

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

BETHEL MINISTRIES, INC.,)	
)	
)	
<i>Plaintiff,</i>)	
)	Case No. 1:19-cv-01853-ELH
DR. KAREN B. SALMON, et al.)	
)	
)	Oral Argument Requested
<i>Defendants.</i>)	
_____)	

PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff, by and through its counsel, files this Motion pursuant to Rule 65 of the Federal Rules of Civil Procedure, and asks the Court to enter a preliminary injunction prohibiting Defendants DR. KAREN B. SALMON, in her official capacity, and MATTHEW GALLAGHER, in his official capacity, and Defendants MARVA JO CAMP, LINDA EBERHART, DR. NANCY S. GRASMICK, ELIZABETH A. GREEN, BETH SANDBOWER HARBINSON, and DR. A. SKIPP SANDERS, in their official capacities as members of the BOOST Advisory Board, from enforcing or applying their nondiscrimination requirements against Plaintiff BETHEL MINISTRIES, INC., and states as follows:

1. The Facts of this case are as stated in Bethel’s Verified Complaint, which is incorporated herein by reference.
2. Rule 65 of the Federal Rules of Civil Procedure authorizes the District Court to grant preliminary injunctive relief.
3. Plaintiff is likely to succeed on the merits of its Free Exercise and Free Speech claim.

4. Plaintiff is suffering, and will continue to suffer, irreparable harm without an injunction.
5. The Defendants will not be harmed by the issuance of an injunction.
6. Issuance of an injunction is in the public interest as the protection of Plaintiff's constitutional rights are of the highest public importance.

WHEREFORE, Bethel respectfully requests that this Court issue a Preliminary Injunction to enjoin the Defendants, Defendants' officers, agents, employees, and all others persons acting in concert with them, from enforcing their nondiscrimination requirement.

Dated this 31st day of October, 2019.

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**Appearing Pro Hac Vice*

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**Memorandum of Law Supporting Plaintiff's
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INTRODUCTION

Underprivileged students are being denied access to a quality, faith-based education solely because Bethel Christian Academy holds religious beliefs disfavored by Defendants. Defendants at the Maryland State Department of Education (MSDE) and the Broadening Options and Opportunities for Students Today (BOOST) Advisory Board operate Maryland's BOOST voucher program, which provides scholarships for low-income K-12 students to attend eligible nonpublic schools. But Defendants excluded Bethel from that program because they disagree with the church-run school's religious beliefs and conduct policies.

Bethel fully complied with the BOOST program requirements that were in effect during the two years it participated in BOOST: it violated no policy and excluded no student. The school's sole "offense" is holding Christian beliefs about marriage and biological sex, communicating those beliefs in its handbook, and requiring all students to respectfully conduct themselves consistently with those beliefs. Nevertheless, in violation of BOOST's plain language and its explicit protection against requiring a school "to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings," Defendants expelled Bethel from the voucher program. They now demand a \$102,600 penalty. Worse, financially vulnerable students who relied on BOOST to access a quality, faith-based education were forced to leave Bethel—or are deterred from attending Bethel—because the school can no longer receive their vouchers. Bethel therefore seeks an injunction to stop the violation of its constitutional rights, to enjoin the clawback, and to be readmitted to the BOOST voucher program.

Two BOOST nondiscrimination provisions are at issue in this case: (1) the ban on sexual orientation discrimination in admissions, which was in effect when Bethel was kicked out of BOOST in 2018; and (2) the added ban on gender identity or expression discrimination in student

admissions, retention or expulsion, or any other circumstance, which took effect in the fall of 2019, and was applied to Bethel. Bethel challenges both.

First, Bethel challenges Defendants' application of the BOOST sexual orientation nondiscrimination in admissions provision (the "Old Policy") because Bethel did not violate it, the Policy itself protects Bethel from being forced to adopt policies that violate its faith, and because applying the Policy to Bethel violates its constitutional rights. Bethel has not, and will not, discriminate against any student based on sexual orientation, either in admissions or beyond. All students are held to the same conduct standards: namely, that *no* student—regardless of sexual orientation, identification, or attraction—may engage in any sexual communication or conduct of any kind while at school. These requirements make sense, given that Bethel serves minor children under Maryland's age of consent.

Defendants, in disqualifying Bethel from BOOST, could not point to any applicant denied admission to Bethel based on sexual orientation (because there is none). Nor could they identify a Bethel admissions policy that explicitly excludes applicants based on sexual orientation (because there is none). Defendants ignored Bethel's repeated certifications that it does not discriminate in admissions based on sexual orientation. Defendants ignored Bethel's clear explanation of its policies, substituting their own theological interpretation of Bethel's beliefs. And Defendants ignored the plain limitation of the old BOOST policy to *admissions*, as well as the explicit safe harbor for religious policies. And now, without any wrongdoing by Bethel, Defendants demand a \$102,600 penalty that is premised upon an unconstitutional application of the Old Policy.

Second, Bethel also challenges the new BOOST gender identity and expression nondiscrimination provision (the "Policy"). The Policy does not define "gender identity or expression," so it is unclear whether the terms conflict with Bethel's student conduct policies.

Bethel discriminates against no one. Its conduct policies apply equally to every student and only when at school. But Defendants claim that Bethel's student conduct requirements do violate the Policy. *See* Defs.' Mem. in Supp. of Mot. to Dismiss at 31-32. And they applied this Policy to Bethel more than a year before it was in effect. *See* Defs.' Reply in Supp. of Mot. to Dismiss at 8-9 (stating that it was proper to consider gender expression while evaluating sexual orientation). In disqualifying Bethel, Defendants pointed to Bethel's beliefs about *biological sex* as evidence that Bethel violated the ban on *sexual orientation* discrimination in admissions.

Bethel welcomes all students, regardless of whether they experience gender dysphoria. And all students are expected to comply with the same conduct requirements. At school, students must identify with, adhere to the dress code of, and use the private facilities provided for their biological sex. These conduct requirements are compelled by Bethel's deeply held religious beliefs about biological sex. Bethel makes decisions based on a student's conduct at school, not their internal self-perception. But the amended Policy forces Bethel to choose between complying with its faith-based policies or participating in BOOST. And forcing Bethel to change its beliefs and faith-based policies as a condition of participating in BOOST violates not only the Policy's safe harbor for religious policies, but also the school's constitutional rights. Thus, Bethel is entitled to an injunction to block the unconstitutional application of the Policy and to readmit Bethel to BOOST.

Bethel has a substantial likelihood of success on the merits. Defendants' actions violate the Free Exercise clause. A decision whose object "is to infringe upon or restrict practices because of their religious motivation" is not neutral and is subject to strict scrutiny. *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993). This concern is particularly acute where the government is "targeting religious beliefs as such." *Id.* Defendants' enforcement is subject to strict scrutiny in three independent ways because it targets religious beliefs about

marriage and biological sex, *Lukumi*, 508 U.S. at 520, is based on impermissible hostility towards those beliefs, *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719, 1729 (2018), and expressly discriminates against Bethel because of those religious beliefs, *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2021 (2017).

Defendants excluded Bethel from BOOST based solely on the religious beliefs and conduct policies in its handbook, offered to reinstate Bethel if it removed its offensive beliefs from its handbook, and provided examples of how other schools censored their beliefs and faith-based policies to regain BOOST eligibility. In so doing, Defendants ignored BOOST's religious policy protection and its plain limitation to the admissions process. And without any evidence of discrimination or even harm, Defendants elected to retroactively demand a clawback of \$102,600 in previous scholarship awards. These actions demonstrate religious targeting and express discrimination based solely on Bethel's religious beliefs and character.

Additionally, Defendant Gallagher, Chair of the BOOST Advisory Board, made several derisive remarks about Bethel's beliefs. These remarks demonstrate religious hostility that is inappropriate for a Board charged with the solemn responsibility of fair and neutral enforcement of Maryland law. Gallagher also deviated from the requirements of the Open Meetings Act, and irregularities in the decision-making process are highly probative of discriminatory motives. *Jesus Christ is the Answer Ministries, Inc. v. Baltimore Cnty., Maryland*, 915 F.3d 256, 263-64 (4th Cir. 2019), *as amended* (Feb. 25, 2019).

Defendants' actions do not stand up to strict scrutiny. They have no compelling governmental interest in overstepping the law or punishing beliefs that the law protects. Nor is there a compelling government interest in forcing Bethel to violate its faith to continue teaching BOOST students. Defendants' censorship of disfavored views undermines the State's asserted

interest in maintaining a diverse array of educational options for its most needy students. A less restrictive alternative is also readily available: allowing students to choose to attend, or not attend, whatever school promotes their values.

Similarly, Defendants' actions violate First Amendment free speech protections. They engaged in unconstitutional content- and viewpoint-based discrimination, because they targeted speech based on its message and the "particular views taken by speakers on a subject." *Rosenberger v. Rector & Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). Likewise, Defendants "may not place a condition on the receipt of a benefit or subsidy that infringes upon the recipient's constitutionally protected rights, even if the government has no obligation to offer the benefit in the first instance." *Agency for Int'l Dev. v. AOSI*, 570 U.S. 205, 212 (2013).

Bethel also satisfies the remaining preliminary injunction factors. Each school year Bethel is excluded from BOOST represents missed ministry, income, and educational opportunities—opportunities which can never be reclaimed. Nine students have been forced to leave Bethel because they can no longer use their vouchers there. One additional student is facing their last year at Bethel unless it is readmitted to BOOST. And at least 22 prospective students have been forced to turn elsewhere because of insufficient financial aid. Moreover, Bethel's educational endeavors will be severely affected if it is forced to pay the six-figure penalty, but Defendants will suffer no harm if they are denied a \$102,600 windfall and forced to fairly apply the relevant law. Finally, "upholding constitutional rights surely serves the public interest." *Giovani Carandola, Ltd. v. Bason*, 303 F.3d 507, 521 (4th Cir. 2002). So too is ensuring that students can maintain access to a quality education of their choice. Bethel therefore seeks an injunction to stop the unconstitutional application of the BOOST nondiscrimination requirements to Bethel, to stop the \$102,600 clawback, and to readmit Bethel to the BOOST voucher program.

STATEMENT OF FACTS

A. Bethel Ministries, Inc. and Bethel Christian Academy

Plaintiff Bethel Ministries, Inc. is a Pentecostal Christian church that has served the Baltimore area for nearly 100 years. Declaration of Pastor Johnny Green (Green Decl.) ¶ 2. Bethel Ministries desires to share Christ’s love with others in its community, and is committed to being “a place of diversity” that serves people of all ages and from all walks of life. *Id.* ¶¶ 4–6.

To that end, Bethel Ministries serves its community by operating Bethel Christian Academy. Founded in 1984, Bethel Christian Academy is a private Christian school for preschool through 8th grade. Declaration of Principal Claire Dant (Dant Decl.) ¶ 2. Its mission is “to create an authentic Christian learning community to train students to know, love, and serve the Lord Jesus Christ, and to equip them spiritually and academically to be lights to the world.” *Id.* at ¶ 3; *see also* Ex. 1 at 0010.¹ Bethel accomplishes this by producing academically equipped graduates who “demonstrate their commitment to Christ by exhibiting love toward others, strong biblical convictions, and a desire to impact the world for Him.” Dant Decl. ¶ 5; *see also* Ex. 1 at 0010. In this way, Bethel is fulfilling its mission to show the love of Christ to others.

Bethel Christian Academy serves an ethnically and socioeconomically diverse student population. In the 2018–2019 academic year, Bethel enrolled 281 students in preschool through eighth grade. Dant Decl. ¶ 43. Over 85% of Bethel students are non-white, and represent approximately 40 different countries. *Id.* at ¶ 6. Admission into Bethel is competitive. It is based on a skills assessment or formal entrance exam, an evaluation of previous grades and behavior, and a pre-enrollment interview with the parents and student. *Id.* at ¶ 7; *see also* Ex. 1 at 0008.

¹ For the Court’s convenience, Bethel has reattached to this Motion the exhibits originally filed with its Complaint as originally numbered. Exhibits 1-8 to Plaintiff’s Motion for Preliminary Injunction are identical to Exhibits 1-8 to Plaintiff’s Complaint. Exhibits 9-15 are new additions to the record.

Bethel does not ask about, or consider, sexual orientation or gender identity in its admissions decisions. Dant Decl. ¶¶ 8-9. Bethel also does not require that families be professing Christians in order to enroll their children in the school. *Id.* ¶ 11; *see also* Ex. 1 at 0008. Families from all walks of life are welcome. But students are expected to comply with Bethel’s faith-based conduct policies while at school. Dant Decl. ¶ 12.

As a church-run school, Bethel “exists unashamedly for the purpose of reaching families with the gospel of Jesus Christ and training and equipping young people to serve Him.” *Id.* ¶ 4; *see also* Ex. 1 at 0008. To that end, Bethel included a nondiscrimination statement in its Parent-Student Handbook. The 2017–2018 Handbook states, in full, that:

Bethel Christian Academy admits students of any race, color, and national or ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

It should be noted, however, that Bethel Christian Academy supports the biblical view of marriage defined as a covenant between one man and one woman, and that God immutably bestows gender upon each person at birth as male or female to reflect His image. (Gen. 1:27, Gen. 2:23-24) Therefore, faculty, staff, and student conduct is expected to align with this view. Faculty, staff, and students are required to identify with, dress in accordance with, and use the facilities associated with their biological gender.

Ex. 1 at 0008; *see also* Dant Decl. ¶ 25. Bethel’s handbooks for the 2016–2017 school year and subsequent years are substantially similar. Dant Decl. ¶ 24. Its current handbook for the 2019-2020 school year is attached as Exhibit 9. Its current statement of nondiscrimination reads:

Bethel Christian Academy admits students of any race, color, and national or ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

Ex. 9 at 0100. Bethel’s student conduct expectations (the second paragraph of the 2017-2018 Handbook cited above) are now found in the student conduct policy portion of its 2019-2020

Handbook. Dant Decl. ¶ 12; *see also* Ex. 9 at 0126-0129. Among other expectations, Bethel requires its students—who are in preschool through 8th grade—to refrain from engaging in sexual communications or conduct of any kind. *See* Dant Decl. ¶ 13; *see also* Ex. 3 at 0070; Ex. 5 at 0074; Ex. 9 at 0128. These conduct requirements are based on Bethel’s religious beliefs, and apply equally to all students, without regard to sexual orientation, sexual attraction, or sexual identification. *See* Dant Decl. ¶¶ 13-14. Bethel also requires students to identify with, dress in accordance with, and use the facilities provided for, their biological sex while at school. *See id.* at ¶ 15; *see also* Ex. 1 at 0008; Ex. 9 at 0128. These conduct requirements are also based on Bethel’s religious beliefs. *See* Dant Decl. ¶ 15.

B. The BOOST Program

In 2016, the Maryland legislature established the BOOST Program. S.B. 190 at 128–35 (2016), <http://mgaleg.maryland.gov/2016RS/bills/sb/sb0190E.pdf> (last visited Oct. 25, 2019). BOOST provides scholarship vouchers that allow eligible low-income K-12 students to attend an eligible nonpublic school of their choosing. *See* Dant Decl. ¶¶ 17, 19; *see also* Ex. 2 at 0061.

The Maryland State Department of Education (MSDE) administers the program. *See* Ex. 2 at 0061. For a school to receive BOOST vouchers, the school must participate in MSDE’s Aid to Non-Public Schools Program for textbooks and computer hardware, administer student assessments, and not discriminate against students on certain grounds. *Id.* at 0061-63. For the 2016–2017 and 2017–2018 school years (the two years Bethel participated, Dant Decl. ¶ 17), the legislature required that the school:

not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings. However, all participating schools must agree that they will not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation.

Ex. 2 at 0062.² The legislature did not present any legislative findings or rationales for the Old Policy, nor did it define “sexual orientation” or “discriminate.” *See id.* at 0061-67. Additionally, the legislature created a BOOST Advisory Board to “review and certify the ranked list of applicants and [] determine the scholarship award amounts.” *See id.* at 0063. The Board also provides an annual report to the state budget committees that assess the program based on the number of scholarship recipients, the amount of the scholarships, the schools attended, and student test results. *Id.* at 0065-66. Defendant Gallagher is the Board Chair, and Defendants Camp, Eberhart, Grasmick, Green, Harbinson, and Sanders are Board members. Pl.’s Compl. at ¶¶ 24-25. Defendant Karen B. Salmon is the State Superintendent of Schools at MSDE, which administers BOOST. *Id.* at ¶ 23.

During the two years Bethel participated in BOOST, Defendants accepted Bethel’s signed assurance that Bethel does not discriminate in admissions based on an applicant’s sexual orientation. Bethel also met and complied with all of MSDE’s other eligibility criteria for participating in BOOST. *See* Dant Decl. ¶ 19. Seventeen Bethel students received BOOST scholarships in 2016-2017, and eighteen students in 2017-2018. *See* Ex. 7 at 0079.

MSDE also runs two other scholarship programs: the Aid to Non-Public Schools Program and the Nonpublic Aging Schools Program, which provide textbooks and computers to students and funding for aging buildings. Ex. 2 at 0059. Participation in the textbooks program is a prerequisite for participating in BOOST. *Id.* at 0062. Similarly, participation in the textbooks program is a requirement for participating in the aging schools program. *See* S.B. 191 at 9-10 (2016), <http://mgaleg.maryland.gov/2016RS/bills/sb/sb0191E.pdf> (last visited Oct. 25, 2019).

² This sexual orientation nondiscrimination provision is also in effect for the 2019-2020 school year, although the legislature expanded it to cover additional protected classes and to prohibit additional conduct. *See* Facts Sec. E, *infra*.

Bethel participated in all three of these programs for the 2016–2017 and 2017–2018 school years. Because Bethel has been disqualified from BOOST, it is currently unable to participate in any. *See* Dant Decl. ¶¶ 35-36.

C. Defendants enforced the BOOST Policies against Bethel based on Bethel’s religious beliefs.

In a fall 2017 letter, Defendant Gallagher warned BOOST schools to review their “moral and religious position on non-discrimination, particularly on sexual orientation” and threatened that if “you sign the assurance but continue a discriminatory practice, the consequences are severe.” *See* Dant Decl. ¶ 20; *see also* Ex. 10, Oct. 13, 2017, Gallagher Letter to BOOST Schools. In December 2017, the Board requested the student handbooks of BOOST schools, and Bethel complied. *See* Dant Decl. ¶¶ 21-23. The Board had not previously conducted any such investigations and, for the past two years, had accepted these schools’ assurances of compliance. *See id.* ¶ 22.

On March 5, 2018, MSDE asked Bethel how its statement on marriage and biological sex was consistent with its assurance that Bethel does not discriminate in admissions based on sexual orientation. *See* Dant Decl. ¶ 26; *see also* Ex. 11, Mar. 5, 2018, MSDE Letter to Bethel at 0158-0159. Bethel responded that it “does not ask any questions about sexual orientation at all during the admissions process and is willing to enroll any student who meets and the academic criteria and whose past school conduct has not been demonstrably disruptive in a previous school.” Dant Decl. ¶ 27; Ex. 3 at 0070. Bethel also explained that admitted students—who are under Maryland’s age of consent—are disallowed from “engaging in sexual behavior of any type, whether heterosexual or homosexual” and reiterated that Bethel’s religious beliefs on marriage and gender were compliant with the Policy. *See* Dant Decl. ¶ 28; Ex. 3. at 0069–70; Ex. 1 at 0035; *see also*

Md. Crim. Law § 3-307 (establishing criminal penalties for sexual contact with victims under 14 years, or 14-15 years old, depending on the perpetrator's age).

On May 2, 2018, Bethel submitted a statement to the BOOST Board. It reiterated that Bethel welcomes any student who meets its academic standards, regardless of sexual orientation. *See* Dant Decl. ¶ 28; Ex. 4 at 0072. It noted that BOOST explicitly prohibited Defendants from “requir[ing] any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings.” *Id.* And it emphasized that “[a] statement of policy regarding *student conduct*” is irrelevant to admissions decisions. *Id.* (emphasis in original).

On May 3, 2018, the Board met and discussed Bethel's BOOST eligibility. At that meeting, Gallagher made several hostile remarks toward Bethel's religious beliefs. One Board member cautioned against pursuing a clawback because the Board had already authorized two years of scholarships before the schools were “caught up” in the Board's new investigation. Gallagher interjected, sneered, and stated, “You mean caught up with the fact that they signed an assurance illegally?” *See* May 3, 2018, BOOST advisory board meeting Video at 17:19–26 *available at* <https://vimeo.com/368387715/85b45d8b3b> (last visited Oct. 25, 2019).³

At that same meeting, Gallagher also promoted an *ultra vires* interpretation of the Old Policy that reached beyond the law's plain text and ignored the explicit religious conscience protection. Gallagher stated that Bethel's “biblical view of marriage” and gender were

³ Plaintiff hired a videographer to record the May 3, 2018, BOOST advisory board meeting, which is available here: <https://vimeo.com/368387715/85b45d8b3b>. That video was later transcribed, and the transcription is attached as Exhibit 12. MSDE also made available an audio recording of the May 3, 2018, BOOST advisory board meeting at this link: <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting050318.mp3> (last visited Oct. 25, 2019). Timestamps between the video and audio recording vary slightly, with the video timestamps being a few minutes later than the audio timestamps. Plaintiffs cite to the video recording throughout this Memorandum.

“problematic” because it “*affords them the opportunity* to discriminate.” *See id.* at 1:18:29-1:19-22.⁴ He even suggested that Bethel’s policy on biological sex violated the sexual orientation nondiscrimination requirement. *See id.* Other Board members did as well. *See id.* 1:26:17-1:27:00.

Gallagher’s position was so extreme that Green at one point asked: “At what point are we excluding...a certain category of religious institution period—no matter what, no matter how they try to abide by the rules....” *See id.* 1:19:45—58.⁵ But Gallagher did not “think the burden [for compliance] should be on the Board. I mean, I think, you know, you’re either not discriminating or you’re leaving the door open to discriminating.” *See id.* at 1:16:40-1:17:00.⁶

At the end of the meeting, the Board decided to ask Bethel for more information. MSDE representative Monica Kearns told Bethel that Defendants would probably not determine Bethel’s eligibility before the May 21, 2018, BOOST application deadline for schools—jeopardizing Bethel’s ability to participate in BOOST the following school year. *See* Dant Decl. ¶ 29. MSDE also informed Bethel that it would condition Bethel’s participation in the textbooks aid program on Bethel’s eligibility for BOOST. *See id.* ¶ 30.

On May 25, 2018, MSDE sent Bethel a letter that asked: “1) Does your school discriminate in student admissions on the basis of sexual orientation? 2) If your school was to discover that one

⁴ *See also* Ex. 12, May 3, 2018, Transcript at 55:19-56:07; *see also* May 3, 2018, BOOST advisory board meeting audio at 1:14:41-1:15:34 <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting050318.mp3> (last visited Oct. 25, 2019).

⁵ *See also* Ex. 12, May 3, 2018, Transcript at 56:13-56:15; *see also* May 3, 2018, BOOST advisory board meeting audio at 1:16:00-1:16:17 <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting050318.mp3> (last visited Oct. 25, 2019).

⁶ *See also* Ex. 12, May 3, 2018, Transcript at 54:21-54:24; *see also* May 3, 2018, BOOST advisory board meeting audio at 1:12:51-1:13:03 <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting050318.mp3> (last visited Oct. 25, 2019).

of its students was in violation of the school's religious or moral teachings concerning sexual orientation, what would the school do to address it?" Dant Decl. ¶ 31; *see also* Ex. 13, May 25, 2018, MSDE Letter to Bethel at 0247. Bethel responded and attached its previous statements to MSDE. Dant Decl. ¶ 32; *see also* Ex. 5 at 0074. The school reiterated that "[a]ny student who can meet our academic standards and is likely to thrive in our structured environment is welcome to join our school community regardless of religious beliefs, experience of same-sex attraction, sexual self-identification, past participation in same-sex behavior, beliefs about marriage, or beliefs about sexual morality." *Id.* And Bethel made clear that if a student violates the conduct policy, its objective is to work with the student to bring that student back into compliance. *See id.*

On June 21, 2018, the Board considered Bethel's eligibility, but did not do so in open session. Instead, it went into closed session to discuss Bethel.⁷ Gallagher failed to prepare a written statement, identify the relevant section of the Act authorizing the closed session, or limit its discussion to the receipt of legal advice as required by the Act. *See* June 21, 2018, BOOST advisory board meeting Video 2 at 3:50-6:13, available at <https://vimeo.com/368412643/4e12ceb4b2>;⁸ *see*

⁷ Plaintiff hired a videographer to record the June 21, 2018, BOOST advisory board meeting, which is available in two parts here: Video 1 at <https://vimeo.com/368402663/ff91451a6c> (before closed session) and here: Video 2 at <https://vimeo.com/368412643/4e12ceb4b2> (after closed session). Those videos were later transcribed and are attached as Exhibit 14. MSDE also made available an audio recording of the June 21, 2018, BOOST advisory board meeting in two parts at these links:

<http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting%2006212018Audio1.mp3> (before closed session) and

<http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting%2006212018Audio2.mp3> (after closed session) (both links last visited Oct. 25, 2019). Timestamps between the video and audio recordings vary slightly. Plaintiff cites to the video recordings throughout this Memorandum.

⁸ *See also* Ex. 14, June 21, 2018, Transcript at 53:06-54:16; *see also* June 21, 2018, BOOST meeting audio recording 2 at 3:57-6:17, available at <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting%2006212018Audio2.mp3> (last visited Oct. 25, 2019).

also Md. Code GP § 3-305(b)(7). Open Meetings Act violations are subject to judicial review and may result in a fine or the action in question being voided. Md. Code GP §§ 3-401, 3-402; *Cnty. & Labor United For Baltimore Charter Comm. (CLUB) v. Baltimore City Bd. Of Elections*, 832 A.2d 804, 811 (Md. 2003). Underscoring this unusual step, Gallagher declared that “through 3 years that all of our meetings have been open” and that this was the first closed session for the Board in its existence. *See* June 21, 2018, BOOST advisory board meeting Video 1 at 1:07:26-1:07:36, available at <https://vimeo.com/368402663/ff91451a6c>.⁹ After the closed session, the Board emerged and voted to exclude Bethel from BOOST without any explanation, justification, or deliberation in open session. *See* June 21, 2018, BOOST advisory board meeting Video 2 at 3:50-6:13, available at <https://vimeo.com/368412643/4e12ceb4b2>.¹⁰

Weeks later, Gallagher sent Bethel a letter informing Bethel that its statement on marriage and biological sex violated the Policy. Dant Decl. ¶ 33; *see also* Ex. 6 at 0076. The letter said nothing about the possibility of a clawback. That letter explained that “disciplin[ing] or expel[ling] a student because of the student’s sexual orientation” violates the Policy because it “would make acceptance at the school illusory (i.e. a sham admission).” Ex. 6 at 0077. Gallagher also stated that any “discipline policy that, on its face, singles out conduct or behavior based on the sexual orientation of the student” violates the Policy, but that a discipline policy that is silent as to sexual orientation is compliant. *Id.* Gallagher ignored BOOST’s religious policy protection.

⁹ *See also* Ex. 14, June 21, 2018, BOOST meeting Transcript at 49:01-49:03; *see also* June 21, 2018, BOOST meeting audio recording 1 at 1:07:22-1:07:33, available at <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting%2006212018Audio1.mp3> (last visited Oct. 25, 2019).

¹⁰ *See also* Ex. 14, June 21, 2018, BOOST meeting Transcript at 53:06-54:16; *see also* June 21, 2018, BOOST meeting audio 2 at 3:57-6:17 available at <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting%2006212018Audio2.mp3> (last visited Oct. 25, 2019).

