

IN RE: BALTIMORE CITY
PUBLIC SCHOOLS
CHARTER SCHOOL
WAIVER REQUEST

ORDER OF THE
STATE
SUPERINTENDENT
OF SCHOOLS
Order No. OR20-19

ORDER

On June 17, 2020, Dr. Sonja Brookins Santelises, Chief Executive Officer (“CEO”) of Baltimore City Public Schools (“BCPS”), submitted a letter on behalf of the Baltimore City Board of School Commissioners requesting the State Board to waive Education Article §9-104(a)(1) and (5), to allow the Baltimore City Public Schools to decline to receive, review, and decide charter school applications for the remainder of 2020. In the alternative, the CEO requested a waiver of the 120-day review and decision period for a charter school application. The reason given for the waiver request is that it will be extremely difficult to execute an effective review of charter school applications in the 120-day time-period because of the COVID-19 restraints on normal school system operations.

Education Art. §9-104(a)(1) requires that an application to establish a public charter school be submitted to the local board of education in the jurisdiction in which the public charter school will be located. Education Art. §9-104(a)(5)(i), requires the local board to review the application and render a decision within 120 days of receipt of the application. There is no provision in the charter school law allowing the State Board to grant a waiver of these requirements.

In *City Neighbors v. Baltimore City Bd. of Sch. Comm.*, MSBE Op. No. 04-38 (2004), the State Board required that a charter school application must be reviewed within 120 days and that consideration of the application cannot be deferred until a future date. The legislature intended for local board to proceed with receiving and reviewing charter school applications and it did not authorize the State Board to grant waivers of such a request. In addition, to the extent that this Board has the discretionary authority to waive the statutory requirements under the Governor’s Executive Order No. 20-06-19-01 – “Amending and Restating the Order of March 12, 2020, Extending Certain Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements,” we decline to do so.

Therefore, it is this 25th day of August 2020, by the Maryland State Board of Education, ORDERED, for these reasons stated above, that the waiver request is denied.

MARYLAND STATE BOARD OF EDUCATION

Signature on File:

Clarence C. Crawford
President