WILL BE MADE FOR AUDITING THE SCHOOL IN ACCORDANCE WITH § 5-109 OF THIS ARTICLE;
- (13) A DESCRIPTION OF AND JUSTIFICATION FOR ANY WAIVER OF STATE OR LOCAL REGULATIONS, WHICH THE PUBLIC CHARTER SCHOOL WILL REQUEST; AND
- (14) ANY OTHER INFORMATION THE COUNTY BOARD MAY REQUIRE.

9-107.

A PUBLIC CHARTER SCHOOL ESTABLISHED UNDER THIS TITLE SHALL HAVE THE POWER TO: BE A BODY CORPORATE AND POLITIC WITH ALL POWERS NECESSARY OR DESIRABLE FOR CARRYING OUT ITS CHARTER PROGRAM, INCLUDING THE POWER TO:

(1) ADOPT A NAME ~~AND CORPORATE SEAL~~; HOWEVER, THE NAME SELECTED SHALL INCLUDE THE WORDS "CHARTER SCHOOL";

(2) ~~SUE AND BE SUED, TO THE SAME EXTENT AND UPON THE SAME CONDITIONS THAT A PUBLIC ENTITY CAN BE SUED;~~

(32) ACQUIRE REAL PROPERTY FROM PUBLIC OR PRIVATE SOURCES, BY PURCHASE, LEASE, LEASE WITH AN OPTION TO PURCHASE, OR BY GIFT, FOR USE AS A SCHOOL FACILITY;

(43) RECEIVE AND DISBURSE FUNDS FOR SCHOOL PURPOSES;

(54) MAKE CONTRACTS AND LEASES FOR THE PROCUREMENT OF SERVICES, EQUIPMENT, AND SUPPLIES WHICH ARE NOT BEING PROVIDED BY THE COUNTY BOARD OF EDUCATION PURSUANT TO THE CHARTER;

(65) INCUR TEMPORARY DEBTS IN ANTICIPATION OF THE RECEIPT OF FUNDS;

(76) SOLICIT AND ACCEPT ANY GIFTS OR GRANTS FOR SCHOOL PURPOSES;

AND

(87) HAVE ANY OTHER POWERS NECESSARY TO FULFILL ITS CHARTER AND WHICH ARE NOT INCONSISTENT WITH THIS TITLE OR THE REQUIREMENTS OF THE COUNTY BOARD.

9-108.

(A) A PUBLIC CHARTER SCHOOL SHALL BE OPEN TO ALL STUDENTS ON A SPACE-AVAILABLE BASIS AND MAY NOT DISCRIMINATE IN ITS ADMISSION POLICIES OR PRACTICES ON THE BASIS OF INTELLECTUAL OR ATHLETIC ABILITY, MEASURES OF ACHIEVEMENT OR APTITUDE, DISABILITY STATUS, PROFICIENCY IN THE ENGLISH LANGUAGE, OR ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A COUNTY BOARD.

(B) A PUBLIC CHARTER SCHOOL MAY:

(1) LIMIT ADMISSION TO A PARTICULAR GRADE LEVEL;

(2) PROVIDE A SPECIFIC ACADEMIC FOCUS, SUCH AS MATHEMATICS, SCIENCE, OR THE ARTS. ~~AND~~

~~(3) ESTABLISH REASONABLE CRITERIA TO EVALUATE PROSPECTIVE STUDENTS, WHICH SHALL BE OUTLINED IN THE SCHOOL'S CHARTER.~~

9-109.

(A) (1) PREFERENCE FOR ENROLLMENT IN A PUBLIC CHARTER SCHOOL SHALL BE GIVEN TO STUDENTS WHO RESIDE IN THE COUNTY IN WHICH THE PUBLIC CHARTER SCHOOL IS LOCATED.

(2) SUBJECT TO THE OTHER PROVISIONS OF THIS SECTION, IF MORE APPLICANTS ENROLL IN A PUBLIC CHARTER SCHOOL THAN THERE ARE SPACES AVAILABLE, THE PUBLIC CHARTER SCHOOL SHALL SELECT STUDENTS TO ATTEND USING A RANDOM SELECTION PROCESS.

(3) A PUBLIC CHARTER SCHOOL MAY NOT CHARGE TUITION OR OTHER FEES NOT GENERALLY CHARGED BY OTHER PUBLIC SCHOOLS.