D. Bethel and its students were harmed by being kicked out of BOOST.

Bethel attempted to provide its own scholarships to impacted BOOST students. Dant Decl. ¶ 37. But it could not completely compensate for the loss of BOOST vouchers. *Id.* At least six Bethel students were forced to leave Bethel before the 2018–2019 school year. *Id.* ¶ 38. In the 2019-2020 school year, Bethel lost another three students due to lack of BOOST—their families could no longer stretch financially to afford Bethel. *Id.* at ¶ 40. One additional student is facing their last year at Bethel unless it is readmitted to BOOST. *Id.* at ¶ 42. And 22 prospective students have been forced to turn elsewhere because of insufficient financial aid to attend Bethel, including BOOST vouchers. *Id.* at ¶¶ 39, 41. As a result of being kicked out of BOOST, Bethel was also disqualified from the textbooks and aging schools aid programs. *Id.* at ¶ 35. Bethel has been forced to forgo hiring teachers, backfilling positions, and updating student education equipment as a result of its inability to participate in MSDE’s nonpublic school programs. *Id.* at ¶ 36.

Several months later, on December 12, 2018, MSDE sent Bethel a letter demanding repayment of \$102,600 in past BOOST scholarships for the 2016–2017 and 2017–2018 school years. *Id.* at ¶ 44; Ex. 7 at 0079. The letter stated that on June 21, 2018, the Board made a “determination that the Bethel Christian Academy student handbook contained statements that violated the non-discrimination in admission requirement set forth in the BOOST law.” *Id.* The letter also stated that Bethel had been in violation of the BOOST nondiscrimination provisions for the past two school years, and that it thus owed MSDE \$102,600. *Id.* Pursuing the clawback was not required but the Board chose to do so regardless. *See* May 3, 2018, video at 3:24-36.¹¹ Failure to pay the clawback results in a referral to collections. *See id.* at 9:01-24.¹²

¹¹ *See also* Ex. 12, May 3, 2018, Transcript at 4:07-4:09; audio provided by MSDE begins after the meeting has started, so this section of the meeting is not on the MSDE recording.

¹² *See also* Ex. 12, May 3, 2018, Transcript at 8:17-8:24; *see also* May 3, 2018, BOOST advisory board meeting audio at 5:10-5:35,

On February 28, 2019, MSDE “offered” to let Bethel regain its eligibility by deleting the beliefs that MSDE found objectionable from Bethel’s student handbook. Dant Decl. ¶ 45; Ex. 15, Feb. 28, 2019, MSDE Letter at 0313-0314. Defendants even sent examples of how other schools had censored their beliefs to participate in BOOST. Dant Decl. ¶ 47; *see also* Ex. 8. Though Bethel communicated with MSDE throughout the spring, it found no workable solution. Dant Decl. ¶ 46. And as MSDE informed Bethel, there was no way to appeal the Board’s decision. *Id.* ¶ 34.

E. Maryland expanded the BOOST Policy to cover disciplinary actions and gender identity and expression.

On March 26, 2019, the Maryland legislature amended the BOOST nondiscrimination requirement. The Policy expanded the regulations beyond admissions and sexual orientation. Under the amended Policy, a BOOST school may not:

discriminate in student admissions, retention, or expulsion or otherwise discriminate against any student on the basis of race, color, national origin, sexual orientation, or gender identity or expression. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings.

2019 Md. Laws ch. 565 at 151. Importantly, the legislature retained the religious accommodation.

To compare the Policies, Plaintiff provides the following chart:

2017-2018 BOOST Policy (Old Policy)	2019-2020 BOOST Policy (Amended Policy)
<p>A nonpublic school may “not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings.”</p> <p>Ex. 2, H.B. 150 at 0062</p>	<p>A nonpublic school may “not discriminate in student admissions, retention, or expulsion or otherwise discriminate against any student on the basis of race, color, national origin, sexual orientation, or gender identity or expression. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings.”</p> <p>2019 Md. Laws ch. 565 at 151</p>

<http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting050318.mp3> (last visited Oct. 25, 2019).

The amended Policy does not define “gender identity or expression,” “sexual orientation,” or the phrase “otherwise discriminate.” *See* 2019 Md. Laws ch. 565 at 151. Nor is it clear from the context how the Defendants intend to interpret those provisions.

ARGUMENT

When granting a preliminary injunction, a court considers four factors: whether the plaintiff has shown “that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat’l Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). The plaintiff “need not establish a certainty of success, but must make a clear showing that he is likely to succeed at trial.” *Di Biase v. SPX Corp.*, 872 F.3d 224, 230 (4th Cir. 2017) (internal quotations omitted). Bethel satisfies all four factors, so the Court should issue a preliminary injunction.

I. Bethel is likely to succeed on the merits of its Free Exercise and Free Speech claims.

Bethel is likely to succeed on the merits of its Free Exercise and Free Speech claims.¹³ Defendants have discriminated against Bethel because of its religious beliefs, so they must justify their actions under strict scrutiny. But they cannot satisfy this high bar. Similarly, the State’s actions impermissibly discriminate against Bethel’s beliefs based on viewpoint and content, and place unconstitutional conditions on the receipt of a public benefit by censoring religious speech and exercise that the State disfavors.

A. Defendants targeted Bethel for its religious beliefs, acted out of hostility towards those beliefs, and expressly discriminated against Bethel because of its beliefs, but cannot justify their actions under strict scrutiny.

Bethel is likely to prevail on its Free Exercise claim because Defendants’ enforcement of the BOOST nondiscrimination provisions is subject to strict scrutiny for religious targeting under

¹³ Bethel does not waive other claims not raised in this Motion, but reserves the right to pursue them in later filings.

Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah, 508 U.S. 520 (1993); religious hostility under *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 138 S. Ct. 1719, 1729 (2018); and express discrimination under *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012, 2021 (2017). But Defendants cannot satisfy this “most rigorous of scrutiny.” *Lukumi*, 508 U.S. at 521.

1. Defendants targeted Bethel for its religious beliefs, acted out of hostility towards those beliefs, and expressly discriminated against Bethel for those same beliefs.

Religious beliefs about marriage “are protected views and in some instances protected forms of expression.” *Masterpiece Cakeshop*, 138 S. Ct. at 1727. And “the First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths,” including those about marriage and biological sex. *Obergefell v. Hodges*, 135 S. Ct. 2584, 2607 (2015). As a church-run school, Bethel unabashedly holds sincere religious beliefs about the nature of marriage and the sexes, and it complies with those beliefs as an exercise of its faith in the operation of Bethel Christian Academy. Dant. Decl. ¶¶ 2, 10. But Defendants’ application of the BOOST Policy to Bethel is subject to strict scrutiny for three independent reasons.

a. Defendants targeted Bethel for its religious beliefs.

Strict scrutiny applies because Defendants targeted Bethel for its religious beliefs. The Board did not exclude Bethel for any Policy violation; it excluded Bethel from BOOST because Defendants disapprove of Bethel’s religious beliefs and conduct policies. Defendants admit that “[a] discipline policy that focuses on conduct or behavior without regard to the sexual orientation of the student does not violate the nondiscrimination clause contained in the BOOST language.” Ex. 6 at 0077; *see also* Defs.’ Mem. in Supp. of Mot. to Dismiss at 8. Bethel’s conduct policies

focus solely on conduct and behavior, without regard to sexual orientation or gender identity. Yet Defendants disqualified Bethel anyway.

As the Supreme Court explained in *Lukumi*, “if the object of a law is to infringe upon or restrict practices because of their religious motivation, the law is not neutral” and must satisfy strict scrutiny. 508 U.S. at 533. In *Lukumi*, city lawmakers passed multiple ordinances designed to restrict ritual animal sacrifice, while permitting other animal killings. *Id.* at 535-36. Though the discrimination was not overt on the face of the ordinance, the Supreme Court noted that the Free Exercise Clause bars even “subtle departures from neutrality” on matters of religion. *Id.* at 534. This concern is particularly acute where the government is targeting religious *beliefs*, as opposed to religious *practice*. *Id.* at 533 (“[A] law targeting religious beliefs as such is never permissible”) (citing *McDaniel v. Paty*, 435 U.S. 618, 626 (1978)).

If it is impermissible to pass a law targeting religious beliefs (and it is), then it is equally impermissible to *apply* a law to target those same beliefs. And that is what Defendants have done. As a church-run school, Bethel is forthright with applicants and students about its religious beliefs, including those on marriage and biological sex. Bethel has not, and will not, discriminate in admissions based on sexual orientation and gender identity. *See* Dant. Decl. ¶¶ 8-9. It repeatedly made this clear to Defendants. Ex. 3 at 0070; Ex. 4 at 0072; Ex. 5 at 0074. It repeatedly explained that all students (who are below Maryland’s age of consent) must refrain from “engaging in sexual behavior of any type, whether heterosexual or homosexual.” Ex. 3 at 0070; Ex. 5 at 0074. And it informed the Board that it does not require students to “*agree* with the school’s Statement of Faith or specific beliefs.” Ex. 5 at 0074 (emphasis in original).

Yet Defendants insisted that Bethel's religious beliefs about marriage and biological sex constituted per se discrimination based on sexual orientation. *See* Ex. 6 at 0076-77; Ex. 7 at 0079-0080; Defs.' Mem. in Supp. of Mot. to Dismiss at 1, 3. Defendants stated that:

a handbook recipient may reasonably view [Bethel's statement of beliefs], on its face, as a prohibition on students with a non-heterosexual identity because it expects all students to align their conduct to the view of marriage as a covenant between one man and one woman (i.e., heterosexual).

Ex. 6 at 0076. This was the first time Bethel learned that the Board employed a "reasonable recipient" standard.

Defendants' hypothetical is entirely speculative. But they did not seem to care how attenuated the risk of harm was, since they did not seek evidence of actual harm (there was none). Thus, "[i]t is not unreasonable to infer ... that a law which visits such gratuitous restrictions on religious conduct seeks not to effectuate the stated governmental interests, but to suppress the conduct because of its religious motivation." *Lukumi*, 508 U.S. at 538 (cleaned up).

Evidence of gratuitous restrictions abound. Defendants first ignored the Old Policy's plain language, which applied only to admitting students. Then they applied the Policy to student discipline and expulsion. Ex. 6 at 0076-77. Defendants also ignored the Old Policy's plain language, which applied only to sexual orientation. They then considered gender identity, too—and admit as much. *See* Defs.' Reply in Supp. of Mot. to Dismiss at 8-9 (stating that it was proper to consider gender expression while evaluating sexual orientation); *see also* Ex. 6 at 0076 (referencing Bethel's policy on marriage and biological sex).

Defendants ultimately chose to disqualify Bethel *even though* they admitted that a discipline policy that focuses on conduct or behavior, without regard to sexual orientation—as Bethel's does—would not violate the Policy. *See* Ex. 6 at 0077. The following year, the State added new gender identity and expression requirements, terms which the Policy did not define.

While it is unclear whether the language conflicts with Bethel's faith-based requirements, Defendants say it does. *See* Defs.' Mem. in Supp. of Mot. to Dismiss at 31-32.

But Bethel's policy that students identify with, adhere to the dress code of, and use the facilities provided for their biological sex, and its policy prohibiting students from engaging in sexual communication or conduct of any kind, is protected. Nothing in the Policy "require[s] any school. . .to adopt any. . .policy that conflicts with its religious or moral teachings." 2019 Md. Laws ch. 565, at 151; *see also* Ex. 2 at 0061. Remarkably, the Board ignored those religious policy protections. *See* Ex 6. Defendants instructed Bethel to *change its policies* or be disqualified. They gerrymandered the Policy to exclude Bethel. It is of no consequence that this gerrymandering occurred in the application, rather than the creation, of the BOOST law—religious targeting by a government body is impermissible regardless of form.

Moreover, the Board offered to restore Bethel's eligibility if it "decides to revise the language in its student handbook." *See* Ex. 15 at 0313. Months later, MSDE sent examples of permissible and impermissible statements of faith from other religious schools. Setting aside the State's parsing of theology, these examples illustrate that schools who were clear about their beliefs on marriage and sexual conduct were excluded from BOOST, while schools who obscured their beliefs were readmitted—even though they still practice those beliefs. Ex. 8 at 0082–92.

The Board's zealous targeting of religious beliefs interferes with Bethel's freedom to enforce sexual conduct standards that are central to "shape its own faith and mission" as a church-run school. *Hosanna-Tabor Evangelical Lutheran Church and Sch. v. EEOC*, 565 U.S. 171, 188 (2012); *see* Ex. 1 at 0010 (Bethel's mission "is to create an authentic Christian learning community to train students to know, love, and serve the Lord Jesus Christ and to equip them spiritually and

academically to be lights to the world.”). Thus, Defendants have targeted Bethel because of its religious beliefs and “must undergo the most rigorous of scrutiny.” *Lukumi*, 508 U.S. at 546.

b. Defendants acted out of hostility for Bethel’s religious beliefs.

Strict scrutiny also applies because Defendants applied the nondiscrimination Policies against Bethel out of hostility for Bethel’s religious beliefs—and then passed the Amended Policy to ensure Bethel was kept out. After the Board allowed Bethel to participate in BOOST for two years, it did an about-face, departed from the plain language of the Policy, disparaged Bethel’s beliefs, ignored Open Meeting Act requirements, disqualified Bethel based solely on its religious beliefs, and retroactively demanded over \$100,000 based on the Board’s novel interpretation of the Policy. These actions are impermissibly hostile toward religion.

The Supreme Court has made clear that if “impermissible hostility toward ... sincere religious beliefs” is the motivation for a government’s objection to religious conduct, that government action is unconstitutional. *Masterpiece Cakeshop*, 138 S. Ct. at 1729. The Court in *Masterpiece* noted that Colorado had “disparage[d] [the baker’s] religion in at least two distinct ways: by describing it as despicable, and also by characterizing it as merely rhetorical—something insubstantial and even insincere.” *Id.* In an opinion joined by seven Justices, the Court held that “[t]his sentiment is inappropriate for a Commission charged with the solemn responsibility of fair and neutral enforcement of ... anti-discrimination law.” *Id.* Further, the Court noted that government “cannot act in a manner that passes judgment upon or presupposes the illegitimacy of religious beliefs and practices.” *Id.* at 1731.

Here, the BOOST Board passed judgment on and presupposed the illegitimacy of Bethel’s religious beliefs and practices. At the May 3, 2018, BOOST Board meeting, a board member stated that Bethel and similar BOOST schools likely thought in good faith that they were complying with

the Policy for the previous two years before getting caught up in the Board's new enforcement. *See* May 3, 2018, BOOST advisory board meeting Video 17:05-17:18 *available at* <https://vimeo.com/368387715/85b45d8b3b> (last visited Oct. 25, 2019).¹⁴ But rather than give these schools the benefit of the doubt, Defendant Gallagher interjected, sneering: "You mean caught up with the fact that they signed an assurance illegally?" *Id.* at 17:19–17:26.¹⁵ Defendant Gallagher also insisted that the burden of proof was on the schools to prove that they *were not* discriminating, and to comply with a gender identity requirement that did not exist yet. *See id.* at 1:18:29-1:19-22.¹⁶ This demonstrates religious hostility that is "inappropriate for a [Chairman] charged with the solemn responsibility of fair and neutral enforcement of [Maryland's BOOST] antidiscrimination law." *Masterpiece Cakeshop*, 138 S. Ct. at 1729.

The Board also retroactively enforced its novel interpretation of the Policy based on religious hostility. The Board allowed Bethel to participate in BOOST for two years with substantially the same Statement of Faith in its Student Handbook. Defendants then ignored the plain text of the Policy to not only disqualify Bethel in the future, but to retroactively disqualify Bethel and demand \$102,600 in damages. This enforcement is also inconsistent with the Board's earlier threat to enforce the clawback against schools who signed the nondiscrimination assurance

¹⁴ *See also* Ex. 12, May 3, 2018, Transcript at 15:24-16:03; *see also* May 3, 2018, BOOST advisory board meeting audio at 13:04-13:30 <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting050318.mp3> (last visited October 23, 2019).

¹⁵ *See also* Ex. 12, May 3, 2018, Transcript at 16:04-16:05; *see also* May 3, 2018, BOOST advisory board meeting audio at 13:32-13:37 <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting050318.mp3> (last visited October 23, 2019).

¹⁶ *See also* Ex. 12, May 3, 2018, Transcript at 55:19-56:07; *see also* May 3, 2018, BOOST advisory board meeting audio at 1:14:41-1:15:34 <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting050318.mp3> (last visited October 23, 2019).

in bad faith or were allowing discriminatory practices at their school. Ex. 10, Oct. 13, 2017, Gallagher Letter to Bethel at 0156. Bethel did neither.

Moreover, irregularities in the decision-making process are highly probative of discriminatory and hostile motives. *Jesus Christ is the Answer Ministries*, 915 F.3d at 263–64 (noting that departures from normal procedures can suggest unlawful motives). The Fourth Circuit has recognized that “the specific sequence of events leading up to the particular decision being challenged, including any significant departures from normal procedures” is probative of whether a decision-making body was motivated by discriminatory intent. *Reaching Hearts Int’l, Inc. v. Prince George’s Cty.*, 584 F. Supp. 2d 766, 781 (D. Md. 2008) (citing *Sylvia Development Corp. v. Calvert Cty., Md.*, 48 F.3d 810, 819 (4th Cir. 1995)). And here, Defendants’ decision-making process evidenced several irregularities that are probative of hostility and discriminatory intent.

The Board went into closed session—for the first time in the Board’s history—when considering Bethel’s BOOST eligibility. See June 21, 2018, BOOST advisory board meeting Video 1 at 1:07:26-1:07:36, available at <https://vimeo.com/368412643/4e12ceb4b2>; see also Defs.’ Mem. in Supp. of Mot. to Dismiss at 7 (“the BOOST Board entered into closed session....”).¹⁷ Gallagher did not prepare a written closing statement, nor did he cite the relevant part of the Act authorizing the closed session or the topics to be discussed as required by the Open Meetings Act. See Md. Code GP § 3-305; June 21, 2018, BOOST advisory board meeting Video 2 3:50-6:13, available at <https://vimeo.com/368412643/4e12ceb4b2>.¹⁸ Although the Act allows

¹⁷ See also June 21, 2018, Transcript at 49:01-49:03; Audio 1 at 1:07:22-1:07:33, available at <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting%2006212018Audio1.mp3> (last visited October 23, 2019).

¹⁸ See also June 21, 2018 Transcript at 53:06-54:16; see also June 21, 2018 BOOST meeting audio recording 2 at 3:57-6:17, available at <http://archives.marylandpublicschools.org/S/Audio/BOOSTMeeting%2006212018Audio2.mp3>.

the Board to receive legal advice in closed session, this narrow exemption “does not allow for closed discussion among members of the public body merely because an issue has legal ramifications.” 1 *OMCB Opinions* 53, 54 (1993); 11 *OMCB Opinions* 38 (2017); *see also* See Md. Code GP § 3-305(b)(7).

The Board also may not discuss topics *other* than those listed on the closing statement. *See id.* But even though the Board voted on Bethel’s eligibility in open session, it did not deliberate in open session at that meeting. This compels the conclusion that the Board deliberated in closed session about Bethel, a lack of transparency that is probative of religious hostility, as well as a violation of the Open Meetings Act. *See CLUB*, 832 A.2d at 811 (holding that City Council’s Open Meeting Act violations were evidence that the Council was trying to avoid public scrutiny).¹⁹

And, finally, the State entrenched its exclusion of Bethel by adding gender identity and expression as protected classes after considering these categories in excluding Bethel for purported sexual orientation discrimination. *See* Defs.’ Reply in Supp. of Mot. to Dismiss at 8-9 (stating that it was proper to consider gender expression while evaluating sexual orientation). In sum, the irregularities of the decision-making process as well as the statements by Gallagher as he led the Board are probative of discriminatory intent.

c. Defendants expressly discriminated against Bethel because of its beliefs.

Finally, Defendants enforced the BOOST nondiscrimination Policy against Bethel solely because of its religious character and beliefs. Such blatant discrimination is express discrimination and must satisfy strict scrutiny. Any “policy [which] expressly discriminates against otherwise

¹⁹ Open Meetings Act violations are subject to judicial review and may result in a fine or the action in question being voided. Md. Code GP §§ 3-401, 3-402; *Cnty. & Labor United For Baltimore Charter Comm. (CLUB) v. Baltimore City Bd. Of Elections*, 832 A.2d 804, 811 (Md. 2003).

eligible recipients by disqualifying them from a public benefit solely because of their religious character ... imposes a penalty on the free exercise of religion that triggers the most exacting scrutiny.” *Trinity Lutheran*, 137 S. Ct. at 2021.

In *Trinity Lutheran*, a religiously affiliated preschool was denied the “right to participate in a government benefit program” solely because of its “religious character.” *Id.* at 2022. The Court emphasized that “[t]he express discrimination against religious exercise here is not the denial of a grant, but rather the refusal to allow the Church—solely because it is a church—to compete with secular organizations for a grant.” *Id.* The Court also emphasized that the government cannot “regulate or outlaw conduct because it is religiously motivated.” *Id.* at 2021. Nor may it “discriminate against ‘some or all religious beliefs.’” *Id.* at 2021; *accord. McDaniel*, 435 U.S. at 626 (“The Free Exercise Clause categorically prohibits government from regulating, prohibiting, or rewarding religious beliefs as such.”).

Bethel has suffered this same express discrimination. The Board has enforced the BOOST nondiscrimination Policy specifically to target disfavored religious belief—the Board has not stopped any actual Policy violations. Like the church in *Trinity Lutheran*, Bethel would be eligible for BOOST but for its religious beliefs and conduct policies. The Board made this unmistakably clear when it offered Bethel a chance to censor its religious views to regain BOOST eligibility. Ex. 15, Feb. 28, 2019, MSDE Letter to Bethel at 0313-0314; Ex. 8. And the State entrenched this reality by adding “gender identity and expression” to the amended Policy. Defendants’ mandate is clear: Bethel must choose between its religious convictions or participation in BOOST. Bethel, like *Trinity Lutheran*, simply asks to “participate in a government benefit program without having to disavow its religious character.” *Trinity Lutheran*, 137 S. Ct. at 2022.

Defendants' express discrimination is even more clear in light of the BOOST religious conscience exemption, the State's purported interest in "ensuring that Maryland students have access to high-quality, affordable and diverse educational options," and its underhanded clawback demand.²⁰ Such blatant discrimination "must be subjected to the 'most rigorous' scrutiny." *Trinity Lutheran*, 137 S. Ct. at 2024 (quoting *Lukumi*, 508 U.S. at 546).

2. Defendants' enforcement of the BOOST Policies to Bethel cannot survive the high bar of strict scrutiny.

Laws subject to strict scrutiny are presumptively unconstitutional and can survive only if they "advance interests of the highest order and [are] narrowly tailored in pursuit of those interests." *Lukumi*, 508 U.S. at 546 (cleaned up). "A law that targets religious conduct ... will survive strict scrutiny only in rare cases." *Id.*

a. Defendants have no compelling government interest.

To determine whether there is a compelling interest, courts must "scrutinize the asserted harm of granting specific exemptions to particular religious claimants." *Burwell v. Hobby Lobby*, 573 U.S. 682, 726–27 (2014) (internal quotation marks and citation omitted). Even "plausible hypotheses are not enough to satisfy strict scrutiny," *Contractors Ass'n of E. Pa. v. City of Phila.*, 6 F.3d 990, 1008 (3d Cir. 1993), and "ambiguous proof will not suffice," *Brown v. Entm't Merchs. Ass'n*, 564 U.S. 786, 800 (2011). Generalized speculations or assertions are not enough.

Defendants point to a generalized interest in preventing discrimination in education. *See* Defs.' Mem. in Supp. of Mot. to Dismiss at 25-28. But such "broadly formulated interests" are insufficient to carry the heavy burden under strict scrutiny. *Hobby Lobby*, 573 U.S. at 726–27. The interest must be particularized *as to Bethel*. *See Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 430–32 (2006) (strict scrutiny "requires the Government to demonstrate

²⁰ *About Us*, Maryland BOOST, <https://www.educationmaryland.org/> (last visited Oct. 25, 2019).

that the compelling interest test is satisfied through application of the challenged law ‘to the person’—the particular claimant whose sincere exercise of religion is being substantially burdened.”). Defendants cannot meet that burden. Bethel has not discriminated based on sexual orientation or gender identity, nor do its policies allow for it. Bethel prohibits bullying and harassment on any basis. Ex. 1 at 0035. It affirms the dignity and value of every person as created in God’s image. *Id.* at 0009, 0034; *see also* Dant Decl. ¶ 10. And it makes decisions based on conduct, not identity. The State has no interest in interfering with Bethel’s sexual conduct policies, sex-specific dress code, or facility-use policy.

Moreover, the State has no compelling interest in holding nonpublic schools to nondiscrimination standards that even Maryland public schools—which are entirely publicly funded—are not required to comply with.²¹ It has no compelling interest in permitting sexual conduct by minors who are below Maryland’s age of consent. *See* Md. Crim. Law § 3-307 (establishing criminal penalties for sexual contact with victims under 14 years, or 14-15 years old, depending on the age of the perpetrator). And it has no compelling interest in forcing a faith-based school to violate its faith-based policies to receive BOOST vouchers.

There is no compelling interest in sheltering the public from ideas it dislikes. *See Texas v. Johnson*, 491 U.S. 397, 414 (1989) (“If there is a bedrock principle underlying the First Amendment, it is that the government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable.”). And there is no compelling interest in failing to apply the Old Policy as written and exceeding its own authority.

²¹ Though Defendants claim that Maryland public school are required to admit all students, regardless of sexual orientation or gender identity, the point remains that there is no legal prohibition against disciplining or expelling a student for sexual orientation or gender identity. *See* Defs.’ Reply in Supp. of Mot. to Dismiss at 15.

In fact, Defendants’ enforcement of its Policy undermines its asserted interest in “ensuring that Maryland students have access to high-quality, affordable and diverse educational options.”²² Nor are the Board’s actions consistent with the State’s assertions that “education is not a one-size-fits-all endeavor and that families should be provided with the opportunity to choose the education best fit for their child.”²³ *See Columbia Union Coll. v. Clarke*, 159 F.3d 151, 156 (1998) (“*Rosenberger* teaches that ‘viewpoint-based restrictions are [not] proper’ when the government ‘expends funds to encourage a diversity of views.’”).

Rather, the Board is denying numerous low-income students the opportunity to select schools with certain religious viewpoints, depriving these students of an excellent faith-based education. Without an injunction, Bethel will be unable to provide educational services to underprivileged students wanting to attend its school. This irrationally diminishes the already scarce resources available to these children.²⁴

b. Defendants have not used the least restrictive means.

This heavy-handed censorship is especially egregious in the context of a voucher system, where students and their families choose the school. For this reason, Defendants cannot show that they have employed the least restrictive means of promoting nondiscrimination. This requirement is “exceptionally demanding” and requires the government to “show[] that it lacks other means of achieving its desired goal without imposing a substantial burden on the exercise of religion by the objecting part[y].” *Hobby Lobby*, 573 U.S. at 728. A policy fails this prong if the “interests could

²² *About Us*, Maryland BOOST, <https://www.educationmaryland.org/> (last visited Oct. 30, 2019).

