

**BALTIMORE COUNTY PUBLIC SCHOOLS**

**DATE:** May 22, 2007

**TO:** **BOARD OF EDUCATION**

**FROM:** Dr. Joe A. Hairston, Superintendent

**SUBJECT:** **DISCOVERY PUBLIC CHARTER SCHOOL APPLICATION**

**ORIGINATOR:** Kathleen McMahon, Assistant Superintendent, Humanities

**RESOURCE  
PERSON(S):** Phyllis Bailey, Executive Director, Special Programs, PreK-12

**RECOMMENDATION**

That the Board of Education review and act upon the Superintendent's recommendation regarding the Discovery Public Charter School application.

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The Superintendent recommends that the Discovery Public Charter School application not be approved.

# BALTIMORE COUNTY PUBLIC SCHOOLS

Dr. Joe A. Hairston ♦ Superintendent ♦ 6901 Charles Street ♦ Towson, MD ♦ 21204

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## DIVISION OF CURRICULUM AND INSTRUCTION

Department of Humanities

Kathleen McMahon

Assistant Superintendent

(410) 887-2809

Department of Special Programs PreK-12

Phyllis Bailey

Executive Director

Office: (410) 887-2280

Fax: (410) 887-2613

## MEMORANDUM

TO: Dr. Joe A. Hairston, Superintendent  
Dr. Sonia Diaz, Chief Academic Officer

FROM: Phyllis Bailey, Executive Director

CC: Kathleen McMahon, Assistant Superintendent

DATE: April 18, 2007

RE: Charter School Report - *Discovery Public Charter School*

Submission of the formal application by Imagine Schools, Inc., *Discovery Public Charter School*, took place on May 1, 2006. The application has been reviewed by a team of reviewers with initial questions proposed and clarifications requested. In addition, a meeting to clarify the Special Education component was conducted on October 26, 2006 between members of the BCPS Review Committee and representatives from Imagine Schools.

The review process continued after additional amendments to clarify information were requested by BCPS and were submitted by the applicants. A letter requesting further information regarding special education was sent to the applicants on February 8, 2007. The applicants were given the opportunity to respond in writing to these remaining concerns regarding special education and they submitted their responses on February 23, 2007. On March 13, 2007, the applicants were notified in writing that their application was complete. Once deemed complete, the application was evaluated based on a 21-section scoring rubric by members of the BCPS Charter Review Committee, who were assigned sections based on their areas of expertise.

Based on the deficiencies and concerns noted, it is recommended that the charter school application should not be approved for school year 2007-08. Attached is the report detailing the process used and conclusions reached.

May 4, 2006

Paul M. Faber  
8113 Duvall Avenue  
Rosedale, Maryland 21237

Dear Mr. Faber:

We are in receipt of your application for the Discovery Public Charter School which was delivered to my office on May 1, 2006. The Review Committee will first be reviewing the application for technical completion in which the application will be deemed either complete or incomplete. Once it is determined that the application is complete, it will be reviewed for approval or disapproval (viability).

If you have any questions regarding the review process, please contact my office at 410-887-2280.

Sincerely,

Phyllis Bailey, Executive Director  
Special Programs, PreK-12

c Dr. Joe A. Hairston

**Application Checklist**  
**Technical Review**  
**Discovery Public Charter School**

Incomplete/complete	Section
	Format
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	<b>Mission Statement</b>
	<input type="checkbox"/> Mission and Goals <input checked="" type="checkbox"/> <b>Goals Are there other content areas besides reading and math?</b>
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	<b>Educational Plan</b> <input type="checkbox"/> Objectives <input type="checkbox"/> Grades, number, etc. <input type="checkbox"/> Student Population and Geographic Area

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I	<p><b>Student Policies and Services</b></p> <ul style="list-style-type: none"> <li>___ Alternate policies (if applicable)</li> <li>___ Dress code policy</li> <li>___ Food Services</li> <li>___ Health Services</li> <li>___ Student participation in extracurricular activities</li> <li>___ Appropriate technology, libraries, and other media plans</li> <li>✓ ___ <b>Procedures for dissolution of school (MISSING)</b></li> <li>✓ ___ <b>Code of Student Conduct (MISSING)</b></li> </ul>
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	<b>Human Resources</b> <input type="checkbox"/> Roster of instructional staff <input type="checkbox"/> Indication of teacher certification waiver <input type="checkbox"/> Hiring standards <input type="checkbox"/> Teacher qualifications to parents <input type="checkbox"/> Targeted staffing size and plan <input type="checkbox"/> Professional Development
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Review of Checklist Completed by: \_\_\_\_\_  
Name of Reviewer

\_\_\_\_\_  
Date

**Application Checklist**  
**Viability Review**  
**Discovery Public Charter School**

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Review of Checklist Completed by: \_\_\_\_\_

Name of Reviewer

\_\_\_\_\_ Date

**Charter School Review Committee  
November 8, 2006**

After review of the attached amendment for Discovery Public Charter School, please indicate whether the following has been addressed and indicate whether the applicants' responses are complete or incomplete. Please sign below with your recommendation for this application and fax to 410-887-2613.

Academic Program, Standards, Curriculum & Assessment

Goals and objectives of the BCPS Master Plan

COMPLETE \_\_\_ INCOMPLETE \_\_\_

Exceptional Education Students

COMPLETE \_\_\_ INCOMPLETE \_\_\_

Special Education Students

COMPLETE \_\_\_ INCOMPLETE \_\_\_

**Recommended Action for Discovery Public Charter School Application:**

\_\_\_\_\_ **Recommended to the Superintendent for his approval as a BCPS Charter School**

\_\_\_\_\_ **Not recommended to the Superintendent as a BCPS Charter School**

**RATIONALE FOR YOUR RECOMMENDATION:**

In a paragraph, please summarize the reasons for your recommendation:

\_\_\_\_\_  
Reviewer's Signature

\_\_\_\_\_  
Date

**Charter School Review Committee  
November 8, 2006**

After review of the attached amendment for Imagine Discovery Public Charter School, please indicate whether the following has been addressed and indicate whether the applicants' responses are complete or incomplete. Please sign below with your recommendation for this application and fax to 410-887-2613.

