



NATIONAL
CHARTER SCHOOL
RESOURCE CENTER

High-Quality Charter Authorizing Policy Profiles: Maryland

U.S. Department of Education
January 2020



NATIONAL
CHARTER SCHOOL
RESOURCE CENTER

The National Charter School Resource Center (NCSRC) provides technical assistance to Federal grantees and resources supporting charter sector stakeholders. NCSRC is funded by the U.S. Department of Education and managed by Manhattan Strategy Group in partnership with WestEd.

NCSRC acknowledges the major contributions of Robin Chait and Lauren Outlaw in the development of this profile.

NCSRC would like to thank Charter School Programs State Entity grantee representatives for their reviews and feedback on their respective State's profile.

Suggested citation: National Charter School Resource Center (2020). *High-Quality Charter Authorizing Policy Profiles: Maryland*. Bethesda, MD: Manhattan Strategy Group.

This publication was produced in whole or in part with funds from the U.S. Department of Education under contract number GS10FO201T. The content does not necessarily reflect the position or policy of the U.S. Department of Education, nor does mention of trade names, commercial products, or organizations imply endorsement by the Federal government.

Maryland: Overview of State Law and Snapshot of Quality Authorizing Practices

Introduction and Methodology

The National Charter School Resource Center (NCSRC) created the [Policy Framework for High-Quality Charter Authorizing Practices \(Framework\)](#) as a tool for assessing a State policy environment's support for high-quality authorizing practices. The Framework is based on a review of high-quality authorizing practices referenced in the Every Student Succeeds Act (ESSA) and literature by the National Association of Charter School Authorizers (NACSA) and the National Alliance of Public Charter Schools (Alliance).ⁱ NCSRC staff used this review to identify common themes or categories of policies that are essential to State support for high-quality authorizing and incorporated them into the Framework.

NCSRC then created High-Quality Charter Authorizing Policy Profiles (State Authorizing Profiles) that describe states' authorizing policy contexts based on the Framework. As of winter 2020, NCSRC staff created 19 profiles for the States that were awarded Charter School Programs (CSP) State Entities grants between FY2017 and FY2019, including:

- Alabama
- Arizona
- Arkansas
- Colorado
- Delaware
- Idaho
- Indiana
- Maryland
- Michigan
- Minnesota
- Mississippi
- New Mexico
- New York
- North Carolina
- Oklahoma
- Rhode Island
- Texas
- Washington
- Wisconsin

CSP State Entity (SE) Grants provide funding for State entities to support eligible applicants in planning and preparation for the opening of new charter schools and the replication and expansion of high-quality charter schools. Grant funds must also be used by the State entity to provide technical assistance to eligible applicants and to improve the quality of authorizing.

More State Authorizing Profiles may be added in the future. In addition, NCSRC may publish updated versions of State Authorizing Profiles to reflect changes in State policy.

The State Authorizing Profiles are intended to be used by state policymakers and practitioners to learn about their own authorizing policy environments and those of their peers. They may also be useful to charter school support organizations and charter management organizations that are looking to learn about different states' policy contexts.

Each State profile includes a (i) Framework Snapshot, which is an assessment of a State's authorizing practices using the Framework described in the first paragraph above and (ii) a more detailed description of the state context for each practice. The basis for the State Profiles was a review of the charter law and significant State policies for applicable states. Significant

state policies included those issued by the state education agency and/or state board of education. NCSRC used this review to identify whether the authorizing practices specified in the Framework were present in state law or policy. That is, boxes that were checked in the Framework Snapshot indicated that particular aspects of an authorizing practice(s) were included in state law or policy.

The State Authorizing Profiles provide a foundation for understanding authorizing practices in the State. The profiles are not an exhaustive review of the State’s authorizing policies and practices; it is intended to describe the key elements of the State’s policy context for supporting high-quality authorizing practices. Therefore, it is possible that certain State policies are not reflected in the profiles, and that individual authorizers within a state are implementing other practices as well. In addition, the review does not assess the quality of implementation of the policies; it is possible that state policy or statute articulates a quality practice that authorizers do not implement with fidelity.

Finally, state policy is one strategy for advancing high-quality authorizing practices and is the strategy we are focusing on in these profiles. However, there are other strategies and sources of support, including technical assistance and resources provided by state, regional, and local charter support associations. While this report does not address those other strategies, it provides a narrative of the policy context in which authorizers operate. We articulate this context to support authorizers and authorizer support organizations in understanding how to implement quality authorizing practices in their States.