²³ *Id.*

²⁴ *English Language Arts Current Year Data (2018)*, Maryland Report Card, <https://msp2018.msde.maryland.gov/Graphs/#/Assessments/ElaPerformance/1EL/17/6/3/3/3/3/3/3/3/3/99/XXXX> (last visited Oct. 28, 2019) (no composite data available by grade or groups of grades, but assessments from K-8 tests show proficiency percentages between about 12–46%).

be achieved by narrower [policies] that burden[] [the right] to a far lesser degree.” *Lukumi*, 508 U.S. at 546.

And here, the least restrictive alternative is already apparent: do not enforce the nondiscrimination provisions beyond what the law or Constitution authorizes. Defendants’ exclusion of Bethel is dramatically overinclusive to any purported ends of stopping actual discrimination. The Board has failed to supply any evidence that anything short of full censorship of certain religious viewpoints would not protect Maryland students. Nor could it, when public schools—which are entirely publicly funded—are not even required to comply with similar nondiscrimination provisions.

Furthermore, no harm inures to a student by giving her another school to choose to attend. By contrast, shutting Bethel out of BOOST will shut the door on low-income students who wish to attend an excellent Christian school. The Board allowed Bethel and schools like it to operate under the plain meaning of the Policy for two years prior to reinventing it. It seems entirely unconcerned with the real-world effects of its censorship. Such indiscretion does not survive even intermediate scrutiny. *See NIFLA v. Beccera*, 138 S. Ct. 2361, 2376 (2018) (government flunked narrow-tailoring requirement where it “identified no evidence” to prove tailoring).

Defendants’ actions do not come close to satisfying strict scrutiny. The Board has violated Bethel’s Free Exercise rights. This Court should thus enjoin the Board from enforcing the clawback against Bethel and from interpreting the BOOST nondiscrimination provisions in a discriminatory manner.

B. Defendants engaged in impermissible viewpoint and content-based discrimination and placed unconstitutional conditions on a public benefit.

Defendants’ application of its nondiscrimination Policies are unconstitutional under the Free Speech Clause of the First Amendment because the Board regulated speech based on Bethel’s

religious views. Defendants' actions are also unconstitutionally content-based because they cannot justify their actions under strict scrutiny. Separately and independently, the Board placed unconstitutional conditions on Bethel's access to a state benefit.

1. Defendants impermissibly discriminated against Bethel because of Bethel's religious viewpoint.

Viewpoint-based regulations are an "egregious form of content discrimination" where the government targets "particular views taken by speakers on a subject." *Rosenberger*, 515 U.S. 819, 829 (1995). Courts "use the term 'viewpoint' discrimination in a broad sense," and have held "time and time again" that this factor particularly forbids any offense-based restrictions, since "[g]iving offense is a viewpoint." *Matal v. Tam*, 137 S. Ct. 1744, 1763 (2017). "The First Amendment forbids the government to regulate speech in ways that favor some viewpoints or ideas at the expense of others." *Id.* at 1757; *see Iancu v. Brunetti*, 139 S. Ct. 2294, 2300 (2019) (government cannot discriminate between "conventional moral standards and those hostile to them; those inducing societal nods of approval and those provoking offense and condemnation").

This rule "reflects a 'profound national commitment' to the principle that 'debate on public issues should be uninhibited, robust, and wide-open.'" *Boos v. Barry*, 485 U.S. 312, 318 (1988) (quoting *New York Times Co. v. Sullivan*, 376 U.S. 254, 270 (1964)). This concept applies with special force in schools. Academic freedom is "a special concern of the First Amendment, which does not tolerate laws that cast a pall of orthodoxy over the classroom." *Keyishian v. Bd. of Regents of Univ. of State of N.Y.*, 385 U.S. 589, 603 (1967).

But the Board's enforcement casts that pall of orthodoxy on schools all over Maryland. Defendants disqualified Bethel and demanded a \$102,600 clawback solely because of Bethel's religious views. Had Bethel not expressed its viewpoint on traditional marriage and required its students to respect that view, it would not have been expelled. Similarly, had Bethel not expressed

its viewpoint on God’s design for biological sex, and required its students to respect that view, it would not have been expelled from BOOST.

In *Columbia Union College v. Clarke*, 159 F.3d 151, 159 (4th Cir. 1998), the Fourth Circuit held that Maryland could not exclude private religious colleges from state-funded grants simply because of the colleges’ religious viewpoints. “*Rosenberger* teaches that “viewpoint-based restrictions are not proper” when the government “expends funds to encourage a diversity of views.” *Id.* at 156.²⁵ It is the same here. Maryland has excluded a religious school from a generally available public benefit program solely because of the school’s religious viewpoint on marriage and biological sex. And again, the viewpoint discrimination is all the more blatant because the BOOST program was also enacted “to encourage a diversity of views.” *Id.*

The Board’s actions are worse than *Columbia Union*. Defendants “distinguish[] between two opposed sets of ideas: conventional moral standards and those hostile to them” *Iancu*, 139 S. Ct. at 2300. And they are taking sides in a religious debate. The Board is coercing individuals “to be an instrument for fostering public adherence to an ideological point of view they find unacceptable.” *NIFLA*, 138 S. Ct. at 2379 (Kennedy, J., concurring) (markings omitted). Skewing the voices represented in Maryland’s school system is exactly the result that viewpoint-discrimination protections are designed to prevent. And for the reasons explained in the Free Exercise argument, the Board’s application of its Policy does not come close to satisfying the high bar of strict scrutiny. Defendants’ actions are thus unconstitutional.

²⁵ Plaintiff eventually obtained victory after the Fourth Circuit remanded and then subsequently held that the program did not violate the Establishment Clause. 254 F.3d 496 (4th Cir. 2001). The Establishment Clause concern is immaterial here because, unlike BOOST, state funds there went straight to the school instead of the student. This distinction is consistent with controlling Supreme Court precedent. *Zelman v. Simmons-Harris*, 536 U.S. 639, 652 (2002); see *Columbia Union Coll.*, 159 F.3d at 159–60 (discussing *Witters v. Wash. Dep’t of Servs. for the Blind*, 474 U.S. 481 (1986)).

2. Defendants’ actions are subject to strict scrutiny as impermissible content-based discrimination.

“It is axiomatic that the government may not regulate speech based on its substantive content or the message it conveys.” *Rosenberger.*, 515 U.S. at 828. Thus, “content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” *Reed v. Town of Gilbert*, 135 S. Ct. 2218, 2226 (2015). A law is content-based and subject to strict scrutiny “regardless of the government’s benign motive, content-neutral justification, or lack of ‘animus toward the ideas contained’ in the regulated speech.” *Id.* at 2228 (quoting *Cincinnati v. Discovery Network, Inc.*, 507 U.S. 410, 429 (1993)). This is because content-based restrictions “raise[] the specter that the government may effectively drive certain ideas or viewpoints from the marketplace.” *Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 116 (1991).

Here, the Board’s interpretation of the Policies are content-based. The Board excluded Bethel from BOOST solely because of the religious content and policies in Bethel’s handbook. And the Board makes its decisions under both Policies according “to particular speech because of the topic discussed or the idea or message expressed”—namely, marriage and biological sex—so their regulations are thus content-based and subject to strict scrutiny. *Reed*, 135 S. Ct. at 2227. For the reasons explained in the Free Exercise argument, the Board’s application of its Policies does not come close to satisfying that high bar.

3. Defendants’ application of the Policies also imposes unconstitutional conditions on the receipt of state benefits.

A government cannot use a government funding program to silence unfunded, private speech that it finds offensive. “[T]he government may not place a condition on the receipt of a benefit or subsidy that infringes upon the recipient’s constitutionally protected rights, even if the

government has no obligation to offer the benefit in the first instance.” *Agency for Int’l Dev*, 570 U.S. at 212; *see Simon & Schuster, Inc. v. Members of N.Y. State Crime Victims Bd.*, 502 U.S. 105, 115 (1991) (“A statute is presumptively inconsistent with the First Amendment if it imposes a financial burden on speakers because of the content of their speech.”). This is true even for a company “receiving only one percent of its budget from the Federal Government.” *AOSI*, 570 U.S. at 215–16. Here, the Board is conditioning a benefit, educating BOOST students, on Bethel’s relinquishment of its right to freely express itself on matters of marriage and sexuality. Maryland is thus putting unconstitutional conditions on Bethel because it disapproves of Bethel’s religious beliefs and viewpoints.

II. The remaining preliminary injunction factors weigh in Bethel’s favor.

The remaining preliminary injunction factors—irreparable harm, balance of equities, and public interest—also weigh in favor of a preliminary injunction. Defendants’ application of the Policy violates Bethel’s constitutional rights. And the loss of constitutional rights, “for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976). Irreparable harm will also continue without an injunction because Bethel will continue to lose students from low-income families. Bethel is currently unable to accept new BOOST students who desire to attend Bethel. And Bethel will continue to be unable to reach the neediest parts of the community to fulfill its mission to serve the children in its community. This is especially true since the Board’s decision also disqualified Bethel from using grants from the textbooks and aging schools programs.

Bethel will also suffer irreparable harm if the clawback is enforced because it will be unable to offer the full array of educational opportunities to its students over the next few years. Bethel has already been forced to forgo hiring teachers and backfilling positions, creating burgeoning

class sizes and teacher loads, and to forgo updating student educational equipment. Dant. Decl. at ¶ 36. If the clawback is enforced, these harms will be further exacerbated.

The balance of equities likewise favors Bethel. A preliminary injunction would prevent statutory and constitutional violations, and would allow Bethel to continue providing a top-tier education to its students while this case is pending. On the other hand, Defendants will not suffer any irreparable injury. No harm will result by requiring the Board to fairly apply the relevant law, and restore the status quo so that Bethel may be readmitted to BOOST. Any parents who feel that Bethel may not be a good fit for their child or who do not wish to have their child at Bethel are free to choose any other school, including a public school. Nor will failing to obtain a \$102,600 windfall from a clawback of funds that students have already used cause irreparable harm to Defendants.

Finally, “upholding constitutional rights surely serves the public interest.” *Giovani Carandola, Ltd. v. Bason*, 303 F.3d 507, 521 (4th Cir. 2002). So too is ensuring that students can maintain access to a quality education of their choice.

CONCLUSION

Because Bethel has demonstrated a likelihood of success on the merits of its claims, and because it has met the other requirements for a preliminary injunction, this Court should enjoin the Defendants from enforcing the clawback against Bethel and should allow Bethel to participate in BOOST program as soon as possible.

Dated this 31st day of October, 2019.

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Counsel for Plaintiffs
**Appearing Pro Hac Vice*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

BETHEL MINISTRIES, INC.,)	
)	
)	
<i>Plaintiff,</i>)	
)	Case No. 1:19-cv-01853-ELH
DR. KAREN B. SALMON, et al.)	
)	
)	
<i>Defendants.</i>)	
_____)	

**DECLARATION OF PASTOR JOHNNY GREEN
IN SUPPORT OF PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION**

I, JOHNNY GREEN, under penalty of perjury, make the following declaration pursuant to 28 U.S. § 1746:

1. I am the Senior Pastor of Bethel Ministries, Inc., and I have held this position since 2003.
2. Bethel Ministries is a Pentecostal Christian Church which has served and ministered in the Baltimore Area since 1929.
3. Bethel Ministries believes that the Bible is the source of ultimate Truth, that Jesus Christ died in our place to atone for our sins, that He was raised from the dead, and that He offers eternal salvation to all who place their faith in Him.
4. Bethel Ministries, Inc. seeks to provide a community and home for people to come and experience God. Bethel Ministries offers formal worship services on Sunday for both English and Spanish speakers, Wednesday night classes, and a host of other ministries for boys and girls and men and women of all ages.

5. Bethel Ministries believes that Jesus Christ established the Church to witness to the good news of Christ and to serve as the body of Christ and worship God forever. To fulfill both of these missions, Bethel Ministries engages in corporate worship and prayer, serves the surrounding community to show the love of Christ to the world, and equips and disciples its members to serve others in accordance with biblical theology and Truth.

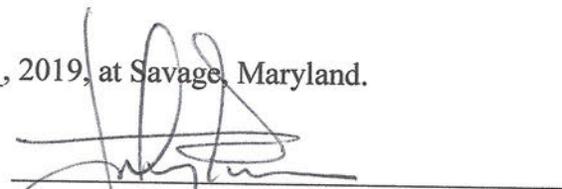
6. Bethel Ministries is committed to being a place of diversity that serves peoples of all ages and from all walks of life.

7. Bethel Christian Academy is the largest ministry of Bethel Ministries and is an indispensable part of the ministry of Bethel Ministries.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 25th day of October, 2019, at Savage, Maryland.



Johnny Green
Bethel Ministries, Inc.
8455 Savage-Gulford Road
Savage, MD 20763

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

BETHEL MINISTRIES, INC.,)	
)	
)	
<i>Plaintiff,</i>)	
)	Case No. 1:19-cv-01853-ELH
DR. KAREN B. SALMON, et al.)	
)	
)	
<i>Defendants.</i>)	
)	

DECLARATION OF CLAIRE DANT
IN SUPPORT OF PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

I, CLAIRE DANT, under penalty of perjury, make the following declaration pursuant to 28 U.S. § 1746:

1. I am the Principal of Bethel Christian Academy, and I have held this position since 2016.
2. Bethel Christian Academy was founded in 1984 as a private Christian school for students in preschool through 8th grade. It is a ministry of Bethel Ministries, Inc. Bethel complies with its religious beliefs as an exercise of its faith in the operation of Bethel Christian Academy.
3. Bethel’s mission is to create an authentic Christian learning community to train students to know, love, and serve the Lord Jesus Christ, and to equip them spiritually and academically to be lights to the world.
4. Bethel exists unashamedly for the purpose of reaching families with the gospel of Jesus Christ and training and equipping young people to serve Him.
5. By fostering a school community and promoting academic excellence rooted in a biblical world view, we believe that we can best equip our students to demonstrate their

commitment to Christ by exhibiting love toward others, strong biblical convictions, and a desire to impact the world for Him.

6. Over 85% of Bethel students are non-white and represent approximately 40 different countries.

7. Admission to Bethel is competitive and based on a skills assessment or formal entrance exam, an evaluation of previous grades and behavior, and a pre-enrollment interview with the parents and student.

8. Bethel does not ask about, or consider, sexual orientation in its student admissions decisions.

9. Bethel does not ask about, or consider, gender identity or expression in its student admissions decisions.

10. Bethel believes that marriage is the covenant union of one man and one woman, a beautiful reflection of Christ's relationship with His Church. Bethel also believes that God immutably creates each person in His image as either male or female, and every single person has inherent worth and dignity because they are created in God's image.

11. Bethel does not require families to be professing Christians or share its beliefs to enroll their children at the school.

12. But Bethel does require students to adhere to its faith-based policies, including its student conduct policies.

13. Based on its religious beliefs, Bethel requires all students to conduct themselves consistently with Bethel's student conduct policy, which—among other things—prohibits students from engaging in any sexual communications or conduct.

14. All students must comply with the student conduct policy, regardless of sexual orientation, sexual attraction, or sexual identification.

15. Based on its religious beliefs, Bethel also requires all students to identify with their biological sex, adhere to the dress code of their biological sex, and use the private facilities of their biological sex.

16. BOOST provides scholarship vouchers for K-12 students from low-income families to attend an eligible nonpublic school of their choosing.

17. Bethel participated in the BOOST voucher program during the 2016-2017 and 2017-2018 school years.

18. Based on my review of the Maryland General Assembly's website, a true and correct copy of the BOOST budget language in effect for the 2017-2018 is attached to the Complaint as Ex. 2, and to this Motion as Ex. 2.

19. During the two years Bethel participated in BOOST, it complied with MSDE's eligibility requirements and certified in writing to the Maryland State Department of Education each year that it has not and will not deny an applicant admission to Bethel based on the applicant's sexual orientation.

20. In October 2017, Bethel received a letter from BOOST Board Chair Matthew Gallagher directing us to "review [Bethel's] moral and religious position on non-discrimination, particularly sexual orientation." The Letter stated that "[i]f you sign the assurance but continue a discriminatory practice, the consequences are severe." A true and correct copy of this letter is attached to this Motion as Ex. 10.

21. In December 2017, the BOOST Board began investigating the handbooks of religious schools, including Bethel.

22. The Board had not previously conducted any such investigations and had previously accepted Bethel's assurances of compliance for the last two years.

23. The Board requested, and I provided, a copy of the 2017-2018 Parent/Student Handbook, which was then in effect. A true and accurate copy of this handbook is attached to the Verified Complaint as Exhibit 1, as well as to this Motion as Exhibit 1.

24. Bethel makes minor adjustments to its handbooks before the start of each school year, and the school handbook for the 2016-2017 school year and subsequent school years are substantially similar.

25. A true and accurate copy of Bethel's current 2019-2020 Parent/Student Handbook is attached to this Motion as Exhibit 9.

26. I received from MSDE a letter dated March 5, 2018 that asked how Bethel's statement on marriage and biological sex is consistent with our school's assurance not to discriminate in admissions based on sexual orientation. A true and correct copy of that letter is attached to this Motion as Exhibit 12.

27. I responded in a letter dated March 13, 2018 that Bethel "does not ask any questions about sexual orientation at all during the admissions process and is willing to enroll any student who meets and the academic criteria and whose past school conduct has not been demonstrably disruptive in a previous school." I also stated that students are expected to comply with Bethel's behavioral standards and are "engaging in sexual behavior of any type, whether heterosexual or homosexual." A true and correct copy of that letter was attached to the Complaint as Exhibit 3 is attached to this Motion as Exhibit 3.

28. I also submitted a statement to the BOOST Advisory Board for its May 3, 2018 meeting, reiterating that (1) Bethel is open to any student who can meet our academic standards

and thrive in our structured environment, (2) Bethel does not discriminate in admissions, but it does communicate its mission and core values to families that are considering enrollment, (3) it complies with the nondiscrimination requirement because the BOOST bill explicitly prohibited Defendants from “requir[ing] any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings” and because “[a] statement of policy regarding *student conduct*” is irrelevant to discrimination in admissions. A true and correct copy of that letter was attached to the Complaint as Exhibit 4 is attached to this Motion as Exhibit 4.

29. On May 4, 2018, Monica Kearns notified me that the BOOST Board would likely not decide Bethel’s eligibility before the May 21, 2018 BOOST application deadline.

30. MSDE also informed our school that it would condition Bethel’s eligibility for the Aid to Non-Public Schools Program on Bethel’s eligibility for BOOST.

31. I later received a letter from Monica Kearns dated May 25, 2018 that asked: “1) Does your school discriminate in student admissions on the basis of sexual orientation? 2) If your school was to discover that one of its students was in violation of the school’s religious or moral teachings concerning sexual orientation, what would the school do to address it?” A true and correct copy of that letter is attached to this Motion as Exhibit 14.

32. I responded on May 29, 2018 and attached our prior communication with MSDE, and stated: “[a]ny student who can meet our academic standards and is likely to thrive in our structured environment is welcome to join our school community regardless of religious beliefs, experience of same-sex attraction, sexual self-identification, past participation in same-sex behavior, beliefs about marriage, or beliefs about sexual morality.” *Id.* And Bethel made clear that if a student violates the conduct policy, its objective is to work with the student to bring that student

back into compliance. *See id.* A true and correct copy of that letter is attached to the Complaint as Ex. 5 and to this Motion as Ex. 5.

33. Weeks later, I received a letter dated August 8, 2018 from BOOST Board Chairman Gallagher stating that our statement of religious beliefs and conduct policy violated the nondiscrimination clause. Bethel was therefore expelled from BOOST. A true and correct copy of that letter is attached to the Complaint as Ex. 6 and to this Motion as Exhibit 6.

34. Monica Kearns told me that there was no way to appeal the decision.

35. As a result of being expelled from BOOST, Bethel was also expelled from the non-public schools textbook program and aging schools program.

36. As a result of our inability to receive grant money from MSDE's nonpublic school aid programs, Bethel has been forced to forgo hiring teachers and backfilling positions and updating student education equipment.

37. Bethel attempted to provide its own scholarships to impacted BOOST students, but it could not completely compensate for the loss of BOOST vouchers.

38. In the 2018-2019 school year, Bethel lost at least six students due to loss of BOOST vouchers.

39. At least two new prospective students desired to attend Bethel in the 2018-2019 school year, but informed us that they could not due to Bethel's inability to receive BOOST funding.

40. In 2019-2020, Bethel lost three more students due to lack of BOOST funding. These families had stretched financially to keep their children at Bethel even with the loss of BOOST, but could not sustain it long-term.

41. An additional 20 prospective students inquired about attending Bethel and the financial aid available but were unable to join Bethel in the 2019-2020 school year due to lack of sufficient financial aid, including BOOST funding.

42. At least one other Bethel student will be forced to leave our school next year unless Bethel is readmitted to BOOST.

43. Bethel's enrollment numbers have fallen from 329 in 2017-2018, to 281 in 2018-2019, to 251 in 2019-2020.

44. In December 2018, I received a letter demanding repayment of \$102,600 in past BOOST scholarships for the 2016–2017 and 2017–2018 school years. A true and correct copy of that letter is attached to the Complaint as Ex. 7 and to this Motion as Exhibit 7.

45. BOOST Program Executive Director Donna Gunning in a February 28, 2019 letter stated that Bethel could regain its eligibility for BOOST by revising the language in its student handbook. A true and correct copy of that letter is attached to this Motion as Exhibit 16.

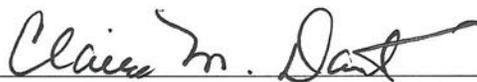
46. I continued to communicate with MSDE throughout the spring of 2018.

47. MSDE provided examples of how other schools had changed their handbook language in order to remain eligible for BOOST. A true and correct copy of that letter is attached to the Complaint as Ex. 8 and to this Motion as Exhibit 8.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 25th day of October, 2019, at Savage, Maryland.



Claire Dant
Bethel Christian Academy
9001 Vollmerhausen Road
Savage, MD 20763

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Bethel Ministries, Inc.

*

v.

Dr. Karen Salmon, et al.

*

Case No. 1:19-cv-01853-ELH

*

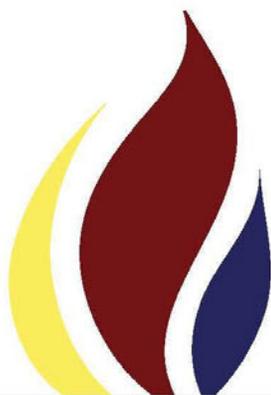
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EXHIBITS: Plaintiff's Motion for Preliminary Injunction

<u>Exhibit No.</u>	<u>Identification</u>	<u>Admitted</u>	<u>Description</u>
1	0001-0056		Bethel 2017-2018 Parent-Student Handbook
2	0057-0067		BOOST Budget Language from H.B. 150, FY 2018 Budget Bill
3	0068-0070		March 13, 2018, Letter from Bethel to MSDE
4	0071-0072		Bethel Statement to the BOOST Advisory Board
5	0073-0074		May 29, 2018, Letter from Bethel to MSDE
6	0075-0077		August 8, 2018, Letter from Gallagher to Bethel
7	0078-0080		December 12, 2018, Letter from MSDE to Bethel re clawback
8	0081-0092		MSDE Handbook Language Examples from Other Schools
9	0093-0154		Bethel 2019-2020 Parent-Student Handbook
10	0155-0156		October 13, 2017, Gallagher Letter to BOOST Schools
11	0157-0159		March 5, 2018, Letter from MSDE to Bethel
12	0160-0245		Transcript of May 3, 2018, BOOST Advisory Board Meeting
13	0246-0247		May 25, 2018, Letter from MSDE to Bethel
14	0248-0311		Transcript of June 21, 2018, BOOST Advisory Board Meeting
15	0312-0314		Letter from MSDE to Bethel re Clawback Payment Plan

ExhibitList (06/2016)

EXHIBIT 1



bethel christian academy

Parent/Student Handbook
2017-2018

8455 Savage-Guilford Road · Savage, Maryland 20763
Main Phone: (301) 725-4673 · Fax: (301)490-0153
www.bethelchristianacademy.com

Dear BCA Parents and Students,

Welcome to Bethel Christian Academy! BCA is proud to offer many fine educational and spiritual opportunities to our students. The faculty and administration are committed to providing a learning environment in which students can grow spiritually, academically, physically, and socially so that they can fulfill the purpose of God for their lives. We trust that you will take opportunity to make the most of what we offer.

This handbook states school policies and procedures as well as general information that will help you to understand our vision and to know how you can fit in and become a valuable part of this exciting learning community.

May this be a great year in the Lord!

The Administration

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<p>BCA reserves the right to make changes to policies or procedures at any time when deemed necessary by the administration and/or school board. Parents will be informed of such changes when they occur.</p>

Please Note: Extended Care hours are considered part of the BCA school day. As such, all BCA policies apply during Extended Care.

ADMISSIONS POLICY

Bethel Christian Academy (BCA) is a ministry of Bethel Assembly of God. BCA does not require that families be professing Christians in order to enroll their children in the school. However, it should be understood that BCA exists unashamedly for the purpose of reaching families with the gospel of Jesus Christ and training and equipping young people to serve Him.

Students are accepted for admission based on an evaluation of prerequisite skills or a qualifying score on the BCA entrance exam, an evaluation of previous grades and behavior, and a pre-enrollment interview. Preschool through kindergarten applicants must meet our age deadline of September 1, and may be required to spend part of the day in a BCA classroom (i.e., shadow). Bethel Christian Academy is not equipped to facilitate the needs of special needs students, and all new students are admitted under a Performance Plan by which their academic progress and their behavior are evaluated during the 1st quarter of attendance.

Enrollment of students in Bethel Christian Academy is a privilege, not a right. Parents must agree to support the BCA Core Values and school policies. Middle school students are required to sign a Code of Conduct and parents must agree to support the enforcement of the Code of Conduct. Parents must understand that continued enrollment of their child(ren) is dependent on their support of the school, its staff, and its policies.

Statement of Nondiscrimination

Bethel Christian Academy admits students of any race, color, and national or ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

It should be noted, however, that Bethel Christian Academy supports the biblical view of marriage defined as a covenant between one man and one woman, and that God immutably bestows gender upon each person at birth as male or female to reflect His image. (Gen. 1:27, Gen. 2:23-24) Therefore, faculty, staff, and student conduct is expected to align with this view. Faculty, staff, and students are required to identify with, dress in accordance with, and use the facilities associated with their biological gender.

STATEMENT OF FAITH

1. We believe in the scriptures of the Old and New Testaments as verbally inspired of God, and inerrant in the original writings; that they are of supreme and final authority in faith and life. (II Tim. 3:16,17; II Peter 1:20,21; Matt. 5:18; John 16:12,13)
2. We believe in one God, eternally existing in three persons - Father, Son, and Holy Spirit. (Ps. 83:18; Ex. 15:11; Mark 12:30; II Cor. 13:14; John 10:30; John 17:5,10; Phil. 2:5,6; Eph. 1:3-14)
3. We believe that Jesus Christ was begotten by the Holy Spirit, born of the virgin Mary, and is true God and true man. (John 1:12,14; Luke 1:35)
4. We believe that man was created in the image of God, and that he sinned. He thereby incurred not only physical death but also spiritual death which is separation from God, and that all human beings are born with a sinful nature, and in the case of those who reach moral responsibility become sinners in thought, word, and deed. (Gen. 1:26,27; Rom. 3:22,23; 5:12; Eph. 2:1-3,12)
5. We believe that God created mankind in His image, male and female (Gen. 1:27, Gen. 5:2) and, according to His word, marriage is a sacred union between one man and one woman (Gen. 2:18-24; 1 Corinthians 7:1-5; Mark 10:6-9; Romans 1:24-27) condemning a homosexual lifestyle (Romans 1:24-26, 1 Timothy 1:10).
6. We believe that the Lord Jesus Christ died for our sins according to the scriptures as a representative and substitutionary sacrifice, and that all who believe in Him are justified on the ground of His shed blood. (Rom. 3:24,25; I Peter 2:24; Eph. 1:7; I Peter 1:3-5)
7. We believe in the resurrection of the crucified body of our Lord, in His ascension into heaven, and in His present life there for us, as High Priest and Advocate. (Acts 1:9,10; Heb. 9:24; 7:25; Rom. 8:34; I John 2:1,2)
8. We believe in the local church, which was established by Jesus Christ. We believe in water baptism by immersion, as a public confession of our identification with Christ. (Acts 14:27; 20:17, 28-32; I Tim. 1:1-13; Titus 1:5-11; Heb. 20:25; Acts 2:41,42; I Cor. 1:2)
9. We believe in "that blessed hope", the personal, premillennial, and imminent return of our Lord and Savior, Jesus Christ. (I Thess. 4:13-18; Zech. 14:4-11; Rev. 19:11-16; 20:1-6; I Thess. 1:10; 5:9; Rev. 3:10)
10. We believe in the bodily resurrection of the just and the unjust, the everlasting blessedness of the saved, and the everlasting conscious punishment of the lost. (Matt. 25:46; John 5:28,29; 11:25,26; Rev. 20:5,6,12,13)

MISSION

The mission of Bethel Christian Academy is to create an authentic Christian learning community to train students to know, love, and serve the Lord Jesus Christ and to equip them spiritually and academically to be lights to the world.

