

ACTION
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MONTGOMERY COUNTY BOARD OF EDUCATION
Rockville, Maryland

March 28, 2011

MEMORANDUM

To: Members of the Board of Education
From: Christopher S. Barclay, President, Montgomery County Board of Education
Subject: Rationale for Charter Schools Decisions

During the Board of Education's meeting held on June 8, 2010, the Board voted unanimously to deny the applications to establish public charter schools that were submitted by Crossway Community, Inc. (Crossway Community) and Global Garden Public Charter School (Global Garden). Both applicants appealed those decisions to the Maryland State Board of Education (State Board).

On January 25, 2011, the State Board issued its decision in both cases. The State Board reversed and remanded the cases so that the Montgomery County Board of Education could reconsider its decisions and provide a clear, legally supportable rationale for its decisions on the charter school applications. Based upon review of the materials provided for the June 8, 2010, Board meeting, the superintendent's memorandum, and the discussion and deliberation of the Board, the following is a brief summary of the more significant concerns raised about the two charter school applications.

Crossway Community, Inc.

Crossway Community sought to expand its existing private school prekindergarten/kindergarten (pre-K/K) Montessori program to create a public charter school encompassing pre-K/K through Grade 6. The Crossway Community application presented a number of concerns.

Waiver Issues

The application submitted by Crossway Community included several waiver requests that appear impermissible. These included the following:

- A waiver to allow some of its teachers to not hold the appropriate Maryland certification.
- A waiver to allow it to independently appoint and remove teachers.

- A waiver of the requirement that its school director and non-instructional employees be considered public school employees.
- A waiver of the open admissions requirements to give priority access to students enrolled in a pre-K program operated by the charter school applicant.
- A waiver to permit it to receive commensurate funding for its four-year-old students.

Comingling of Resources Concerns

The integration of the proposed charter school with Crossway Community's existing programs blurs the boundaries between the public school and the other programs of the private organization. This integration would make it difficult, if not impossible, for a Montgomery County Public Schools' (MCPS) audit to confirm that all funds were properly segregated. For example:

- Some classrooms would consist of both public and private school students being taught by a charter school teacher who is a public school employee, thereby comingling private and public funds.
- The charter school principal would be performing tasks for both the public charter school and for Crossway Community's private programs.
- The same concern also arises with other non-instructional personnel. The maintenance staff, for example, would be performing their duties in both the publicly and privately funded portions of the building.

Curriculum/Academic Concerns

There is a concern about Crossway Community's ability to meet the needs of the upper elementary school-aged students because of its lack of experience with that age group. While the application sets forth learning goals for the younger students, comparable learning goals were not provided for the older students.

There also were gaps in the application regarding the academic program for the younger students including grade-level expectations, assessment models, differentiation of instruction, instruction in health education, and information/technology literacy.

The Crossway Community application did not indicate an accurate understanding of assessment requirements regarding the Maryland School Assessment (MSA) and Alternate MSA testing.

Transportation Concerns

Crossway Community indicated that parents will assume the responsibility of transporting their children to school. This does not constitute an adequate transportation plan.

Space Concerns

The materials submitted with Crossway Community's application raised a concern as to whether the proposed facility, which serves a variety of Crossway's programs, would be adequate for the public charter school.

The floor plan that was attached to the application does not illustrate how the proposed charter school could be accommodated within the space.

Food Services Concerns

There is a concern about the adequacy of the proposed food service delivery plan. Crossway Community's meal service plan for its residential program is not applicable to the meal service provided at a public day school. In addition, the institutional kitchen described would seem to be inadequate and there is not evidence of a full understanding of the kitchen equipment that would be needed.

Global Garden Public Charter School, Inc.

The application submitted by Global Garden proposed an inquiry-based International Baccalaureate (IB) Primary Years Programme (PYP) for Grades K–8 with a foreign language component. While the application reflected an ambitious program with a creative educational approach, it also presented a number of significant concerns.

General Curricula Concerns

The application lacked information about the specific skills and knowledge that would be taught in the various disciplines at each grade level.

The Maryland State Curriculum standards listed in the application are *content standards* which are merely broad statements that do not change across grade levels.

The specificity that is necessary for performance standards also was omitted from the Global Garden academic design.

The absence of a sufficient curriculum is a significant flaw in the application.

International Baccalaureate Programme Concerns

The application indicates that in the summer following the school's first year of operation, teachers will have completed the required training and the Program of Inquiry will be written. However, it is not clear what would be taught in the school's first year of operation. Further, without an adequate existing curriculum, the task of creating the Program of Inquiry will be even more difficult.