**Academic Program, Standards, Curriculum & Assessment**

Goals and objectives of the BCPS Master Plan

COMPLETE  INCOMPLETE

Exceptional Education Students

COMPLETE  INCOMPLETE

Special Education Students

COMPLETE  INCOMPLETE

**Recommended Action for Imagine Discovery Public Charter School Application:**

- Recommended to the Superintendent for his approval as a BCPS Charter
- Not recommended to the Superintendent as a BCPS Charter School

**REASONS FOR YOUR RECOMMENDATION:**

In a paragraph, please summarize the reasons for your recommendation:

While the amended special education program description provides additional information about the IEP team process for the evaluation and identification of students with disabilities, the Office of Special Education continues to have significant concerns about both the proposed special education evaluation process and the delivery of services to students with disabilities. The proposed staffing ratios and scheduling for students with IEPs do not appear to offer a Free Appropriate Public Education (FAPE). See attached details.

*Donald E. Miles*  
Reviewer's Signature

1-26-07  
Date

## Response to Imagine Discovery Public School Amendment III Special Education

### 1. **Teacher: Student ratios of students with IEPs**

The amendment includes the following class sizes for inclusive education (p.18)

<i>Inclusive Education</i>	<i>K and 1: 18-22 to 1 2 and 3: 22-24 to 1 4 and 5: 22-25 to 1 6, 7, 8<sup>th</sup>: 24-27 to 1</i>	<i>General education teacher with instructional assistant if IEP deems necessary</i>
<i>Learning Support for DHH (Deaf and Hard of Hearing)</i>	<i>K and 1: 18-22 to 1 2 and 3: 22-24 to 1 4 and 5: 22-25 to 1 6, 7, 8<sup>th</sup>: 24-27 to 1</i>	<i>Resource Room Consultative Services Inclusion</i>

**In BCPS the staffing ratio for inclusive education is 1 teacher and .5 instructional assistant for every 12.4 students to support them in the general education environment. The Office of Special Education has serious concerns about the charter school’s ability to provide appropriate special education and related services to students with disabilities given a proposed classroom ratio that does not include a special educator.**

### 2. **Instructional Programming for Students with Disabilities**

*The amendment states, “It will be the goal to have no more than 20-30% SPED students per class. SPED students will be grouped together in the fewest number of classes possible to help with scheduling time for the SPED teachers to work with the identified students during a designated subject area time. In other words, SPED students would meet with the SPED reading teacher during their regular class’ reading period and with the math SPED teacher during the math period.”*

**The Office of Special Education has concerns about grouping students into classes with 20-30% students with IEPs. Such a high concentration of students with IEPs eliminates many of the benefits of inclusion in the general education environment, including positive academic role models. Also, providing reading and math instruction by the special educator denies those students access to teachers with content expertise in the core instructional areas of reading and math.**

### 3. **Reliance upon BCPS special education staff and contractual agencies**

The amendment states, *“Imagine DCPS would like a [BCPS] representative present at the IEP meeting and a part of the IEP process. Imagine DPCS would like that representative to meet the specified criteria:*

- *Qualified to provide or supervise the provision of special education*

- *Knowledgeable about the general curriculum and the availability of resources in Baltimore County.” (p. 8.)*

In reference to related services, the amendment states, *“These services may be contracted to local service providers, including the School district.” (page 17.)*

**The above statements indicate that the charter school will rely upon BCPS resources and oversight to ensure its ability to provide appropriate services to students with disabilities. Given the shortage of highly qualified special education teachers and related service providers, BCPS may not have candidates to fill these additional professional positions for the charter school. Of further concern is the charter school’s reliance on agencies for contracted services because services are often unavailable.**

#### **4. IEP Team Procedures**

The amendment states, *“The multidisciplinary team (MDT) develops and implements the IEP within 120 calendar days of the initial request for evaluation.” (page 7.)*

**IDEA requires the timeline for completion of the assessments to be 60 calendar days from the date the parent gives permission for testing.**

# BALTIMORE COUNTY PUBLIC SCHOOLS

Dr. Joe A. Hairston ♦ Superintendent ♦ 6901 Charles Street ♦ Towson, MD ♦ 21204

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## DIVISION OF CURRICULUM AND INSTRUCTION

Department of Humanities

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Office: (410) 887-2280

Fax: (410) 887-2613

## MEMORANDUM

TO: Charter School Review Committee

FROM: Phyllis Bailey, Executive Director

CC: Kathleen McMahon, Assistant Superintendent

DATE: March 29, 2007

RE: Standard Scoring Rubric

To the reviewer:

Before completing the final report to Dr. Hairston regarding the Discovery Public Charter School application, one last task remains for the review committee. Last year, in addition to a technical review and viability review, we also provided information evaluating the charter school application in terms of standards. The scoring rubric was as follows:

N/A = **“not applicable” No points assigned or subtracted**

0 = **Application information incomplete**

\* A zero in any category will result in a zero for that section.

1 = **Does not meet standards**

2 = **Meets standards**

3 = **Exceeds standards**

We have been advised that this standard scoring sheet should be completed in order to be consistent in the charter school review process. On March 13, the candidates were sent a letter indicating that

the application was considered complete. Given that the previously completed reviews have indicated that the information is complete based on the amendments filed by the applicants, it will not be necessary to address the issue of completeness. Would you please use the rubric of 1, 2, or 3 as indicated for the sections related to your area of expertise. Please see attached list of reviewer committee assignments. This standard rubric sheet needs to be completed by no later than Tuesday, April 3, 2007 so that the report can be sent to Dr. Hairston. In order to expedite the completion of the report, please fax your completed and signed responses to 410-887-2613. Please be sure to complete the mandatory comment section (in red) at the end of the form. Thank you for your assistance.