(B) A PUBLIC CHARTER SCHOOL MAY GIVE ENROLLMENT PRIORITY TO A SIBLING OF A STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL.

~~(C) (1) IF AVAILABLE SPACE PERMITS, A PUBLIC CHARTER SCHOOL MAY ENROLL STUDENTS WHO DO NOT RESIDE IN THE COUNTY IN WHICH THE SCHOOL IS LOCATED.~~

~~(2) THE TERMS AND CONDITIONS OF THE ENROLLMENT SHALL BE OUTLINED IN THE SCHOOL'S CHARTER.~~

~~(D)~~ THE ADMISSION POLICY OF A PUBLIC CHARTER SCHOOL, TO THE MAXIMUM EXTENT PRACTICABLE, SHALL SEEK THE ENROLLMENT OF A REPRESENTATIVE CROSS-SECTION OF THE COMMUNITY'S SCHOOL AGE POPULATION, INCLUDING SUCH FACTORS AS RACIAL, ECONOMIC, AND ACADEMIC DIVERSITY.

9-110.

(A) A STUDENT MAY WITHDRAW FROM A PUBLIC CHARTER SCHOOL AT ANY TIME.

(B) (1) CONSISTENT WITH THE COUNTY BOARD OF EDUCATION POLICY, A STUDENT MAY BE EXPELLED FROM A PUBLIC CHARTER SCHOOL BASED ON CRITERIA DETERMINED BY THE BOARD OF TRUSTEES, ~~CONSISTENT WITH PROVISIONS OF THE SCHOOL'S CHARTER.~~

(2) A DECISION TO EXPEL A STUDENT SHALL BE MADE BY THE PRINCIPAL OF THE PUBLIC CHARTER SCHOOL, IN CONSULTATION WITH THE SUPERINTENDENT AND THE STUDENT'S TEACHERS.

9-111.

(A) A PUBLIC CHARTER SCHOOL MAY BE LOCATED IN:

- (1) PART OF AN EXISTING PUBLIC SCHOOL BUILDING;
- (2) A PUBLIC BUILDING OTHER THAN AN EXISTING PUBLIC SCHOOL. ;OR
- (3) ~~ANY OTHER SUITABLE LOCATION.~~

(B) THE FACILITY SHALL ~~BE EXEMPT FROM~~ CONFORM TO THE PUBLIC SCHOOL FACILITY REGULATIONS ~~EXCEPT INCLUDING~~ THOSE PERTAINING TO THE HEALTH ~~OR AND~~ SAFETY OF THE PUPILS.

~~(C) A PUBLIC CHARTER SCHOOL MAY NOT CONSTRUCT A FACILITY WITH PUBLIC FUNDS.~~

9-112.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PUBLIC CHARTER SCHOOL SHALL OPERATE IN ACCORDANCE WITH ITS CHARTER AND THE PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS.

(2) ~~AT THE REQUEST OF THE BOARD OF TRUSTEES BASED UPON THE APPLICATION~~ OF A PUBLIC CHARTER SCHOOL AND SUBJECT TO SECTION 9-115(C) OF THIS ARTICLE, THE STATE BOARD MAY ~~EXEMPT~~ GRANT A WAIVER TO THE SCHOOL FROM STATE EDUCATION REGULATIONS AND REQUIREMENTS, AND THE COUNTY BOARD MAY EXEMPT GRANT A WAIVER TO THE SCHOOL FROM LOCAL EDUCATION REGULATIONS AND REQUIREMENTS, IF THE BOARD OF TRUSTEES APPLICATION SATISFACTORILY DEMONSTRATES THAT THE EXEMPTION WILL ADVANCE THE EDUCATIONAL GOALS AND OBJECTIVES OF THE SCHOOL.

(3) THE STATE BOARD OR A COUNTY BOARD MAY NOT ~~EXEMPT GRANT A WAIVER TO~~ A PUBLIC CHARTER SCHOOL FROM REGULATIONS PERTAINING TO ASSESSMENT, TESTING, CIVIL RIGHTS, OR STUDENT HEALTH AND SAFETY.

(B) (4) A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH THE PROVISIONS OF § 8-404 OF THIS ARTICLE CONCERNING THE PROVISION OF SERVICES TO STUDENTS WITH DISABILITIES.