VISION

The Bethel Christian Academy vision is to produce academically equipped young people who demonstrate their commitment to Christ by exhibiting love toward others, strong biblical convictions, and a desire to impact the world for Him.

CORE VALUES

Academic Excellence

- ❖ Rigorous academic program
- ❖ Excellent Christian teachers
- ❖ Engaging learning environment
- ❖ Mastery-based learning
- ❖ Biblical world view

Authentic Christianity

- ❖ Salvation through faith in Jesus Christ
- ❖ The Word of God as the standard of truth
- ❖ Integration of faith with learning

Advancing Community

- ❖ Integrity in relationships
- ❖ Partnership with parents
- ❖ Participation in school events and activities
- ❖ Development of gifts and talents
- ❖ Meaningful opportunities for ministry & outreach

EDUCATIONAL PHILOSOPHY

“The fear of the Lord is the beginning of knowledge.” Proverbs 1:7

The concepts of a Christian school philosophy of education are derived from the Bible. Therefore, at the foundation of education at BCA are the following convictions:

- * God is. He is sovereign in His world, and He is personal. (Ex. 3:14; Col. 1:16,17)
- * Christ is the Creator and the Sustainer of the Universe. (Gen. 1:1; Jer. 32:17; Col. 1:16)
- * Reality and truth are known through God’s general revelation in creation and through His specific revelation, the Bible, which is the Word of God. (Rom. 15:4; 2 Tim. 3:16-17)
- * Jesus Christ is the Truth and He is the Source of all truth, for in Him are hidden all the treasures of wisdom and knowledge. (John 14:6; Col. 2:2,3)
- * True values are perceived in the Word of God, not in the reasoning of man apart from God. (Prov. 2: 1-22)
- * Life has a purpose. Man is to live his life as a response to his Creator and Savior, enjoying Him and endeavoring to please Him. (Prov. 19:21; Jer. 29:11; Eph. 2:10; Phil. 2:13; Rom. 8:28; Rom. 12:2))
- * God gives differing abilities to each student. In addition, spiritual gifts are bestowed at salvation. (1 Co. 12:7-11; Rom. 12:6-8)
- * Parents are responsible for the education of their children in the home, in the church, and in the school. The role of the school is to partner with parents in educating their children. (Deut. 6:6-9)

GOALS AND OBJECTIVES

1. To provide a Christ-centered education, where the Word of God is an integral part of the entire curriculum and faith is integrated with all learning.
2. To instill an internal moral code of behavior in each student based on God's Word that will guide his/her in the decisions of life.
3. To maintain high academic standards with an educational program that will prepare a student to reach his/her fullest potential for the glory of God.
4. To impart to each student a sense of purpose and vision that will challenge him/her to give his/her utmost to fulfill the plan for which God has called him/her.
5. To train the whole individual:
 - A. ***Spiritually:*** to know Christ personally and to yield to His will in every area of his life. (John 3:16)
 - B. ***Mentally:*** to relate all truth to His truth and to discover and develop individual aptitudes; to cultivate critical thinking skills. (Prov. 4:7)
 - C. ***Socially:*** to understand and practice biblical principles for interpersonal relationships including conflict resolution. (Matt. 7:12)
 - D. ***Emotionally:*** to build a Christ-controlled personality, enabling each child to adjust to life's circumstances in a God-honoring way; to develop self-discipline. (II Tim. 1:7)
 - E. ***Physically:*** to develop a respect for the body as the temple of the Holy Spirit; to teach intelligent care of the body, and to encourage the yielding of the body as an instrument for God's use. (I Cor. 6:19,20)

ACADEMIC ISSUES & AWARDS

Curriculum

BCA uses a variety of curriculum materials including ABeka, BJU Press, Purposeful Design, Saxon Math, Shurley English, History Alive!, and Positive Action or CSI Bible. BCA has an objectives-based curriculum and some materials that are used in instruction have been specifically designed by the administration to meet those objectives. Consumable and non-consumable books are provided for student use. **If a book is lost or damaged, the student's account will be billed the replacement cost.**

Library

Students may check out books from the school library for two weeks to read at home. No new books may be taken out until checked-out books are returned. If a book is not returned or is damaged, the cost of the book will be added to the student's account at the end of the school year.

On occasion, students may be transported to the public library to obtain research materials.

Computer Lab

All students in 1st – 8th grade have computer class weekly where they learn keyboarding and software applications. Teachers may also use the computer lab to provide Internet resources to support instruction or for students to complete projects requiring computer use. The computer lab may be used after school hours if a student is working directly with a teacher on a school-related assignment.

Technology Policy

Students have access to school computers for the purpose of research and/or producing school-related assignments. To safeguard the computer equipment and ensure the safety of BCA students, the following restrictions regarding computer use apply:

- Students may not use school computers without the supervision of BCA staff or faculty.
- Computers may be used only for school-related assignments.
- No food or drink may be consumed in the computer lab.
- No applications or games may be installed on school computers by a student or faculty member without express authorization from the administration.
- Established procedures for storing data will be used at all times.

Internet Use

Because the Internet is an excellent resource to further students' studies, BCA has provided its students with limited Internet access. When accessing the Internet, the following rules must be followed:

- Students will only use the Internet for approved course work. Other use is strictly prohibited.
- No personal information (e.g., pictures, addresses, telephone numbers, and parents' names) will be posted on the Internet.
- Students who encounter inappropriate materials must immediately report the occurrence to the media supervisor.
- Students may view published web pages and cite information obtained from them appropriately. Caution must be taken to avoid plagiarism.
- Students will not vandalize, damage, or disable the work of another individual or organization.
- Students will not access, manipulate, alter or attempt to damage, disable or destroy technology or computer files.
- Students will not access, create or distribute harassing, pornographic, obscene, racist, sexually explicit, or threatening material, imagery or language.
- Students will not use school-provided Internet access for illegal purposes or for non-approved commercial purposes.
- Students and parents are required to sign an Acceptable Use Agreement each year in order to be allowed to use school computers.

Student Computers in the Classroom

Middle school students have access to netbook computers for use in producing various written assignments in the classroom. Student netbooks are not to be taken home. Parents and students are required to sign a special use agreement for the student to be permitted to use these computers. BCA provides middle school students with a Google account for doing assignments using Google Apps for Education.

Tape Recording

Bethel Christian Academy realizes that there are limited circumstances under which students may need to either tape record a class lecture or have another student tape record a class for them. However, it is the school policy that any students wishing to tape record a class or any part of the school day must obtain permission in advance from

the administrator. Any student who tapes a class or any part of the school day, regardless of the reason, without the express permission of the administrator is subject to suspension or expulsion.

SPECIALS CLASSES

Art

All elementary students take art for the entire school year; it is a one-semester class for middle school students. Students learn basic art skills and art history as they work on projects using a variety of media. Since an art show is part of the Christmas and Easter programs, middle school art students are encouraged to attend those programs even if they are not performing on stage.

Music

All Readiness – 5th grade students take music for the entire school year; it is a one-semester class for middle school students. Classes focus on vocal music, but may also include experiences with recorders or bells. Students learn the basics of music theory and may sing different vocal parts in a group performance. Students perform at various programs and events which are mandatory. Therefore, advance notice must be given if the student is unable to attend a scheduled performance.

Physical Education

Students in PreK – 8th grade have P.E. once a week. In this class, students learn the rules and gain various sports' skills. Instruction in physical fitness is also emphasized and the students participate in the President's Active Lifestyle Program each school year. A student's grade will be affected if he/she is not properly dressed for P.E. (Please refer to the Dress Code section.)

Computer/Library

Beginning in 1st grade, students take a weekly Computer class in which they learn typing and how to use Microsoft Office applications. They are also provided with instruction regarding a variety of classic genres of literature and how to find books in the library. Students may check out books to take home.

MIDDLE SCHOOL ELECTIVES

Electives for middle school students vary each year. They may include academic support classes or study hall as well as those listed below.

Drama

The focus of this class is to use drama to dynamically communicate God's principles

and His love. Foundations will be laid regarding the effective use of movement, music, staging, vocal expression, and character interaction. Students will perform such things as skits, monologues, drama to music, and will present a production at Christmas, Easter, and the spring Evening of Excellence.

Worship Dance

The focus of this class is to learn about the biblical basis for dance as a form of worship and the history of dance in the church. Students also learn a variety of dance movements for presentations at Christmas, Easter, and the Evening of Excellence as well as other school events.

All special programs are mandatory for performing arts students. Unexcused absences will result in the student receiving a zero for the performance. To be excused from a performance, arrangements must be made ***well in advance*** with the drama, music, or dance teacher, except in the case of an emergency.

Spanish

Middle school students may elect to take Spanish. These classes are offered once a week. Students who are planning to enter special academic programs in high school should determine early the language requirements and consider taking a language course each year. Due to BCA Spanish classes being offered only once/week, three years of BCA Spanish is equivalent to one year of daily Spanish instruction.

Life Skills

This basic course offers skills that all young people need such as hygiene and personal grooming, financial management, sewing, home repair, meal planning, and cooking.

Praise Team

At Middle School, worship for Chapel is led by students. In order to participate in leading worship, students must take Praise Team as an elective where they will learn how to lead others in worship. Instrumentalists and vocalists may take this class.

Public Speaking

This class is designed to give students instruction and opportunity to develop skills in preparing and presenting various types of speeches. In addition to individual speeches, students may engage in preparing for and participating in a debate.

Martial Arts

Students learn basic body control and discipline, basic blocking, kicking, punching, three basic forms, hands-on defensive techniques as well as one weapons form.

Student Leadership

This is not a scheduled class. It is a team of middle school students that works with a BCA staff advisor to plan events and work on projects for the advancement of the middle school. Students must apply to be on the leadership team. This team attends an annual conference for training in leadership skills. They meet during the lunch period and after school.

Chapel

Once a week the students participate in a Chapel service in which they have the opportunity to worship and hear a message that is relevant to them. Parents are welcome to attend. Once a month, student awards are presented during Chapel.

Selection of Literature

The reading and evaluation of literature is an essential part of each BCA student's education. Literature is evaluated by the administration to assess its appropriateness considering the maturity and reading ability of the students and the instructional goals of the course. The inherent worth of the literary work in terms of moral tone, gratuitousness of evil, and explicitness of evil is also evaluated. Because the teacher can point out an author's scripturally foolish perspective, works may be chosen to be used in the controlled environment of the classroom which are not suitable for independent, undirected reading. If a parent has a concern about a literature selection, the parent should contact the administration.

Homework

The purpose of homework is to support and enhance classroom instruction. It is assigned to achieve specific instructional objectives.

BCA provides students in grades 3 – 8 with an assignment planner in which to write all homework assignments. Time is given in class to copy assignments from the board. In addition, homework is posted on RenWeb on a weekly basis. This is as a reference for parents in the event that a question arises; it is not meant to be the primary source of homework information although every effort is made to keep it accurate and up-to-date.

Because students need time to pursue non-school-related activities and to enjoy family time, it is BCA's intent that homework not be excessive. It should be understood; however, that what is excessive for one student may not be excessive for others.

Expectations for Homework for the Average BCA Student

Preschool/PreK	No homework
Kindergarten	Approximately 15 minutes/night <i>as needed</i>

1st– 2 nd grade	Approximately 30 minutes/night
3 rd – 4 th grade	Approximately 45 minutes/night
5 th grade	Approximately 1 hour/night
Middle School	Approximately 2 hours/night

*The time the teacher estimates is required to complete the assignment may be noted on the assignment posted on RenWeb.

It is important to plan out long-term assignments to avoid an overload of homework at the last minute when projects are due. Students taking Algebra I should expect their homework load to be somewhat in excess of the above-stated guideline due to the advanced nature of the course.

Students who do not complete class assignments in the time allotted during class may be required to complete them at home. This work is not considered assigned homework, but indicates a lack of productivity in class and may result in the student spending more time than expected working at home. Some class work, however, cannot be completed at home, and failure to complete it in class will adversely affect a student's grade.

Students are expected to turn in homework on the day that it is due. Late homework is deducted a full letter grade and will generally be accepted only one day after the due date. Beyond one day late, the student will receive a zero. Missing assignments are noted on RenWeb and an email notification is sent to the parent. However, it is recommended that parents check to see that homework is completed each day and placed in the appropriate place in the student binder to be turned in on time.

Some subjects or assignments do not allow for work to be accepted late due to the nature of the assignment objective. For example, Math work is cumulative and if it is not completed for each lesson on time, the student's learning is impacted aside from the grade itself. Other assignments may need to be completed as a prerequisite to another learning activity and there is no instructional value to them being completed late. Therefore, in these cases, the teacher may refuse to accept the work late, and the student will receive a zero.

Although effort is made to avoid scheduling several major tests on the same day, there will be times when more than one quiz or test may fall on the same day. Students are encouraged to participate in class and to study throughout an instructional unit so that last-minute cramming will not be necessary.

Organizational System

Research has determined that the primary factor in a student's school success is organization. BCA supports this objective by requiring that all 1st – 8th grade students utilize a specific organizational system for all school supplies and schoolwork. The required supplies are listed on the school supply list.

The student binder is the core component of the BCA organizational system. Each student is required to have a 3-ring binder containing one set of rings and a zipper closure. First grade students need 2-inch rings and 2nd – 8th grade students must have 3-inch rings. The binder is to contain:

- a zippered pencil case (stocked with required items)
- 2-pocket folder (for home-school communication) – **NOT for homework**
- an assignment planner (provided by BCA)
- blank notebook paper
- at least 10 plastic dividers with tabs, but NO pockets

It is the student's responsibility to keep the binder stocked with paper and other supplies as listed on the school supply list. The teacher will train the students in the proper set up of the binder and will conduct regular binder checks. The students will regularly “purge” the binder of old school work with the teacher in class. Parents and students should not attempt to clean out the binder at home to avoid discarding things that may still be needed. Parents should, however, check to assure that everything in the binder is in its proper place and hold the student accountable for complying with the requirements.

In order for the binder system to work effectively, a few things are of paramount importance.

- Every worksheet, test, handout, homework assignment, etc. must be dated and placed in the rings in the appropriate subject section of the binder.
- Most recent papers are to be placed in the front of each section (right after the divider) to be easily accessible.
- Students are not to put work papers in “pockets” in the binder nor in folders. Students are not to use spiral notebooks.
- **BCA students do NOT use a separate homework folder.**

Preparedness for Class

For learning to occur, a student must be prepared. Students must avoid being:

- Unprepared for class – coming to class without textbook, paper, pencil, etc.
- Late to class – coming to class after school or the class period begins

When a student comes to class late or unprepared to do the work required due to lacking the necessary materials, he/she may have points deducted from his/her grade.

A school store is available at some campuses so that students may purchase supplies if necessary. Students may pay cash for the items or may have them billed to the parent if the parent signs an authorization to be billed.

Field Trips

Field trips are a worthwhile way to teach concepts and expose students to experiences they would not otherwise receive at school. Each class will attend some school-funded field trips during the school year. Additional field trips may be scheduled at the parents' expense. These are considered optional. Field trips are scheduled at various times throughout the year. Notification of the specific time and place of each trip will be provided during the year. Written parental permission is required for a student to go on a field trip. Although BCA has procedures to take care of students with medical issues on field trips, parents of students with severe medical conditions will be given the option of attending as a chaperone. BCA's policy is that if a student is considered medically unstable or determined to be ill on the day of the field trip, he/she will not be allowed to participate. Although all the teachers are trained in basic first aid procedures, they are not trained nor equipped to deal with severe medical emergencies.

If a parent does not send in a signed permission slip for a student to attend a field trip, the student is to remain at home that day. Students **will not** be allowed to call the parent that morning for verbal permission. They will remain at school working on a related assignment and/or schoolwork if there is staff to monitor them. Otherwise, the parent will be called to pick them up.

Parents will be given the opportunity to chaperone on field trips. If selected for a particular trip, the parent will receive confirmation notification from the teacher or the school office. *Parents are not allowed to take younger siblings on field trips.*

It should be noted that all school rules apply on all field trips and on all school-sponsored events on the school campus and away from it. Students may not bring cameras or other electronic devices on field trips. Chaperones may bring cameras, but may not post photos of students other than their own on any Internet site.

Academic Performance

Honor Roll

A/B Honor Roll: Students who have earned all A's and B's and above and have at least an S (Satisfactory) in Conduct.

Principal's Honor Roll: Students who have earned all A's and have at least an S (Satisfactory) in Conduct.

All classes count towards honor roll for middle school. Only core classes count for 1st – 5th grade.

Academic Failure

Students who earn a final grade of F in any academic subject (math, English, reading, science, history, or Bible) will not be promoted to the next grade. It may be possible for the parent of a student in this situation to make arrangements with the administration for summer remediation if the student has earned an F in only one subject. Summer remediation does not apply to 8th graders who have earned an F. They will not graduate.

Students who earn a final grade of D in any academic subject (math, English, reading, science, history, or Bible) **will be required to receive 30 hours per subject of documented private tutoring during the summer.** The tutoring must be approved in advance by the BCA administration and a report from the tutor regarding the hours tutored and the student's progress must be provided. Students who have earned a final grade of D will have the notation "Promoted with Reservation" on their final report card.

Many BCA teachers are available to tutor students who need extra support. The rate for BCA teachers doing tutoring on campus is \$40/hour plus Extended Care fees payable to the school.

Student of the Month Award

Students who have exemplified a high standard in attitude, behavior, and academic diligence are honored as Student of the Month. Readiness – 5th grade students are nominated by their homeroom teacher. Middle school students are nominated based on having no missing or late work for the month and having received no demerits.

Student of the Year Award

At the end of the year, a student may be selected from 1st - 5th grade and middle school to receive the Student of the Year award. The selection is made based on character development, academic diligence/achievement, leadership, serving, and spiritual growth and maturity. This award is presented at the end-of-the year Awards Assembly.

Academic Program Overview

Preschool students are taught basic readiness skills and foundational academics such as letters, numbers, and Bible stories. In PreK, students begin to learn to read and increase

their knowledge and understanding of number concepts and handwriting skills. They also engage in enrichment learning in Social Studies and Science. Kindergarten students build on the foundation of phonics begun in earlier grades and truly master the fundamentals of reading. They also begin basic math computation. Kindergartners continue to improve handwriting and add composition to their skills along with more focused Social Studies and Science instruction.

In 1st – 8th grade, students are taught the core subjects of Bible, Math, Language Arts, Reading, History, and Science. An overview of the materials and specific subject matter is available on the BCA web site.

Student performance is assessed and recorded in a variety of ways. The parents of Preschool students receive a hard copy report of the student's progress in meeting annual objectives. PreK students receive a Quarterly Progress Report available on RenWeb indicating their progress in meeting quarterly objectives. Students in grades Kindergarten – 8th receive a Report Card available each quarter on RenWeb. The scales used to measure student performance are listed below:

PreK Progress Scale

CD = Consistently Demonstrates Skill

MP = Making Progress in Demonstrating Skill

NY = Not Yet Demonstrating Skill

Kindergarten Grading Scale

E = Excellent [High proficiency]

G = Good [Expected proficiency]

S = Satisfactory [Developing proficiency]

N = Needs Improvement [Lacks proficiency]

1st – 8th Grade Grading Scale

98 – 100 = A+ 88 – 89 = B+ 78 – 79 = C+

93 – 97 = A 83 – 87 = B 73 – 77 = C

90 – 92 = A- 80 – 82 = B- 70 – 72 = C-

68 - 69 = D+ 59 - = F (Failing)

63 - 67 = D I = Incomplete

60 - 62 = D- (M) = Modification*

*Modifications are made only for students who have documented special needs.

Most graded assignments and written assessments are scored for actual number correct out of the possible points or for percentage correct. However, some activities and assignments may be scored using a more subjective method as described in the table below or by using a criteria-based scoring rubric. When these symbols or a letter grade are written on an assignment, it holds the numeric value shown on the chart on the next page. Teachers may, however, choose to give a more precise numeric grade.

A+ √++ = 100	Exemplary; exceeds expectations
A √+ = 95	High proficiency in meeting the assignment objectives
B √ = 85	Expected proficiency in meeting the assignment objectives
C √- = 75	Developing proficiency in meeting assignment objectives
D √-- = 65	Lacks proficiency in meeting assignment objectives, but some skill evident
F = teacher assigns %	Did not finish assignment, did not meet basic requirements, no proficiency demonstrated

Note: Students who have been determined to have cheated or plagiarized on an assignment may receive a zero in addition to other possible disciplinary consequences.

Conduct and Work Habits

Conduct

The Conduct grade reflects a student's respectfulness, self-control, obedience, and ability to get along with others throughout the quarter. Behavior information is available on RenWeb and is updated on a weekly basis. If a student has earned four or more demerits during the quarter, an automatic email message containing the behavior report will be generated to the parent. This behavioral information will be considered when assigning the student's Conduct grade on the quarterly report card based on the following rubric. However, the number of demerits is not listed on the report card nor does it appear on the student's permanent record.

E = Excellent	Requires little or no correction.
G = Good	Occasionally needs verbal correction but he/she responds appropriately.
S = Satisfactory	Not rebellious, but requires redirection.
N = Needs Improvement	Requires multiple warnings and often requires additional consequences.
U = Unsatisfactory	Exhibits a pattern of misbehavior and/or has had a more serious behavioral offense

Work Habits

Students are expected to be prepared and attentive in class, to follow directions, and to complete work on time and in a quality manner. Students are taught specific study skills and are assisted with organization in class.

However, a student's personal work and study habits can impact his/her academic performance. The teacher will inform parents when a particular work or study habit is having a negative impact on the student's grade and comments may appear on the report card indicating a student's performance in this area.

Penmanship

Students in the elementary grades receive a grade in Penmanship and once they have learned to write in cursive, they are required to do so. Fifth – eighth grade students are required to write in cursive handwriting and their grades in a particular class may be impacted by a failure to do so or by illegibility. However, students in these grade levels do not receive a separate grade for penmanship.

ANNUAL EVENTS

Veterans Day

The week of Veterans Day, the Chapel service at each campus is dedicated to those who have served or are currently serving in the armed forces. Parents are welcome to join us for this special service.

Grandparents Day

BCA designates a day each year to honor grandparents. Grandparents are welcome to visit with their grandchild/ren in the classroom and enjoy a complimentary lunch. Please invite your child/ren's grandparents to attend.

Christmas Program

In December, BCA students perform in special programs to honor Christ's birth. Programs typically include drama, dance, and music.

Moving Up Night

In late January, parents are invited to attend this event and get a preview of the types of instructional activities and projects that their student(s) can expect in the next school year. Curriculum is available to review and teachers are present to answer questions.

Easter Program

In the spring, BCA students perform in special programs celebrating the Resurrection. Programs typically include drama, dance, and music.

Evening of Excellence

In the spring, students in 3rd – 8th grade participate in an “Evening of Excellence” by displaying projects created throughout the school year. Academic areas for which projects are displayed include Bible, reading, writing, science, history, and art. In addition, performances in music, drama, and dance may be presented.

Carnival/Field Day

At the end of the school year, BCA holds a spring carnival and middle school field day. There are activities and events for students in all grades.

Kindergarten Graduation

A special graduation ceremony is held during which students present performances related to things they have learned and receive a Kindergarten “diploma.”

5th Grade Promotion

The 5th grade promotion ceremony provides an opportunity for 5th grade students to perform and welcomes them into middle school.

8th Grade Graduation

Eighth-grade graduation is held on a special graduation night. All graduating students are required to attend.

ATTENDANCE

In order to gain the most from school, each student must be in regular attendance. Parents are encouraged to establish a pattern of regular attendance unless health prohibits. Students should not be taken out of school for an extended period of time. If a student is kept home for health reasons, a call must be made to the school before 10:00 a.m. At this time the parent may request homework assignments for the day. Absentee assignments may be picked up at the school office after 3:00 p.m.

Chronic absenteeism on quiz, test, or exam days will be brought to the attention of the administrators.

Students that arrive late, leave early, or are removed from class for a middle-of-the-day appointment that results in being away from school for three hours or more will be

credited with one-half day of attendance. According to state law, if a student is absent from school for an accumulated number of thirty-five days per school year, he/she will not be promoted. This includes tardies that have been converted to absences.

Students serving suspensions are considered absent for purposes of “Perfect Attendance.” See “Discipline Policies” for information regarding missed work due to suspension.

Excused Absences

Examples of excused absences are:

- Personal illness
- Death in family
- Appointment with doctor or dentist. (Such appointments should be made after school hours if at all possible.)
- Major traffic accidents and road conditions making travel dangerous.
- Family vacation (Prior notice is required.)

In order for an absence to be considered excused, the reason for the absence must be stated in writing and signed by a parent or guardian.

For excused absences, work may be made up according to the following guidelines. Assignments must be made up in the time equal to the number of days absent (i.e., one day absent - all make-up work must be made up in one day; two days absent - all make-up work must be completed within two days after returning.). This is to continue up to five days. Five days are the maximum number of days allowed for make-up work.

Tests or quizzes scheduled for the day a student was absent are to be taken the day the student returns unless the absence included the day(s) on which initial instruction was given for the test or quiz material. Students who are absent for an in-class review, however, are not given additional time to make up a quiz or test since instruction was provided and the student had the opportunity for personal study. Tests or quizzes for which the student was not present for the content instruction must be scheduled with the teacher so that appropriate instruction can occur prior to the quiz or test.

Unexcused Absences

If an absent student returns to school without an acceptable written excuse from the parent, the absence is considered unexcused. A student with an unexcused absence will receive a zero for all missed assignments and tests for that day. Assignments that were due that day may be considered late and the grade deducted accordingly.

Planned Absences

The student's teacher(s) should be notified at least two days prior to any planned absence. If prior notification is not received, the absence will be considered unexcused and the student will receive zeroes for assignments missed that day. Assignments that were due that day may be considered late and the grade deducted accordingly.

Teachers who are notified well in advance of a planned absence will do their best to provide the student with his/her work prior to the absence, which must then be handed in the first day the student returns to class.

Returning to School after an Absence

Upon returning from an absence, all students must furnish a note to their homeroom teacher from their parent or guardian stating the date(s) and reason for the absence, and the signature of the parent or guardian.

If a student is absent for three consecutive days, the medication technician (MT) should be notified regarding the situation. A note from a doctor is required upon the student's return to school for absences in excess of two days and for communicable illnesses (i.e., chicken pox, measles, lice, etc.).

