

# BALTIMORE CITY PUBLIC SCHOOLS

## BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS

To: Marnell Cooper  
From: Dawana Merritt Sterrette  
Re: Public Charter School Information  
Date: September 20, 2017

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### **History of the Charter School Legislation and Guidance in Maryland**

Charter school legislation has been introduced repeatedly in the Maryland General Assembly since 1998. In 2002, the Senate Education, Health, and Environmental Affairs Committee passed a charter school bill. The bill was received by the House Ways and Means Committee and was adopted by the House, with amendments. A conference committee was appointed, however, an agreement between the two chambers was not reached.

The following year, the Charter School Act of 2003 was passed. It established Title 9 of the Education Article of the Maryland annotated Code, referred to as the “Maryland Public Charter School Program.” Title 9 contains all of the State’s statutory definitions and requirements regarding public charter schools in Maryland. Following the passage of the Act, The Maryland State Board of Education has not adopted regulations regarding the Charter School Program but has issued formal opinions responding to appeals from charter applicants, and issued orders in response to petitions for waivers.

The Charter School Act requires local school systems to adopt a charter school policy and school systems have also adopted regulations and procedures. Also as required by the Act, the State Board approved the Maryland Public Charter Schools Model Policy and Resource Guide to provide a model policy and compilation of relevant state and federal laws and regulations.

An application to establish a public charter school must be submitted to the local board of education by:

- A parent/guardian of a student who attends a school in the city/county;
- A nonsectarian nonprofit entity;
- A nonsectarian institution of higher education in the State;
- Staff of a public school; or
- Any combination of these individuals or groups.

### **Charter School Improvement Act of 2015**

In May 2015, the Governor signed into law legislation that clarified and modified the Public Charter School Act of 2003.

- Allows preference for FARMS, SWD, ELL and/or homeless students through weighted lotteries

- Operators may apply to provide up to 35% of the seats in the school based on an approved geographic zone with median income equal to or below the school district.
- Operators with at least 2 schools forming a multi-year integrated academic program may give preference for up to 35% of seats to students attending one of the schools the prior year.
- Allows currently approved conversion charters to continue to guarantee enrollment to zoned students and allows prospective conversion applicants to serve a guaranteed enrollment zone if they meet certain criteria.
- Outlines provisions for mutual consent of placement of staff at charter schools.
- Clarifies process for requesting waivers of District and State policies.
- Charter operator meeting certain criteria developed by the State are eligible to pursue a framework for additional autonomy.
- Allows for a funding study to assess public education dollars that go to traditional and charter schools.
- Removed the State Board's secondary chartering authority as related to either granting of a charter on appeal or as the public chartering authority for a restructured school.

### **Employment of Charter School Staff**

In Maryland, the local board employs teachers and staff. The Charter School Act does not affect the superintendent's authority to hire teachers and other staff and to transfer staff between schools. However, the State Board has allowed a charter school to "recruit and select all staff subject to the final approval of the superintendent/CEO, and where required by statute, subject to the final approval of the local board.

Charter school employees are included in the collective bargaining agreement. The Maryland Public Charter Schools Model Policy and Resource Guide further explains that charter school employees "are in the bargaining unit(s) with other public school employees in similar job classifications and are entitled to the same salaries, benefits and working conditions in the existing negotiated agreement for their job classification.

### **Role of the School Board**

In Maryland, the school board is the primary chartering authority. This requires the local school board to review and approve or disapprove an application based on standards established by the chartering authority (school board) consistent with state law. Further, the law requires the school board to develop a charter school policy that includes, in part, guidelines and procedures regarding the evaluation of the public charter schools. While there is no legal requirement for a school board to use a numeric scale in its evaluation process, the State Board has directed that if a numerical rating scale is used the local board must provide an analytical key that describes with specificity what is necessary or adequate to achieve each point on the scale.

There is no legal requirement that the rationale for the board's decisions be in writing, but if it is presented orally then it must be presented at a public meeting. In addition, public hearings are not required prior to a board decision. However, if the school board has determined in its charter school policy that a hearing is afforded an applicant prior to a decision then it must follow that policy.