~~(2) THE COUNTY BOARD SHALL PAY THE EDUCATIONAL EXPENSES OF ANY STUDENT WHO IS FOUND BECAUSE OF A HANDICAPPING CONDITION TO REQUIRE AN EDUCATIONAL PLACEMENT OUTSIDE THE PUBLIC CHARTER SCHOOL.~~

(C) A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH APPLICABLE STATE AND FEDERAL ANTIDISCRIMINATION LAWS.

9-113.

(A) THE COUNTY BOARD SHALL PAY DIRECTLY TO THE PUBLIC CHARTER SCHOOL, FOR EACH STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL WHO RESIDES IN THE COUNTY, AN AMOUNT NOT LESS THAN ~~90% NOR MORE THAN 100% OF THE PER PUPIL OPERATING COSTS~~ BASIC CURRENT EXPENSE FIGURE AS DEFINED IN SECTION 5-202(a)(13) OF THIS ARTICLE FOR EDUCATING ~~THE SAME KIND OF STUDENTS~~ IN THE EXISTING PUBLIC SCHOOLS OF THE COUNTY.

(B) A PUBLIC CHARTER SCHOOL SHALL BE ELIGIBLE FOR COUNTY, STATE, AND FEDERAL FUNDS IN THE SAME MANNER AS CALCULATED FOR LIKE-KIND STUDENTS OF REGULAR PUBLIC SCHOOLS IN THE COUNTY.

9-114.

(A) STUDENTS OF A PUBLIC CHARTER SCHOOL WHO RESIDE IN THE COUNTY IN WHICH THE PUBLIC CHARTER SCHOOL IS LOCATED SHALL BE PROVIDED TRANSPORTATION TO AND FROM THE PUBLIC CHARTER SCHOOL ON THE SAME TERMS AND CONDITIONS AS TRANSPORTATION IS PROVIDED TO STUDENTS ATTENDING OTHER PUBLIC SCHOOLS OF THE COUNTY.

~~(B) STUDENTS RESIDING IN OTHER COUNTIES MAY RECEIVE TRANSPORTATION SERVICES PURSUANT TO REGULATIONS ADOPTED BY THE STATE BOARD.~~

9-115.

(A) THE BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL:

(1) MAY DECIDE MATTERS RELATING TO THE OPERATIONS OF THE SCHOOL, INCLUDING BUDGETING, CURRICULUM, AND OPERATING PROCEDURES, SUBJECT TO THE SCHOOL'S CHARTER. ~~AND~~

~~(2) SHALL PROVIDE FOR APPROPRIATE INSURANCE AGAINST ANY LOSS OR DAMAGE TO ITS PROPERTY OR ANY LIABILITY RESULTING FROM THE USE OF ITS PROPERTY OR FROM THE ACTS OR OMISSIONS OF ITS OFFICERS AND EMPLOYEES.~~

(B) (1) ~~A PUBLIC CHARTER SCHOOL AND ITS EMPLOYEES SHALL BE SUBJECT TO THE PROVISIONS OF TITLE 6 OF THIS ARTICLE.~~

~~(2) IF AN EXISTING PUBLIC SCHOOL BECOMES A PUBLIC CHARTER SCHOOL PURSUANT TO § 9-105 OF THIS TITLE, THE SCHOOL EMPLOYEES OF THE PUBLIC CHARTER SCHOOL SHALL BE DEEMED TO BE MEMBERS OF THE BARGAINING UNIT IN WHICH THEY WERE INCLUDED IN THE EXISTING PUBLIC SCHOOL.~~

~~(3) IN THE CASE OF OTHER PUBLIC CHARTER SCHOOLS, THE BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL MAY EMPLOY, DISCHARGE, AND CONTRACT WITH~~

NECESSARY TEACHERS AND NONCERTIFICATED EMPLOYEES AS PROVIDED IN THE SCHOOL'S CHARTER.

