



# CONTINUING RESOLUTIONS 2022-2023

## **Public Charter Schools**

(Adopted 1998; amended 1999; readopted 2002; amended 2003, 2005, 2008, 2009, 2010; readopted 2013; amended 2015, 2018, readopted 2021)

WHEREAS, the Maryland Association of Boards of Education (MABE) has consistently contributed positively to the development of state policy and legislation regarding public charter schools, while strongly advocating that local boards of education retain sole chartering authority in order to ensure that high academic and fiscal accountability standards are maintained; and

WHEREAS, the Public Charter School Act of 2003 created Maryland's first public charter school program "to establish an alternative means within the existing public school system in order to provide innovative learning opportunities and creative educational approaches to improve the education of students" (§9-101, Education Article); and

WHEREAS, the Public Charter School Improvement Act of 2015 amended the law to allow enrollment preferences based on geographic area and student needs, provide certain charter schools greater hiring flexibility upon renewal, limit the State Board's role in charter authorization, and commission a funding and expenditure study; and

WHEREAS, the 2015 Act reserves sole chartering authority to local boards of education and repeals the State Board of Education's limited chartering authority for restructured schools and in its appeal review capacity; and

WHEREAS, the law defines a public charter school as a new public school or conversion of an existing public school to which parents choose to send their children, and which is: nonsectarian; tuition-free; open to all students; not operated fully online; operated in compliance with state and federal health, safety, and civil rights laws; operated in compliance with local school system policies, unless waived; and operated in pursuit of a specific set of educational objectives; and

WHEREAS, the law requires public charter schools to comply with provisions of law and regulation governing other public schools, while providing that waivers may be granted by the State Board on appeal, except regarding audit requirements, student assessments, and health, safety, and civil rights laws and regulations; and

WHEREAS, the law defines public charter school employees as public school employees and requires that professional staff members of a public charter school hold the appropriate Maryland certification; and

WHEREAS, in accordance with the law, each local board has adopted a public charter school policy, including guidelines and procedures regarding the evaluation of public charter schools, revocation of a charter, reporting requirements, and financial, programmatic, or compliance audits of public charter schools; and

WHEREAS, in accordance with the law, the Maryland State Department of Education (MSDE), in collaboration with MABE and local school systems, established and disseminated to each local board of education model public charter school policy language which can be used to create a public charter school policy; and

WHEREAS, the State Board has issued opinions defining the applicable standard of review regarding appeals from the evaluation and denial of a charter application by a local board of education, defining the local board's decision as prima facie correct and clarifying that the State Board may not substitute its judgment unless it finds the local board's decision to be arbitrary, unreasonable, or illegal; and

WHEREAS, the State Board has issued opinions defining "commensurate funding" to mean the average per pupil amount resulting from dividing the total annual school system budget by the annual enrollment count for the school system in the previous year, minus a two percent reduction for required central office functions; and

WHEREAS, the State Board has issued opinions providing charter school operators with the authority to choose whether they will provide special services directly to eligible students or whether those services will be provided by the school system; and

WHEREAS, in 2007 Maryland's highest court, the Court of Appeals, upheld the State Board's funding formula, finding that the State Board has broad authority to interpret the statutory intent of the Charter School Act of 2003, including the definition of commensurate funding; and

WHEREAS, Maryland's legal framework for public charter schools, including statute and State Board opinions, affirms the local board's role as primary charter authorizer and the presumed reasonableness of local school system approval and denial of charter applications; and

WHEREAS, Maryland's charter school program, as governed and administered by local school systems in accordance with state law, is among the most successful charter school programs in the nation, resulting in dozens of successful charter schools which have generally not experienced the serious academic, administrative, and financial dilemmas that have routinely arisen in other States with charter school laws often misleadingly described as "stronger" than Maryland's; and

WHEREAS, in 2018 MSDE received a federal grant for more than \$17 million for the purposes of assisting new and existing charter schools in: compensating teachers and principals and providing professional development; acquiring supplies, equipment and technology; repairing school facilities; providing one-time startup costs for student transportation; carrying out community engagement; and funding other non-sustained costs;

NOW, THEREFORE, BE IT RESOLVED, that MABE urges the State Board of Education and MSDE to collaborate with MABE and local school systems in developing public charter school regulations, policies and procedures to successfully implement Maryland's charter school law; and

BE IT FURTHER RESOLVED, that MABE supports the administration of the MSDE Charter Schools Grant Program in a manner that is consistent with each local board's charter authorizing authority and Maryland's public charter school law; and

BE IT FURTHER RESOLVED, that MABE opposes any amendments to Maryland's public charter school law which would diminish the local board's role as sole chartering authority or otherwise weaken the law's academic or fiscal accountability requirements.