

IN THE MATTER OF  
BALTIMORE  
MONTESSORI PUBLIC  
CHARTER SCHOOL

BEFORE THE  
MARYLAND  
STATE BOARD  
OF EDUCATION

Order No. OR20-15

ORDER

On March 30, 2020, Allison Shecter, the founder and Director of the Baltimore Montessori Public Charter School (“BMPCS”) submitted a letter to Baltimore City Public Schools (“City Schools”) requesting a waiver from the requirements of COMAR 13A.12.03.02 (certification requirements for school counselors) and COMAR 13A.08.02.04 and .09 (student records).

*School Counselor Waiver*

PMBCS states that the school’s pedagogy and mission are designed to integrate social-emotional learning and support to meet the needs of its students. Its Instructional Support Guide and Assistant Principal fulfil responsibilities for career days, high school visits, high school open houses, student and parent meetings to support high school choice, communication with students and families and connecting students for high school entry. The Assistant Principal and Educational Associate collaborate with the Engagement Director and Social Worker to fulfill the required responsibilities that include monitoring attendance, attending SST meetings, retention planning, providing student plans and supports, enrollment, connecting families to community resources, connecting students to counseling support, and family engagement strategies. They also have school rituals to support the whole student.

On June 30, 2020, Angela Alvarez, Executive Director, Office of New Initiatives, for City Schools, sent an email to State Superintendent of Schools, Karen B. Salmon, submitting the BMPCS waiver request along with four other charter school waiver requests of the school counselor regulations. City Schools submitted a global response to the five waiver requests and did not endorse any of the requests. City Schools states there are “gaps in the approaches listed by each of the schools that if the state approves, each school will need to make sure they have comprehensive plans in place to ensure all students benefit from guidance counseling. For example, some schools do not include Response to Intervention or linking students to in-school supports in their plans. While others have more comprehensive approaches for certain grade levels but lack the coherence of a fully defined plan throughout their elementary and middle grades that ensures all students are benefiting from a holistic approach to social-emotional learning and academic/career counseling.”

Charter schools must comply with the provisions of law and regulation governing other public schools unless it is granted a waiver by a county board for policies that are the policies of the county board and the State Board for policies that are the policies of the State Board. Educ. Art. §9-106(b). A member of the professional staff of a public charter school shall be subject to the same certification provisions established in regulations for the professional staff of other

public schools. Educ. Art. §9-105. A waiver may not be granted from provisions of law or regulation relating to audit requirements, the measurement of academic achievement, or the health, safety or civil rights of a student or employee of the public charter school. Educ. Art. §9-106.

COMAR 13A.05.05.02(A)(15) requires a school counseling program to be provided by a State-credentialed school counselor as described in COMAR 13A.12.03.02 (school counselor certification requirements). The school counseling program set out in COMAR 13A.05.05.02 is comprehensive and includes providing student health and safety services to support student academic success and well-being. The school counseling program enhances awareness of mental health and promotes positive, healthy behaviors; and provides school-based prevention and universal and targeted interventions for students with mental health and behavioral health concerns. It is comprehensive in scope, preventative in design, and developmental in nature. COMAR 13A.05.05.02A(1) through (4). School counseling services are aligned with the social/emotional development domain and are intended to help students acquire the knowledge, attitudes, and interpersonal skills to help them understand and respect self and others; make decisions, set goals, and take the necessary action to achieve goals; and understand safety and survival skills. COMAR 13A.05.05.02C(3).

Certified school counselors have training in social and emotional matters that others do not. COMAR 13A.12.03.02. Specifically, the school counselor certification requires them to have coursework that addresses the need for intervention or referral to indicators of mental illness and behavioral distress such as depression, trauma, violence, youth suicide and substance abuse. COMAR 13A.12.03.02F(2). Given the prevalence of many of these issues among students (and rising issues in the time of the COVID-19 pandemic) and the need for early intervention, we view the regulation for a certified school counselor addresses health and safety issues for students and is not subject to waiver.

### *Student Records Waiver*

BMPCS requests a waiver of COMAR 13A.08.02.04 and 13A.08.02.09 grading and reporting requirements because it is not inputting grades for PreK to 5<sup>th</sup> grade into Infinite Campus, the City School's student records system. City Schools does not support granting a waiver. City Schools states that official reporting and record keeping requirements are core school responsibilities that impact family and student rights to having accurate records of their K12 education. The records follow students from school to school and are often needed for official proceedings on a variety of topics from admissions processes, appeals, to grade reporting, promotion and retention, to custodian care and divorce proceedings. City Schools maintains that BMPCS has not demonstrated that it has an alternative sustainable system of record keeping.

COMAR 13A.08.02.04 requires public schools to maintain records in accordance with the Maryland Student Records Systems Manual ("MSRSM"), and 13A.08.02.09 requires minimum record content as set out in the MSRSM. The MSRSM does not require school systems to report letter grades for students in grades PreK through 5 to the State. In grades 6 through 12 the MSRSM requires local school systems to report final student letter grades in each of the school subjects. Thus, the reporting of grades into Infinite Campus below grade 6 is a City

Schools requirement subject to waiver by the local board, not the State Board. Educ. Art. § 9-106(b)(1).

Therefore, it is this 28<sup>th</sup> day of July 2020, by the Maryland State Board of Education, ORDERED, for these reasons stated above, the waiver requests are denied.

MARYLAND STATE BOARD OF EDUCATION

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Clarence C. Crawford  
President