~~(4) — THE BOARD OF TRUSTEES MAY CHOOSE WHETHER OR NOT TO OFFER THE TERMS OF ANY COLLECTIVE BARGAINING AGREEMENT ALREADY ESTABLISHED BY THE COUNTY BOARD FOR ITS EMPLOYEES, BUT THE BOARD OF TRUSTEES SHALL ADOPT ANY HEALTH AND SAFETY PROVISIONS OF THE AGREEMENT.~~

~~(5) — A PUBLIC CHARTER SCHOOL MAY NOT SET A TEACHER SALARY LOWER THAN THE MINIMUM TEACHER SALARY SPECIFIED PURSUANT TO § 6-302 OF THIS ARTICLE NOR HIGHER THAN THE HIGHEST STEP IN THE SALARY GUIDE IN THE COLLECTIVE BARGAINING AGREEMENT WHICH IS IN EFFECT IN THE COUNTY IN WHICH THE CHARTER SCHOOL IS LOCATED.~~

~~(C) — ALL CLASSROOM TEACHERS AND PROFESSIONAL SUPPORT STAFF SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.~~

~~(D) — (1) — A PUBLIC SCHOOL EMPLOYEE, WHETHER TENURED OR NONTENURED, MAY REQUEST A LEAVE OF ABSENCE OF UP TO 3 YEARS FROM THE COUNTY BOARD IN ORDER TO WORK IN A PUBLIC CHARTER SCHOOL.~~

~~(2) — APPROVAL FOR A LEAVE OF ABSENCE MAY NOT BE UNREASONABLY WITHHELD.~~

~~(3) — (I) — EMPLOYEES ON A LEAVE OF ABSENCE AS PROVIDED IN THIS SUBSECTION SHALL REMAIN IN, AND CONTINUE TO MAKE CONTRIBUTIONS TO, THEIR RETIREMENT PLAN DURING THE TIME OF THE LEAVE AND SHALL BE ENROLLED IN THE HEALTH BENEFITS PLAN OFFERED TO OTHER PUBLIC SCHOOL TEACHERS IN THE COUNTY.~~

~~(II) — THE PUBLIC CHARTER SCHOOL SHALL MAKE ANY REQUIRED EMPLOYER'S CONTRIBUTION TO THE COUNTY'S HEALTH BENEFITS PLAN.~~

~~(E) — AN EMPLOYEE ON A LEAVE OF ABSENCE AS PROVIDED IN SUBSECTION (D) OF THIS SECTION MAY NOT ACCRUE TENURE IN THE PUBLIC SCHOOL SYSTEM BUT SHALL RETAIN ANY TENURE AND SHALL CONTINUE TO ACCRUE SENIORITY IN THE PUBLIC SCHOOL SYSTEM IF THE EMPLOYEE RETURNS TO THE REGULAR PUBLIC SCHOOL WHEN THE LEAVE ENDS.~~

~~(F) — AN EMPLOYEE ON A LEAVE OF ABSENCE AS PROVIDED IN SUBSECTION (D) OF THIS SECTION WHO LEAVES OR IS DISMISSED FROM EMPLOYMENT AT A PUBLIC CHARTER SCHOOL WITHIN 3 YEARS SHALL HAVE THE RIGHT TO RETURN TO THE EMPLOYEE'S FORMER POSITION IN THE COUNTY PUBLIC SCHOOL SYSTEM IF THE EMPLOYEE IS OTHERWISE ELIGIBLE FOR EMPLOYMENT.~~

(B) EMPLOYEES AND ADMINISTRATORS IN PUBLIC CHARTER SCHOOLS SHALL REMAIN EMPLOYEES OF THE COUNTY BOARD OF EDUCATION.

(C) THE EMPLOYEES ASSIGNED TO A PUBLIC CHARTER SCHOOL SHALL REMAIN MEMBERS OF THEIR RESPECTIVE COLLECTIVE BARGAINING UNITS, AND SHALL RETAIN ALL RIGHTS THAT EXIST UNDER ANY APPLICABLE COLLECTIVE BARGAINING CONTRACT, AND STATE, AND FEDERAL LAW.

9-116.

(A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS VIOLATED ANY PROVISION OF THIS TITLE MAY PRESENT A COMPLAINT WITH THE BOARD OF TRUSTEES OF THE PUBLIC CHARTER SCHOOL.

(B) IF THE COMPLAINT IS NOT RESOLVED TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY PRESENT THE COMPLAINT TO THE COUNTY BOARD.