## Charter School Application Scoring Rubric March 29, 2007

To the reviewer:

The charter school application must be aligned with the vision and mission expressed in the Blueprint for Progress, *Realizing the Vision*, and the Master Plan. The vision is that BCPS' graduates will have the knowledge, skills, and attitudes to reach their potential as responsible, productive citizens in a global economy and multicultural society. The mission is that BCPS will provide a quality education that develops the content knowledge, skills, and attitudes that will enable all students to reach their maximum potential as responsible, life-long learners and productive citizens. Applying these standards and all of the information available to you (the application and supplemental information provided by the applicant), the following scores can be employed.

N/A = **“not applicable” No points assigned or subtracted**

0 = **Application information incomplete**

\* A zero in any category will result in a zero for that section.

1 = **Does not meet standards**

2 = **Meets standards**

3 = **Exceeds standards**

Total Point Value	Application Evaluation Sections
Total _____	<p><b>Planning and Establishment</b></p> <p>_____ The profile of the founding group has been provided and includes employment history, qualifications, experience, relevant training, and statement of intent.</p> <p>_____ The management and administrative structure are clear, reasonable, and compatible with the mission of the school.</p>
	<p><b>Mission Statement, Vision and Goals</b></p> <p>_____ The mission articulates the purpose for the school.</p> <p>_____ The mission is clear, concise, measurable, and specific to the purpose of the school.</p> <p>_____ The mission statement articulates the future direction of the school for the future.</p> <p>_____ Specific and measurable goals and objectives have been provided to assess the progress in advancing the school's mission and vision.</p>

<b>Total</b> _____	____ The goals and objectives are reasonable, and specific to the mission of the school and needs of the community.
<b>Total</b> _____	<p><b>Student Population</b></p> <p>____ The application clearly indicates the grades, number of children in each class, and total expected enrollment.</p> <p>____ The application clearly defines the student population that the school is proposing to serve.</p>
<b>Total</b> _____	<p><b>Background Information</b></p> <p>____ Employment and education history are included for each authorized agent, principal, and any individual responsible for the day-to-day operation of the school.</p> <p>____ The role of each authorized agent, principal and any individual responsible for the day-to-day operation of the school is clearly defined in the statement of intent.</p> <p>____ The Affidavit, Disclosure, and Consent for Background and Credit Check form has been completed and signed by all required individuals.</p> <p>____ The Compliance Assurances form has been signed and dated by the Authorized Agent.</p>
<b>Total</b> _____	<p><b>Educational Plan</b></p> <p>____ The educational objectives and instructional methods are described and are consistent with the stated mission of the school and needs of the identified community.</p> <p>____ The listed grades, teacher/student ratios, and total enrollment number are consistent with the stated mission of the school and needs of the identified community.</p> <p>____ The student population to be served and the geographic area are included in the explanation of the educational plan.</p> <p>____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
<b>Total</b> _____	<p><b>Academic Program, Standards, Curriculum &amp; Instruction</b></p> <p>____ The educational program identifies curriculum objectives and content of the main subject areas (math, science, social studies, English) and supports VSC, core learning goals, MSDE, NCLB and graduation requirements.</p> <p>____ The education program facilitates, and is consistent with the goals and objectives of the BCPS <u>Master Plan</u> and <u>Blueprint for Progress</u>.</p> <p>____ The instructional methods outlined are consistent with the stated mission, vision, goals and objectives of the school.</p> <p>____ The instructional methods outlined are innovative.</p> <p>____ The instructional methods and techniques are suited to enhance student learning.</p> <p>____ If applicable, there is a description of the way the needs of Gifted and Talented Students will be met.</p> <p>____ A process for the identification and placement of students whose first language is not English and the methods for determining the kind of assistance</p>

<p><b>Total</b> _____</p>	<p>that these students may need is provided.</p> <p>_____ A process to ensure that English Language Learners (“ELL”) are not misplaced or tracked inappropriately in other classes is provided.</p> <p>_____ A statement that affirms that ELL students will not be excluded categorically from curricular and extracurricular activities because of an inability to speak and understand English is provided.</p> <p>_____ A description of the planned outreach to parents in the identified community, including strategies for communicating with parents who are not proficient in English is provided.</p> <p>_____ The application indicates plan for adhering to the BCPS school calendar.</p> <p>_____ A copy of the proposed calendar for the first year of operation is provided indicating the number of student and teacher days required.</p> <p>_____ A timeframe for the instruction of core academic subjects is provided and includes reasonable goals and objectives.</p> <p>_____ Student Achievement goals are well-defined and consistent with the stated mission, vision, goals and curriculum program of the school.</p> <p>_____ Learning standards and curriculum are well-defined and include the skills and knowledge each student will be expected to attain by the end of each grade and are consistent with the stated mission, vision, goals, and curriculum program of the school.</p> <p>_____ Curriculum and instructional methods are diverse and include the use of technology, libraries, and other media.</p> <p>_____ A plan for providing textbooks and other instructional materials has been described.</p> <p>_____ A description of plans to stock library or media center with books and other educational materials has been provided.</p> <p>_____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
<p><b>Total</b> _____</p>	<p><b>Special Education</b></p> <p>_____ The application describes how the school will appropriately meet the needs of special education students adhering to all provisions of federal and state law.</p> <p>_____ The application designates a professional staff member as the school’s special education liaison with BCPS.</p> <p>_____ Procedures for mediation, resolution, and due process are clearly outlined.</p> <p>_____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
	<p><b>Student Assessment</b></p> <p>_____ A plan for assessing student performance in the core academic areas has been provided and includes outcomes to be achieved and methods of measurement to be used.</p> <p>_____ The application includes a reasonable plan to ascertain baseline student</p>

