

APPROVED
30-2001

Rockville, Maryland
October 23, 2001

The Board of Education of Montgomery County met in special session at the Carver Educational Services Center, Rockville, Maryland, on Tuesday, October 23, 2001, at 5:05 p.m.

ROLL CALL Present: Mrs. Nancy J. King, President
 in the Chair
 Mr. Stephen Abrams
 Mr. Kermit V. Burnett
 Ms. Sharon Cox
 Mr. Reginald M. Felton
 Mr. Walter Lange
 Mrs. Patricia B. O'Neill
 Mr. Dustin Jeter, Student Board Member
 Dr. Jerry Weast, Secretary/Treasurer

Absent: None

or () indicates student vote does not count. Four votes needed for adoption.

** Mr. Jeter was not present at the start of the meeting.

RESOLUTION NO. 585-01 Re: **APPROVAL OF THE AGENDA**

On recommendation of the Superintendent and on motion of Ms. Cox seconded by Mr. Lange the following resolution was adopted unanimously by members present:

Resolved, That the Board of Education approve its agenda for October 23, 2001.

Re: **CHARTER SCHOOL APPLICATION**

The following people came to the table: Mr. Michael Finnegan, Blue Ribbon Panel/Business Partner; Dr. Gloria Grantham, Blue Ribbon Panel/Dean, Trinity College; Mr. Joseph Hawkins, Chair, Jaime Escalante Application Team; and Dr. Inez Cifuentes, Escalante team member.

The memorandum from the superintendent of schools stated that he was not convinced that acceptance of the application for the Jaime Escalante Public Charter School would offer a unique alternative to existing public school programs, nor did he believe that it would produce an instructional program that would be aligned with educational and budgetary priorities of the Board of Education. Therefore, he supported the Blue Ribbon Panel's recommendation

to deny this application.

Dr. Williams explained the background. On November 10, 1998, the Board of Education adopted Policy CFB on *Public Charter Schools*. Following the adoption of the policy, staff developed application guidelines. In the fall of 2000, the guidelines were revised. An improved process was implemented that involved staff, parents, associations, and the community. The first public charter school application (the Jaime Escalante Public Charter School) was submitted during the spring of 2000. A panel of reviewers from the Montgomery County Public Schools (MCPS) evaluated the application and determined that it should not be approved. The application, as you may recall, was presented to the Board of Education in June 2000 with my initial support. Following the applicants' presentation and a discussion with the Board, the application was denied by the Board of Education.

The application for the Escalante School was revised and resubmitted in March 2001. Prior to the submission of their application, the applicants met with Dr. Weast on February 6, 2001, and he shared my support for the concept of public charter schools and specific ideas about best practices for establishing such a school in Montgomery County. Following the submission of the application, a group of staff, employee association, and community representatives reviewed the application in detail. In addition, an independent Blue Ribbon Panel of external experts and community representatives was formed to review the application, and on May 22 the panel met with the applicants. The panel conducted an in-depth dialogue with the applicants, including a formal presentation of their proposal.

On June 26, 2001, the applicants for the Escalante School submitted a supplement to their application to address questions raised by the panel. This supplement was not requested by the panel, which by this time already had completed its final review and had drafted its final report. However, the panel was asked by Dr. Weast to reconvene in order to review the additional information submitted by the applicants. On July 18, 2001, the panel met again and reviewed the supplement to the original application.

Mr. Hawkins entreated the Board to take advantage of the opportunity at this meeting to approve a charter school for Montgomery County. However, that approval will not guarantee that the charter school will open its doors. The approval would signify that the school system would work with the charter school and negotiate the final operational details, such as a facility. All of the application's deficiencies as noted in the Blue Ribbon's report can be resolved. The National Council of La Raza can offer financial assurances and will not abandon the applicants in the startup process. These negotiations should have an end date, and if agreement is not reached, the charter school never opens. Over the past two to three years, he has come to the conclusion that a charter school will open in Montgomery County when the Board is prepared to work directly with the applicants.

Dr. Cifuentes presented to the Board the goals and mission of the charter school to improve student achievement. The school will provide a rigorous academic program using the middle years program. Teachers will be mentors with an ethos of high expectations. There will be

support after school, on the weekends, and during the summer for students who need additional academic support. Also, there will be strong instructional leaders to run the school. A management council will oversee the fiscal responsibilities of the charter school.

Ms. Ariana Quiñones, the education director from the National Council of La Raza, assured the Board that the Council offers peer relationships through grants, technical assistance and professional opportunities.