(C) ~~THE BOARD OF TRUSTEES OF EACH PUBLIC CHARTER SCHOOL SHALL ESTABLISH AN ADVISORY GRIEVANCE COMMITTEE COMPOSED OF PARENTS AND TEACHERS TO MAKE NONBINDING RECOMMENDATIONS TO THE BOARD OF TRUSTEES CONCERNING THE DISPOSITION OF COMPLAINTS.~~ IF THE COMPLAINT IS NOT RESOLVED TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY APPEAL THE DECISION OF THE COUNTY BOARD TO THE STATE BOARD, PURSUANT TO SECTION 4-205(C) OF THIS ARTICLE.

9-117.

(A) (1) THE COUNTY BOARD SHALL ANNUALLY ASSESS WHETHER EACH PUBLIC CHARTER SCHOOL IN THE COUNTY IS MEETING THE GOALS OF ITS CHARTER AND SHALL CONDUCT A COMPREHENSIVE REVIEW PRIOR TO GRANTING A RENEWAL OF THE CHARTER.

(2) THE COUNTY BOARD SHALL HAVE ACCESS TO THE RECORDS AND FACILITIES OF THE PUBLIC CHARTER SCHOOL TO ENSURE THAT THE PUBLIC CHARTER SCHOOL IS IN COMPLIANCE WITH ITS CHARTER AND THE PROVISIONS OF LAW.

(B) (1) IN ORDER TO FACILITATE THE COUNTY BOARD'S REVIEW, EACH PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL FISCAL AND STUDENT PERFORMANCE REPORT TO THE COUNTY BOARD, NOT LATER THAN AUGUST 1, IN THE FORM PRESCRIBED BY THE COUNTY BOARD.

(2) THE REPORT SHALL ALSO BE MADE AVAILABLE TO THE PARENT OR GUARDIAN OF ANY STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL.

9-118.

(A) A COUNTY BOARD MAY REVOKE THE CHARTER OF A PUBLIC CHARTER SCHOOL IF:

(1) THE SCHOOL HAS NOT FULFILLED ANY CONDITION IMPOSED BY THE COUNTY BOARD IN CONNECTION WITH THE GRANTING OF THE CHARTER;

(2) THE SCHOOL HAS VIOLATED ANY PROVISIONS OF THE CHARTER;

(3) THE FISCAL CONDITION OF THE SCHOOL IS SUBSTANTIALLY DEFICIENT; OR

(4) THE ACADEMIC CONDITION OF THE SCHOOL IS SUBSTANTIALLY DEFICIENT.

(B) THE COUNTY BOARD MAY PLACE A PUBLIC CHARTER SCHOOL ON PROBATIONARY STATUS TO ALLOW THE IMPLEMENTATION OF A REMEDIAL PLAN, PENDING A DECISION TO REVOKE THE SCHOOL'S CHARTER.

(C) A COUNTY BOARD SHALL DEVELOP PROCEDURES AND GUIDELINES FOR THE REVOCATION AND RENEWAL OF SCHOOL CHARTERS.

SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1, 2002, and based on input from county boards, members of the educational community, and the public, the State Board shall submit to the General Assembly, in accordance with § 2-1246 of the State Government Article, a report on and an evaluation of the Public Charter School Program. The report shall include a recommendation on the advisability of the continuation, modification, expansion, or termination of the Program.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1999.

**QUICK
CLICKS**[Main Page](#)[Table of Contents](#)[Foreword](#)[PUBLIC EDUCATION](#) [STUDENTS](#) [TEACHING](#) [SCHOOLS](#)
[PARTNERSHIPS](#) [ABOUT NEA](#) [PARENTS](#) [NEWS](#) [ISSUES](#)

NEA 1998-99 Resolutions

A-26. Charter and Nontraditional Public School Options

The National Education Association supports innovation in public education. The Association believes that when concepts such as charter schools and other nontraditional school options are proposed, all affected public school employees must be directly involved in the design, implementation, and governance of these programs.