<p><b>Total</b> _____</p>	<p>data that will be used to measure academic achievement levels in core academic areas.</p> <p>____ A plan for how academic achievement levels will be measured and how rates of progress will be measured is provided.</p> <p>____ The application offers methods to gauge the academic strengths and needs of students and the extent to which educational goals and performance standards are being met.</p> <p>____ Student participation in statewide assessment programs is acknowledged and included in educational plan.</p> <p>____ The application includes a method for determining that students satisfy state requirements for graduation.</p> <p>____ A description of the methods that will be used for identifying and meeting the needs of students who are not achieving on or above grade level is provided.</p> <p>____ If the school intends to serve an at-risk population, the application includes challenges associated with serving the population and describes methods, strategies or programs the school will use to address them.</p> <p>____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
<p><b>Total</b> _____</p>	<p><b>Management Structure</b></p> <p>____ Articles of Incorporation are included.</p> <p>____ Set of By-laws is included.</p> <p>____ Profile of the operators of the public charter school is provided.</p> <p>____ Organizational chart of the school is provided and denotes the various reporting structures and includes a narrative description.</p> <p>____ A management structure is provided for the school that delineates the responsibilities, polices, and practices needed to manage the school.</p> <p>____ An administrative management structure is provided that delineates the roles, interrelationships and responsibilities of each position.</p> <p>____ A Code of Ethics is provided which includes a formal conflict of interest policy.</p> <p>____ The Code of Ethics includes specific procedures for implementing the policy and an assurance that the policy applies to all members of the school.</p> <p>____ Procedures for resolving conflicts between operators of the charter school and the chartering authority (i.e. Board of Education) are included.</p> <p>____ A description of how the charter school will comply with Maryland statutes relating to public records and public meetings is provided.</p> <p>____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
	<p><b>Student Policies and Services</b></p> <p>____ A dress code policy is provided. If a uniform is required, the policy includes provisions for parents unable to afford uniforms.</p> <p>____ The application includes food services plan.</p> <p>____ A plan for the provision of health services is provided and is consistent with state guidelines.</p> <p>____ The application includes a description of plans for student participation</p>

<p><b>Total</b> _____</p>	<p>in extracurricular activities.        ____ A clear and well-developed Code of Student Conduct is provided.        ____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
<p><b>Total</b> _____</p>	<p><b>Student Support Services</b></p> <p>____ Admission and enrollment policies are included and are consistent with Maryland statutes.        ____ Policies on compulsory school attendance are included.        ____ Nonresident tuition policy is consistent with BCPS Policy and Rule 5150.        ____ Student withdrawals and dismissal procedures are provided.        ____ Policy on promotion of students is defined and consistent with the stated mission, vision, and goals of the school.        ____ Discipline procedures (suspensions and expulsions) are defined and consistent with BCPS procedures.        ____ Student records and forms comply with all federal and state requirements.        ____ Policies and procedures are outlined to maintain family and student confidentiality consistent with federal and state law.        ____ Immunizations policy is consistent with federal and state law as well as the Health Services plan of the school.        ____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
<p><b>Total</b> _____</p>	<p><b>Human Resources</b></p> <p>____ The application describes standards to be used in the hiring process for administrators, teachers, and other school staff.        ____ The application includes a staffing plan for the school, including the position, title, and job description of the staff that will be sought.        ____ The school will follow requirements of NCLB in describing the qualifications of teachers to parents.        ____ The application describes the targeted staff size, staffing plan, and projected student to teacher ratio. The ratio is consistent with the stated mission of the school and the needs of the students.        ____ If professional development services of BCPS are not utilized, a program of professional development is outlined.        ____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
	<p><b>Professional/Support Personnel – Qualifications</b></p> <p>____ The application includes job descriptions, qualifications, personnel appraisal and accountability system.        ____ The qualification and certification of currently employed teachers and other professional staff are included.        ____ Fingerprinting and criminal background checks for all currently employed staff/volunteers are included.        ____ Resumes for all professional staff are included.</p>

<b>Total</b> _____	<p>_____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p> <p>* NOTE: The applicant may not have identified staff – it is acceptable to substitute the plan for fingerprinting and criminal background checks.</p>
<b>Total</b> _____	<p><b>Policy, Regulations, and Legal Requirements</b></p> <p>_____ Assurances forms are provided.</p> <p>_____ Reporting requirements and annual review process are provided.</p> <p>_____ A commitment to maintain compliance with state and federal education requirements is included.</p> <p>_____ If legal autonomy has not occurred, a plan for legal autonomy is included (i.e. plan of incorporation).</p> <p>_____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
<b>Total</b> _____	<p><b>Parent Involvement and Community Participation</b></p> <p>_____ The application displays evidence of broad based community support.</p> <p>_____ The application describes how school will build family and school partnerships that focus on strengthening support for learning, improving communication, and encouraging parental involvement in school operations.</p> <p>_____ The application describes the role that administrators, teachers, and other school staff will play in making sure that all parents are welcome at the school, encouraged to participate, trained and involved in their child’s education.</p> <p>_____ The application describes anticipated parental involvement in the school including input, comment, and/or participation in the school’s governance.</p> <p>_____ Methods for handling and resolving disputes between parents and the school are identified.</p> <p>_____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
	<p><b>School Facilities</b></p> <p>_____ The application identifies a facility to be used or presents the options under consideration. Anticipated utilization of the number and size of classrooms, common areas, recreation space, community facilities, and any residential facilities, if applicable, (i.e. dormitories or faculty housing) are included.</p> <p>_____ If a facility is identified, documentation that it is in compliance with all applicable health and safety laws (i.e. local building codes, security , maintenance, custodial services) or a well-defined plan to renovate and bring the facility into compliance, is provided.</p> <p>_____ If no facility has been identified, information on progress toward securing a facility, including partnership developments or other future steps toward acquisition is provided.</p> <p>_____ Financing plans, if applicable, are described.</p>

