

The Global Garden Story

Global Garden began in January of 2009 when two neighbors—parents of elementary-aged children and experienced educators newly employed by MCPS—saw an opportunity to expand the offerings of their excellent local schools. These two founders recruited other parents, educators and public-minded citizens starting in March 2009 and began working towards the establishment of Montgomery County, MD’s first public charter school.

Our group’s vision for Global Garden Public Charter School, the first proposed here in ten years, was a school that would be unique in the county: a K-8 International Baccalaureate school emphasizing an inquiry approach, with a focus on social-emotional learning and foreign language instruction throughout. We also envisioned a deliberately smaller school in a district of what had become very large and often overcrowded elementary and middle schools. With a conviction that the whole child should be at the center of the educational model, we believed that a smaller school could more flexibly and readily respond to a wide range of student needs than traditional public schools.

By August of 2009 a core group of ten had formed a non-profit organization, established a Board of Directors, designated committees, and approved by-laws. By word of mouth and through public meetings at several local libraries, our grassroots group grew to about 40 who researched and debated, planned and drafted, and finally were thrilled to submit a comprehensive 375-page public charter school [application](#) to Montgomery County Public Schools on March 1, 2010. In the meantime Global Garden also completed the rigorous application for the [federal Charter School Program grant](#) administered through the Maryland State Department of Education, whose [Office of School Innovations](#) oversees the state’s charter schools.

By May of 2010, Global Garden had encouragingly been awarded \$550,000 in federal start-up money. However, on June 8 [[link to meeting video](#)], after an application review process that included just one 45-minute face-to-face Q&A session with the MCPS review panel, the Montgomery County Board of Education unanimously voted to accept then [Superintendent Jerry Weast’s recommendation](#) to deny our application to open Global Garden Public Charter School in the fall of 2011.

By this stage in the process, Global Garden’s Board had realized that MCPS was not as open to the charter school concept as we had hoped, and that many in the county—even within MCPS and on the Board of Education—were unfamiliar with [Maryland’s charter school law](#) and with the possibility and promise of public charter schools. In particular, the review panel and the Board did not see the chartering process as one of joint work and collaboration between charter developers and the authorizing school district. Our application was deemed “not ready for prime time.”

From Global Garden’s point of view, MCPS and the Board of Education were similarly “not ready for prime time.” The application and [review process](#), while taken seriously by staff and reviewers, was not conducted according to MCPS’s own regulation and policy, nor with enough knowledge of the process, nor in a spirit of positive encouragement. Further, Global Garden was not afforded sufficient time or opportunity to respond to questions and critiques from the review panel. At the Tuesday, June 8 Board of Education meeting, Global Garden was offered a mere [3 minutes to address the Board](#) through an invitation made on the Friday afternoon before.

Following our denial, Global Garden sought relief through an appeal of the Montgomery County Board’s decision to the Maryland State Board of Education. Finally, long past the 120-day deadline for such appeal decisions, the [State Board issued its opinion in January 2011](#). The State Board was scathing in its assessment of the process followed by MCPS and concluded that Global Garden had indeed been significantly disadvantaged in a number of ways by the MCPS/Montgomery County BoE review process.

Global Garden's hopes that this opinion would require some kind of new review of our application were dashed, however, when the State Board, following requests for clarification on what was required, pulled its punches and asked the Montgomery County Board only for a new decision which more clearly articulated the rationale for denial. The exchanges regarding the meaning of the State Board's opinion lasted throughout early 2011, making it difficult for Global Garden's Board—all volunteers with substantial work and family obligations—to commit to writing a new application with any faith that it would receive a more transparent or fair review the second time around.