The Association further believes that plans should not negatively impact the regular public school program and must include adequate safeguards covering contract and employment provisions for all employees, voluntary participation, health and safety standards for all students and employees, nondiscrimination and equal educational opportunity, staffing by licensed professional staff, and financial responsibility. Programs must be adequately funded, must include start-up monies, must not divert current funds from the regular public school programs, and must contain appropriate procedures for regular periodic assessment and evaluation, as well as adequate attendance and record-keeping procedures. (93, 98)

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TESTIMONY - HB 999 Public Charter Schools Task Force on Charter Schools

Good afternoon Mr. Chairman and Committee members. I am Betty R. Pitt speaking on behalf of the AFT, Maryland. I appreciate the opportunity of speaking to you today. I apologize for not having written testimony but I have not returned to my office since undergoing major surgery. I will send you a copy of my remarks.

AFT, Maryland represents over 17,000 teachers and public employees. Nationally, the American Federation of Teachers has worked in a number of states on the issue of charter schools and has developed its own criteria for good charter school legislation. Although HB 999 rates fairly well with our standards, the AFT, Maryland and its affiliates can't support HB 999 as written. We don't believe the legislation is needed at this time, as there already exists adequate authority for local jurisdictions to grant charters. There are also several areas of concern in the manner in which HB 999 proposes to administer the charter schools and achieve high academic standards.

In September of 1996, the Maryland State Board of Education created the Public Charter School Study Group. The study group affirmed that under existing Maryland law there is sufficient authority vested in the local boards of education to establish public charter schools. It was recommended that no legislative change was necessary.

In a majority of the cases where charter school legislation has been enacted by state governments, the impetus came from strong public interest and demand. Acting in response to such public outcry, most states had to create legislation as a vehicle to deliver charter schools to the people. According to a report by Assistant State Superintendent Robert Rice to the Ways and Means Committee on February 10, 1998, the amount of inquiries about starting charter schools coming into the MSDE has been minimal.

Our review of the Education Article of the Annotated Code of Maryland concurs with the study group's finding that sufficient authority rests with local school boards. Coupled with the mild interest by the Maryland public, it is our position that HB 999 is not necessary at this time. FURTHER, WE WOULD RATHER SEE MSDE RESOURCES

An affiliate of the American Federation of Teachers, AFL-CIO

AND ATTENTION STAY FOCUSED ON WORKING TO IMPROVE OUR
EXISTING PUBLIC SCHOOLS AND NOT BE DIVERTED FROM THAT TASK.

HB 999 is based on a statute passed by the New Jersey legislature. We do not believe it can be easily applied to this state since the public school structures differ significantly between the two states. If it is the will of the Task Force to see charter school legislation enacted, AFT, Maryland would be very willing to work with the Task Force to create appropriate legislation for Maryland. There are some positive features embodied within HB 999, but there remain enough concerns that proper modifications should not be made through the amendment process, but rather a complete rewrite would be in order. The modifications should include:

- Priority be given to charters providing an alternative to educating at-risk children
- An initial cap on the number of charter schools granted
- An outside evaluation component in each application
- Evaluation by an outside agency for the legislature (Colorado and California both used outside evaluators in preparing the report to their respective legislatures, thus removing any charges of cronyism.)
- Assurance that if charter is revoked, all property reverts to the chartering authority
- If student is expelled and returns to the county schools, the money for that student must be returned to the county
- Charter schools should be subject to any freedom of information or sunshine law provisions
- Students who live outside the county and attend a charter school should be required to pay tuition

Considering the existence of local authority to grant charters, an apparent absence of interest by the general public, and the concerns we have with some of the bill's language, the AFT, Maryland cannot support HB 999 as written. It is our feeling that HB 999 does not need to be enacted in order for concerned parents, students, and educators of this state to create charter schools.

Thank you again for the opportunity to present my organization's opinion on this bill.

Betty R. Pitt
October 20, 1998

Jay M. Gillen, Ph. D.
810 Gorsuch Avenue
Baltimore, MD 21218
(jgillen@mail.bcpl.lib.md.us)

15 November, 1998

Dr. Paul Lawrence Vance, Chair
Task Force on Public Charter Schools
Superintendent of Schools
850 Hungerford Drive
Rockville, Maryland 20850

Dear Dr. Vance:

Thank you again for your continuing leadership on this important task. I thought I might communicate a suggestion regarding the issues raised in my last letter to you.

As you know, I feel it is essential for there to be more than one chartering authority available to proponents of charter schools. However, it was clear from the testimony we heard in October that many groups would oppose the vesting of chartering authority in any bodies beyond local boards of education. Certainly, there are good reasons for their position. I would therefore like to propose the following compromise.

