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**Maryland Public Charter School Workgroup.**  
**Monday, September 23, 2024**  
**Maryland State Department of Education**

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## **Attending**

### **1. Workgroup**

- Yilmaz Ak, Chesapeake Lighthouse Foundation
- McKenzie Allen, Maryland Alliance of Public Charter Schools
- Daniel Enck, Frederick County Public Schools
- Ange Funya, Chesapeake Charter School, St. Mary's County
- Lisa Howell, Prince George's County Public Schools
- Angelica Jackson, Phoenix International School for the Arts (PISOTA)
- Atasha James, Legends Public Charter School, Prince George's County
- Casey Kirk, Baltimore County Public Schools
- Megan Lewis, Anne Arundel County Public Schools on behalf of Patrick Crain, Anne Arundel County Public Schools
- Alison Perkins-Cohen, Baltimore City Public Schools, and Angela Alvarez, Baltimore City
- Marsha Reeves, KIPP Baltimore, Baltimore City
- Matt Stanski, Anne Arundel County Public Schools

### **2. MSDE/AG support**

- Carol Beck, Maryland State Department of Education
- Mary Gable, Assistant State Superintendent, Maryland State Department of Education
- Elliott Schoen, Office of the Attorney General

## **Introductions and Welcome**

Mary Gable provided the charge of the group, noting that State Superintendent Dr. Carey Wright requested that a workgroup be formed to review the Maryland Charter Law, identify areas where there are questions, and develop recommendations for the Superintendent by December 31, 2024.

## **Overview**

Carol Beck shared an overview, which included the following.

In the 2024-2025 school year, there are 49 public charter schools in seven local education agencies serving 24,800 students. There are currently four schools approved with a projected opening of fall 2025. There are 31 public charter schools in Baltimore City, nine in Prince George's County, four in Frederick County, two in Anne Arundel County, and one each in Baltimore County, Charles County and St. Mary's County.

In general, there six key provisions of the Maryland Charter Law.

1. **Funding:** Per pupil funding must be commensurate with the amount of funding disbursed to all public schools. (Md. Ed. Art. § 9-109) Charter school applicants must be able to project sustainability on the per pupil budget (at capacity).
2. **Autonomy:** Key areas of increased autonomy are curriculum, governance, financial management, and selection of staff. Waivers are required from state and local regulations. (Md. Ed. Art. § § 9-102(6); 9-104; 9-106(b)) LEA leaders and charter schools need to collaborate to balance autonomy and accountability.
3. **Enrollment:** Open Enrollment and admission by lottery. (Md. Ed. Art. § § 9-102(3); 9-102.1,2,3) Weighted lotteries are allowed in some circumstances, subject to approval of the LEA authorizer. Some preferences, e.g. siblings, are allowed.
4. **Authorizing:** Local School Boards are the authorizers of public charter schools. The State Board hears appeals. (Md. Ed. Art. § § 9-103; 9-104) Authorizing timelines vary. Applicant planning must be flexible.
5. **Accountability:** Public Charter Schools participate in the State accountability system. (Md. Ed. Art. § 9-102(11)) Charter Schools take all state tests. In addition, charter schools should have interim measures to monitor progress.
6. **Employees:** Public Charter School staff are employees of the Local School System and are represented by the local bargaining units. (Md. Ed. Art. § § 9-105; 9-108) Charter Schools must understand how to recruit and meet state and local requirements for hiring.

Charter schools are a part of the LEA in Maryland. New models have been added to the public school landscape: For example, Montessori, Language Immersion, STEM, and Environmental Education programs are part of the public charter school sector. Community based organizations that operate charter schools consider themselves stakeholders in public education. Conversion charter schools serve students and families in the immediate area of the school via enrollment waivers.

Several areas of the law and operations were listed, as topics that have generated questions from charter school operators and LEA staff with responsibility for charter schools.