<p><b>Total</b> _____</p>	<p>_____ If the charter school applicant or partners owns or leases a facility, a description of the ownership or lease agreement of the facility, including, specifically, potential conflicts of interest and arrangements by which such conflicts will be managed or avoided has been provided.</p> <p>_____ Property settlement or lease documents have been provided.</p> <p>_____ The facilities plan includes provisions for the acquisition of educational materials and supplies, furniture, and other equipment necessary to meet the educational needs of students and support the instruction by teachers and staff.</p> <p>_____ Technology plans, including the acquisition and maintenance of computers for students have been described.</p> <p>_____ Verification of no outstanding building code violations has been provided.</p> <p>_____ Facility is ADA accessible.</p> <p>_____ Schedule for occupancy of facility is included.</p> <p>_____ Certificate of Occupancy is included.</p> <p>_____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
<p><b>Total</b> _____</p>	<p><b>Finances</b></p> <p>_____ A plan for financial management and internal accounting procedures is provided and is consistent with standard accounting practices.</p> <p>_____ A detailed four-year estimate of the school budget is included.</p> <p>_____ A detailed budget for start-up expenses is included that covers the planning and capital expenses necessary prior to the opening of school.</p> <p>_____ The budget for the length of the proposed contract covers all projected sources of revenue and includes planned expenditures with an accompanying narrative.</p> <p>_____ The budget includes a detailed sensitivity analysis and financial plan based on enrollment with contingency plans for reduced enrollment.</p> <p>_____ Detailed cash flow projections for the first year are displayed month by month with a plan to adequately fund cash flow shortfalls.</p> <p>_____ Fund-raising plans, if applicable, are included.</p> <p>_____ Operating and Capital budget projections are provided.</p> <p>_____ A fixed assets policy is provided.</p> <p>_____ Ownership and inventory control process for materials and equipment is provided.</p> <p>_____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
<p><b>Total</b> _____</p>	<p><b>Recruiting and Marketing Plan</b></p> <p>_____ Plan is in place that will attract a sufficient pool of applicants.</p> <p>_____ If applicable, steps to reach a broad range of students are in place.</p> <p>_____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>

<b>Total</b> _____	<p><b>Risk Management</b></p> <p>____ Civil Liability insurance is provided.</p> <p>____ General Liability insurance is provided.</p> <p>____ Procedures are in place to ensure that unauthorized persons are not able to enter the school or its premises.</p> <p>____ The application provides an emergency plan that is compliant with MSDE emergency planning guidelines for local school systems and schools.</p> <p>____ The plan describes procedures to maintain emergency contact information for all students.</p> <p>____ A description of the plans to conduct regular fire drills is provided.</p> <p>____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
<b>Total</b> _____	<p><b>Operations</b></p> <p>____ If applicable, a timetable for registering and admitting students, including lottery procedures is provided.</p> <p>____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>
<b>Total</b> _____	<p><b>Transportation</b></p> <p>____ Plans for transporting students are included.</p> <p>____ Definition of “reasonable distance” is included in the transportation plan.</p> <p>____ Policies regarding equal access for all students is provided.</p> <p>____ If a waiver was requested on any item in this section, it included a solid justification along with a feasible and reasonable alternative.</p>

**COMMENTS (MANDATORY): Your comments must include a detailed and complete rationale of any score given to the applicant for your assigned area(s).**

\* If necessary, use the back for further comments.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (Printed): \_\_\_\_\_

Title: \_\_\_\_\_

Area(s) Reviewed: \_\_\_\_\_

*Thank you for your time and expertise!*

**Discovery Public Charter School Application: Time Line Summary**

- Approval to make a charter school application March 23, 2006
- Application received May 1, 2006
- Application receipt acknowledged by BCPS May 4, 2006
- Results of BCPS Technical Review communicated to applicants; request for clarification June 14, 2006
- Amendment to application submitted to BCPS July 18, 2006
- Results of Review by BCPS of amendment indicating two sections remaining incomplete September 1, 2006
- Submission of second clarifying amendment to BCPS September 11, 2006
- Meeting requested by BCPS to discuss applicant information regarding Academic Programs, Standards, Curriculum and Assessment. October 18, 2006
- Meeting with representatives of Imagine Schools, Inc. and the BCPS Charter School Review Committee October 26, 2006
- Third clarifying amendment submitted to BCPS; application considered ready for reviewers' recommendations. November 1, 2006
- Charter School Review form sent to BCPS Charter School Review Committee November 8, 2006

- Charter School Review forms completed and submitted by members or designees of the BCPS Charter School Review Committee December 4, 2006
- Initial report submitted December 21, 2006
- Second review of the special education sections of the final amendment by the Director of Special Education January 26, 2007
- Letter requesting responses regarding special education issues sent via Fax and Certified Mail to the applicants February 8, 2007
- Response to special education issues received from applicants by email February 23, 2007
- Review of special education issues initiated February 27, 2007
- Review completed by BCPS special education staff March 12, 2007
- Letter to applicants indicating complete application March 15, 2007
- Charter School Standard Scoring Rubric completed by BCPS Charter School Committee April 3, 2007
- Report of Review Committee submitted to Superintendent April 17, 2007
- Superintendent's recommendation made to the Board of Education. May 22, 2007

## CHARTER SCHOOL APPLICATION RECOMMENDATION

April 16, 2007

**Applicant:**

**Paul & Reva Faber  
Imagine Schools, Inc.**

**Name of Proposed Charter School:**

***Discovery Public Charter School***

### Background Information

The Maryland Public Charter School Law became effective July 1, 2003. This law, which is codified at Section 9-101 *et seq.* of the Education Article of the Maryland Annotated Code, provides that both local school boards and the Maryland State Board of Education may authorize Maryland Public Charter Schools. The general purpose of the Public Charter School Law is to establish an alternative means, namely charter schools, within the existing public school system in order to provide innovative learning opportunities and creative educational approaches to improve the education of students.

Each local board of education was required to submit a public charter school policy to the State Board of Education on or before November 1, 2003. With the adoption of Board of Education Policy and Superintendent's Rule 1600, *Community Relations: Public Charter Schools*, on October 21, 2003, the Baltimore County Public Schools met this requirement. A *Procedures Manual for Public Charter Schools in Baltimore County* was developed by staff and is available (as are the policy and rule) on the BCPS website at: [www.bcps.org/system/policies\\_rules/1000toc.htm](http://www.bcps.org/system/policies_rules/1000toc.htm).

This procedures manual established final rules for applications, established a two-stage process involving a concept proposal, a final application, specific directions for completion of the application, and a summary application checklist.