Overview of State Law

The Maryland State Legislature passed the Public Charter School Act in 2003. In 2013, the legislature passed Senate Bill 194 which authorized the Maryland State Department of Education (MSDE) to produce a study of the State’s charter schools and provide recommendations based on the study, if needed. In 2015, elements of Senate Bill 595 and House Bill 486 were passed, which contained several provisions to “improve the environment for public charter schools and support the creation of more high-quality public school options for children, especially those from low-income households.”ⁱⁱ Maryland law and regulation gives the State Board of Education (SBE) broad power to interpret State education law. This authority has been upheld in several court decisions, including charter funding decisions.

State Authorizing Profile: Maryland

Framework Snapshot¹

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Application includes the following:

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Source(s): Maryland State Board of Education Policy, The Charter School Program, 2010; Maryland Education Code § 9-101.

¹ As noted in the Introduction and Methodology section, boxes checked in the framework snapshot indicate that aspects of an authorizing practice(s) were included in State law or policy. If individual authorizers create and follow a certain policy that is not in State statute or policy, then the box will not be checked for the entire State.

Authorization

- Does not cap charter school growth
- Provides for more than one authorizing pathway

Does not cap charter school growth

Maryland law does not cap charter school growth.

Provides for more than one authorizing pathway

In Maryland, the primary authorizers are county boards of education. The SBE reviews appeals.ⁱⁱⁱ

Application includes the following:

- Specific application criteria
- Timelines
- Evaluation review process
- Process for denied applications

Specific application criteria

Maryland statute does not provide the elements that should be included in charter applications. However, SBE policy does encourage county boards to “adopt charter school policies that include guidelines related to the application process and its assessment” and “submit a copy of their application, review process and assessment rubric to the [MSDE] for review and feedback, and re-submit these documents whenever there is a proposed change.”^{iv}

Timelines

Maryland statute provides a timeline for reviewing applications. County boards are required to review applications and make decisions within 120 days of receiving applications.^v For restructured schools, county boards must make a decision within 30 days of receiving applications.^{vi}

Evaluation review process

Maryland statute does not provide evaluation and approval criteria for charter applications, instead stating that each county board should develop its own evaluation guidelines and procedures. However, SBE opinions do provide some guidance about the evaluation review process. One opinion makes it clear that the evaluation process should be fair and open, with a clear scoring rubric.^{vii} Another opinion held that “if a numerical rating scale is used to evaluate an application, the local board must provide an analytical key that describes with specificity what is necessary or adequate to achieve each point on the scale.”^{viii} SBE policy also encourages county boards to “submit a copy of their application, review process and assessment rubric to the MSDE for review and feedback, and re-submit these documents whenever there is a proposed change.”^{ix}

Process for denied applications

While Maryland statute does not articulate a process for denying applications, a ruling by the SBE found that county boards must provide an explanation or rationale for a decision to deny an application.^x In addition, if the board gives its decisions orally, it must also state the rationale

for its decision at a public meeting.^{xi} State statute also does provide for an appeal process through the SBE.

Performance-based contract includes and provides for the following:

- Separate post-application agreement
- Rights and responsibilities of authorizer and school
- Academic, financial, and operational performance expectations for schools
- Initial term of not more than five years
- Fiscal, legal, and programmatic autonomy for schools
- Independent charter school governing boards

Separate post-application agreement

Maryland statute does not provide for a separate, post-application agreement. However, an opinion issued by the SBE does make clear that a separate post-application agreement is required. Specifically, the opinion concluded that county boards must issue a charter agreement as a second step after the charter application is approved.^{xii} In addition, SBE policy does encourage each county board to adopt a performance contract that includes a number of elements, specifically “roles and responsibilities of both parties (County Board and Charter School Operator), performance Standards that the charter school must meet or exceed, an evaluation process of public charter schools that includes the use of financial, program and compliance audits, a renewal and revocation process, reporting requirements, and descriptions of waivers and flexibilities provided to the charter school.”^{xiii}

Rights and responsibilities of authorizer and school

Maryland statute does not articulate the rights and responsibilities of authorizer and school. However, SBE policy does encourage each county board to adopt a performance contract that describes the roles and responsibilities of the county board and charter school operator.