For the Blue Ribbon Panel, Dr. Grantham and Mr. Finnegan reported that the panel was comprised of individuals external to the school system who were either experts in the field of education or key stakeholders from the community. These individuals were charged with providing an independent evaluation of the entire application and recommendations on whether to approve the application for the establishment of a public charter school. From the beginning, the panel raised issues about the specificity and content of the application. For example, the panel had difficulty understanding what the applicants meant by their concept of "ordinary child" and how the Middle Years Programme would be unique. Panel members questioned the applicants several times regarding this issue of "uniqueness," especially whether the program would offer unique instructional strategies that are unavailable elsewhere in the system. In addition, panelists were concerned about the lack of detail from the applicants about what strategies would be used to improve student achievement, especially among the children the applicants described as the "ordinary child." The panel found nothing in the application submitted, nor did anything surface in the discussion, that identified any unique characteristics of the school.

Although the panel appreciated the applicants' commitment, it was unclear how the applicants were going to achieve the intended level of parent involvement. There also were little data to support the identification of a target audience of the school, nor was there enough research to conclude that the school would attract the target population.

The applicants' partnership with The National Council of La Raza was viewed by the panel as a tremendous support. However, projected negative cash flow for the school is an issue. The panel concluded that MCPS could be responsible for the debt should the school not be successful.

Issues related to a charter school site or other concerns remain unanswered. As the applicants stated, it is difficult to move forward on a facility decision without approval of the charter itself. Nonetheless, collocation with an existing public school program or some other organization was discussed; but staff indicated that, given the area of the county preferred by the applicants, facility and grounds are overutilized. Lack of substantive responses to questions raised related to counseling services, special education, ESOL, and security also was a concern.

The review of the applicants' supplemental material did not produce any new conclusions and, in fact, confirmed many of the same concerns raised on May 22. The Blue Ribbon Panel voted unanimously to deny the application.

Re: **DISCUSSION**

Mr. Abrams asked if any of the 30 charter schools that La Raza supported were collocated in a public school system. How many of the 30 schools are operational? Ms. Quiñones explained that the schools are not collocated with the public schools, but are collocated with other social service organizations.

Mr. Abrams asked how many of the 30 charter schools had grants from other foundations. Ms. Quiñones replied that 13 of the charter schools have grants through La Raza.

Mr. Abrams inquired about direct funding, such as the Gates Foundation. Ms. Quiñones replied that La Raza welcomed other funding, but would not provide a grant if other foundations approved funding that was duplicative.

Mr. Abrams assumed that other foundations could give larger sums of funding for a longer period of time. What has been the experience of those organizations providing substantial financial assistance. Ms. Quiñones replied that after start up, charter schools should have no more than 10 percent of their funds coming from soft money.

Mr. Abrams explained that he was trying to reconcile charter schools in context of the public school system. He would envision a charter school receiving public funds and differential costs would be supported by grants or the community. Mr. Hawkins stated that there were foundations ready to fund the charter school after the approval of the application by the Board.

Mr. Abrams observed that the International Baccalaureate (IB) Program offers no differentiated instruction, especially at Richard Montgomery High School. The expectation is that every student that is accepted into the program has the capability and motivation to succeed. It has a rigorous curriculum and is an inflexible program that is externally monitored. The uniqueness of the application is that this program will be offered to students who normally would not participate. He has fostered the idea of replicating the IB program and offering it to more students. It would prove the validity that any student can learn with high expectations and instructional supports. Dr. Grantham agreed, but differentiated instruction is developed for the needs of individual students. Also, the Blue Ribbon Panel was looking for examples of how students would be supported to succeed in this rigorous program.

Mr. Abrams asked about the gap in performance by Hispanic and African American

students. What would be the composition of the student body at the charter school? Dr. Cifuentes replied that the goal of diversity would be one third white and Asian, one third African American, and one third Latino from downcounty, low income communities.

Mr. Abrams noted that the charter school for Montgomery County focused on the Silver Spring area where there were no facilities for collocation.

Ms. Cox appreciated the time and energy expended by staff and the community. Ultimately, the decision is the responsibility of the Board of Education. She moved the following motion:

That the Board of Education extend conditional approval of the Jaime Escalante Charter School application through June 2003;

Consideration for full approval by the above deadline is dependent upon the applicants fulfilling the following conditions:

Identifying a suitable facility to house the school

Identifying the funding necessary to ensure that total operational costs, in accordance with the policy, do not exceed equivalent costs for like students in MCPS

With the assistance of staff and the oversight of the Board's Audit Committee, providing, for the full Board's consideration and review, a complete facility and operations plan, including an implementation timeline and all attendant budget documents.