Following approval of its concept proposal, Imagine Schools, Inc., submitted an application for the Discovery Public Charter School. The proposed school, if approved, would begin operations as a BCPS Public Charter School either in the fall of 2007 or 2008. The Superintendent assigned the Executive Director of Special Programs, PreK-12, Phyllis Bailey, to serve as the Charter School contact to oversee the review process.

The applicant has potentially defined the area for the school to be located as the Woodlawn/Westview Park and Randallstown area to the west of Baltimore City. As stated by the applicant, the mission of the school is to "positively shape the hearts and minds of students in PreK through eighth grade by providing them with an academically rigorous and content-rich curriculum, an environment in which character is modeled and promoted, and a community in which to build trusting relationships with others." The proposed K-8 school would be divided into four smaller communities: A PreK program, Primary Academy (K-2), Intermediate Academy (3-5) and Prep Academy (6-8). Each academy will be led by an experienced teacher who would also be a grade teacher. Each grade within a grade academy would have a lead teacher with the responsibility of promoting nurturing relationships among the teachers. Where possible, single-sex classes will be implemented for the Prep Academy (6-8). The school would initially enroll 386 students, with enrollment projected to increase to 680 in year four of implementation. Enrollment would be on

a phase-in basis, enrolling students K-5 in the first year of implementation and adding a subsequent grade a year for an ultimate K-8 school.

The curriculum for the proposed school is based on Imagine Schools Standards- Based curriculum with emphasis on reading and language arts, mathematics, history, geography, and science. Art, music, and physical education instruction will be provided. The curriculum is based on a framework providing content in four nine-week interdisciplinary units related to a grade level theme. Character education is integrated throughout the curriculum.

At the time of application submission and subsequent review, no physical facility for the school had been identified. The applicants have made preliminary inquiries regarding possible facilities pending a BCPS decision regarding the charter school application. The application, while focused on a charter school to be located in the Woodlawn/Westview Park and Randallstown area alluded to an intent to ultimately create three campuses in Baltimore County. The application did not identify locations for Campus 2&3 (page 14 of application).

## **History**

On May 1, 2006, Imagine Schools, Inc. submitted an application for the Discovery Public Charter School. Phyllis Bailey, Executive Director of Special Programs, PreK-12, responded in writing on May 4, 2006, acknowledging receipt of the application, indicating that the Review Committee would first be reviewing the application for technical completion in which the application would be deemed either complete or incomplete (Attachment I). The BCPS Charter Review Committee members consisted of BCPS staff with expertise in specific areas related to the sections of the application. Staff involved included personnel from Curriculum and Instruction, Special Education, Personnel, Facilities, Risk Management, Student Support Services, Budget and Finance, and a representative from the Law Office.

On June 14, 2006, the applicants were provided with the results of the technical review which indicated that, based on the technical review rubric, eight of the application sections had been evaluated as incomplete based on missing or incomplete information. The applicants were provided with the rubric used with items checked as incomplete along with comments indicating specific deficiencies (Attachment II). In addition, the applicants were requested to provide the self-evaluation Application Checklist included as part of the application process.

On July 18, 2006, the applicants submitted an amendment responding to the deficiencies found in the technical review and asked that the amendment be included as an Appendix to the original application. The members of the BCPS Charter Review Committee reviewed this amendment and, as a result, on September 1, 2006, the applicants were informed that two of the application sections were evaluated as incomplete. The applicants were provided with information indicating specific deficiencies in two areas: Academic Programs, Standards, Curriculum and Assessment and Management Structure. (Attachment III) In addition, the applicants were requested to provide the previously requested self-evaluation Application Checklist. Review by some members of the BCPS Charter Review Committee indicated concerns regarding provisions for special education students.

As a result of the request of the BCPS Charter Review Committee to clarify the information provided in the second amendment regarding special education (Academic Programs, Standards, Curriculum and Assessment), a meeting was held on October 26, 2006, with representatives of Imagine Schools, Inc., (Mr. Paul Faber, Director of School Development, and Ms. Erica Thomas, Curriculum Consultant), and members of the Charter Review Committee. As a result of this meeting, the BCPS Charter Review Committee requested further clarification of provisions for special education students and for gifted and talented education students.

A third and final amendment responding to concerns raised by the BCPS Charter Review Committee at the October 26, 2006 meeting was submitted by the applicants on November 1, 2006 and was immediately distributed to the BCPS Charter Review Committee. Committee members were sent a recommendation form (Attachment IV) and were asked to provide a recommendation, based on their area of expertise, regarding the completeness of the application for Imagine Discovery Public Charter School.

### **Responses of the BCPS Charter Review Committee**

Eight members of the BCPS Charter Review Committee, based on the analysis of the original application, along with the three amendments provided by the applicants, viewed the application for Imagine Discovery Public Charter School positively.

Comments from these members of the BCPS Charter Review Committee include the following:

- “Discovery Public Charter School provided all information required for a complete application. Their experience and background in this and other states indicates they are qualified to operate, maintain, and promote a quality charter school.”
- “The amendments appear to have addressed the concerns brought forward; I would yield to the opinion of the Office of Special Education.”
- “The application has met the criteria established on the checklist. . . Based on the information received, the school appears to be positioned to meet the BCPS goals and objectives established in the Master Plan.”
- “At this time, I can find no reason not to recommend this group. All areas have been addressed to my satisfaction.”
- “Looking at all the components of this application, the Imagine Schools, Inc., and Discovery Public School has submitted and met all the criteria that BCPS has as part of its application process.”...
- “It appears that the amendments completely address the three areas noted above with regard to exceptional education students and special education students. The GT program includes the components that BCPS endorses; i.e. identification and evaluation procedures with parental involvement, differentiation of instruction to support GT students within the regular classroom setting, literature-rich content with project based learning opportunities and professional development. The special education program and

philosophy appear to mirror that of BCPS. ... Overall, it appears that the goals and indicators of the Blueprint for Progress were considered and are addressed in these amendments.”

- “Discovery Public Charter School addressed the concerns about the special education requirements. While I would have preferred more details about the gifted and talented education programs, the amendment satisfied me that this school would address the needs of this population.”