Any local board of education achieving a satisfactory level of education as judged by the Maryland State Performance Plan should have sole authority to grant charters in that district. In districts which are not achieving a satisfactory level of education as determined by the MSPP, local boards of education should still be allowed to grant charters, but other entities should be allowed to grant charters as well. Those entities might include the state board directly, a special chartering board established for the purpose, a county or municipal government, or a public university. Funds for schools chartered through these means would go from the state directly to the school.

The rationale for this compromise is simple. Where a local board demonstrates success as determined by state standards, that board has also demonstrated competence to judge the potential of any charter school proposal. Where a local board has not yet demonstrated success as determined by the state, it is possible that that board may mis-evaluate the merits of a school proposal; the school proponents should be free--in those districts only--to approach an alternative evaluator. Of course, the local

board would still be free to charter any schools it wants. But it could not block a charter granted by another agent.

Similarly with rules regarding waivers: In any district which is achieving a satisfactory level of education as determined by the MSPP, charter schools should be required to request waivers one regulation at a time. However, in districts which are not achieving a satisfactory level of education as determined by the MSPP, charter schools should be granted blanket waivers from all regulations apart from regulations on health, safety, and civil rights.

The rationale for this provision is again simple. Where a local board demonstrates success as determined by the state, that board has also demonstrated the value of its rules and regulations. Where a local board has not yet demonstrated success as determined by the state, it is possible that that board's policies restrict real reform, or that it may misjudge the need for waivers in particular cases; the school proponents should be free in those districts to devise any system of policies it finds best.

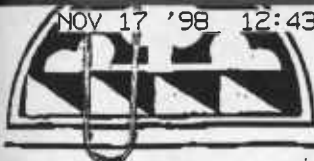
I believe these compromise proposals are in keeping with the spirit of accountability that we all endorse. Our children's education presents many challenges. If a local board knows the right solutions to these challenges, it should implement them. If a local board has not yet demonstrated that it knows the right solutions, it cannot claim to be the sole legitimate judge of which solutions will work.

Again, I appreciate your leadership, and hope that you will share these suggestions with the other members of the Task Force.

Sincerely,

Jay Gillen, Ph. D.
The Stadium School

cc: Governor Parris N. Glendening
Dr. Nancy Grasmick
Mr. Walter Sondheim, Jr.
Delegate Howard Rawlings
Task Force on Public Charter Schools



Maryland State Department of EDUCATION

Schools for Success

Nancy S. Grasmick
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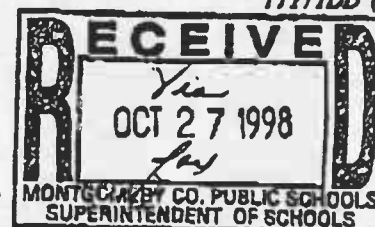
MEMORANDUM

TO: Paul L. Vance
Superintendent

FROM: Robert C. Rice *BR*
Assistant State Superintendent for Research and Development

DATE: October 27, 1998

SUBJECT: H.R. 2616 -- Charter Schools



On October 22, 1998, President Clinton signed H.R. 2616, an Act to amend title VI and X of the Elementary and Secondary Education Act of 1965 to improve and expand charter schools. The law will be *Charter School Expansion Act of 1998*, however, I do not have a law number.

In relation to our Governor's Task Force on Charter Schools deliberations, I understand the bill attempts to expand the number of charter schools and increased funding levels, added priority criteria for grant awards, requires assistance to charter schools and ensuring that charter schools receive their fair share of federal education funds.

The Act requires that states have "a specific statute authorizing the granting of charters to schools" rather than the current "enabling statute" and reliance on the Secretary's discretion.

Additionally, the definition of charter schools is amended to require a "written performance contract with the authorized public chartering agency".

I believe the priority section addresses the award of state grants by including a provision that the state provides *either* for one public chartering agency that is not an LEA or an appeals process. This provision should permit Maryland to leave unfettered the provision that local schools systems have the authority to establish public schools.

I expect the Maryland State Board of Education to inquire about the status of the Governor's Task Force deliberations during their meeting today or tomorrow. I will let you know of any directions or specific comments offered should the issues arise.

RCR

c: N. Grasmick
J. Wisthoff