Perfect Attendance

A Perfect Attendance award is given to students who have been physically in school for at least ½ day every day school is open. Regardless of the reason for a student's absence, if he/she was not physically present in school, he/she is not eligible to receive a Perfect Attendance award.

Tardiness to School

It is important that every student arrive at school with sufficient time to unpack his/her backpack and prepare for instruction. The arrival times for each campus are:

Middle School Campus Arrival 7:55 – 8:15 a.m.

Students must be unpacked and in the morning assembly by 8:15 a.m. or will be considered late, with the exception of bus students. Late students must check in and receive a ***late pass***. After 8:25 a.m., parents must come into the building to sign the student in.

Campus 3- Oakes Building Arrival 7:55 – 8:15 a.m.

Students must be signed in, unpacked, and in their classroom by 8:15 a.m. or will be considered late with the exception of bus students. Late students must check in and receive a ***late pass***. After 8:15 a.m., parents must come into the building to sign the student in.

Campus 1- Cox Building Arrival 8:00 – 8:25 a.m.

Arrival after 8:25 a.m. is considered late and parents must come into the building to sign the student in.

Excused Tardies/Lateness

Examples of excused tardies/lateness include (but are not limited to):

- Appointment with doctor or dentist. (Such appointments should be made after school hours if at all possible.)
- Major traffic accidents and road conditions making travel dangerous.
- Serious or significant family situations

In order for tardy to be considered excused, the reason (as indicated above) must be stated in writing and signed by a parent or guardian and provided at the time of arrival.

Unexcused Tardies/Lateness

If a student arrives to school after the designated arrival window without an approved written excuse from the parent, the tardy is considered unexcused. A student with an unexcused tardy will receive a zero for any assignments and tests/quizzes missed during that time. Teachers who accept homework at the beginning of a class period may consider work turned in after that time as late and deduct a letter grade.

Being in class is critical to student learning. Therefore, five (5) unexcused tardies will be converted to one day absent and will be noted on the student's report card. This will affect "Perfect Attendance". Thirty-five absences will result in a student not being promoted.

Tardiness to Class

For students who change classes, there is sufficient time between classes or from lunch/recess for students to get to the next class on time. Students who are late to class may have points deducted from their grade. Students who are legitimately kept late by a teacher or staff member should ask that teacher/staff member for a pass to enter their next class without penalty. Students should report to their classes promptly and then ask to sign out to the rest room. Students are not permitted to just go to the rest room between classes; they must have permission from a teacher.

COMMUNICATION

Communication between home and school is extremely important for partnership. BCA is committed to utilizing a number of means to provide parents with the information they need to enable their student(s) to excel.

BCA Web Site

The BCA web site is maintained for the purpose of providing information about the school and school events on the Internet. A monthly calendar, events bulletins, and information regarding enrollment are some of the things available on this site. The web site address is <http://www.bethelchristianacademy.com>. A link to the RenWeb parent portal is available on this website as well.

RenWeb

Bethel Christian Academy provides up-to-date school information online through RenWeb. Parents and students may access the student's account. The RenWeb web site provides attendance, health, academic and behavioral information as well as displaying homework assignments and information about school events and activities. Teachers can be contacted via email directly through RenWeb.

The "web forms" button on RenWeb allows parents to update student and parent information directly. Information such as changes in phone numbers or email addresses or emergency contact or pick up information can be updated using this option or by calling the school office.

BCA Calendar

The yearly and monthly calendars are posted on the BCA web site and on RenWeb. In addition, a shared Google calendar is available for parents to link to in order to keep up-to-date electronically in regard to BCA events. Monthly calendars are also sent home.

BCA Publications

Parents receive a monthly newsletter providing information about things that are happening in the school. A weekly email update is sent out to keep parents abreast of events and activities for the upcoming week.

Missing Homework

If a student has had a missing homework assignment during the week, it will be noted on RenWeb and an automated email notification will be sent. However, it is possible that by the time it is noted on RenWeb, the student will have already earned a zero. Therefore, it is important for parents to check the student's homework each night to ensure that completed assignments are in the binder to be turned in on time.

Academic Progress

Information regarding each student's academic progress and performance is available through the use of RenWeb. Grades on specific assignments and tests as well as the student's quarterly average are provided. In addition, email notifications are sent to the parents when the student receives a grade lower than 65% on an assignment or assessment. Teachers will also contact parents when a pattern of poor performance is noted.

Behavior Report

Behavior information is available on a weekly basis on RenWeb. In the event that a student has earned an excessive number of demerits during the quarter, an automated email notification will be generated to the parent detailing the offenses.

Mid-Term Reports

Since parents are able to access progress and performance information on a weekly basis via RenWeb, BCA does not publish a separate Mid-Term Report.

Report Cards

Report cards give the students' letter grades for each class. PreK students are issue a quarterly Progress Report. Comments may be included as appropriate. Report cards are officially posted on RenWeb at the end of each quarter. Final report cards are mailed. Report cards will not be accessible unless the student's financial account is up-to-date during the school year and paid in full at the end of the year.

Parent-Teacher Conferences

Parent-Teacher conferences are held twice during the school year. Readiness – 2nd grade conferences are scheduled directly with the teacher who sends out a notification of the date and a means of making an appointment.

In grades 3 – 8, the students have multiple teachers and the conferences are scheduled by the campus administrative assistant. Since these conferences may be with all of the student's teachers, it is not possible to have a conference with every parent on the day set aside for parent-teacher conferences. Therefore, priority is given to those parents whose students are earning two or more low C's or a grade below a C and for parents of new students. Other parents are welcome to schedule a conference on that day if there is a slot available or on another day after school. Middle school students are required to attend parent-teacher conferences.

Scheduling Conferences

Parents may call the school office or send an email when an appointment is desired with the teacher or administrator. **Teachers may not be seen for impromptu questions,**

conferences, or discussions, particularly at the beginning of the school day. All meetings with a teacher must be scheduled in advance.

Visiting the Classroom

Parents sometimes want to observe their student in the classroom environment. Observations in the classroom must be scheduled in advance with the teacher and are limited to one class period in order to avoid disruption to the classroom routine. Upon arrival, the parent is to sign in at the school office and obtain a visitor badge. The administrative assistant will notify the teacher of the parent's arrival.

Use of Telephone

Students are not allowed to use the school phone. In the case of an emergency, the school will contact a student's parents. Personal cell phones are not permitted and will be confiscated. Arrangements for after-school activities should be made prior to the day of the activity. Personal messages from parents cannot be taken to children during school hours unless there is an emergency.

Parties

Parents are welcome to provide refreshments during the lunch period for their student's birthday. In addition, there may be class or school-wide parties planned for a variety of reasons. Parents may be contacted to provide food contributions.

Invitations to personal parties are not to be distributed at school. A BCA family directory is available in RenWeb to facilitate relationship building. Parents may choose not to have their information displayed in the directory.

Handling Concerns or Complaints

The following procedure is used by BCA faculty and staff and is taught to the students. Parents are urged to use this procedure as well since it is the plan given in God's Word.

If you have a concern/complaint:

- **Pray.** Seek God.
- **Express your concern** promptly in a spirit of respect **to the proper person.** Concerns about a particular problem or situation should be expressed **to the individual involved.** Do not broadcast them. Express your complaint **only** to the person who should hear it. Unneeded worry, harm, and hard feelings result when problems and dissatisfactions are expressed to persons other than those directly involved. Your concern should be expressed to the administrator if you cannot work it out with that individual and no one else. (Matthew 5:23,24)

- Express it clearly and respectfully. Make sure the person to whom you are expressing your complaint understands the details of the situation and **exactly what you are complaining about and why**. Please focus on the issue and refrain from general accusations or personal attacks. Clearly state what you would like the person to do.
- **Pray about it.** Ask God to help you to make your complaint in such a way that it will result in a stronger partnership with the individual and the betterment of the school. Read and think about such passages as Ephesians 4:1-3 and Colossians 3:12-13. Pray about it.

If you overhear or are told a concern/complaint:

- Encourage the person communicating to express his/her concern/complaint only to the person who is a part of the problem or a part of the solution.
- Pray and ask God to take care of the situation. **Do not continue to listen to the details of the problem after you discern that you are not part of the problem or the solution.**

If a complaint is made to or about you:

- Understand what the complaint is and why it is being made.
- Give it prompt attention and agree on an effective solution.
- Make it a growth experience and learn from any mistakes.

Be sure to allow ample time for a problem to be resolved before contacting the administrator. Most of the problems that arise can be resolved by keeping the channels of communication open with the teacher. However, if a problem is not resolved, please contact the administrator for assistance in reaching a resolution. Administrators cannot address concerns of which they are not aware.

DISCIPLINE PHILOSOPHY

Discipline is a biblical principle by which individuals are trained in righteousness (Heb. 12:6-11). Consistent, loving discipline enables students to learn to do what is right and to grow in every area of their lives. We recognize that “no discipline seems pleasant, but painful” to the one being trained by it. However, the fruit of righteousness that results from discipline will ultimately benefit the individual and those around him/her. Our commitment is to apply discipline “with great patience and careful instruction” and to base all correction on the Word of God (2 Tim. 4:2). When correction is necessary, our goal is to lead the student to repentance and restoration in a spirit of grace while preserving his/her personal dignity.

Discipline Policies and Procedures

In order to maintain a classroom environment that is conducive to learning, the following behavior is not permitted.

- Being disruptive – intentionally causing a disturbance that draws class attention away from the learning task at hand
- Out of order – doing anything other than the task at hand whether it causes a disturbance or not
- Talking – persistent communicating during a time when talking is not permitted
- Rudeness – speaking/acting in an unkind, disrespectful, or demeaning manner to anyone; teasing
- Attitude lacking – displaying in word or action an unwillingness to submit to the instruction or correction of a teacher

When a student chooses to persist in any of these behaviors, the teacher will record the incident and will issue a consequence. A brief time-out during recess, lunch with the teacher, an essay assignment, a phone call to the parent, or other consequence may be issued. Behavior incidents which result in a consequence are noted through the posting of a demerit on RenWeb. If a pattern of misbehavior persists or an incident is more serious, a demerit will be given and the parent may receive a call from the teacher or an administrator.

- Intentional disobedience – serious willful rebellion/defiance

Intentional disobedience is considered a serious behavioral offense (*See Behavioral Offenses*) and is addressed as such. This behavior will be documented in RenWeb and the student will be sent to the administrator. The teacher or administrator will contact the parents to explain the incident and to discuss the disciplinary action to be taken.

Most BCA students receive no demerits throughout a quarterly grading period. Students who earn an excessive number of demerits in a quarter are considered to be in non-compliance BCA behavioral standards. A conference may be scheduled with the administrator and the parent(s) of any student who has exhibited a pattern of misbehavior. The administrator may place the student on a daily accountability plan or behavioral Performance Plan. Students who continue to demonstrate an inability or unwillingness to comply with BCA behavioral expectations may be asked to withdraw or may not be permitted to continue enrollment the following year.

Middle School Code of Conduct

While students in preschool through elementary school are still very much under the control of their teachers, middle school students are expected to take ownership of their education and to make a personal commitment to controlling their own conduct. Therefore, they are expected to conduct themselves in the following manner:

1. Speak and act respectfully to teachers and staff members
 - Make eye contact
 - Speak in a quiet tone of voice at all times
 - Endeavor to portray only positive body language (no eye rolling, etc.)
 - Receive correction in an affirmative manner (Hebrews 12:11 "*For the moment all discipline seems painful rather than pleasant, but later it yields the peaceful fruit of righteousness to those who have been trained by it.*")
 - If a concern or conflict with an adult occurs, speak to the person respectfully in private at an appropriate time
 - Speak respectfully *about* those in authority
2. Speak and act respectfully to classmates
 - Communicate only positive things to others
 - Avoid talking *about* others (If it's positive, say it to them. If it isn't, don't say it at all.)
 - Respect other people's personal space
 - Respect other people's belongings
 - Stay out of other people's business
3. Obey school authorities (teachers, administrators, office staff, lunch room staff, extended care workers)
 - Do what you are asked to do without arguing or complaining
4. Comply with school rules
 - Be in the proper uniform/abide by the dress code
 - Be on time to school and class
 - Be prepared for class with assignments and materials
 - Do assigned work
 - Follow each teacher's classroom rules and procedures
 - No gum chewing on school grounds
 - Respect school property

Behavioral Offense Policies and Procedures

Unfortunately, at times students commit offenses of a more serious nature. The offenses listed below may result in suspension or expulsion from BCA.

- Any communication of a sexual nature
- Cheating (including plagiarism)
- Destruction of property
- Forging a parent's signature
- Gossip/slander
- Harassment (incl. sexual)
- Inappropriate relationships (There is to be no physical contact or public displays of affection.)
- Leaving a designated area without permission
- Leaving school grounds
- Lying
- Offenses via the Internet and/or social media including, but not limited to, gossip, slander, threatening, teasing, bullying, profanity, crude communication, lying, and harassment, whether perpetrated on school property or from another location. A student may be required by the administrator to give access to his/her online accounts in the course of investigating such behavioral offenses. Refusal to do so may result in expulsion.
- Physical aggression/Fighting (whether the initiator/aggressor or not; includes hitting, punching, shoving, etc.)
- Possession of a weapon
- Possession of inappropriate items (e.g., alcohol, drugs, prescribed medications, or cigarettes)
- Profanity/crude communication
- Stealing
- Teasing/bullying/threatening
- Willful rebellion/defiance

This list of potential behavioral offenses is not exhaustive. The administration reserves the right to use its discretion in determining whether behavior is serious enough to warrant suspension or expulsion even for a first offense. In addition, it should be noted that engaging in illegal or biblically immoral behavior at any time, including when off the school campus is grounds for suspension or expulsion.

If a behavioral offense occurs, the parent will be contacted by the teacher who witnessed the offense or by an administrator. A demerit will be entered in RenWeb to

document the offense and to indicate the consequence. A meeting may be scheduled with the administrator.

If a second behavioral offense occurs, a conference with the parent, student, and administrator will be scheduled. The administrator may place the student on a daily accountability system and/or a behavioral Performance Plan.

Detention

The administrator may issue lunch/recess detention as a consequence for misbehavior. Detention consists of the student being detained in an isolated, but monitored, location. Detention may involve completing a written assignment regarding his/her misbehavior.

Suspension

If a behavioral offense requiring suspension occurs, the parent will be contacted by an administrator the day the offense is discovered. A demerit will be entered into RenWeb to document the offense and the disciplinary action to be taken. A meeting may be scheduled with the administrator. The suspension period will begin the day following discovery of the offense and will continue for a minimum of one school day.

Students who are suspended for a behavioral offense will automatically receive a grade of "U" (Unsatisfactory) in Conduct on the quarterly report card for that quarter. Since the student is not present in school during a suspension, he/she is not eligible for a "Perfect Attendance" award.

In the event that a student commits a second behavioral offense requiring suspension, the parent will be contacted to schedule a meeting for the parents and the student with the administrator. Prior to beginning the second suspension period, the requirements for ending the suspension will be agreed upon in writing.

After two suspensions, the student will be placed on behavioral probation for the remainder of the school year. Any additional behavioral offenses that occur during that period will result in the student being expelled or asked to withdraw.

Students who have been suspended more than once during the course of one academic year will be allowed to remain enrolled only under a behavioral Performance Plan.

In-School Suspension

BCA does not conduct in-school suspensions. All behavioral suspensions require that the student be completely removed from the school environment.

Out-of School Suspension

If a student is suspended from school, it has been deemed in the best interest of the student body to have the student completely removed from the school environment for a period. Clear requirements for the student's reinstatement will be communicated to the parent(s). Students who are suspended from school are not permitted to make up class work, quizzes, or tests that are missed. The student will receive zeroes. However, homework and projects completed at home may be submitted upon the student's return to school, but may be considered late.

Expulsion

If a student has been unresponsive to correction during the suspension process and/or there is no significant behavioral change over the time period determined by the administration, the student will be expelled or asked to withdraw from BCA. The administration reserves the right to expel for any one-time offense deemed of a serious enough nature.

DRESS CODE

The BCA administration desires to provide an environment in which students can focus on their schoolwork and on developing their identity in Christ. Experimenting with the styles of the surrounding culture is best left out of the Christian school environment as it distracts from that focus. **We ask that parents and students submit to the spirit of this policy by avoiding dress and grooming choices that may be questionable.**

All students are expected to be in their proper school uniform every day. Clothes should always look clean and well-kept and should fit without being tight or too short. Persistent uniform violations will be deemed non-compliance with the BCA Statement of Cooperation and Agreement and the parent may be contacted by the administrator and other consequences applied, such as calling the parent to bring the student the proper uniform.

Students in grade 3 – 8 are required to have their shirts tucked in and must wear a belt. If a student is not in the appropriate uniform for the day, the student will receive a uniform violation. Uniform violations for students in grades 3 – 8 will result in recess detention for the day. Recess detention may involve a written assignment.

Hairstyles

All students are expected to keep their hair clean, well-kept, and out of their eyes. Hair should be a natural color.

Jewelry

Jewelry that does not present a classroom or student distraction may be worn. However, only ears may be pierced and only girls are permitted to wear earrings. Students may not wear “smart” watches that have Internet access, chat features, or email applications. Traditional watches are acceptable.

UNIFORM OPTIONS

Option components are not interchangeable. ***These items MUST be purchased from Flynn & O’Hara Uniform Company.**

Option #1 for All Students

- *White, cardinal, or navy blue polo shirt (short or long sleeves) with flame logo
- Navy blue or khaki/tan colored uniform pants
- Belts worn must be plain black
- Socks should be navy blue, black, white, tan, or *cardinal
- **Entirely black** shoes (*black sole, black strings/Velcro, minimum embellishments*) with heels not to exceed one inch

Option #2 for Readiness - Elementary Girls Only

- White Peter Pan blouse (short or long sleeves)
- *Plaid jumper (length should be at the knee)
- Socks or tights should be navy blue, black, white, tan, or *cardinal
- **Entirely black** shoes (*black sole, black strings/Velcro, minimum embellishments*) with heel not to exceed one inch

Option #3 for Middle School Girls Only

- White oxford blouse (short or long sleeves)
- *Plaid uniform skirt (length should be at the knee)
- Socks or tights should be navy blue, black, white, tan, or *cardinal
- **Entirely black** shoes (*black sole, black strings/Velcro, minimum embellishments*) with heels not to exceed one inch

P.E. Uniform (1st – 8th grade only; to be worn only on designated days)

- *White logo gym shirt
- *Navy blue logo gym shorts (no shorter than mid-thigh)
- *Navy blue logo sweatpants & *sweatshirt (Sweatpants to be worn over the shorts during the school day. Wearing a sweatshirt is optional.)
- White **crew-style** socks (no skin visible)
- Athletic shoes (not fashion sneakers)

- BCA athletic spirit wear items may be worn with the PE uniform on the student's PE day.

Field Trip Uniform (*All students must have a field trip uniform.*)

- *Cardinal polo shirt (short or long sleeves) with the flame logo
- Navy blue uniform pants
- Plain black belt
- Navy blue socks
- Entirely black shoes (unless otherwise specified)

Warmer Weather

In the fall and spring, students in Readiness – 5th grade may wear:

- Bermuda-length uniform shorts
- Bermuda-length uniform skorts (girls only) – may be worn with tights if desired
- *White, cardinal, or navy blue polo shirt (short or long sleeves) with the flame logo
- Sock color should be navy blue, black, white, tan, or cardinal

Colder Weather

A *Prescott Red cardigan, plain navy blue cardigan, or the *BCA logo fleece jacket may be worn in the classroom. Non-uniform sweaters and jackets are not permitted.

Clothing Items Not Permitted

- Shorts out of season or shorts or skorts by middle school students
- Corduroy pants
- Casual pants (e.g., pockets on the leg, top-stitching on seams or pockets, back pockets with flaps, skinny, boot-cut, or bell-bottom style)
- Boots
- Long-sleeved shirts under short-sleeved uniform shirts

Undershirts/Clothing

All underclothing worn under a shirt should be a color that is not readily visible through the student's shirt. This includes undershirts and bras. Underclothing with any emblem, decal, pattern, or artwork is not permitted. Undershirts should not extend beyond the outer shirt.

Dress for Extended Care

Students who remain at school for afternoon Extended Care are to remain in their school uniform unless participating in a BCA-sponsored activity that requires other attire (e.g., BCA sports, dance instruction).

Sports Uniforms

The sports fees cover the cost of team uniforms for BCA competitive sports teams.

Identification of Clothing

Since the students wear uniforms, it is necessary that all items of clothing be labeled with the student's name. BCA cannot be held responsible for the loss of a student's clothing.

Lost and Found

The *Lost and Found* is located in a designated place in each building. Every month these items are given to a local charity. Students are responsible for having their name on their belongings. BCA accepts no responsibility for discarding or donating items that have been left unclaimed in the Lost and Found.

EXTENDED CARE

Morning Care

Students who need to arrive at school early may be dropped off according to the guidelines and times listed below:

Cox Building Gym: 6:30 – 7:30 a.m. Students in any grade

After 7:30 a.m. ONLY Readiness – 5th grade

Middle school students who are dropped off at Campus 1 will be transported to Campus 2 at 7:25 a.m.

*After that, they **MUST** go directly to Campus 2.*

Middle School Campus Fellowship Hall: 7:30 – 7:55 a.m.

Oakes Building – No morning care provided

Cold breakfast available at Campus 1/Oakes Building only between 6:30 and 7:15 a.m.; purchases are billed to the student's account.

All students must be signed in to morning Extended Care. If brought to the Cox Building, the student must be signed in by his/her parent. Middle school students may sign themselves in or be signed in by the morning care worker. Supervision of students by school staff begins when a student is signed into Extended Care. BCA assumes no responsibility for students prior to 6:30 a.m. at Campus 1/Cox Building, prior to 7:30 a.m. at Middle School, or for students who have not presented themselves to have their presence acknowledged.

After-School Extended Care

The Extended Care program is available to Bethel Christian Academy students only. Extended Care hours are considered part of the BCA school day. As such, all BCA policies apply during Extended Care.

Afternoon Extended Care is offered from 3:00 - 6:30 p.m. at Campus 1/Cox Building for students in Readiness – 2nd grade. Students in grades 3 – 8 have afternoon Extended Care at Campus 3/Oakes Building. *Parents must sign all students out of Extended Care in the afternoon/evening.* BCA does not assume responsibility for any students on the property after Extended Care closes (6:30 p.m. or when the last registered student is picked up.)

Student Behavior in Extended Care

Students are expected to conduct themselves in the same manner as expected during the school day. When behavioral offenses occur, they will be documented by the Extended Care Coordinator and may result in the student receiving a demerit. Extended Care behavior will be reflected on the students' Conduct grade on their quarterly report card.

EXTRA-CURRICULAR SPORTS

Academic Eligibility Policy/Procedure

Eligible students in 5th grade and up may try out for the BCA sports teams. Students wishing to participate in the competitive sports program at Bethel Christian Academy must maintain at least a C in all subjects. Academic eligibility is determined at the end of each quarterly grading period. If a student falls below a C during the season at the evaluation period, he/she will be removed from the team.

Behavioral Eligibility Policy

Students must demonstrate acceptable behavior in all school situations to be permitted to try out for and to participate in competitive sports. A Conduct grade of at least S (Satisfactory) is required. If, during the season, a student's Conduct grade falls below an S, he/she will be removed from the team. A student who is suspended for any behavioral offense may be removed immediately from the team at the judgment of the administration.

Athletic Participation/Commitment

It will be necessary for students to attend practices scheduled after school hours. It is the responsibility of the parent to make arrangements for the student to be picked up when practice is over. Students who are not picked up will be placed in Extended Care, and the parent will be charged. Parents should not remove a student athlete from

participation on a BCA team as a family disciplinary measure as it can adversely affect the entire team. Participation in BCA sports is both a privilege and a commitment.

Students wishing to participate in athletics must have an annual **athletic physical**. The Sports Authorization form documenting the physical exam is in addition to the regular health inventory. If a student has been absent due to sickness during the school day, he/she will not be allowed to participate in a scheduled game the same afternoon.

A sports fee is charged for students who play competitive sports to cover the cost of uniforms, referees, gym charges, and league fees. BCA has boys' and girls' competitive basketball, girls' competitive volleyball, and cheerleading. In addition to competitive sports, intramural sports, and sports clinics may be offered.

School Colors & Mascot

BCA's school colors are navy blue and burgundy. The school mascot is the Eagle, taken from Isaiah 40:31 "*Those who hope in the Lord will renew their strength. They will soar on wings like eagles; they will run and not grow weary, they will walk and not be faint.*" BCA sports teams are the Eagles.

FINANCIAL INFORMATION

Payment Schedule

Bethel Christian Academy uses the FACTS Tuition Management Company. An account must be set up by the parent upon enrollment with BCA for automatic debits through FACTS for tuition and other school expenses. FACTS provides a monthly statement with itemized information regarding expenses due. Payment options include:

1. **Annual Plan** - full tuition for the year paid on or before July 25. Parents choosing this plan receive a 2% discount upon payment by cash, check, or money order. This discount does not apply to credit card payments.
2. **Semester Plan** – 50% payment no later than July 25 or the first month the student is enrolled if enrolled after July 25 and 50% payment due December 1.
3. **Bi-Monthly Plan** - payments starting July 10 and continuing until April 30 by direct debit or credit card.
4. **Monthly Plan** - Multiple monthly payments of equal amount beginning no later than July 25 or the first month the student is enrolled if enrolled after July 25 and continuing until April 30 by direct debit or credit card.

Throughout the school year, payments will be withdrawn according to the date set by the parent in FACTS. **Delaying a payment to another date or the next month will not be permitted.** All tuition must be paid by April 30.

If a student is enrolled in BCA's Summer Camp, arrangements for school year tuition for the next year can be made to begin in August and run through May 30. However, in that case, all tuition and fees must be paid for that school year in full before a student may participate in graduation or receive a final report card.

Tuition accounts that are past due at the end of a month will result in a student's report card being blocked on RenWeb and the student/parents will not be permitted to incur additional charges for Extended Care or hot lunch until a student's account is made current.

Bethel Christian Academy assesses a 1.5% late fee per month on any unpaid balance. If a student's account becomes more than 30 days in arrears, **the student will be removed from class attendance until the account is brought up-to-date.** If it becomes necessary to send an account to collections, Bethel Christian Academy reserves the right to assess a collections fee of 33% of the outstanding balance. Final report cards will not be mailed until the account is paid in full, and students may attend summer camp only on a cash basis.

Continuous Enrollment

Bethel uses a continuous enrollment contract. This means that upon acceptance, parents sign an Educational Agreement that is continuous from year to year.

That means students are automatically enrolled for all subsequent years until graduation unless the parent gives the school written notice by February 28 of the current school year that they are withdrawing the student for the following year.

Therefore, unless written notice is received by the Finance Office by February 28 of the current school year, the expectation is that the student will attend Bethel Christian Academy for the entire next school year and the parent will pay the annual tuition.

A tuition deposit is withdrawn in two \$100 installments in March and April via FACTS. Required annual medical forms are mailed to the parents during the summer to be returned by the beginning of the next school year.

Tuition Refund

BCA's general policy is that tuition obligations and payments are not refundable. Parents should refer to the Educational Agreement that they signed upon enrollment for details.

Hot Lunch

Bethel Christian Academy offers a hot lunch program. A hot lunch menu is published monthly. Two options are available for purchasing hot lunch:

- Purchase of a meal plan to cover the entire year's lunches
- Be billed for individual lunches

Students who bring their lunch are not permitted to bring soda, and candy is discouraged. Students do not have access to a microwave oven.

