

ANDREWS PUBLIC CHARTER SCHOOL,

Appellant

v.

PRINCE GEORGE'S COUNTY
BOARD OF EDUCATION,

Appellee.

BEFORE THE

MARYLAND

STATE BOARD

OF EDUCATION

Opinion No. 10-35

OPINION

Andrews Public Charter School ("Andrews PCS") has a charter school application pending before the Prince George's County Board of Education ("local board") to open and operate a public charter school located on Joint Base Andrews ("Base"), a Federal military base located in Prince George's County. Andrews PCS seeks to establish sixty-five percent (65%) of its enrollment as students with parents assigned to the Base and thirty-five percent (35%) as students with parents who are not assigned to the Base. Therefore, it has requested that the State Board grant a waiver of the requirement that a public charter school be open to all students on a space available basis.

Based on a change in Maryland's public charter school law that went into effect on July 1, 2010, the State Board may grant a waiver from the requirement that a public charter school be open to all students on a space available basis if (1) the public charter school is located on property within a Federal military base in Maryland, and (2) the public charter school will admit students with parents who are not assigned to the base to at least 35% of its total available space. Md. Code Ann., Educ. §9-102.1.

Andrews PCS seeks a waiver from the "open to all students" requirement of §9-102(3) in order to establish an enrollment ratio of sixty-five percent (65%) students with parents assigned to the Base to thirty-five percent (35%) students with parents who are not assigned to the Base. The charter school intends to admit all students on a lottery basis as required by §9-102.1(B) of the Education Article.

It is within the discretion of the State Board to grant the waiver. As set forth below, Andrews PCS has provided legitimate reasons for its waiver request.

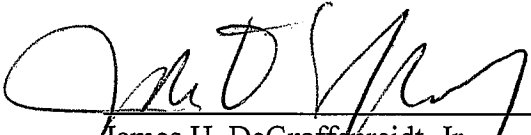
First, Andrews PCS maintains that a waiver allowing the specified enrollment ratio is warranted due to the proposed charter school's unique purpose which is to serve the needs of military students facing the stressors of military life, such as frequent family moves, parental absences, and potential parental loss due to extended war-time deployments. School staff will be trained to recognize and respond to these and other challenges faced by military students. Andrews PCS further maintains that because military students will comprise a significant portion


of the school population, those students will be able to support one another.

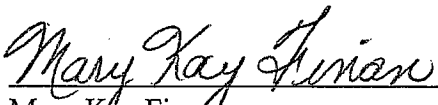
Andrews PCS also argues that the waiver is necessary for security reasons. The Base has an aggressive security policy with mandatory criminal background checks and badging for all non-official visitors. Andrews PCS believes that the thirty-five percent (35%) off-base enrollment ratio will allow the school to serve the community without overtaxing the Base's security forces or compromising Base security.

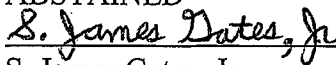
Finally, Andrews PCS explains that the Base will be experiencing significant growth in active duty and Department of Defense civilian population due to BRAC 2005 related moves. It expects that this will result in a growing population of military students. Andrews PCS believes that the establishment of a school serving the military population will alleviate pressure on surrounding elementary schools already coping with the influx of students from the closure of Morningside Elementary School, which was located within a mile of the Base.


For all these reasons, we grant the waiver request.



James H. DeGraffenreidt, Jr.
President


Charlene M. Dukes
Vice President

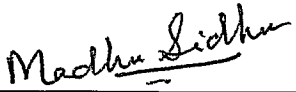

Mary Kay Finan

ABSTAINED

S. James Gates, Jr.

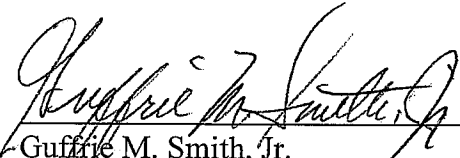

Luisa Montero-Diaz



Sayed M. Naved



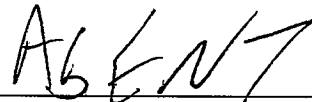
Madhu Sidhu



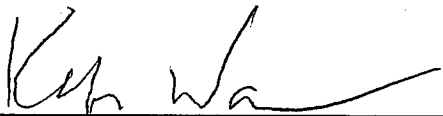
Guffie M. Smith, Jr.



Donna Hill Staton



Ivan C.A. Walks



Kate Walsh

August 24, 2010