On March 28, 2011, the Montgomery County Board voted once again to deny Global Garden's application, but this time Laura Berthiaume, a Board member and lawyer who called herself "chastised" by the State Board's opinion, had done her homework on the Maryland charter law and on MCPS's review process. In a paper [detailing her dissent](#) with the Board's second rejection of the application, she concluded that Global Garden deserved much more than "a legally supportable rationale" for denial. Additionally, Board member Michael Durso voted against a second denial, and all Board members voted in favor of an [amendment to the resolution](#) that provided direct technical assistance to Global Garden as well as an extension of one month to the 2011 application deadline of April 1.

Global Garden eagerly took advantage of the opportunity to meet and ask questions of MCPS staff in early April, but by then there remained only three weeks until the May 1 deadline. Instead of rushing to submit a less than excellent application, Global Garden decided to wait for the results of two further legal actions: another appeal to the State Board of the County Board's second denial, and a petition for judicial review of the State Board's January opinion, which we found to be an enactment of the particular and well-known [weaknesses of the Maryland State Law](#).

At this writing, in January of 2012, all legal proceedings are practically complete. Neither our second appeal to the State Board nor our petition for judicial review has offered any encouragement to continue our efforts as a grass-roots charter development organization in Montgomery County. The State Board's September 2011 opinion on the County Board's second denial maintains its position that the 2009 review process of MCPS and the Board of Education was flawed but not arbitrary, unreasonable or illegal. The Circuit Court's opinion also supports what Global Garden views as a one-sided approach to charter school application review. The judge found that the State Board, though specifically having secondary chartering authority, is not bound to consider the substance of any application even if local board review may have been unfair, and that in our case the local board need not have provided any further "meaningful technical assistance, substantive feedback, and the opportunity to cure deficiencies" than it had already meagerly (in our view) provided.

Accomplishments

While Global Garden has not achieved its ultimate aim—the establishment of a school designed to meet a unique constellation of needs in the county—our Board counts a number of substantial accomplishments.

- Global Garden successfully reopened serious conversation about public charter schools in Montgomery County, a discussion which had not been current since the effort of the Jaime Escalante High School group, which was active 1999-2002. Since Maryland's public charter school law was not established until 2003, Global Garden's application tested the official MCPS charter school review mechanism and brought it to the attention of educators, parents and citizens within and without Montgomery County.
- Global Garden participated in training and conferences offered by the [Maryland Charter School Network](#) and the [National Alliance for Public Charter Schools](#) and engaged the services of Maryland's most experienced charter school consultant. We benefited from contact with charter operators and developers throughout the state, and [we educated and lobbied lawmakers](#) in Annapolis and in Washington, thus connecting Montgomery County with the statewide and national public charter movement.

- The Global Garden project has been the subject of ongoing coverage in both local and national media outlets from the Gazette to the Washington Post to National Public Radio. Our case has inspired editorials, regular education columns, letters and articles [links to media page]. Through our own small-scale, word-of-mouth publicity and this media coverage, we have successfully introduced the concept of public charter schools to a considerably widened audience in Montgomery County, helping to move the discussion here away from “One Size Fits All” public education.
- After many months, Global Garden received its tax-exempt determination from the IRS, helping—along with many similar charter development groups around the country—to expand the IRS’s perception of such organizations. While our charter applications are under consideration, we are not schools, and yet we are public educational charities which deserve to receive contributions as tax-exempt non-profit organizations.
- Perhaps most importantly, Global Garden’s application and our subsequent insistence on a more fair and transparent review process have resulted in major changes to the [MCPS Charter School Regulation and Application](#). In early 2010, MCPS established a [website for charter developers](#) and for the first time made the charter school application document available online. Technical assistance sessions were scheduled (during workday hours, unlike most other MCPS sessions which the public is encouraged to attend) and posted. While the new process still excludes any opportunity for feedback and revision during the review period—leaving denial and reapplication as the only way to cure deficiencies—there is increased clarity for applicants.
- In sum, we have played a major role in paving the way for other charter development groups who envision alternative school options and may find ways to work more collaboratively with MCPS and the Board of Education. For them, we catalog the following.