Legislation enacted in 2015 provides that a charter school may seek a waiver of the provisions of law and regulation governing other public schools either from the local board for polices of the local boar, or from the State Board for polices of the State Board.

In 2013, The State Board rendered a decision which directly addressed the question of whether a local board could rely on fiscal concerns of the local school system to deny a charter school application. The State Board found that “under the present circumstances, when the Garrett County Public School is looking to close schools to achieve better economies of scale, it is our view that the school system is not in a position to reopen a closed school charter or otherwise. In this context, the State Board concluded that “it was not illegal for the local board to consider the detrimental fiscal impact of opening a charter school on the school community.”

### **Baltimore City Charter Schools History and Operations**

Charters are an important part of the district’s portfolio and are the most common operator school type in the district. The first charter schools opened in Baltimore City in 2005-06 school year. Today there are 34 charters schools. The school district has a combination of city wide charters and conversion charters (charters that were created from existing traditional public schools).

The types of approaches to learning that charters have focused on include:

- Expeditionary Learning
- Montessori
- Full Language Immersion
- Environmental Education
- Arts Integration
- STEM
- Single Gender focus

Upon the receipt of a charter application from an eligible applicant, per law, the local school board must review the application using a “fair and open process”, and render a decision within 120 days. However, local school systems may limit their consideration to applications received within filing deadlines in accordance with locally adopted charter application procedures. In Baltimore City, the applications are reviewed within 120 days after submission for opening in the upcoming school year, however if the application comes to the school system after the deadline, the charter school, if approved, will be considered for school opening in the subsequent year.

Except for conversion schools which may keep their enrollment zone, charter students are selected from a citywide lottery.

Historically, academic performance for charters and traditional schools appears to be comparable with some charters out performing traditional schools and some traditional schools out performing charters.

### **Authorizing Practices in Baltimore**

Unlike in other places where authorizing staff or paid evaluations conduct the review process, recommendation on new or renewal charter applications in Baltimore are made by the New and Charter

School Advisory board. The Advisory Board also advises on other key components of charter work like policy. The Advisory Board is made up of internal and external members including representation from organizations like the Abell foundation, Baltimore Community Foundation, MD Disability Law Center, Parent Community Advisory Board, Baltimore City Council, the Mayor’s Office, Baltimore Teachers Union and the Coalition of Baltimore Charter Schools.

Examples of Charter Approval in other Cities:

District	Advisory Board
New Orleans	No Advisory Board - Has an evaluation team that reviews particular sections of the application (3rd Party Evaluators) - Evaluators are compensated per application reviewed
Chicago	No Advisory Board - Comprehensive Evaluation Team (CET) - made of 5-7 Chicago Public Schools staff
New York	No Advisory Board - New York Board Of Education
Boston	No Advisory Board- Applications are reviewed by volunteers with expertise in: education leadership, teaching, curriculum development, research, special education, ELL, and program evaluation
Milwaukee	Application Review Committee (educators and community members)
Denver	Collaborative Council - discusses and develops policy recommendations to improve DPS schools (including charters). Includes senior leaders of the district and elected school leaders
Washington, DC	No Advisory Board - Public Charter School Board reviews renewal applications and votes on renewal of the contract

**Demographics of Charters in Baltimore**

Generally, charters serve a similar population of students as traditional public schools. Over time, the population of students with disabilities at charters has increased to be more in line with non-charter schools, however the severity of disabilities is greater in traditional public schools. Conversion schools continue to have more diversity than non-charters and city-wide charters. Conversions tend to serve a higher portion of students who qualify for free and reduced lunch, Latino students and ELL.

**Renewal and Revocation of Charter Schools In Baltimore**

The school system reviews annually and sets for a recommendations to the school board. The renewal and revocations are voted on in December each year as part of the Portfolio recommendations. City Schools’ renewal process is designed to assess the performance of operator runs schools every 3-5 years. The renewal rubric includes key areas of measurement such as student achievement, school climate and financial management and governance.

Renewal applications are submitted in September and the New and Charter School Advisory Board reviews the renewal materials and makes recommendations to the CEO. Recommendations are

presented to the school board in November at its public board meeting. A special board work session to allow for comment from school operators is held in November. The Board votes on renewal and revocation recommendations in December. Operators are given either 3 year or 5 year renewals.