The hot lunch menu includes pizza on Fridays. Each student will receive one slice of pizza at the regular lunch cost. Additional slices are \$1.00 each. Students who are planning to get pizza must sign up on Thursday so an accurate order can be placed.

Other Fees

Most of the costs involved in educating a student at BCA are included in the tuition. However, there are some specific fees that apply to certain situations as listed below.

Preschool Snack Fee

This fee covers the cost of the state-mandated snack provided by the school each day.

Technology Fee

Students in 3rd – 8th grade have a greater exposure to technology during the school day and may be required to type and print out class assignments. This fee offsets some of the cost of this technology use and printing. However, this fee does NOT imply that every student may print out every assignment for every class at school as this is not practical within school-day time constraints. Homework assignments that are required to be submitted as a hard copy should be printed at home and brought to school on the date due.

Sports Fee

Athletic fees are assessed for each individual sport for uniforms, gym use, transportation, league fees, and referee costs.

Damaged/Lost Book Charges

BCA does not charge parents an annual book fee. Non-consumable books are on loan to the student and should be cared for accordingly. A charge will be assessed to cover replacement of lost or damaged non-consumable books. A student's account is also charged to replace any lost consumable books.

Graduation Fee

A graduation fee will be applied to the accounts of Kindergarten and 8th grade students in April. This fee covers such things as caps and gowns, certificates, receptions, and

end-of-year trips. If the student's account is not paid in full (including the graduation fee) at the time of graduation exercises, the student will not be allowed to participate.

Transcript Request Fee

A fee of \$15.00 will be charged for each transcript requested to be sent to another school. Transcripts are not given directly to the parent.

Extended Care Fees

All students in Readiness - 8th grade will be charged the hourly rate of \$5.25 whether using Extended Care on a daily or occasional basis. Families with more than one student will receive a discount of 50% for each additional student utilizing Extended Care. It is school policy that students be supervised at all times. Therefore, students not picked up by 3:00 p.m. will be placed in Extended Care and parents will be charged.

In addition, Extended Care enrichment activities may have a separate materials and participation fee. **If a student is involved in one of these activities his/her account will be charged for Extended Care as well.** Students involved in BCA competitive sports are not charged for Extended Care during practice and game times.

Extended Care is available on a half-hour basis. Parents will be billed monthly for all accrued charges, and charges will appear on the monthly statement. Extended Care privileges will cease should a student's account become delinquent.

If children are not picked up by 6:30 p.m., parents will be charged \$1.00 for every minute thereafter. For the second child, parents are charged \$.50 for every minute after 6:30 p.m.

Withdrawal

If it is necessary to withdraw a student before the end of the school year, a Withdrawal form must be completed and submitted to the Student Accounts office and BCA hardcover books and other school materials (i.e., novels, sports uniforms, and library books) must be turned in. The school will need the name and address of the school to which the student will transfer so that records can be sent and will only be released if all financial obligations are met. School records are not given directly to the parent. See "**Tuition Refund**" for policies regarding financial obligations when withdrawing.

FUND-RAISING & CONTRIBUTIONS

Annual Fund-Raising

BCA may conduct fund-raisers during the school year and opportunities are provided

for contributing to the growth and development of the school. Donations may also be solicited for specific needs such as technology for the classrooms.

Read-A-Thon

During the summer months, BCA promotes reading for our students through a Read-A-Thon program. Students solicit pledges for each book that they read. When the students return in September, they turn in their pledges along with their signed reading list. Students reading a certain number of books will be acknowledged during Chapel in the fall.

Box Tops for Education

Bethel Christian Academy collects Box Tops for Education which are used toward the purchase of needed equipment for the school (e.g., gym equipment, and projectors). Students may bring in box tops throughout the school year.

Grocery Store Receipts

Parents are asked to select Bethel Christian Academy as their designated school on grocery store club cards. With these funds, the school is able to purchase things such as educational videos, printers, and athletic equipment.

INCLEMENT WEATHER

BCA follows the same inclement weather procedure as Howard County. BCA information may also be posted on www.bethelchristianacademy.com and on RenWeb.

Delays

When there is a delay, the regular arrival time for students will correspond with the called delay.

However, the delay for morning Extended Care is specified as follows:

- 1-hour delay, Extended Care opens at 7:30 a.m. at both campuses. No breakfast is available.
- 2-hour delay, Extended Care opens at 8:30 a.m. at both campuses. **If school is cancelled for the entire day, there is no Extended Care.**

Closings

If Howard County schools are closed due to inclement weather, BCA will also close. However, there may be times when the public schools were already closed for a holiday

or other event and BCA is open. In that situation, the BCA administration will make a decision regarding closing and will post the information on the BCA web site, and on RenWeb, and will send out an email to parents by 6:00 a.m.

The BCA administration reserves the right to make an independent decision regarding the return of students to school after a snowfall that may differ from Howard County. If BCA is opening on a day that the county is still unable to do so, the administration will post the information on the BCA web site, and on RenWeb, and will send an email to parents by 6:00 a.m. that morning.

When extreme weather conditions make it necessary to close school earlier than usual, announcements will be made on TV and radio for Howard County; BCA will also try to contact parents by phone or email. Students must be picked up as soon as possible.

If school has to close early because of weather conditions, bus riders will be provided bus transportation home. Afternoon Extended Care will be cancelled.

MEDICAL POLICIES

The Health Department requires immunization records for all students. No student will be permitted to attend school without a completed immunization form or waiver on file by the first day of school. New immunization records are only required when the student receives a new vaccine.

A doctor and the parent must complete a Health Assessment form for each student. These forms may be obtained from the school office and will remain on file in the office. Forms are to be updated when there is a change in the student's physical condition.

Students who become ill or need to take medication are to go to the school office. A trained Medication Technician (MT) will be available to assist these students.

All students who wish to participate in competitive sports must undergo an annual **athletic physical** and submit a Sports Authorization form signed by the doctor that is dated after June 15th of each year in addition to the regular health assessment. The

Sports Authorization form must be submitted to the school before a student may practice or participate in any competitive sports.

School Emergency Medical Consent

Parents are to complete and sign an Emergency Medical Consent form giving Bethel Christian Academy and its officers permission to obtain medical assistance if an injury seems serious. This includes having the child transported to a medical facility if necessary.

Emergency contact information must be kept updated throughout the year. Updates can be made by calling the school office or by using the “web forms” on RenWeb. Parents are to pick up their sick child within one hour of being called.

If the Emergency Medical Consent form is not on file by the Wednesday of the first week of school of the new school year, the student will not be allowed to attend classes until the Emergency Medical Consent form is received.

****If a student is sent home during the school day due to sickness or is home all day sick, he/she will not be permitted to attend any after-school activities.***

Medication

BCA follows Maryland statutes regarding medication. No prescription or over-the-counter medications (including aspirin, Tylenol, ibuprofen, cough drops, throat lozenges, vitamins, and homeopathic remedies) will be given to any student for any reason without **a written doctor's order**. A doctor's order for medication must be completed every year. This form with dosage and time requirements will be kept on file in the health office. Whenever possible, students should take medication at home. However, when necessary, a Medication Technician (MT) will administer medication at school.

Parents must give the first dose of any new prescription or over-the-counter medication prior to the student coming to school. This does not include PRN or emergency medications (e.g., EpiPen).

Medications to be given at school under a doctor's order must be brought to the office by the parent. Medication is not to be sent to school in lunch boxes or other containers. Students found with medication will have it taken away and parents will be notified. If a student goes to morning Extended Care, all medications should be given to the adult worker. All medication is administered by a trained MT when the student is at school. On field trips, medications may be administered by the teacher if needed. The MT will notify the parents when additional medication is needed at school.

All medications must be in their original containers. When filling a prescription, parents should request a school bottle from the pharmacy. All medications must be supplied by the parents for school use. Any leftover medications will be returned to the parent at the end of the school year.

In compliance with school health standards (COMAR 13A.05.05.05--.15), medications are stored in a locked cabinet. Access to this space is under the authority of the MT and administrator.

A record will be maintained in the school office indicating each time a medication is given. Upon administering medication, the parent will be notified what medication was given, at what time.

Emergency medication (i.e., epiPen) is available at the school for allergic reactions that are unforeseen. Parents must have signed an authorization for their student to be given this medication in the case of an unforeseen emergency.

Illness

A student is considered sick if he/she has/is:

- A fever. That is defined as a temperature of 99.0 or greater. A student should be fever-free without medication for *more than* 24 hours before returning to school.
- Vomiting or diarrhea. A student should not have thrown-up or had diarrhea for 24 hours before returning to school.
- Starting on antibiotics. A student is contagious until he/she has been on antibiotics for 24 hours.
- Yellow, green or any color mucous. Whether it is blown out or coughed up, colorful mucous indicates infection. A physician should evaluate the student because he/she may need antibiotics.
- Inflamed, crusty, red, or runny eyes. A student with these symptoms needs to be evaluated by a doctor for possible conjunctivitis. If bacterial conjunctivitis is diagnosed, the student will need antibiotic eye drops. The student must be symptom-free or on medication for 24 hours or have written clearance from a doctor to return to school.
- Stiff Neck. A student must be symptom-free or have a note from a doctor to return.
- Unusually sleepy, lethargic, or grumpy. A student must be symptom-free for 24 hours.

- Skin lesions that are severe, weeping, or pus filled. The student must be symptom-free or on medication for 24 hours or have written clearance from a doctor.
- Nausea. Student must be symptom-free for 24 hours before returning to school.
- Difficulty breathing or wheezing. A student must be symptom free for 24 hours.

The state health department has issued the following information regarding communicable diseases and quarantine times.

- Ringworm. A student suspected of having ringworm needs to be evaluated by a doctor. The student may return 24 hours after beginning of treatment and requires a doctor's statement to verify medication and treatment. Area must be covered with a dressing at school.
- Strep Throat. A student with sore throat and fever should be evaluated by a doctor for possible strep throat. A student may return 24-48 hours after beginning treatment with antibiotics.
- Chickenpox. Student may not return to school for 6 days from onset of rash and all pox should have dry scabs.
- Conjunctivitis. Student must be symptom-free, on antibiotics for 24 hours, or have written clearance from a doctor.
- Impetigo. A student may return 24 hours after beginning treatment or with written clearance from a doctor.
- Fifth Disease. Parent must notify the school nurse.
- Lice. Student may return to school after receiving treatment with a pedicilize shampoo and all nits have been removed

Students displaying any of the above symptoms should not be sent to school. Parents will be called to pick them up.

Injury or Illness at School

All students who are injured or become ill during the regular day will be escorted to the school office. In case of injury, a teacher or staff member will escort the student to the MT's office and an accident report will be completed. Basic first aid will be provided. Parents will be notified if the injury is more serious than a minor bruise or scrape and proper professional medical attention will be sought.

If a student is complaining of a sickness (e.g., headache, stomachache, sore throat) and/or is running a fever, the parent will be called and is required to pick the student up **within one hour**.

Working parents should make arrangements before the school year begins regarding who will be responsible for picking up a sick child. BCA does not have the resources to provide care for a sick child while parents complete their day at work or try to find someone to pick up their child. Therefore, since a staff member must be designated to stay with a sick child, **parents will be charged an extended care fee of \$5.25/hour for the time the student remains in school beyond the required one-hour pick-up window.**

When parents send a student to school, they should be aware that other students will be present and that the students may be playing on the blacktop, on the field, in the gym, and on playground equipment. There are inherent risks involved in the activities associated with multi-student play and playground play in general. As such there is an “assumption of risk” on the part of the parent that is not transferred to the school or the school personnel. Therefore, barring “contributory negligence” on the part of the school or the school personnel, the parent bears the sole responsibility for any medical expenses incurred as a result of injury while the student is on school property.

Food Policy and Management of Food Allergies

BCA will assist in providing students who have food allergies with a safe school environment which allows them to participate in all aspects of school life with their peers. The school recognizes that nut and peanut allergens are the most likely to cause a life-threatening allergic reaction. BCA provides a table in the lunchroom where students who have food allergies may choose to sit and eat. Students are encouraged to wash their hands before and after eating. Students are prohibited from sharing food. All tables are cleaned between lunch shifts.

When planning a party in the classroom, special arrangements can be made for students with allergies. If a parent is bringing in food for a birthday, notice should be given to the teacher so that student allergies can be taken into account. Arrangements can be made with the teacher or MT for the refrigeration of foods for a child with allergies if medically necessary.

While it is important to prevent exposure to food allergens whenever possible, BCA cannot and does not guarantee total elimination of these foods at school. The school does not completely ban any particular food. In addition, the school is not responsible for checking every ingredient in a meal when a child purchases hot lunch. It is the parent’s responsibility to have checked the ingredients of the prepared food.

Parents are asked to fill out a health history for their child prior to school. All health records are reviewed and appropriate staff is informed when there is a child in class

who has a food allergy. Staff members who care for students are trained in the administration of the EpiPens in an emergency. The school cannot be held negligent in not providing for a child whose parent has not indicated the existence of an allergy.

*For more details, please refer to the BCA Health and Safety Manual.

PARENT INVOLVEMENT

The administration desires to promote parent partnership. Opportunities to get involved may include:

The BCA STEM Initiative

This initiative needs parents to help out in a variety of ways.

- Share your expertise by conducting a workshop, demonstration, or activity in the classroom.
- Help to create/compile a resource booklet of parents willing to come in on a scheduled basis to conduct an activity.
- Lead or participate with a focused STEM club for an Extended Care club session.
- Lead or assist a team in a STEM-focused competition such as *Technovation* or *Destination Imagination*

Parents In Partnership (PIP)

BCA's parent organization is made up of committees that focus on various aspects of school support. At the beginning of the school year, parents are invited to join a committee such as the Prayer Committee, the Events Committee, or the Teacher Support/Appreciation Committee. New committees may form as parents express interest and are available to provide leadership.

PIP committees facilitate parent volunteers to do such things as:

- Helping with school programs
- Helping with the student Thanksgiving luncheon
- Manning a station at the annual Field Day and/or Carnival
- Leading an Extended Care club
- Assisting with vision or hearing screening
- Tutoring students who need additional academic support
- Copying and/or laminating materials for a teacher
- Being a "room parent"
- Assisting in the library
- Monitoring lunch and/or recess
- Arrival car duty

Coaching

Coaches are needed for soccer, basketball, baseball, running club, and cheerleading squad. It is not necessary to have a child on the team in order to volunteer to coach. For more information about coaching requirements, contact the Athletic Director.

SAFETY & SECURITY POLICIES

Student Safety

At times, unexpected events occur for which staff and students need to be prepared. BCA has specific procedures for fire or other disasters that may occur including locking down the school from intruders. The school conducts fire drills and other types of safety drills during the school year.

In the event of an actual crisis requiring a school lockdown, parents will be contacted by email and provided with specific information and guidelines for picking up their child.

Building Security

To ensure the security of BCA students and staff, all exterior doors are kept locked. No one is to be let into the building except through the designated entrance. All parents and visitors are to sign in at the school office and get a visitor badge before proceeding into the school areas of the building. If someone is noticed in the building without a visitor's badge, he/she will be directed to the school office to sign in. **Parents are required to make an appointment to visit the classroom or to meet with a teacher.**

BCA buildings are monitored by security cameras inside and outside. Anyone on the Bethel Assembly and BCA property may be recorded at any time while on the property. Note that a person's coming onto the church or school property is considered consent to record. There are no cameras in the classrooms.

Release of Students

Students are released only into the care of their parents unless written authorization has been given to release the student to another individual. Such written authorization is kept on file in the school office. When anyone arrives to pick up a student, he/she must be listed as an authorized individual and must show one of the following means of identification: BCA car sign or photo ID. In the case of parents who are separated or divorced, legal documentation must be on file indicating which parent has legal custody of the children or that the custody is held jointly. BCA cannot deny a parent access to his/her child or refuse to release the child to a parent without legal documentation.

If the student is to be picked up by someone who does not regularly do so, the parent should send in a note to that effect that day. Students are not permitted to call parents at dismissal time to get permission to go home with a friend.

Security of Personal Property

In order to ensure that a student's personal property is not lost, stolen, or broken, BCA prohibits bringing any non-school-related items to school. If a student violates this prohibition, BCA cannot be held responsible for loss or damage. Should an item be brought to school against school policy, the item will be confiscated and must be claimed by a parent. This includes, but is not limited to, hand-held electronic games, CD players, iPods, cell phones, cameras, and sports equipment. Reading material brought to school may be confiscated by the student's teacher or an administrator if it is deemed inappropriate for school. Prohibited items that are confiscated from students may be examined for content.

Students in Readiness - 2nd grade are provided with a locker or cubby space in which to store their personal school-related items. In 3rd – 8th grade, students are required to have locks for their lockers and school-related items are to be kept with the student in the classroom or placed in the student's locker. Lockers are to be accessed only before and after school and during designated locker breaks. Lockers should be kept locked at all times. Students are not to give out their locker combinations to friends. In the event that an item becomes missing, the student should notify the teacher immediately so that a search can be conducted. Locker inspections are conducted on a regular basis, and the BCA administration reserves the right to search student lockers, backpacks, and personal possessions at will. Any student found to have taken another student's or a teacher's belongings will be subject to suspension or expulsion.

Cameras, phones, and other electronic devices may not be brought by students on field trips. Chaperones may bring cameras, but may not post photos of students other than their own on any Internet site.

TRANSPORTATION

Arrival

Middle School Campus **7:55 – 8:15 a.m.**

Students must be unpacked and in the morning assembly by 8:15 a.m. or will be considered late, with the exception of bus students. Late students must check in with the appropriate person and receive a *late pass*. After 8:25 a.m., parents must come into the building to sign the student in.

Campus 3 – Oakes Building 7:55 – 8:15 a.m.

Students must be signed in, unpacked, and in their classroom by 8:15 a.m. or will be considered late with the exception of bus students. Late students must check in with the appropriate person and may receive a *late pass*. After 8:15 a.m., parents must come into the building to sign the student in.

Campus 1 – Cox Building 8:00 – 8:25 a.m.

Arrival after 8:25 a.m. is considered late and parents must come into the building to sign the student in.

Beginning at 8:00 a.m., the parent is to pull up to the curb as far forward as possible and discharge the student(s) at the designated entrance. The driver should remain in the car while the student gets out of the car. At the Cox Building, staff members will be at the curb to assist students until 8:25 a.m.

Bus Service

Families living in Howard County are encouraged to use the free public busing available to and from Campus 1. Students must be at least 5 years-old to ride the school bus. 3rd – 8th grade bus riders are then shuttled to and from their respective campuses. A list of the bus stops is available from the school office.

Bus Conduct

Students are expected to maintain the same behavior standards on the bus that they do during the school day. Any student not complying will receive the following:

- 1st Offense: Verbal warning
- 2nd Offense: 1 week of bus suspension
- 3rd Offense: Removal of bus riding privileges

Walkers

Students who live nearby are permitted to leave the campus at the end of the school day to walk home only if written permission from their parents is on file.

Campus to Campus

Parents are asked to sign a general transportation permission slip allowing BCA teachers or staff to transport students between campuses and to the local public library for a variety of reasons (e.g., to use the gym, for special presentations, research).

Dismissal

Students at each campus are to be picked up on a staggered schedule.

- Readiness – Kindergarten – 2:40 p.m. at Campus 1/Cox Building
- 1st & 2nd Grade – 2:45 p.m. at Campus 1/Cox Building
- 3rd, 4th, 5th Grade – 2:50 p.m. at Campus 3/Oakes Building
- Middle School – 2:50 p.m. at the Middle School Campus

At 3:00 p.m., all students who have not been picked up will be signed into Extended Care.

Parents are to stay in line for the student to get in the car. ***Parents and/or pick-up designees will not be allowed to enter the building to pick up students during the 2:30 – 3:00 p.m. dismissal window.*** Parents or other pick-up designees who want to come into the building to get a student, must park in a parking space (not the pick-up line) and wait until 3:00 p.m. to come in and sign out the student.

If a parent needs to pick up a child for ***early dismissal***, contact with the school must occur in advance and pick-up ***must occur before 2:30 p.m.***

All cars must display a BCA car sign with the student's name to identify the car as an authorized vehicle for picking up the student. Written authorization is required for anyone other than the student's parent(s) to pick up the student. Anyone picking up a student without a BCA car sign will be asked to park and come in to show his/her identification.

For any parents who have students in middle school and at one of the other campuses, the middle school student should be picked up first. The parent should then proceed to the other campus.

Only students that ride the bus, are participating in sports, or who attend afternoon Extended Care will be transported from the Middle School on the BCA shuttle. Parents should not wait at one building for their student to be brought over from other buildings for regular pick up as there is not enough room on the shuttle to accommodate this.

All students are to remain on the school grounds upon arriving in the morning and are not to leave until dismissed at the end of the school day unless signed out by an authorized person.

EXHIBIT 2

LAWRENCE J. HOGAN, JR., Governor

Ch. 150

Chapter 150

(House Bill 150)**Budget Bill****(Fiscal Year 2018)**

AN ACT for the purpose of making the proposed appropriations contained in the State Budget for the fiscal year ending June 30, 2018, in accordance with Article III, Section 52 of the Maryland Constitution; and generally relating to appropriations and budgetary provisions made pursuant to that section.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That subject to the provisions hereinafter set forth and subject to the Public General Laws of Maryland relating to the Budget procedure, the several amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be disbursed for the several purposes specified for the fiscal year beginning July 1, 2017, and ending June 30, 2018, as hereinafter indicated.

PAYMENTS TO CIVIL DIVISIONS OF THE STATE

A15000.01 Disparity Grants

General Fund Appropriation, provided that this appropriation shall be reduced by ~~\$8,443,550~~ *\$2,414,665* contingent upon the enactment of legislation ~~level-funding the grants at the fiscal 2017 amount~~ *modifying the formula for disparity grants.*

Further provided that \$10,000,000 of this appropriation for Baltimore City may not be distributed as a grant to Baltimore City until the Maryland State Department of Education (MSDE) certifies that Baltimore City has appropriated for fiscal 2018 an additional \$10,000,000 for the Baltimore City Public Schools (BCPS) over the fiscal 2017 Maintenance of Effort appropriation. If MSDE does not certify that Baltimore City has appropriated an additional \$10,000,000 for the school system, then the funds may not be distributed as a grant to Baltimore City, and authority is hereby granted to transfer \$10,000,000 to R00A02.01 to be provided as a grant to BCPS. If the funds are not transferred for

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Ward Museum	33,423
Young Audiences of Maryland	85,000

R00A03.04 Aid to Non-Public Schools

Special Fund Appropriation, provided that this appropriation shall be for the purchase of textbooks or computer hardware and software and other electronically delivered learning materials as permitted under Title IID, Section 2416(b)(4), (6), and (7) of the No Child Left Behind Act for loan to students in eligible nonpublic schools with a maximum distribution of \$65 per eligible nonpublic school student for participating schools, except that at schools where ~~at least 20%~~ from 20% to 40% of the students are eligible for the free or reduced-price lunch program there shall be a distribution of \$95 per student, and at schools where more than 40% of the students are eligible for the free or reduced-price lunch program there shall be a distribution of \$155 per student. To be eligible to participate, a nonpublic school shall:

- (1) Hold a certificate of approval from or be registered with the State Board of Education;
- (2) Not charge more tuition to a participating student than the statewide average per pupil expenditure by the local education agencies, as calculated by the department, with appropriate exceptions for special education students as determined by the department; and
- (3) Comply with Title VI of the Civil Rights Act of 1964, as amended.

The department shall establish a process to ensure that the local education agencies are effectively and promptly working with the nonpublic schools to assure that the

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nonpublic schools have appropriate access to federal funds for which they are eligible.

Further provided that the Maryland State Department of Education shall:

- (1) Assure that the process for textbook, computer hardware, and computer software acquisition uses a list of qualified textbook, computer hardware, and computer software vendors and of qualified textbooks, computer hardware, and computer software; uses textbooks, computer hardware, and computer software that are secular in character and acceptable for use in any public elementary or secondary school in Maryland; and
- (2) Receive requisitions for textbooks, computer hardware, and computer software to be purchased from the eligible and participating schools, and forward the approved requisitions and payments to the qualified textbook, computer hardware, or computer software vendor who will send the textbooks, computer hardware, or computer software directly to the eligible school, which will:
 - (i) Report shipment receipt to the department;
 - (ii) Provide assurance that the savings on the cost of the textbooks, computer hardware, or computer software will be dedicated to reducing the cost of textbooks, computer hardware, or computer software for students; and

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- (iii) Since the textbooks, computer hardware, or computer software shall remain property of the State, maintain appropriate shipment receipt records for audit purposes.

Further provided that a nonpublic school participating in the Aid to Non-Public Schools Program R00A03.04 shall certify compliance with Title 20, Subtitle 6 of the State Government Article. A nonpublic school participating in the program may not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings. However, all participating schools must agree that they will not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation. The sole legal remedy for violation of these provisions is ineligibility for participating in the Aid to Non-Public Schools Program..

6,040,000

R00A03.05 Broadening Options and Opportunities for Students Today

Special Fund Appropriation, provided that this appropriation shall be for a Broadening Options and Opportunities for Students Today (BOOST) Program that provides scholarships for students who are eligible for the free or reduced-price lunch program to attend eligible nonpublic schools. The Maryland State Department of Education (MSDE) shall administer the grant program in accordance with the following guidelines:

- (1) To be eligible to participate in the BOOST Program, a nonpublic school must:

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- (a) participate in Program R00A03.04 Aid to Non-Public Schools Program for textbooks and computer hardware and software administered by MSDE;
- (b) provide more than only prekindergarten and kindergarten programs;
- (c) administer assessments to all students in accordance with federal and State law; and
- (d) comply with Title VI of the Civil Rights Act of 1964 as amended, Title 20, Subtitle 6 of the State Government Article, and not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings. However, all participating schools must agree that they will not discriminate in student admissions based on race, color, national origin, or sexual orientation. If a nonpublic school does not comply with these requirements, it shall reimburse MSDE all scholarship funds received under the BOOST Program and may not charge the student tuition and fees instead. The only other legal remedy for violation of this

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provision is ineligibility for participating in the BOOST Program.

- (2) MSDE shall establish procedures for the application and award process for scholarships for students who are eligible for the free or reduced-price lunch program. The procedures shall include consideration for award adjustments if an eligible student becomes ineligible during the course of the school year.
- (3) MSDE shall compile and certify a list of applicants that ranks eligible students by family income expressed as a percent of the most recent federal poverty levels.
- (4) MSDE shall submit the ranked list of applicants to the BOOST Advisory Board.
- (5) There is a BOOST Advisory Board that shall be appointed as follows: 2 members appointed by the Governor, 2 members appointed by the President of the Senate, 2 members appointed by the Speaker of the House of Delegates, and 1 member jointly appointed by the President and the Speaker to serve as the chair. A member of the BOOST Advisory Board may not be an elected official and may not have any financial interest in an eligible nonpublic school.
- (6) The BOOST Advisory Board shall review and certify the ranked list of applicants and shall determine the scholarship award amounts.
- (7) MSDE shall make scholarship

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awards to eligible students as determined by the BOOST Advisory Board.

(8) The amount of a scholarship award may not exceed the lesser of:

(a) the statewide average per pupil expenditure by local education agencies, as calculated by MSDE; or

(b) the tuition of the nonpublic school.

(9) In order to meet its BOOST Program reporting requirements to the budget committees, MSDE shall specify a date by which participating nonpublic schools must submit information to MSDE so that it may complete its report. Any nonpublic schools that do not provide the necessary information by that specified date shall be ineligible to participate in the BOOST Program.