Academic, financial, and operational performance expectations for schools

Maryland statute does not define academic, financial, and operational performance expectations. However, SBE policy encourages county boards to describe “an evaluation process of public charter schools that includes the use of financial, program and compliance audits” in its performance contracts.^{xiv}

Initial term of not more than five years

Maryland statute does not specify the length of the charter.

Fiscal, legal, and programmatic autonomy for schools

Maryland statute does not provide for fiscal, legal, or programmatic autonomy. However, SBE policy encourages county boards to provide flexibility regarding school system procedures and collective bargaining agreements.

Independent charter school governing boards

Maryland policy does provide for independent charter school boards. Each charter school in Maryland is governed by an independent, nonprofit organization.^{xv} The board enters into contracts and makes policy decisions for the schools.

Performance Monitoring

- Provides for annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract
- Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements
- Minimizes schools' administrative and reporting burden
- Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Provides for an annual authorizer evaluation of schools based on the performance goals and expectations set forth in performance-based contract

Maryland statute does not provide guidelines for evaluating schools, instead stating that each county board should develop guidelines and procedures regarding evaluating charter schools and for financial, programmatic, or compliance audits of public charter schools.

Establishes a comprehensive accountability/monitoring system that includes performance expectations and compliance requirements

State statute directs county boards to develop a charter school policy that includes guidelines and procedures for evaluation of charter schools, reporting requirements, and financial, programmatic, or compliance audits of public charter schools.^{xvi}

Minimizes schools' administrative and reporting burden

Maryland statute does not require authorizers and the State Education Agency to minimize schools' administrative and reporting burden.

Articulates authorizer action for schools that fail to meet performance expectations (e.g., probation, sanction, or turnaround)

Maryland statute does not provide for authorizer action for schools that fail to meet performance expectations.

Renewal/Revocation

- Establishes a clear renewal process and decision-making criteria
- Requires that decisions to renew/revoke be based on student academic achievement
- Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Establishes a clear renewal process and decision-making criteria

Maryland statute does not specify the renewal process or decision-making criteria. SBE policy does encourage county boards to establish a renewal and revocation process. In addition, through the CSP grant, the MSDE is engaging experts in authorizing practice to conduct in-depth reviews of authorizing practices in the five local educational agencies (LEAs) with charter schools and make recommendations. One of these areas for review and recommendations was the renewal process.

Requires that decisions to renew/revoke be based on student academic achievement

Maryland statute does not specify that decisions to renew or revoke be based on student achievement.

Requires clear school closure procedures (e.g., parent notification, student enrollment, student record transfer, and disposition of assets)

Maryland statute does not specify school closure procedures.

Authorizer Accountability

- Provides for a registration process for eligible authorizing entities
- Requires the State entity to review authorizers' performance
- Requires authorizers to adhere to standards for high-quality authorizing

Provides for a registration process for eligible authorizing entities

State statute does not require a registration process for new authorizers.

Requires the State entity to review authorizers' performance

Maryland statute does not require the State to review authorizers' performance.

Requires authorizers to adhere to standards for high-quality authorizing

Maryland statute does not require authorizers to adhere to standards for high quality authorizing.

Authorizer Leadership, Student Access, and Student Services

- Requires a mission or strategic vision for authorizing
- Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants
- Ensures equitable access to all students
- Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Requires a mission or strategic vision for authorizing

State statute does not require that authorizers develop a mission and strategic vision.

Promotes quality authorizing by requiring technical assistance or professional development for authorizers and/or charter school applicants

Maryland SBE policy requires the MSDE to provide professional development and technical assistance to meet a variety of objectives. As such, the policy specifies that,

To achieve the purposes set forth here, the State Board directs MSDE to provide training to County School Boards, Superintendents, Local School System Charter School Liaisons, and Charter School Developers, Operators, Governing Boards and Leaders to ensure an understanding of how to implement the Maryland Charter School Law and this policy to achieve the purpose and intent of the Charter School Program goals; provide technical assistance in problem solving issues that may impede the implementation of this policy;

and ensure the development of understanding and commitment to the concept of charter schools within the department and their support of unique designs intended to promote educational reform through innovation.^{xvii}