1. **Application:** Several State Board rulings address timelines, content, rubrics, decisions
2. **Renewal and Revocation:** The State Board has heard appeals of school closure. Timelines of appeals, responses, and deliberation of the State Board make appeals of school closure lengthy.
3. **Lottery and Weighted Lottery:** A lottery is part of the definition of a charter school. The law enables weights to be proposed to provide slightly improved chances for students in certain groups. Geographic preferences for all charter and conversion charters have presented some operational challenges.
4. **Commensurate Funding:** State Board established guidance in 2005. The State Board guidance allowed for local variance. Questions include compatibility of original guidance and provisions of the Blueprint.
5. **Waivers:** Does a charter school apply directly to the State Board or through the LEA for waivers?
6. **Eligible Charter School Provisions:** State Board defined 'quality charter school' for this provision. The federal definition is more rigorous. The exemptions described are generally already in place.

## Norms

The group identified norms for the discussions today and in the future, including,

1. Assume positive intent
2. Debate the issue not the person
3. Be curious not judgmental
4. Be on time to meetings
5. Power off or silence cell phones; try to limit interruptions
6. Come prepared
7. Remember that this is an open meeting
8. Be responsive to communications between meetings.

Participants moved to chart paper to add what is missing and what should be considered based on the list of topics shared above.

### **Review of topics identified in the overview**

Participants moved to chart paper to add what might be missing from the list identified in the overview of issues, and what should be considered based on the list of topics shared above. The notes below reflect the points made in the discussion and questions identified by the group.

1. Lottery
  - a. What operational challenges exist? There have been questions about how to run a weighted lottery.
  - b. Geographic preference may limit access to Federal Charter School Program funds. The US Department of Education has stated that this provision reads as a “set aside.”
  - c. Clarification on implication of the 35% guideline in the law regarding weighted lotteries. Is this intended to be a cap? Clarification on implementation of this provision would help. If there is a weighted lottery for a neighborhood, is the weight for 35% of seats in the school, or 35% of the seats available in the lottery? Once threshold reached, is the weight no longer applied?
  - d. LEAs should not have ability to infringe on “open enrollment” The official count is 9/30. Funding is based on this. In one case funding may be prorated if a student leaves after 9/30. There is a cut-off date when a family can enroll in the school. Can there be clarity on the enrollment timelines and funding? Should this work “both ways”? That is, if a charter adds a student after 9/30, no additional funds are provided. If a student leaves after 9/30, the 9/30 count is still the basis for per pupil funding. There needs to be a window; and a pause at some point; constant churn can be disruptive and can make tracking of immunizations and other student record requirements difficult.
  - e. Management of a wait list and lottery. Some LEAs manage the lottery (to line up with other school choice options in the LEA). Managing the waitlist at the central office can be cumbersome and cause delays.
2. Commensurate funding:

- a. There can be a statewide regulation under the charter law that all LEAs must follow. Buybacks of services cannot be mandatory, with the exception of special education. There is variance among LEAs.
  - b. Blueprint – Clarify minimum school funding as cited in the June 2023 decision of the State Board ([Opinion 23-17](#)) and how this applies to charter schools.
  - c. Standard funding calculation; Charter per pupil; Uniform, proportionate. Can there be greater understanding and transparency for the buyback of services and the use of the 2% administrative fee and for the 25% of funds managed at the central office?
  - d. Where does facility funding fall?
  - e. Funding from other sources in addition to state and local aid. In the federal law that includes Title IV, charter schools are mentioned. When there is new funding then there is a question of how it gets dispersed to charter schools. There could be more clarity around grants. In some cases, such as new federal programs or new state grants, the LEA is the only eligible entity. Guidance can clarify whether or not charter schools can apply directly or only if the LEA applies. When an LEA does agree to apply as lead applicant on behalf of a charter, this can be an administrative burden on the LEA.
3. Renewal and revocation
    - a. How to best time and implement school closure in case of charter revocation is a challenge.
    - b. There is a right to appeal a decision of the local board, but the length of the process means that staff and families have limited options. A school shuts before appeal is resolved. Or a school that may be doing poorly stays open.
    - c. Consider having MSDE as an authorizer
4. Eligible Charter School
    - a. Definition of a quality charter school was a part of this provision.
    - b. Eliminate “eligible school” designation and clarify the flexibilities as a part of charter operation. Expand to all schools.
    - c. This amendment to the law names flexibilities for “eligible schools” that for the most part are already included in the charter contracts.
    - d. Retain some designation of “high quality” school and determine appropriate possible additional privileges/flexibilities – such as opportunity to seek a longer contract term, or a streamlined renewal.
    - e. The purpose of this provision is unclear.
5. Waivers
    - a. What constitutes waiver submission to LEA or to the State? Should there be a standard template?
    - b. Baltimore County received a waiver request to change the school year. What about waivers to the regulations around on-line learning?
    - c. Note that under the charter law, a charter school cannot be a virtual school offering full time on-line learning.