One of the members of the BCPS Charter Review committee, based on the analysis of the original application, along with the amendments provided by the applicants indicated continuing concerns. This reviewer, a staff member with expertise in special education, designated as a reviewer in the absence of the Director of Special Education, stated the following regarding staffing capacity, teacher: student ratios for students with IEPs, and hours of direct instruction:

- “While the amended special education program description provides much more detailed information concerns continue to arise regarding: “The SE Coordinator is described as a key staff member; however, this position is listed as a vacancy for the first three years in the original application. Additionally, there appears to be a strong reliance on BCPS staff and/or contractual staff during the IEP process for assessment, diagnosis, IEP development, and delivery of services. The resource room ratios are adequate, however, the large teacher: student ratios for inclusion and DHH instruction are of concern. Students with IEPs typically require additional instructional and/or remediation time within the school day. The scheduling description in the SE amendment indicates that special education instruction would occur during the regular class period. Taking this into consideration, along with the daily schedule appearing in the original application, raises concern regarding the amount of direct special education instruction that is available to the students within a school day.”

Given the substantive issues raised by the designee special education staff member, the Director of Special Education, previously unavailable due to an extended illness, reviewed the application and the amendments provided by the applicants. The Director’s comments are as follows:

- “While the amended special education program description provides additional information about the IEP team process for the evaluation and identification of students with disabilities, the Office of Special Education continues to have significant concerns about both the proposed special education evaluation process and the delivery of services to students with disabilities. The proposed staffing ratios and scheduling for students with IEPs do not appear to offer Free Appropriate Public Education (FAPE). (See Attachments V-1 and V-2).

In summary, the members of the BCPS Charter Review Committee with expertise in special education indicated the following areas: Academic Program, Standards, Curriculum and Assessment as not meeting the standards and of concern as indicated in the quoted comments and the accompanying chart.

## Special Education

Application Checklist as Completed by Applicant*	Expectation of BCPS
<input checked="" type="checkbox"/> Special Education Students	The application describes how the school will appropriately meet the needs of special education students adhering to all provisions of federal and state law.
	The application designates a professional staff member as the school's special education liaison with BCPS.
	Procedures for mediation, resolution, and due process are clearly outlined.

## Academic Program, Standards, Curriculum & Assessment- Special Education

Deficiencies in the application submitted by the applicant:	
	1. While the amended special education program description, Amendment III, provided additional information regarding the IEP team process, there remains concern regarding the proposed special education evaluation process and delivery of services to students with disabilities.
	2. The amended application concerning the staffing ratios for inclusive education does not correspond to the BCPS staffing ratios for inclusive education which is 1 teacher and .5 instructional assistant for every 12.4 students. The applicants indicated a ratio of 18-22 to 1 for K-1, and up to 24-27 to 1 teacher for grades 6, 7, and 8.
	3. It appears that students will be pulled-out of the inclusive environment to work with the special educator during math and reading periods. The proposal to rely on providing reading and mathematics instruction with the special education teachers rather than the teachers with reading and math content expertise will deny student's access to these teachers. BCPS encourages a co-teaching model where the students with IEPs in the inclusive setting have support from both a special educator and general educator during core academic instruction.
	4. The proposed IEP Team Procedures Timeline does not adhere to IDEA which requires the timeline for completion of the assessments to be 60-calendar days from the date of parental permission rather than the 120-calendar days proposed by the applicants.

## Initial Summary

As stated previously, the BCPS Charter School Review Committee was comprised of staff representing all aspects of the operation of a school. As indicated in the summary comments regarding completion, eight of the ten reviewers indicated that the application for the Discovery Public Charter School should be approved for the following reasons:

- The applicants met the criteria standards established by BCPS in the Manual of Procedures for Public Charter Schools in Baltimore County
- The experience and background of the applicants as indicated in the application
- The responsiveness of the applicants to clarifications requested by the BCPS Charter School Review Committee and the subsequent submission of clarifying amendments.

Two reviewers, those with expertise in special education raised concerns regarding the ability of Discovery Public Charter School to deliver Free Appropriate Public Education (FAPE) as described in the materials submitted by the applicants.

### **Follow-up**

Given the continuing concerns regarding the ability of Discovery Public Charter School to deliver FAPE, the Executive Director of Special Programs, PreK-12, sent a letter dated February 8, 2007 to the applicants requesting a written response to the following issues:

- The proposed special education evaluation process and delivery of services to students with disabilities
- Staffing ratios for inclusive education
- Student access to teachers with reading and math content expertise
- The proposed applicants' IEP Team Procedures Timeline for completion of assessments which did not adhere to IDEA requirements.

On February 23, 2007, the applicants responded to the special education issues raised by the reviewers. The response was reviewed by BCPS special education personnel who stated that:

- “The Office of Special Education has reviewed the February 23, 2007 response from Discovery Public Charter School regarding questions about the delivery of special education services. The response includes assurances that timelines for assessments will adhere to federal and state guidelines and that special education services will be delivered as dictated by the Individual Educational Plan (IEP). The proposed staffing ratio, however, continues to be of serious concern. The application proposed 3.0 staff members with an enrollment of 60 students with disabilities (20:1) and 2.5 staff members with an enrollment of 43 students with disabilities (17.1). As stated in an earlier BCPS response, the BCPS recommended staffing ratio for inclusive education is 1 teacher and .5 instructional assistant for every 12.4 students. Therefore, the Office of Special Education continues to question the charter school’s ability to provide appropriate special education and related services using a higher student-teacher ratio than the one recommended for students in Baltimore County Public Schools. In addition, several staffing questions remain: Is the term “staff member” in the application a reference to a teacher or an instructional assistant? If the “staff member” is a teacher, will he/she be certified in special education?”

## Final Application Review

On March 15, 2007, the applicants were informed that their application was considered complete. The members of the BCPS Charter Review Committee then evaluated the application based on a 21-section scoring rubric. Reviewers were assigned specific sections of the rubric based on their expertise.

The following five sections did not meet the standards as evaluated by the reviewers. The left hand column of this chart indicated the Application Checklist which was completed by the applicant and submitted as part of the application process. The right hand column of the chart indicates the standard that BCPS applied, with specific deficiencies/concerns noted.