(Lacking a second, the motion died and was not considered.)

** Mr. Jeter joined the meeting at this time.

Ms. Cox suggested the motion because the policy identifies three criteria: (1) identify uniqueness of the program, (2) cost for operating should not exceed equivalent for like students, and (3) identify the means to demonstrate improved performance. She believed that a conditional approval by the Board would allow more credibility to the applicants as they move forward to identify funding sources and resolve facility and transportation issues. For the non-operational costs, the conditional approval would give the applicants time to identify the enrollment and the population served.

Ms. Cox noted that the Board should look at the application as a whole, and not the individual elements of the application. She was disappointed that the Blue Ribbon Panel examined individual components since the whole concept fulfills the unique criteria. That uniqueness is demonstrated by grade levels, small classes, rigorous program, supports,

student friendly policies, and family involvement.

Mr. Felton reminded the Board that there was no motion on the floor since Ms. Cox's motion lacked a second. In general comments, he stated that he was on the Board when it discussed the uniqueness of a charter school program, and there is a need to further define the term. Furthermore, MCPS was the first system to have a charter school policy, and there was an effort to assure that the application would help students within the district. This is not a process to determine whether or not the application or concept equates to an adequate public education. The issue for him was whether, given the structure and culture, that the application had sufficient uniqueness in its programmatic and operational content that would warrant realigning resources from existing schools that are currently underfunded. While it appears to be a different standard, he thought that this application did not meet the intent of the Board's policy on uniqueness. However, he was not opposed to charter schools, and there is a place for charter schools in Montgomery County.

Mrs. O'Neill thought the issue of uniqueness will always be a challenge. She thought there was a value added for caring adults that made the application unique. MCPS has a Middle Years Programme that is for all students in a school. Also, in the downcounty consortium, there are plans for an IB Program at Albert Einstein High School for all students within that consortium. She noted that MCPS is mentoring each child in various schools, and MCPS has thousands of students who must be mentored in contrast to 75 sixth graders cited in the application. However, Mrs. O'Neill was concerned about the Board's fiduciary responsibility. Furthermore, the Board is committed to smaller schools, which is one of the application's goals. She was not opposed to collocation, but that concept would increase a school's overall population. Personally, she thought the term "uniqueness" in the policy should be redefined or eliminated. The bottom line issue is the lack of a facility and the lack of funds.

Mr. Lange agreed with Ms. Cox, and there was compelling evidence of uniqueness. However, the financial risk at this time was overwhelming.

Mr. Burnett was not convinced that this application provided what he was looking for in a charter school. MCPS has certified principals that are very capable of leading instruction in the schools, but he did not see that same level of qualification in the charter application. He agreed with increasing the number of African American and Latino children enrolled in honors and advanced placement courses; however, those numbers have increased within MCPS over the past few years. The present financial situation would make it very difficult for him to fund the application.

(The following is a transcript on which Mr. Abrams' motion was based.)

Mr. Abrams: I am going to move a possible solution, but I want to preface it and indicate

where I am coming from on it. I do not want to use the terms ~~A~~conditional approval~~@~~ or any of that kind of stuff. I think what has been going on back and forth for a long time is that people have been speaking around each other. But, you [the Applicants] have a vision of what you want to accomplish. We [the Board] have a vision of what our expectations are. And, never the twain has met. Everything that has been said is why we cannot do it rather than why we can do it. The intent of my motion is to outline something that says in essence: If you guys are interested in doing this, we will keep going.

The thing I love [about your proposal] is Middle Years and IB for every kid, for any kid. And, find out, if they are exposed to that, whether we can challenge the idea ~~B~~ the same thing Jaime Escalante did ~~B~~ by saying: I expect you to be able to do it. Therefore, I am not going to look at all the reasons why you cannot, but look at why we can, and we are going to put it in there and try it, and see how you perform, but it is up to you whatever the structure. I love the curriculum, and I love the idea. I want it collocated. I do not want it in one location. I want it in two locations. I want you to collocate the Middle Years program in a middle school. I want you to collocate the IB in a high school. And, that portion of the Middle Years that is pre-IB should be done in the high school because, that way, we are not competing with space and overloading the system, as people were talking about earlier, with becoming too big.