- d. Guidance on autonomy is needed. An operator of a charter school should understand when a waiver needs to be written. Should there be a way to not require a formal waiver to every point of regulation, if covered in the application? Charter schools are supposed to have flexibility. There are examples of parents expecting something to happen exactly the same way in the charter as elsewhere in the district. If there is flexibility it needs to be communicated. There should be more clarity on what items a waiver is needed for. Schools should not have to apply for a waiver for everything.
  - e. When the LEA submits reading and math plans to MSDE are charter schools included? Baltimore City reports that it submits and manages plans for the traditional schools. Charter Schools have their own approved curriculum.
  - f. A Career Counselor is an example of a Blueprint requirement. Does LEA provide? Does this belong on the waiver list?
  - g. Not much direction is provided to the districts.
  - h. Difficult because charters are not in the conversation of Blueprint Implementation.
  - i. To what extent do all the Blueprint requirements apply to a charter school?
6. Application
- a. What can and cannot be requested in the application?
  - b. Compile the State Board decisions on the application process. Take the rulings and put in the regulation.
  - c. MSDE should provide standard application guidelines
  - d. Standards are needed for a rubric, not necessarily a specific rubric.
  - e. Guidelines would help a new LEA charter liaison understand the origins of current practice and re-think the policy with State standards in mind. We need good standards so that the district level process can adapt to meet needs of district and charter schools.
  - f. Be careful that we do not solve individual LEA questions that create problems in other LEAs.
  - g. If the law does not require something, it should not be added.
  - h. Some districts have rules that make the application process difficult. For example, there are instances where a letter of intent or prospectus resulted in a directive to not submit a full application. This is not a local board decision, so it is not subject to appeal.
  - i. Enforcement?
  - j. Should there be more flexibility in the typical time period between approval and opening?
7. Other
- a. Blueprint: Review curricular mandates and other requirements that are in the Blueprint.
  - b. Pre-K: This is not universal in MD. Funding is tied to target groups (Students with disabilities, low income, multi-lingual learners). If located in a charter, student must re-lottery into the charter K class. PreK could be 3 year olds or 4 year olds. State PreK grants are limited to existing programs that meet the Excels standards. This impacts LEAs as well. New programs are not eligible. Historically PreK programming and funding are not part of K-12. Some PreK programs are in charters in collaboration with the district. Charter definition in State law is K-12. Under the federal Every Student Succeeds Act

(ESSA), the definition of a charter school now includes PreK. Could the charter be a private PreK provider and help LEA/state meet the Blueprint goal.

- c. When a disagreement or dispute cannot be resolved, the only option is pursuing an appeal to the State Board. The process is expensive and time consuming for the school and the LEA.

### Discussion of priorities and next steps.

The group discussed if and how to determine priorities from these topics. All are important. How should the group organize the work?

1. Charter operator: there needs to be clarity on the funding questions or charters face closure. Can we document the funding formula (Calculation of the per pupil allocation)? What data is available that can be reviewed without a larger study? How do we work in order to be financially solvent?
2. The State Board June 2023 Decision ([Opinion 23-17](#)) regarding funding should be understood. Schools in Frederick County filed another appeal that is about funding. This case is pending before the State Board of Education.
3. Intersection of the Blueprint and the Charter Law: A review of the Blueprint by this group would help inform the recommendations to the superintendent.
4. In cases where the district withholds 25% at the central office, what services are provided?
5. One district wide expense is special education. The Blueprint funding goes to the student level. It is more targeted. The impact varies based on student population for district schools and charter schools.
6. Application: Creating clear guidance on the application would cover some of the questions.
7. Renewal standards are also important to address.

### Next Steps

1. The group is interested in another in person meeting. MSDE will send dates as soon as possible.
2. MSDE will send a brief survey to capture any additional thoughts and will ask members to rank the topics identified.
3. A meeting summary will be posted on the MSDE website on this page: [School Innovation/Charter Schools](#).

**Contact**

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