Obstacles to Success

- Both MCPS, under the leadership of Dr. Weast, and the current Montgomery County Board of Education were not welcoming to grassroots charter development groups like Global Garden. While no one who cares about children wants a mediocre charter school option, it simply isn’t possible, without considerable collaboration with MCPS, for such a development group to present a flawless application. Nor does the Maryland law envision such a situation, and for this reason districts utilize conditional approvals as well as the mandated charter negotiation process as a means of coming to agreement on what will be an excellent public charter school.
- The position of many members of the Board of Education has been particularly difficult. While taking positions that are outrightly hostile to public charter schools (in the case of some members), this body makes the final decision on public charter school applications. However, the Board's stance in response to requests for conversation was that they were unavailable for dialogue prior to submission, because we would be applicants; unavailable for dialogue during review, because we were under review; and unavailable for dialogue after denial because we were in appeal. If this is the case, when do charter developers have any opportunity to discuss their vision with their elected officials?
- Throughout Maryland, the question of charter school facilities is a knotty one. It is difficult for authorizers to approve applications for schools that do not yet have a facility, and it’s next to impossible for schools without approval to secure a facility. In March 2011 the Maryland charter school law was successfully amended to ameliorate this situation slightly, but it remains that the only charter school application approved in Montgomery County has been from an established nonprofit organization with a facility at its disposal.
- Despite some improvements, the Maryland charter school law remains fundamentally flawed, in that it provides for only one charter school authorizer in any given county—the local school district itself. As has been widely noted, this is like Miss Marian’s Independent Bookstore having to rely on Barnes and Noble’s permission to set up shop down the street. This difficulty is compounded if local districts are

not required to select a wide range of knowledgeable reviewers, and if the State Board may decline to review applications on their merits, deferring to local judgment. Maryland's law needs revision and clarification if grassroots groups are ever to have a fair chance of success, particularly in districts that are considered top performers. [At this writing another bill has been introduced in the Maryland General Assembly by public charter champion Jolene Ivey of Prince George's County. HB 1218 amends the law to make the State Board of Education itself an additional authorizer, among other changes.]

- Similarly, until it is understood that autonomy in decision-making at the school level is what makes a public charter school an effective option—including the most important decision of who will lead the school—there is little point in striving to establish a charter school. MCPS shows no signs of allowing that essential autonomy as evidenced in the [negotiation of the approval](#) of Community Montessori Public Charter School.
- There is an essential conflict in the position of MCEA--the teachers' union--with regard to charter schools. MCEA leadership serves, by policy, on the "internal review panel" for charter school applications to MCPS and yet is also obligated to represent teachers who may be charter school applicants. This dual role needs analysis and clarification.

Global Garden's Future

Both the previous and current educational leadership in Montgomery County have suggested that a public charter school must "add value" to the system and be "unique." We agree wholeheartedly, but we believe that there are many ways to add value, particularly in such a large and successful school system. Certainly it would seem that offering a school option that is structured substantially differently from existing public schools—small, K-8, based on a progressive inquiry model—would add value to the system. The Global Garden plan to offer substantial foreign language instruction as part of its program would have in itself met the needs of the many families on waiting lists for the county's seven elementary immersion programs.

Global Garden entered into this project hoping for a challenging and rewarding dialogue with our school system. Our experience has been otherwise, and our investment as individuals and as an organization has been hugely demanding. For now, until the climate for grassroots charter development groups moves from adversarial to collaborative, we are suspending our efforts.

That said, change may be in the air, and we are hopeful that in the future our vision for Global Garden Public Charter School may have a place in the county. As you read this, whether you are parent, educator, or public-minded citizen, please know that if you have a compelling vision for a high-quality public charter school in Montgomery County, Global Garden Public Charter School, Inc. remains a viable, tax-exempt nonprofit organization of people who will step forward to support you in any way possible.

The Board of Directors, Global Garden Public Charter School, Inc.
April 2012