It also appears that insufficient time has been allotted to develop the proposed program. Our staff has been advised that the IB organization program development timeline is typically three and a half years. Under the Global Garden proposal, teachers would have to maintain their teaching responsibilities, while at the same time engage in the lengthy and time consuming process of developing the curriculum.

Integrated Curriculum Concerns

There also is a concern regarding Global Garden's plan for an integrated elementary school curriculum. The curricular deficiencies noted above will make it very difficult for an already over-burdened staff to develop an integrated curriculum.

The development of an integrated curriculum requires a great commitment of staff resources as well as expertise that is typically gained through extensive training or study.

It is difficult to determine how Global Garden will be able to develop lesson plans for an integrated curriculum while staff simultaneously maintains teaching responsibilities and develops the other aspects of the proposed IB program.

This concern is exacerbated by the absence of the curricular framework, which must be in place before the work of integration can begin. While the applicant provided supplemental information, it also was not clear that there was a sufficient plan regarding academic measures and student reporting.

Foreign Language Instruction Concerns

The application is confusing and contradictory regarding foreign language instruction as noted below:

- While Global Garden has stated that it is not proposing a language immersion program or a dual language program, the description of the proposed language delivery program mirrors those models.

- The academic design was confusing regarding how foreign language instruction would be delivered for native and nonnative speakers of the target language.
- The application also was unclear about how non-English speaking students would receive direct instruction to promote English language acquisition.

Global Garden also proposed pairing instruction in Spanish during elementary school with possible instruction in Arabic during middle school. Staff has indicated that this compiling of languages is not complementary, and the plan for foreign language instruction itself runs counter to the philosophy of the IB Programme, which emphasizes reaching proficiency in one language.

General Instructional Concerns

The academic design related to both reading and mathematics refers to drilling toward mastery. Research has proven that this rote memorization strategy is ineffective.

The academic design of the written language aspect of the application lacks needed specificity. The application does not set forth a cohesive plan detailing which writing concepts, skills, processes, purposes, and elements will be addressed and in what manner.

Staffing Concerns

Although the staffing plan provides for classroom teaching staff, it did not explicitly provide for a special education teacher. There also is a concern regarding the proposed staffing for paraeducators and English for Speakers of Other Languages (ESOL) teachers. These issues were not adequately addressed in the supplemental materials submitted by Global Garden.

In combination with the concerns about the approach to teaching foreign language, the applicant demonstrated a limited understanding of the needs of English language learners to receive direct instruction in English language acquisition programs.

Facilities Concerns

There is an additional concern that the proposed facilities are not adequate to house the number of students expected to attend the program.

It is unclear how the space would be configured to ensure grade-level access, necessary to meet safety code requirements, for Grades pre-K–1.

Further, providing suitable playground and multipurpose kitchen space appears especially challenging in the proposed facilities.

Summary

The charter school application process is thorough and detailed because of the complexity of operating a high quality school. The Board takes very seriously its obligation to hold applicants accountable for demonstrating both their understanding of and ability to meet the needs of all students.

The concerns outlined above required the Board to deny charter school applications for both Crossway Community and Global Garden. The Crossway Community application contained a series of structural problems that made the entire proposal unsound. Global Garden's proposal was predicated upon a deeply flawed academic design which is the foundation of any educational institution. In conjunction with the operational and facilities concerns, the application was deemed unacceptable.

The following resolution is presented for your consideration:

WHEREAS, On January 25, 2011, the Maryland State Board of Education reversed and remanded the cases of *Crossway Community, Inc. v. Montgomery County Board of Education* and *Global Garden Public Charter School Inc. v. Montgomery County Board of Education* so that the Montgomery County Board of Education may reconsider its decisions; and

WHEREAS, The Maryland State Board of Education directed the Montgomery County Board of Education to provide the rationale for its June 8, 2010, decisions to deny the charter school applications of Crossway Community, Inc. and Global Garden Public Charter School; and

WHEREAS, The Montgomery County Board of Education has provided the rationale for the denials of the applications for charter schools by Crossway Community, Inc. and Global Garden Public Charter School during today's discussion; now therefore be it

Resolved, That the Board of Education denies the charter school application submitted by Crossway Community, Inc.; and be it further

Resolved, That the Board of Education denies the charter school application submitted by Global Garden Public Charter School; and be it further

Resolved, The Board of Education directs general counsel to convey the rationale articulated in this meeting regarding the denial of both charter school applications—Crossway Community, Inc. and Global Garden Public Charter School—to the Maryland State Board of Education.

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