(10) Students who received a BOOST Program scholarship award in the prior year who still meet eligibility criteria for a scholarship shall receive a scholarship renewal award. For students who are receiving a BOOST Program scholarship for the first time, priority shall be given to students who attended public schools in the prior school year.

Further provided that no scholarship awards shall be made after March 8, 2017. Any unexpended funds not

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awarded to students for scholarships in the 2016–2017 school year shall be encumbered at the end of the fiscal year and available for scholarships in the 2017–2018 school year.

~~Further provided that up to \$150,000 of the appropriation may be used by MSDE to cover the reasonable costs of administering the BOOST Program.~~

Further provided that MSDE shall submit a report to the budget committees by December 15, 2017, that includes the following:

- (1) the number of students receiving BOOST Program scholarships;
- (2) the amount of the BOOST Program scholarships received;
- (3) the number of certified and noncertified teachers in core subject areas for each nonpublic school participating in the BOOST Program;
- (4) the _____ assessments _____ being administered in accordance with federal and State law by nonpublic schools participating in the BOOST Program, _____ as well as student performance on those assessments.
For nonpublic schools administering norm referenced assessments, the nonpublic schools shall provide to MSDE the results for all students receiving BOOST Program scholarships to whom assessments were administered.
For those nonpublic schools administering non-standardized assessments, the nonpublic schools shall

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provide to MSDE the results for all students receiving BOOST Program scholarships to whom assessments were administered and how students receiving BOOST Program scholarships performed in comparison to students who did not receive BOOST Program scholarships. MSDE shall report these assessment results reported by nonpublic schools to the budget committees in an aggregate manner that does not violate student data privacy;

- (5) in the aggregate, for each BOOST Program scholarship awarded (1) the nonpublic school and grade level attended by the student; (2) the school attended in the 2016–2017 school year by the student; and (3) if the student attended the same nonpublic school in the 2016–2017 school year, whether, what type, and how much nonpublic scholarship aid the student received in the 2016–2017 school year and will receive in the 2017–2018 school year;
- (6) the average household income of students receiving BOOST Program scholarships;
- (7) the racial breakdown of students receiving BOOST Program scholarships;
- (8) the number of students designated as English language learners receiving BOOST Program scholarships;
- (9) the number of special education

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students receiving BOOST
Program scholarships;

(10) the county in which students
receiving BOOST Program
scholarships reside;

(11) the number of students who were
offered BOOST Program
scholarships but declined them, as
well as their reasons for declining
the scholarships and the
breakdown of students attending
public and nonpublic schools for
students who declined scholarships;
and

(12) the number of students who
received BOOST Program
scholarships for the
2016–2017 school year who are
attending public school for the
2017–2018 school year, as well as
their reasons for returning to public
schools

~~6,850,000~~
~~2,055,904~~
~~6,850,000~~
5,500,000

SUMMARY

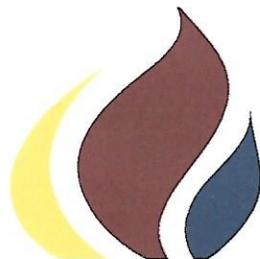
Total General Fund Appropriation	29,816,020
Total Special Fund Appropriation	11,540,000
	<hr/>
Total Appropriation	41,356,020
	<hr/> <hr/>

CHILDREN'S CABINET INTERAGENCY FUND

R00A04.01 Children's Cabinet Interagency Fund	
General Fund Appropriation	18,655,376
	<u>18,555,376</u>
	<hr/> <hr/>

MARYLAND LONGITUDINAL DATA SYSTEM CENTER

EXHIBIT 3



bethel christian academy

March 13, 2018

Dear Ms. Kearns:

This letter is BCA's response to the question raised by the BOOST Advisory Board regarding how Bethel Christian Academy's student handbook "reconciles with" the assurance BCA signed regarding non-discrimination in student admissions.

As a condition of participating in the BOOST program, BCA indicated that it does not "discriminate in student admissions on the basis of race, color, national origin, or sexual orientation."

BCA's Statement of Nondiscrimination reads as follows:

Bethel Christian Academy admits students of any race, color, and national or ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

BCA also states as follows:

Bethel Christian Academy supports the biblical view of marriage defined as a covenant between one man and one woman, and that God immutably bestows gender upon each person at birth as male or female to reflect His image. (Gen. 1:27, Gen. 2:23-24) Therefore, faculty, staff, and *student conduct* is expected to align with this view. Faculty, staff, and students are required to identify with, dress in accordance with, and use the facilities associated with their biological gender.

As I understand it, the BOOST Advisory Board has raised a concern that this secondary statement is somehow incompatible with BCA's assurance that it does not discriminate on the basis of sexual orientation in student admissions.

BCA believes that its admissions policies and practices are consistent with its assurance.

The statement about marriage and gender identity by its very terms is a statement of belief and expected conduct that applies only to BCA students (and faculty and staff) indicating that a student *has been admitted*. It says nothing about applicants for admission or the admissions

Case 1:19-cv-01853-SAG Document 19-7 Filed 10/31/19 Page 3 of 3

process. Bethel Christian Academy does not ask any questions about sexual orientation at all during the admissions process and is willing to enroll any student who meets the academic criteria and whose past school conduct has not been demonstrably disruptive in a previous school. Once a student is admitted, he/she is expected to comply with behavioral expectations and is subject to disciplinary action for violation of those behavioral standards, including engaging in sexual behavior of any type, whether heterosexual or homosexual.

Because the assurance pertains only to admissions decisions, the conduct policies that BCA applies to already-admitted students are irrelevant to the assurance it signed to participate in the BOOST program.

In light of the foregoing, I am confident you will agree that there is no incompatibility between BCA's admissions policies and the assurance it executed to participate in the BOOST program.

Please let me know if you have any questions.

Sincerely,



Claire M. Dant
Principal

EXHIBIT 4

STATEMENT TO THE BOOST ADVISORY BOARD
BY CLAIRE M. DANT ON BEHALF OF BETHEL CHRISTIAN ACADEMY

Good morning. My name is Claire Dant. I am the Principal of Bethel Christian Academy. Thank you for allowing me to make a statement this morning. I appreciate the opportunity to clarify the intent of the policy statements in the Bethel Christian Academy handbook regarding student admissions.

First, I would like to share a brief history of our school. From its inception in 1985, Bethel Christian Academy has had an "open enrollment" policy. Any student who can meet our academic standards and is likely to thrive in our structured environment is welcome to join our school community regardless of religious beliefs or sexual orientation. We do not discriminate in admissions. However, our school mission includes sharing the gospel of Jesus Christ with students and families and training students to serve Him according to the Bible. We believe it is important that students and parents understand the environment in which the student is being enrolled and the requirements of BCA students. Therefore, we communicate our mission and core values to all families that are considering enrollment.

Due to our religious beliefs and the related requirements for BCA student conduct, our handbook includes a statement regarding marriage and gender. You will note that this additional statement expresses our biblical belief regarding these things and specifically refers to faculty, staff, and student conduct". It was our intent to be clear about the expectations for BCA faculty, staff, and students. Since we certainly have no control over persons who are not affiliated with our school, the use of the words faculty, staff, and students indicates that the statement applies to those who had been admitted to the school, actually supporting our policy of non-discrimination in admissions.

The BOOST bill states that "Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings." Therefore, a statement of our religious beliefs does not violate the program requirements. A statement of policy regarding *student conduct* also does not violate the requirement that the school not discriminate in *admissions*. The expected conduct of BCA students is governed by the religious and moral teachings of the school. Therefore, it is our position that BCA's policies and practices do not violate the requirements to participate in the BOOST Scholarship program.

Finally, I think you should know that I have had several parents contact me who will be unable to attend Bethel without the BOOST Scholarship. It is for those families that I am here today. Thank you.

EXHIBIT 5



bethel christian academy

May 29, 2018

Dear Ms. Kearns and the BOOST Advisory Board:

Following is Bethel Christian Academy's response to the additional questions posed by the BOOST Advisory Board via the letter dated May 25, 2018.

In the second paragraph of your letter is the statement that "***The law prohibits discrimination in student admissions but it can be argued that it is problematic if a school admits a student and then summarily expels the student based on sexual orientation.***" I would first like to assert that this is not what BCA does.

1) Does your school discriminate in student admissions on the basis of sexual orientation?

As stated in my March 13 letter, "BCA believes that its admissions policies and practices are consistent with its assurance" and "there is no incompatibility between BCA's admissions policies and the assurance it executed to participate in the BOOST program." From its inception in 1985, Bethel Christian Academy has had an "open enrollment" policy. Any student who can meet our academic standards and is likely to thrive in our structured environment is welcome to join our school community regardless of religious beliefs, experience of same-sex attraction, sexual self-identification, past participation in same-sex behavior, beliefs about marriage, or beliefs about sexual morality.

2) If your school was to discover that one of its students was in violation of the school's religious or moral teachings concerning sexual orientation, what would the school do to address it?

Since Bethel Christian Academy has a policy of "open enrollment", there is no requirement that families or students who apply or attend the school must *agree* with the school's Statement of Faith or specific beliefs. They are simply asked to *acknowledge* that the school has such a statement and that the school's core values include teaching from a biblical worldview.

My March 13 letter stated that an admitted student "is expected to comply with behavioral expectations and is subject to disciplinary action for violation of those behavioral standards, including engaging in sexual behavior of any type, whether heterosexual or homosexual." The school behavioral standards address student actions. A student's *private beliefs* about sexual morality and marriage would not be in violation of BCA's student conduct policy although they may be different from BCA's religious or moral teachings about sexual morality.

When BCA responds to a violation of school rules, its primary hope in virtually all circumstances is to bring the student into compliance with behavioral expectations and thus be fully restored and reconciled to the school community. This biblically-mandated approach is what guides BCA.

Along with this letter, BCA is submitting a written statement that was emailed just prior to the May Advisory Board meeting and a statement from a BCA parent who has benefited from the BOOST Scholarship.

Sincerely,

Claire M. Dant

EXHIBIT 6



Karen B. Salmon, Ph.D.
State Superintendent of Schools

August 8, 2018

Clair Dant, Principal
Bethel Christian Academy
8455 Savage-Guilford Rd.
Savage, MD 20763

Dear Ms. Dant,

At its June 21, 2018 meeting, the BOOST Advisory Board determined that the following statement in Bethel Christian Academy's handbook violated the nondiscrimination clause contained in the BOOST law:

"Bethel Christian Academy supports the biblical view of marriage defined as a covenant between one man and one woman, and that God immutably bestows gender upon each person at birth as male or female to reflect His image. (Gen. 1:27 Gen: 2:23-24). Therefore, faculty, staff, and student conduct is expected to align with this view. Faculty, staff, and students are required to identify with, dress in accordance with, and use the facilities associated with their biological gender."

The Board concluded that a handbook recipient may reasonably view this statement, on its face, as a prohibition on students with a non-heterosexual identity because it expects all students to align their conduct to the view of marriage as a covenant between one man and one woman (i.e., heterosexual). A non-heterosexual student may reasonably view the policy as one that allows denial of admission or discipline or expulsion on the basis of his or her sexual orientation. Therefore, the Board concluded that this policy, on its face, was in conflict with the nondiscrimination clause contained in the BOOST law.

In reaching this decision, the Board recognized the specific non-discrimination in admissions provision that the Maryland General Assembly added to the BOOST law to assure that public funds would not be available to schools that had admissions policies that were discriminatory. In reviewing the school's admission policy, the Board did not pass judgment on religious principles, which is not the Board's role. The Board applied the following principles in making its decision:

1. Admission means acceptance as a student at the school;
2. The BOOST law requires nondiscriminatory treatment throughout the process of acceptance as a student at the school;

BOOST Letter to Bethel Christian Academy – Savage

August 8, 2018

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3. A bona fide admission means that the school will not take into account the student's sexual orientation when offering entry to the school, nor will the school discipline or expel a student because of the student's sexual orientation, as this would make acceptance at the school illusory (i.e., a sham admission);
4. A discipline policy that focuses on conduct or behavior without regard to the sexual orientation of the student does not violate the nondiscrimination clause contained in the BOOST law; and
5. A discipline policy that, on its face, singles out conduct or behavior based on the sexual orientation of the student for discipline or expulsion does violate the nondiscrimination clause contained in the BOOST law.

Although our decision was not favorable to Bethel Christian Academy, the Board wishes Bethel Christian Academy and its students success in the upcoming school year.

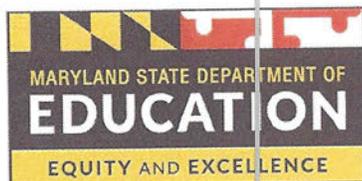
Sincerely,



Matthew Gallagher
Chair, BOOST Advisory Board

cc: BOOST Advisory Board
State Board Members
Karen B. Salmon, Ph.D.
Amalie Brandenburg
Monica Kearns
William Reinhard
Gayle Secrist
Elizabeth M. Kameen

EXHIBIT 7



Karen B. Salmon, Ph.D.
State Superintendent of Schools

CERTIFIED MAIL

December 12, 2018

Claire Dant, Principal
Bethel Christian Academy
8455 Savage – Guilford Road
Savage, MD 20763

Dear Principal Griffin:

A letter dated August 8, 2018 from the BOOST Advisory Board notified you of the Board's June 21, 2018 determination that the Bethel Christian Academy student handbook contained statements that violated the non-discrimination in admission requirement set forth in the BOOST law. The law governing compliance with the BOOST non-discrimination clause states that a nonpublic school that does not comply "shall reimburse MSDE all scholarship funds received under the BOOST program and may not charge the student tuition and fees instead." Ineligibility for participating in BOOST is also a legal remedy. Based on that law, the BOOST Advisory Board has disqualified your school from the BOOST program for the 2018-2019 and 2019-2020 school years.

The BOOST Advisory Board voted to enforce the BOOST statute to require schools that had discriminatory admissions policies and accepted BOOST scholarship funds to reimburse MSDE for those funds. Our records indicate that for the 2016-2017 school year, your school had 17 awardees with a total scholarship value of \$46,800 and for the 2017-2018 school year, your school had a total of 18 awardees with a total scholarship value of \$55,800. The total amount of BOOST Scholarship funds distributed parents and Bethel Christian Academy is \$102,600.

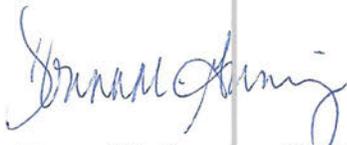
This letter and the attached invoice provide notice that payment of the above described debt is due and owing. As a reminder, pursuant to the law, the school may not charge the student tuition and fees to replace the BOOST Scholarship funds that the school is ineligible to receive.

A check in the full amount should be made payable to the Maryland State Department of Education and mailed to: MSDE, 200 W. Baltimore St, 2nd Floor Accounts Receivable, Baltimore MD 21201.

Ms. Claire Dent
December 10, 2018
Page Two

If the school can demonstrate that it is financially unable to pay this indebtedness in one lump sum, payment in installments may be arranged. Please contact Kausar Syed at 410-767-7420 or kausar.syed@maryland.gov by **January 15, 2019** to discuss possible installment payments.

Sincerely,



Donna M. Gunning, Executive Director
Office of Policy and Fiscal Analysis

c: Valerie Carpenter
Kausar Syed

EXHIBIT 8

Handbook Language of Schools Disqualified From BOOST Program

1. Trinity Lutheran Christian School

Trinity Lutheran Christian School and Early Learning Center is a religious institution providing an education in a distinct Christian environment, and it believes that its Biblical role is to work in conjunction with the home to mold students to be Christ like.

On those occasions in which the atmosphere or conduct, inside or outside the school, is counter to or in opposition to the Biblical lifestyle the school teaches, the school reserves the right, within its sole discretion, to refuse admission of an applicant or to discontinue enrollment of a student. This includes, but is not necessarily limited to, living in, condoning, or practicing homosexual lifestyle or alternative gender identity; promoting such practices; or otherwise having the inability to support the moral principles of the school. (Leviticus 20:1 3a, Romans 1:27, Matthew 19:4-6). As such, the school reserves the right, within its sole discretion, to refuse admission of an applicant or to discontinue enrollment of a student of a same sex marriage or relationship.

Revised:

Trinity Lutheran Christian School & Early Learning Center is a religious institution providing an education in a Christian environment. We hold to the Biblical standard, believing the Biblical role is to work in conjunction with students and their families to be Christ-like.

2. Grace Academy

Grace Academy's Biblical role is to work in conjunction with the home to mold students to be Christ-like. On occasion, the atmosphere or conduct within a particular home may be counter or in opposition to the Biblical lifestyle the school teaches. If the moral principles of the applicant are in conflict or do not align with those of the Grace Academy Statement of faith, Grace Academy reserves the right to refuse admission of an applicant or discontinue enrollment of a student as pursuant to Title IX of the Civil Rights Act: Section 714a.

This includes, but is not necessarily limited to:

Sexual immorality, homosexual orientation, or inability to support the moral principles of the school. In such cases, the school reserves the right, within its sole discretion, to refuse admission of an applicant or to discontinue enrollment of a student.

Revised:

Grace Academy's Biblical role is to work in conjunction with the home to mold students to be Christ-like. On occasion, the atmosphere or conduct within a particular home may be counter or in opposition to the Biblical lifestyle the school teaches. If the moral

principles of the applicant are in conflict or do not align with those of the Grace Academy Statement of Faith, Grace Academy reserves the right to refuse admission of an applicant or discontinue enrollment of a student.

This includes, but is not necessarily limited to:

Sexual immorality, or inability to support and follow the moral principles of the school. In such cases, the school reserves the right, within its sole discretion, to refuse admission of an applicant or to discontinue enrollment of a student.

3. Highland View Academy

Highland View Academy (HVA) admits students of any race, color, national and ethnic origin to all the rights, privileges, programs and activities accorded or made available to HVA students. We do not discriminate on the basis of sex, race, color, national or ethnic origin in the administration of our educational policies and procedures, scholarship awards, athletic or other school-administered programs. We do, however, reserve the right to deny admission to any individual who cannot benefit from enrollment based on past academic achievement, disqualifying learning difference or physical limitations, or whose personal or family lifestyle is not in harmony with the stated philosophy of Highland View Academy.

Furthermore, Highland View Academy **does not admit or retain** individuals who engage in sexual misconduct, **homosexual conduct**, or the encouragement or advocacy of any form of sexual behavior that would undermine the Christian identity or faith mission of Highland View Academy and the Seventh-day Adventist Church.

Revised:

Furthermore, Highland View Academy does not admit or retain individuals who engage in sexual misconduct, or the encouragement or advocacy of any form of sexual behavior that would undermine the Christian identity or faith mission of Highland View Academy and the Seventh-day Adventist Church.

4. Spencerville Adventist Academy

Spencerville Adventist Academy **does not admit or retain** individuals who engage in sexual misconduct, which includes non-marital sexual conduct, **homosexual conduct**, or the encouragement or advocacy of any form of sexual behavior that would undermine the Christian identity or faith mission of Spencerville Adventist Academy and the Seventh-day Adventist Church.

Spencerville Adventist Academy will respond to homosexual behavior rather than to feelings or attractions and welcomes as members for the student body, all whose behaviors meet the standards of the Seventh-day Adventist church. Students can remain in good standing if they conduct their lives in a manner that is consistent with teachings

of the church relating to sexual orientation and behavior. A student stated same-gender attraction will not be considered a violation of school policy, however, the school does require all in the student community to abstain from sexual conduct/activity. Homosexual behavior is inappropriate and violates the teachings of our faith, and includes not only casual relations between members of the same sex, but all forms of physical intimacy that give expression to homosexual feelings.

5. Takoma Academy

Takoma Academy, as a Christ-centered learning community, welcomes all those whose behavior and lifestyle are consistent with the beliefs of the Seventh-day Adventist Church. Regarding Human Sexuality, students can remain in good standing providing they conduct their lives in a manner that is consistent with the teachings of the Seventh-day Adventist church on sexual orientation and behavior. Takoma Academy **does not admit or retain** students who engage in sexual misconduct, which includes but is not necessarily limited to, non-marital sexual conduct or **homosexual conduct**; or those students who practice or appear to advocate for any form of sexual behavior or orientation that in the judgment of the school's administration is inconsistent with the Christian identity, teachings, beliefs, or faith mission of Takoma Academy and the Seventh-day Adventist church.

Revised:

6. Atholton Adventist Academy

Inappropriate sexual activity—students can remain in good standing providing they conduct their lives in a manner that is consistent with the teachings of the Church on sexual orientation and behavior. Atholton Adventist Academy **does not admit or retain** students who engage in sexual misconduct, which includes but is not necessarily limited to, non-marital sexual conduct or **homosexual conduct**, or those students who practice or appear to advocate for any form of sexual behavior or orientation that in the judgment of the school's administration is inconsistent with the Christian identity, teachings, beliefs, or faith mission of Atholton Adventist Academy and the Seventh-day Adventist Church.

7. Frederick Adventist Academy

Frederick Adventist Academy is a Seventh-day Adventist Christian school. Because of our beliefs, we prohibit students from engaging in any sexual conduct/activity, **including same sex relationships**. We have chosen to define sexual conduct/activity to include anything that advocates for, promotes or supports the **homosexual lifestyle** in any forum, including in social media. Sexual conduct/activity also includes any consensual sexual behavior that occurs before marriage, such as sexual intercourse, public displays of affection, intimate contact, **homosexuality or behavior that exhibits a same sex relationship**, pornography, and actions (for example, spending the night with someone of the opposite sex), that may lead to situations of temptation, regret and immoral conduct.

Since FAA **does not knowingly admit** a student who practices the following behaviors, the first offense on any of the following fundamental points **makes the student liable for suspension or dismissal ... improper sexual conduct** including sexting on phone or any social network.

8. Arnold Christian Academy

Sexual acts outside the bounds of marriage, including fornication, adultery, **homosexuality**, polygamy, and any other sexually immoral practice, are prohibited by God and are unprofitable for man. (1 Corinthians 6:9-11 Thessalonians 4:1-8, Hebrews 13:4)

Christ-Centered Approach

Promotion, **admission policies**, discipline, classroom décor, environment, staff philosophy, and all aspects of the educational experience are first and foremost Christ-honoring and Biblically-oriented. The Bible is the source of absolute principles of life and conduct. Christ is upheld as the answer to all student problems.

9. Celebration Christian Academy

It should be noted that CCA supports the biblical view of marriage defined as a covenant between **one man and one woman**, and that God immutably bestows gender upon each person as male and female to reflect His image. Therefore, faculty, staff, and **student conduct is expected to align with this view.**

10. Broadfording Christian Academy

As a matter of conviction and policy, BCA disapproves of habits that debilitate the mind, spirit, and body, or are contrary to federal and state law. These include the use of illegal habit-forming drugs, alcoholic beverages, smoking and **sexual immorality**. The following habits and actions, which are contrary to Biblical growth and development and impair the group spirit, are not considered acceptable for BCA students: 1) cruelty; 2) obscenity in language, behavior; 3) disrespect and defiance; 4) immodest/dress code; 5) fighting; 6) cheating; 7) abusiveness; 8) sexual harassment; 9) lying; 10) stealing.

NOTE: Reconsideration granted without any revision.

11. Woodstream Christian Academy

Evidence of deviant behavior of a sexual nature (e.g., promiscuity, pregnancy, and **homosexuality**) **will be grounds for expulsion**. Issues of a sexual nature will be dealt with using the Bible as a guide while maintaining confidentiality.

12. Bethel Christian Academy

It should be noted, however, that Bethel Christian Academy supports the biblical view of marriage defined as a covenant between **one man and one woman**, and that God immutably bestows gender upon each person as male and female to reflect His image. (Gen. 1:27, Gen. 2:23-24). Therefore, faculty, staff, and **student conduct is expected to align with this view**. Faculty, staff, and students are required to identify with, dress in accordance with, and use the facilities associated with their biological gender.

Highland View Academy (HVA) admits students of any race, color, national and ethnic origin to all the rights, privileges, programs and activities accorded or made available to HVA students. We do not discriminate on the basis of sex, race, color, national or ethnic origin in the administration of our educational policies and procedures, scholarship awards, athletic or other school-administered programs. We do, however, reserve the right to deny admission to any individual who cannot benefit from enrollment based on past academic achievement, disqualifying learning difference or physical limitations, or whose personal or family lifestyle is not in harmony with the stated philosophy of Highland View Academy.

Furthermore, Highland View Academy does not admit or retain individuals who engage in sexual misconduct, or the encouragement or advocacy of any form of sexual behavior that would undermine the Christian identity or faith mission of Highland View Academy and the Seventh-day Adventist Church.

Academic Policies

ACADEMIC ELIGIBILITY

Down Grades

A student who has lower than a C- (One D or more) in any subject, including attendance, at each four week check.

Consequences:

Student will be restricted from participating in sports (practices, games, and tournaments), will be required to attend daily study halls for the next four weeks, and may be restricted from other extracurriculars activities. At the end of the four weeks, if their grade has been risen to a C-, they will be removed. If not, they will be placed on downgrades for the next four weeks.

* Any student who has at least 2 Ds or 1 F at the end of the quarter/midterm, will be placed on Academic Probation for the following term.

*If the student has not raised their grade to 1 D or higher by the end of the semester, their Academic Probation will be reconsidered for the following quarter.

ACADEMIC PROBATION

A student placed on Academic Probation for the above-listed reasons will meet with the Academic Standards Committee and will have to sign an Academic Probation Contract that is catered to their specific needs, consequences may include, but are not limited to, daily study halls, dormitory restrictions, weekly faculty family meetings, one-on-one tutoring, and restriction from extra-curriculars, etc. The student must abide by the terms of the contract in order to remain enrolled at HVA. Parents/guardians reserve the right to be present at the Academic Standards Committee in which

the terms of the Academic Probation contract are outlined, Violations of the Academic Probation Contract will be dealt with as insubordination.

ACADEMIC INTEGRITY/CHEATING

Academic integrity is a critical aspect of the educational process. Students are expected to do their own work at all times. Copying a classmate's work, allowing someone to copy work, obtaining answers to quizzes or tests by any dishonest means, and plagiarism are examples of academic dishonesty. Plagiarism is using another person's words or ideas and passing them off as your own, whether by putting your name on the work or failing to properly give credit to the source. "Cutting and pasting" from internet sources without properly citing the source is another example of plagiarism. When the student has any question in regard to what constitutes plagiarizing or cheating, it is their responsibility to check with the teacher.

Academic Dishonesty Penalties

1st Offense:

The student will receive a zero for the work on which the cheating occurred; the student will meet with Administrative Council; an academic dishonesty form will be placed in the student's file and a copy given to the parent/guardian. The student will sign an academic probation contract which stipulates that any further cheating throughout their academic career at HVA will result in more serious consequences. The student will also be removed from any leadership position (Class and SA offices, sports captain, etc.)for the remainder of the year.

2nd Offense

The student will receive an F in the class for the semester if the first offense was in the same class for that year. Students who have two offenses even in different classes will be ineligible to participate in extra-

Expectations in Regard to Conduct; Sexual Harassment and Awareness

Purpose

This document details Takoma Academy's policies regarding sexual harassment, compliance with federal and state laws, definition of terms, and procedures for handling sexual harassment complaints.

Policy

Our policy is to maintain an awareness of the kinds of conduct which may be construed as sexual harassment so that such problems can be avoided and/or eliminated from our work/school environment. With this document we want to send a clear message that Takoma Academy will not tolerate acts of sexual harassment nor will we tolerate retaliatory behavior in response to an employee or student's complaint of harassment. In like manner, specious or false claims of sexual harassment will not be tolerated. Such actions will result in a timely review, and if warranted, disciplinary action.