I want it starting out on a scale to make sure we do not overload it. So, I want some agreement on the scale as to what we try. I want about a six-year experiment on this thing so that we have some commitment that we are going to follow this thing through. So, that when the kids come in sixth grade, we see what happens with them all the way through twelfth grade, and we are committed to do that.

I like the idea of taking a look, with this small segment of population, whether the different hours makes some sense. But, in order to do that I want the transportation costs picked up by a grant to the Applicants, not by the school system because it is an additive to the system. What I basically want to do is make sure the system is held harmless, budget wise, for all of the extra things that this is going to cost. So, we are going to work together to get the support of federal grants but, more importantly, foundation grants to bridge the gap so that no kid gets denied. We are willing to put in here the same amount a kid would get normally in the schools. A lot of that we will contribute in kind, in terms of facility, in terms of teachers, working with your board to identify the right people to run it.

So, it is sort of a ~~A~~oosey goosey~~@~~ as to timing. As to the timeframe, I am not sure if it is going to be ready to start next year. If it can be ~~B~~ terrific. If it cannot be ~~B~~ whenever it is ready is okay because we know what the things are that we have to put in place.

As to location ~~B~~ here is a kicker I am going to excite you all about. There is no space

downcounty. There may be some space in the Wheaton Cluster given what we are doing at Parkland with the reopening of Belt, and some considerations there. Yet, I think the character of the Wheaton community fits in very similarly to what we are talking about. Are you [the Applicants] willing to play in that arena?

So, if there is a willingness for the Board and the group to flesh these things out, then I move that we in fact let the process take place, and that we come back here in 30 days to see, if in fact, that agreement is hammered out with a formal motion being done at that time. I am asking, very specifically, for the parameters that I just laid out, the kinds of considerations that we are looking at, getting away from what has been in this application process, but, rather, talking Aturkey@ in a bargaining sense.

If we have collocation, we do not have a facility issue. If it is at two levels, we do not look at taking this big lump by putting it all in one place which disrupts the whole system. Make sure that the costs are segregated out so that there is not one additional penny of public money going into this, in recognition that you have to have additional funds [from elsewhere] to support all the things needed. The minute you reduce class size in this environment, you are talking about additional funds. Those have to come from somewhere, so I am looking at that as the grant to you providing some of that additional funding. The minute you are talking about transportation outside of our very intricately computer-designed bus routing system B once you try to spend a cent beyond that B you are talking about Aadditionality.@ That is the kind of thing that might be eligible for a grant.

Mrs. O'Neill: May I have clarification? Mr. Hawkins had delivered a packet to the Board yesterday raising issues about fairness, and how the [Blue Ribbon] panel proceeded. Who do you propose in your motion to resolve this?

Mr. Abrams: I propose the deputy superintendent sitting down and negotiating with the group, but now coming from the perspective of formulating how can we do this within these constructs.

RESOLUTION NO. 586-01 Re: CHARTER SCHOOL APPLICATION

On motion of Mr. Abrams and seconded by Mrs. O'Neill, the following resolution was adopted with Mr. Abrams, Ms. Cox, Mr. Jeter, Mr. Lange, and Mrs. O'Neill, voting in the affirmative; Mr. Burnett, Mr. Felton, and Mrs. King voting in the negative:

Resolved, That the deputy superintendent meet with the applicants of the Jaime Escalante Public Charter School during the next thirty days in an effort to reach agreement premised upon the following constructs and, if such an agreement is reached, to submit a resolution to the Board for its consideration:

1. The middle school component will be physically separate from the high school component, with both components respectively collocated in existing middle and high school facilities.
2. In recognition of the lack of space in the down county area, consideration should be given to housing both components in the Wheaton cluster.
3. The extent of the Board's financial commitment B other than in-kind services that might be negotiated and agreed upon B shall be limited to the allocation of an amount equivalent to the instructional and related costs for like students within MCPS, and the school system shall be held harmless for any additional funds needed to be budgeted by the charter school for it to be successful.
4. Specifically insofar as transportation costs are concerned, over and above what MCPS provides for like students, the charter school must look to grants from the Federal government, foundations, and other sources to accommodate its needs and obligations to its students for the program it has designed.

RESOLUTION NO. 587-01

Re: **ADJOURNMENT**

On recommendation of the Superintendent and on motion of Mr. Felton seconded by Mrs. O'Neill, the following resolution was adopted unanimously:

Resolved, That the Board of Education adjourn its meeting of October 23, 2001, at 6:50 p.m.

PRESIDENT

SECRETARY

JDW:gr