### Special Education

Application Checklist as completed by Applicant	Expectation of BCPS
_____Special Education Students	The application describes how the school will appropriately meet the needs of special education students adhering to all provisions of federal and state law.
	The application designates a professional staff member as the school's special education liaison with BCPS.
	Procedures for mediation, resolution, and due process are clearly outlined.

Deficiencies/Concerns raised by BCPS:

1. The Office of Special Education continues to question the ability of the Charter School to meet the needs of students with disabilities based on the proposed staffing ratios ranging from 1:17 to 1:20.
2. In the staffing chart submitted in the last amendment provided by the applicant, it was unclear if the proposed staff support for students with disabilities was a certified special education teacher or a paraeducator.

### Student Policies and Services

Application Checklist as completed by Applicant	Expectation of BCPS
_____Student Policies and Services	A dress code policy is provided. If a uniform is required, the policy includes provisions for parents unable to afford uniforms.
	The application includes food services plan.
	A plan for the provision of health services is provided and is consistent with state guidelines.
	The application includes a description of plans for student participation in extracurricular activities.
	A clear and well-developed Code of Student Conduct is provided.

Deficiencies/Concerns raised by BCPS:

1. The plan for provision of health services was not consistent with state guidelines.

**Student Support Services**

Application Checklist as completed by Applicant	Expectation of BCPS
____ Student Support Services	Admission and enrollment policies are included and are consistent with Maryland statutes.
	Policies on compulsory school attendance are included.
	Nonresident tuition policy is consistent with BCPS Policy and Rule 5150
	Student withdrawals and dismissal procedures are provided
	Policy on promotion of students is defined and consistent with the stated mission, vision, and goals of the school.
	Discipline procedures (suspensions and expulsions) are defined and consistent with BCPS procedures.
	Student records and forms comply with all federal and state requirements.
	Policies and procedures are outlined to maintain family and student confidentiality consistent with federal and state law.
	Immunizations policy is consistent with federal and state law as well as the Health Services plan of the school.

Deficiencies/Concerns raised by BCPS:

1. The information regarding non-resident tuition, student withdrawals, dismissal procedures, student promotions, and discipline procedures were evaluated as not meeting standards.

**School Facilities**

Application Checklist as completed by Applicant	Expectation of BCPS
____ School Facilities	The application identifies a facility to be used or presents the options under consideration. Anticipated utilization of the number and size of classrooms, common areas, recreation space, community facilities, and any residential facilities, if applicable, (i.e. dormitories or faculty housing) are included.
	If a facility is identified, documentation that it is in compliance with all applicable health and safety laws (i.e. local building codes, security , maintenance, custodial services) or a well-defined plan to renovate and bring the facility into compliance, is provided.

	If no facility has been identified, information on progress toward securing a facility, including partnership developments or other future steps toward acquisition is provided.
	Financing plans, if applicable, are described
	If the charter school applicant or partners owns or leases a facility, a description of the ownership or lease agreement of the facility, including, specifically, potential conflicts of interest and arrangements by which such conflicts will be managed or avoided has been provided.
	Property settlement or lease documents have been provided
	The facilities plan includes provisions for the acquisition of educational materials and supplies, furniture, and other equipment necessary to meet the educational needs of students and support the instruction by teachers and staff.
	Technology plans, including the acquisition and maintenance of computers for students have been described.
	Verification of no outstanding building code violations has been provided.
	Facility is ADA accessible.
	Schedule for occupancy of facility is included.
	Certificate of Occupancy is included.

Deficiencies/Concerns raised by BCPS:

1. While the applicant has not yet identified a facility, a technology plan including acquisition and maintenance of computers for students was not identified.

**Risk Management**

Application Checklist as completed by Applicant	Expectation of BCPS
____ Risk Management	Civil Liability insurance is provided.
	General Liability insurance is provided
	Procedures are in place to ensure that unauthorized persons are not able to enter the school or its premises.
	The application provides an emergency plan that is compliant with MSDE emergency planning guidelines for local school systems and schools.
	The plan describes procedures to maintain emergency contact information for all students.
	A description of the plans to conduct regular fire drills is provided

Deficiencies/Concerns raised by BCPS staff:

1. Information provided regarding insurance was insufficient to determine if BCPS requirements were met. No specific information was provided on the insurance carrier for various types of coverage.
2. The application did not include language regarding insurance limits, exclusions, and insured language required by MABE.

### **Recommendation to the Superintendent**

Given the deficiencies and concerns noted previously, it is recommended that the following course of action be considered by the Superintendent for presentation to the Board of Education:

- The charter school application should not be approved for school year 2007-08.

The members of the Charter School Review Committee involved in the application review process:

Don Dent, Executive Director, Planning and Support Operations  
Anjanette Dixon, Staff Attorney  
Judy Glass, Director, Special Education and designee Nancy Feeley, Supervisor, Special Education  
Mike Goodhues, Chief Information Officer  
Dale Janney, Special Assistant, Physical Facilities  
Craig Ebersole, Special Assistant, Physical Facilities  
Kathleen McMahon, Assistant Superintendent (designees Barbara Yingling, Coordinator, Elementary Social Studies and Phyllis Bailey, Executive Director, Special Programs, PreK-12)  
Don Peccia, Assistant Superintendent (designee Dr. Arrington, Director, Personnel)  
Michele Prumo, Risk Manager  
Dale Rauenzahn, Executive Director, Student Support Services

A timeline detailing the chronology of the review process is attached.

Attachment I:	Letter of May 4, 2006 to Mr. Paul Faber
Attachment II:	BCPS Technical Review Rubric, June 14, 2006
Attachment III:	Viability Review, September 1, 2006
Attachment IV:	Charter School Review Form, November 8, 2006
Attachment V-1:	Charter School Review Form–Special Education
Attachment V-2:	Additional Response to Imagine Discovery Public School Amendment III, Special Education
Attachment VI:	Charter School Standard Scoring Rubric
Attachment VII:	Timeline