Ensures equitable access to all students

State law requires that charter schools are open to all students who are interested in enrolling “on a space available basis and admits students on a lottery basis if more students apply than can be accommodated.”^{xviii}

Requires appropriate services for educationally disadvantaged students (e.g., students with special needs, English learners, students in foster care, or unaccompanied homeless youth)

Maryland statute specifies that the authorizing process and the charter application “address the roles and responsibilities of the county board and the applicants and operators of the public charter school with respect to children with disabilities.”^{xix}

Authorizer Funding

- Provides a mechanism for guaranteed access to authorizer funding
- Includes a process for holding authorizers accountable for how funding is used

Provides a mechanism for guaranteed access to authorizer funding

State statute does not provide a mechanism for guaranteed access to authorizer funding. SBE policy does provide for school districts to allocate two percent of per pupil funding toward administrative functions related to charter schools, but these funds are not specifically allocated to authorizing.^{xx}

Includes a process for holding authorizers accountable for how funding is used

State statute does not include a process for holding authorizers accountable for how funding is used.

Endnotes

- ⁱ Language in ESSA Framework Details section below was taken directly and adapted from Title IV, Part C of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), §§ 4301 to 4311 (20 U.S.C. §§ 7221 to 7221j)—<https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/charter-school-programs/state-entities/funding-and-legislation/>; Language in the NACSA: Framework Details section below were taken directly or adapted from the following resources: National Association of Charter School Authorizers: Quality Authorizing Practices; Reinvigorating the Pipeline; Authorizer Accountability Model Language; Higher Education Institution Authorizers; Leadership, Commitment, Judgment: Elements of Successful Charter School Authorizing; Findings from the Quality Practice Project; Principles and Standards for Quality Charter School Authorizing; Putting an End to Authorizer Shipping; Language in the Alliance: Framework Details section below were taken directly or adapted from the following resources: National Alliance for Public Charter Schools: 2019 State Charter Law Ranking—<https://www.publiccharters.org/ranking-state-public-charter-school-laws-2019>; 2016 Model Charter School Law—<https://www.publiccharters.org/sites/default/files/migrated/wp-content/uploads/2016/10/2016ModelCharterSchoolLaw.pdf>
- ⁱⁱ Maryland Alliance of Public Charter Schools, About MAPCS. Retrieved from <https://mdcharters.org/about>
- ⁱⁱⁱ MD Educ Code § 9-104(a)(4)(i)(i).
- ^{iv} Maryland State Board of Education Policy, The Charter School Program, 2010.
- ^v MD Educ Code § 9-104(a)(4)(i).
- ^{vi} *Id.*
- ^{vii} *Friends of the Bay Arts & Science PCS v. Calvert County Board of Education*, MSBE Op. 08-21 (2008).
- ^{viii} *Potomac Charter School v. Prince George’s County Board of Education*, MSBE Op. 05-08 (2005); *Chesapeake PCS v St. Mary’s County Board of Education*, MSBE Op. 05-23 (2005).
- ^{ix} Maryland State Board of Education Policy, The Charter School Program, 2010.
- ^x *Chesapeake PCS v. St. Mary’s County Board of Education*, MSBE Op. 05-23 (2005); *Cecil Charter HS v. Cecil County Board of Education*, MSBE Op. 08-38 (2008); *Crossway Community, Inc. v. Montgomery County Board of Education*, MSBE Op. 11-07 (2011).
- ^{xi} *Chesapeake PCS v. St. Mary’s County Board of Education*, MSBE Op. 05-23 (2005); *Crossway Community, Inc. v. Montgomery County Board of Education*, MSBE Op. 11-07 (2011).
- ^{xii} *Patterson Park PCS, Inc. v. Baltimore City Board of School Commissioners*, MSBE Op. 05-19 (2005).
- ^{xiii} Maryland State Board of Education Policy, The Charter School Program, 2010.
- ^{xiv} *Id.*
- ^{xv} MD Educ Code § 9-104.
- ^{xvi} MD Educ Code § 9-110(a)(2).
- ^{xvii} Maryland State Board of Education Policy, The Charter School Program, 2010.
- ^{xviii} MD Educ Code § 9-102(3).
- ^{xix} MD Educ Code § 9-107.
- ^{xx} Title 13A State Board of Education Subtitle 19 Charter Schools Chapter .01 Commensurate Funding.