Compliance

Takoma Academy values the right of all staff/students to work, study, and teach in an environment free of sexual harassment. Such behavior demeans human dignity, erodes morals and runs counter to the Christian mission and principles on which this school operates. In addition to being in violation of Takoma Academy policy, sexual harassment constitutes illegal educational discrimination under Federal and State statutes, the 14th Amendment of the U.S. Constitution and Title IX of the Education Reform Act Amendment of 1972.

Definition

Sexual harassment constitutes, but is not limited to, welcome or unwelcome sexual advances, requests for sexual favors and other written, visual, verbal or physical conduct of sexual nature, whether occurring on campus or off, and occurring at any time, by any student or community member:

- Such conduct has the purpose of interfering with an individual's employment, academic performance, social life or creating an intimidating, hostile, offensive work/study environment or
- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, social, spiritual, academic program or
- Submission to or rejection of such conduct by an individual is used as the basis for employment or enrollment decisions affecting such individual.
- Examples of such behavior include but are not limited to:
 - Making threats of a sexual nature.
 - Touching or grabbing of a sexual nature, deliberate impeding or blocking movement, any intimidating interference with normal work or movement
 - Basing employment or educational decisions or practices on submission to sexual favors.
 - Welcome or unwelcome sexual advances, gestures, contact or jokes of a sexual nature, comments, subjecting employees or students to ridicule, slurs, or other derogatory actions of a sexual nature.
 - Displaying sexual pictures, photographs, cartoons, and graffiti.
 - Making improper or suggestive comments about a person's anatomy.
 - Letters, notes, e-mails, instant messages or social media communications that are cruel, demeaning, discriminatory or intimidating in nature

Atholton Adventist Academy Handbook

Infractions include, but are not limited, to:

1. Harassment—any attempt to violate another student's rights. This may be physical, sexual, or verbal harassment; mishandling another student's property; or threatening another student.
2. Aiding and abetting—urging or helping another student to do something that is against the school rules, covering up for another student who is in violation of school rules
3. Theft—removing, hiding, or using property belonging to others.
4. Controlled substances—actual possession, use, transfer, or sale of drugs, alcohol, tobacco, or drug-related substances
5. Fighting or assault—violent bodily contact that hurts or has the potential to hurt someone physically or emotionally
6. Vandalism—destruction that has a permanently damaging effect upon church, school, or student property. This would include property owned by church or school employees or loaned by others for school use.
7. Outlawed materials—the use of materials that are dangerous to the health and safety of students, teachers, or guests of the school, such as matches, fireworks, chemicals, firearms, and knives
8. Insubordination or abusive language—a belligerent or abusive act or statement that is directed at any employee of the school. It includes more than a simple refusal to do something. It is an aggressive, insulting, profane, or disruptive type of abuse.
9. Safety—actions that endanger the health, safety, or welfare of students, teachers, or guests of the school. Failing to behave in harmony with safety procedures. Using physical education equipment without teacher supervision, direction, or approval.
10. Inappropriate sexual activity – which includes, but is not limited to: kissing, fondling, long hugs, unwanted touches and holding hands.

Consequences: Level III behaviors are considered to be major problems that require immediate action by both the staff, Administration, and the parents or guardians. Level III behavior referrals will be handled in the following manner:

- a) Referring classroom teachers may not be required to telephone parents for Level III behaviors. Rather, the principal shall arrange a conference with the parents as soon as possible. The teacher may be asked to be present at the conference, discipline hearing, or other meetings considering Level III behaviors.
- b) Each accumulation of three (3) Level II referrals of a student being referred for a Level III behavior within a sixty (60) day period may result in movement of the student to the next step in Level III.
- c) Movement through the Level III steps results in the following actions to be taken at each step:

Step 1: A 1-day suspension and disciplinary probation

Step 2: A 2-day suspension with a recommendation to the School Board for a hearing regarding the student's continuation at the school

Step 3: An immediate recommendation that the student be withdrawn at once. Due process hearings may be conducted at the request of the parent.

Disciplinary Probation: Under circumstances described in the Student Behavior Code, a student may be placed on disciplinary probation. During this probation time, students

- Will be required to obtain their teachers' review of their behavior
- May not be allowed to attend any extra- or co-curricular activities held at or by the school.

verified by a physician's note. All absences without an approved note are considered unexcused. Students who miss more than 10 percent of the total yearly school days may forfeit promotion to the next grade or lose credit for classes.

The student will be responsible for completing and turning in any missed assignments, projects, and tests for full credit work when s/he returns due to an excused absence. The formula will be (2) business days of deadline extension for every (1) missed day due to an approved absence. Long-term assignments must be turned in on time. Any exceptions to this policy are to be referred to the board for further consideration.

Excused absences and tardiness will be granted for the following reasons:

- Medical/legal appointments involving the student
- Personal illness/injury
- Death in the immediate family
- Individual situations that are declared by the administration to be of an emergent nature

UNEXCUSED ABSENCES

We realize parents do take their children out of school for reasons other than those stated above. Please realize this is an unexcused absence.

PREARRANGED LEAVE OF ABSENCE

Frederick Adventist Academy supports quality family time and encourages families to plan their family vacations during scheduled school vacations. Missing multiple days of school has a negative impact on a student's educational experience. Valuable class interaction is missed when absences occur. When planning vacations, parents need to consider the following policy:

A pre-arranged absence request must be submitted to the teacher in advance of the planned absence/s. Students will be granted no more than five (5) pre-arranged absences each year. Upon approval from administration, the student will be responsible to collect, complete, and turn in any assignments, projects, and tests before leaving, or when he/she returns per classroom policy. Full credit is given only if the above criterion is met. When a student misses school due to a pre-arranged absence, the parent is responsible for providing instruction in all missed class work. Teacher-directed activities such as presentations, debates, experiments, etc, cannot be made up. Absences in excess of the approved five day limit will be subject to attendance and late work policies.

Note: In accordance with Maryland State Law these **planned leave absences** will not be excused, but no penalties will be incurred.

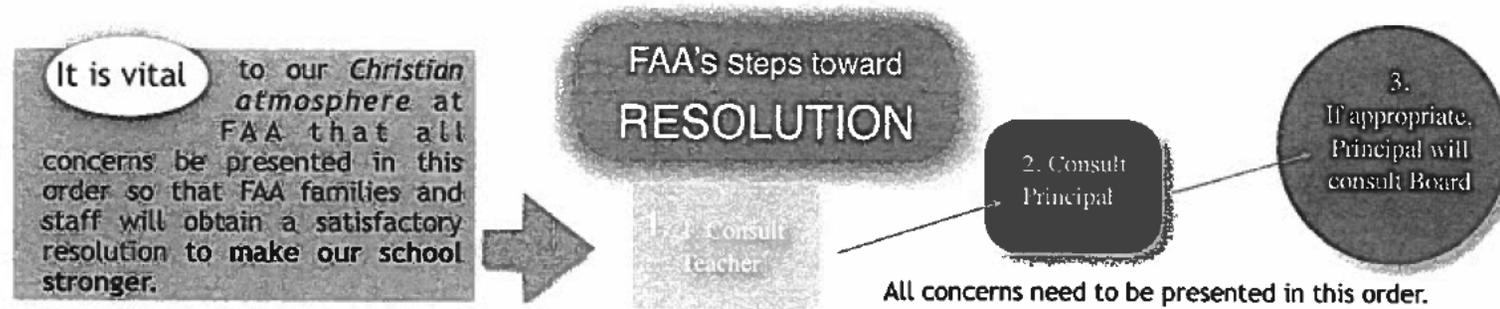
Teachers are not expected to repeat class work/instruction for unexcused absences and students may not receive full credit for such assignments.

TARDINESS

Parents are requested to have students arrive at school early enough so that they can be in their seats and ready for morning worship at 8:15 am. When students enter the classroom after 8:15, the morning routine, including worship, is interrupted and valuable instruction is compromised for all students in the class. Students who arrive after 8:15 am are required to stop at the school office to obtain a late slip before entering their classroom.

EXCESSIVE ABSENCES/TARDIES

FAA maintains a strict tardy policy. Students should allow sufficient time to take care of before-school needs, such as visiting lockers or the restroom. Students who are consistently tardy/absent will have their records reviewed by Administration. Parents can check their child's attendance records through Renweb.



1. It is expected that the student obey all school rules and regulations and render prompt and cheerful obedience to the directions of the teachers.
 2. Since FAA does not knowingly admit a student who practices the following behaviors, the first offense on any of the following fundamental points makes the student liable for suspension or dismissal
 - Spreading atheistic ideas or undermining the religious ideals or faith upheld by the school.
 - Swearing or using indecent language, indulging in vulgar conduct or suggestions, possessing or displaying obscene pictures or articles.
 - Using tobacco, alcohol, or recreational drugs in any form, having them in one's possession, or furnishing them to others.
 - Gambling or betting.
 - Dishonesty, including theft, willful deception in violation of school rules, cheating on exams or class work or any phase of school business.
 - Improper sexual conduct including sexting on phone or any social network.
 - Discussion of inappropriate topics found in theaters, videos, books, TV programs, etc., is not permitted on the school grounds.
 - Aggressive physical or verbal behavior that may or may not lead to physical harm of any of the students.
 3. Respect school property. Student(s), as well as the parent(s) or guardian(s), will be held accountable for any damage done by the student to school property.
 4. Respect FAA teachers, staff, and other students.
 5. Play equipment and play area may not be used except during school hours and then only with teacher supervision.
 6. Do not ride bicycles during school hours. The school is not responsible for their safekeeping.
 7. Do not bring knives, guns (real, toy, gesture, or any other facsimile thereof), or anything normally used as a dangerous weapon to school.
-
8. Do not bring chewing gum to FAA at any time, including before and after school, club, and athletic events. Gum chewing is not permitted and will result in a fine.
 9. Do not bring toys or electronic devices to school unless approved for education purposes by the classroom teacher. FAA is not responsible for broken, lost, or stolen items.
 10. Do not bring cell phones to school. If parents feel cell phones are necessary, they should be left in lockers or turned in to teachers before school begins. Cell phones and other electronic devices will be confiscated if seen or heard during school hours without specific teacher permission. While on campus, students are expected to follow internet use guidelines signed off by parent and student during the registration process.

Serious Misconduct (major write-up)

A student who violates the basic principles of the school by engaging in certain disapproved practices may receive serious discipline, a fine, or dismissal from school. The disapproved practices include, but are not limited to, the following:

1. Using profane language, using God's name in vain, or the possession of or displaying obscene literature or pictures, or indulging in lewd conduct or suggestions.
2. Using tobacco; the misuse or illegal possession of drugs or narcotics in any form.
3. Drinking or possessing alcoholic beverages.
4. Gambling and/or betting.
5. Participating in dishonesty including theft, cheating, lying, and willful deception regarding violation of school regulations in any phase of school work, or business.
6. Meeting persons at any unauthorized time or place, and/or engaging in improper social or sexual conduct.
7. Failure on the part of a student to conform to the stipulations of any discipline which has been administered.
8. The use, handling, or possession of air pistols, firearms (or toy facsimile), knives, lighters, matches, firecrackers, or explosives.
9. Engaging in willful destruction or vandalism of school property or property of others on or off the campus.
10. Tampering with doors, fire alarms, security systems, or fire-fighting equipment.
11. Unlawful entry to any school facility.
12. Copying or unauthorized use of school keys.
13. Fighting.
14. Leaving campus without permission.
15. Bullying.
16. Harassment/Sexual Harassment.
17. Inappropriate use of electronic devices.
18. Willfully defying the authority of school officials.
19. Any student who becomes a clear and present danger to the life of safety of school personnel or students.

Sexual Misconduct

Spencerville Adventist Academy may, at its sole discretion, not admit or retain individuals who engage in sexual misconduct, which includes non-marital sexual conduct, or the encouragement of advocacy of any form or behavior that would undermine the Christian identity or faith mission of Spencerville Adventist Academy and the Seventh-day Adventist Church.

EXHIBIT 9



bethel christian academy

Parent/Student Handbook
2019-2020

8455 Savage-Guilford Road · Savage, Maryland 20763
Main Phone: (301) 725-4673 · Fax: (301)490-0153
www.bethelchristianacademy.com

Dear BCA Parents and Students,

Welcome to Bethel Christian Academy! BCA is proud to offer many fine educational and spiritual opportunities to our students. The faculty and administration are committed to providing a learning environment in which students can grow spiritually, academically, physically, and socially so that they can fulfill the purpose of God for their lives. We trust that you will take opportunity to make the most of what we offer.

This handbook states school policies and procedures as well as general information that will help you to understand our vision and to know how you can fit in and become a valuable part of this exciting learning community.

May this be a great year in the Lord!

The Administration

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<p>BCA reserves the right to make changes to policies or procedures at any time when deemed necessary by the administration and/or school board. Parents will be informed of such changes when they occur.</p>

Please Note: Extended Care hours are considered part of the BCA school day. As such, all BCA policies apply during Extended Care.

ADMISSIONS POLICY

Bethel Christian Academy (BCA) is a ministry of Bethel Assembly of God. BCA does not require that families be professing Christians in order to enroll their children in the school. However, it should be understood that BCA exists unashamedly for the purpose of reaching families with the gospel of Jesus Christ and training and equipping young people to serve Him.

Students are accepted for admission based on an evaluation of prerequisite skills or a qualifying score on the BCA entrance exam, an evaluation of previous grades and behavior, and a pre-enrollment interview. Preschool through kindergarten applicants must meet our age deadline of September 1, and may be required to spend part of the day in a BCA classroom (i.e., shadow). Bethel Christian Academy is not equipped to facilitate the needs of special needs students, and all new students are admitted under a Performance Plan by which their academic progress and their behavior are evaluated during the 1st quarter of attendance.

Enrollment of students in Bethel Christian Academy is a privilege, not a right. Parents must agree to support the BCA Core Values and school policies. Middle school students are required to sign a Code of Conduct and parents must agree to support the enforcement of the Code of Conduct. Parents must understand that continued enrollment of their child(ren) is dependent on their support of the school, its staff, and its policies.

Statement of Nondiscrimination

Bethel Christian Academy admits students of any race, color, and national or ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its admissions policies, scholarship and loan programs, educational policies, and athletic and other school-administered programs.

STATEMENT OF FAITH

1. We believe in the scriptures of the Old and New Testaments as verbally inspired of God, and inerrant in the original writings; that they are of supreme and final authority in faith and life. (II Tim. 3:16,17; II Peter 1:20,21; Matt. 5:18; John 16:12,13)
2. We believe in one God, eternally existing in three persons - Father, Son, and Holy Spirit. (Ps. 83:18; Ex. 15:11; Mark 12:30; II Cor. 13:14; John 10:30; John 17:5,10; Phil. 2:5,6; Eph. 1:3-14)
3. We believe that Jesus Christ was begotten by the Holy Spirit, born of the virgin Mary, and is true God and true man. (John 1:12,14; Luke 1:35)
4. We believe that man was created in the image of God, and that he sinned. He thereby incurred not only physical death but also spiritual death which is separation from God, and that all human beings are born with a sinful nature, and in the case of those who reach moral responsibility become sinners in thought, word, and deed. (Gen. 1:26,27; Rom. 3:22,23; 5:12; Eph. 2:1-3,12)
5. We believe that God created mankind in His image, male and female (Gen. 1:27, Gen. 5:2) and, according to His word, marriage is a sacred union between one man and one woman (Gen. 2:18-24; 1 Corinthians 7:1-5; Mark 10:6-9; Romans 1:24-27) condemning a homosexual lifestyle (Romans 1:24-26, 1 Timothy 1:10).
6. We believe that the Lord Jesus Christ died for our sins according to the scriptures as a representative and substitutionary sacrifice, and that all who believe in Him are justified on the ground of His shed blood. (Rom. 3:24,25; I Peter 2:24; Eph. 1:7; I Peter 1:3-5)
7. We believe in the resurrection of the crucified body of our Lord, in His ascension into heaven, and in His present life there for us, as High Priest and Advocate. (Acts 1:9,10; Heb. 9:24; 7:25; Rom. 8:34; I John 2:1,2)
8. We believe in the local church, which was established by Jesus Christ. We believe in water baptism by immersion, as a public confession of our identification with Christ. (Acts 14:27; 20:17, 28-32; I Tim. 1:1-13; Titus 1:5-11; Heb. 20:25; Acts 2:41,42; I Cor. 1:2)
9. We believe in "that blessed hope", the personal, premillennial, and imminent return of our Lord and Savior, Jesus Christ. (I Thess. 4:13-18; Zech. 14:4-11; Rev. 19:11-16; 20:1-6; I Thess. 1:10; 5:9; Rev. 3:10)
10. We believe in the bodily resurrection of the just and the unjust, the everlasting blessedness of the saved, and the everlasting conscious punishment of the lost. (Matt. 25:46; John 5:28,29; 11:25,26; Rev. 20:5,6,12,13)

MISSION

The mission of Bethel Christian Academy is to create an authentic Christian learning community to train students to know, love, and serve the Lord Jesus Christ and to equip them spiritually and academically to be lights to the world.

VISION

The Bethel Christian Academy vision is to produce academically equipped young people who demonstrate their commitment to Christ by exhibiting love toward others, strong biblical convictions, and a desire to impact the world for Him.

CORE VALUES

Academic Excellence

- ❖ Rigorous academic program
- ❖ Excellent Christian teachers
- ❖ Engaging learning environment
- ❖ Mastery-based learning
- ❖ Biblical world view

Authentic Christianity

- ❖ Salvation through faith in Jesus Christ
- ❖ The Word of God as the standard of truth
- ❖ Integration of faith with learning

Advancing Community

- ❖ Integrity in relationships
- ❖ Partnership with parents
- ❖ Participation in school events and activities
- ❖ Development of gifts and talents
- ❖ Meaningful opportunities for ministry & outreach

EDUCATIONAL PHILOSOPHY

“The fear of the Lord is the beginning of knowledge.” Proverbs 1:7

The concepts of a Christian school philosophy of education are derived from the Bible. Therefore, at the foundation of education at BCA are the following convictions:

- * God is. He is sovereign in His world, and He is personal. (Ex. 3:14; Col. 1:16,17)
- * Christ is the Creator and the Sustainer of the Universe. (Gen. 1:1; Jer. 32:17; Col. 1:16)
- * Reality and truth are known through God’s general revelation in creation and through His specific revelation, the Bible, which is the Word of God. (Rom. 15:4; 2 Tim. 3:16-17)
- * Jesus Christ is the Truth and He is the Source of all truth, for in Him are hidden all the treasures of wisdom and knowledge. (John 14:6; Col. 2:2,3)
- * True values are perceived in the Word of God, not in the reasoning of man apart from God. (Prov. 2: 1-22)
- * Life has a purpose. Man is to live his life as a response to his Creator and Savior, enjoying Him and endeavoring to please Him. (Prov. 19:21; Jer. 29:11; Eph. 2:10; Phil. 2:13; Rom. 8:28; Rom. 12:2))
- * God gives differing abilities to each student. In addition, spiritual gifts are bestowed at salvation. (1 Co. 12:7-11; Rom. 12:6-8)
- * Parents are responsible for the education of their children in the home, in the church, and in the school. The role of the school is to partner with parents in educating their children. (Deut. 6:6-9)

GOALS AND OBJECTIVES

1. To provide a Christ-centered education, where the Word of God is an integral part of the entire curriculum and faith is integrated with all learning.
2. To instill an internal moral code of behavior in each student based on God's Word that will guide his/her in the decisions of life.
3. To maintain high academic standards with an educational program that will prepare a student to reach his/her fullest potential for the glory of God.
4. To impart to each student a sense of purpose and vision that will challenge him/her to give his/her utmost to fulfill the plan for which God has called him/her.
5. To train the whole individual:
 - A. ***Spiritually:*** to know Christ personally and to yield to His will in every area of his life. (John 3:16)
 - B. ***Mentally:*** to relate all truth to His truth and to discover and develop individual aptitudes; to cultivate critical thinking skills. (Prov. 4:7)
 - C. ***Socially:*** to understand and practice biblical principles for interpersonal relationships including conflict resolution. (Matt. 7:12)
 - D. ***Emotionally:*** to build a Christ-controlled personality, enabling each child to adjust to life's circumstances in a God-honoring way; to develop self-discipline. (II Tim. 1:7)
 - E. ***Physically:*** to develop a respect for the body as the temple of the Holy Spirit; to teach intelligent care of the body, and to encourage the yielding of the body as an instrument for God's use. (I Cor. 6:19,20)

ACADEMIC ISSUES

Academic Program Overview

Preschool students are taught basic readiness skills and foundational academics such as letters, numbers, and Bible stories. In PreK, students begin to learn to read and increase their knowledge and understanding of number concepts and handwriting skills. They also engage in enrichment learning in Social Studies and Science. Kindergarten students build on the foundation of phonics begun in earlier grades and truly master the fundamentals of reading. They begin basic math computation. Kindergartners continue to improve handwriting and add composition to their skills along with more focused Social Studies and Science instruction.

In 1st – 8th grade, students are taught the core subjects of Bible, Math, Language Arts, Reading, History, and Science. An overview of the materials and specific subject matter is available on the BCA web site.

Curriculum

BCA uses a variety of curriculum materials including ABeka, BJU Press, Purposeful Design, Saxon Math, Shurley English, History Alive!, and Positive Action or CSI Bible. BCA has an objectives-based curriculum and some materials that are used in instruction have been specifically designed by the administration to meet those objectives. Consumable and non-consumable books are provided for student use. **If a book is lost or damaged, the student's account will be billed the replacement cost.**

Selection of Literature

The reading and evaluation of literature is an essential part of each BCA student's education. Literature is evaluated by the administration to assess its appropriateness considering the maturity and reading ability of the students and the instructional goals of the course. The inherent worth of the literary work in terms of moral tone, gratuitousness of evil, and explicitness of evil is also evaluated. Because the teacher can point out an author's scripturally foolish perspective, works may be chosen to be used in the controlled environment of the classroom which are not suitable for independent, undirected reading. If a parent has a concern about a literature selection, the parent should contact the administration.

Homework

The purpose of homework is to support and enhance classroom instruction. It is assigned to achieve specific instructional objectives.

BCA provides students in grades 3 – 8 with an assignment planner in which to write all homework assignments. Time is given in class to copy assignments from the board. In addition, homework is posted on RenWeb on a weekly basis. This is as a reference for parents in the event that a question arises; it is not meant to be the primary source of homework information although every effort is made to keep it accurate and up-to-date.

Because students need time to pursue non-school-related activities and to enjoy family time, it is BCA's intent that homework not be excessive. It should be understood; however, that what is excessive for one student may not be excessive for others.

Expectations for Homework for the Average BCA Student

Preschool/PreK	No homework
Kindergarten	Approximately 15 minutes/night <i>as needed</i>
1st– 2 nd grade	Approximately 30 minutes/night
3 rd – 4 th grade	Approximately 45 minutes/night
5 th grade	Approximately 1 hour/night
Middle School	Approximately 2 hours/night

*The time the teacher believes is required to complete the assignment may be noted on the assignment posted on RenWeb.

It is important to plan out long-term assignments to avoid an overload of homework at the last minute when projects are due. Students taking Algebra I should expect their homework load to be somewhat in excess of the above-stated guideline due to the advanced nature of the course.

Students who do not complete class assignments in the time allotted during class may be required to complete them at home. This work is not considered assigned homework, but indicates a lack of productivity in class and may result in the student spending more time than expected working at home. Some class work, however, cannot be completed at home, and failure to complete it in class will adversely affect a student's grade.

Students are expected to turn in homework on the day that it is due. Late homework may be submitted the next day for a full letter grade deduction. After that the student will receive a zero unless an extension is granted at the discretion of the teacher. Missing assignments are noted on RenWeb and an email notification is sent to the parent. However, it is

recommended that parents check to see that homework is completed each day and placed in the appropriate place in the student binder to be turned in on time.

Some subjects or assignments do not allow for work to be accepted late due to the nature of the assignment objective. For example, Math work is cumulative and if it is not completed for each lesson on time, the student's learning is impacted aside from the grade itself. Other assignments may need to be completed as a prerequisite to another learning activity and there is no instructional value to them being completed late. Therefore, in these cases, the teacher may refuse to accept the work late, and the student will receive a zero.

Although effort is made to avoid scheduling several major tests on the same day, there will be times when more than one quiz or test may fall on the same day. Students are encouraged to participate in class and to study throughout an instructional unit so that last-minute cramming will not be necessary.

Organizational System

Research has determined that one of the primary factors in a student's school success is organization. BCA supports this objective by requiring that all 1st – 8th grade students utilize a specific organizational system for all school supplies and schoolwork. The required supplies are listed on the school supply list.

The student binder is the core component of the BCA organizational system. Each student is required to have a 3-ring binder containing one set of rings and a zipper closure. First and second grade students need 2-inch rings and 3rd – 8th grade students must have 3-inch rings. The binder is to contain:

- a zippered pencil case stocked with required items (3rd – 8th only)
- 2-pocket folder (for home-school communication) – **NOT for homework**
- an assignment planner (3rd – 8th only; provided by BCA)
- blank notebook paper
- at least 10 plastic dividers with tabs, but NO pockets

It is the student's responsibility to keep the binder stocked with paper and other supplies as listed on the school supply list. The teacher will train the students in the proper set up of the binder and will conduct regular binder checks. The students will regularly "purge" the binder of old school work with the teacher in class. Parents and students should not attempt to clean out the binder at home to avoid discarding things that may still be needed. Parents should, however, check to assure that everything in

the binder is in its proper place and hold the student accountable for complying with the requirements.

In order for the binder system to work effectively, a few things are of paramount importance.

- Every worksheet, test, handout, homework assignment, etc. must be dated and placed in the rings in the appropriate subject section of the binder.
- Most recent papers are to be placed in the front of each section (right after the divider) to be easily accessible.
- Students are not to put work papers in “pockets” in the binder nor in folders. Students are not to use spiral notebooks.
- **BCA students do NOT use a separate homework folder.**

Preparedness for Class

For learning to occur, a student must be prepared. Students must avoid being:

- Unprepared for class – coming to class without textbook, paper, pencil, etc.
- Late to class – coming to class after school or after the class period begins

When a student comes to class late or unprepared to do the work required due to lacking the necessary materials, he/she may have points deducted from his/her grade.

A school store is available at Campus 2 so that students may purchase supplies if necessary. Students may pay cash for the items or may have them billed to the student’s account if the parent signs an authorization to be billed.

Library

Students may check out books from the school library for two weeks to read at home. No new books may be taken out until checked-out books are returned. If a book is not returned or is damaged, the cost of the book will be added to the student’s account at the end of the school year.

Computer Lab

All students in K – 8th grade are placed into a computer class where they learn keyboarding and software applications. Teachers may also use the computer lab to provide Internet resources to support instruction or for students to complete projects requiring computer use. The computer lab may be used after school hours if a student is working directly with a teacher on a school-related assignment.

Technology Policy

Students have access to school computers for the purpose of research and/or

producing school-related assignments. To safeguard the computer equipment and ensure the safety of BCA students, the following restrictions regarding computer use apply:

- Students may not use school computers without the supervision of BCA staff or faculty.
- BCA does not provide student print services. Students should expect to print out hard-copy assignments at home when required for submission to the teacher.
- Computers may be used only for school-related assignments.
- No food or drink may be consumed in the computer lab.
- No applications or games may be installed on school computers by a student without express authorization from the administration.
- Established procedures for storing data must be used at all times.

Internet Use

Because the Internet is an excellent resource to further students' studies, BCA has provided its students with limited Internet access. When accessing the Internet, the following rules must be followed:

- Students will only use the Internet for approved course work. Other use is strictly prohibited.
- No personal information (e.g., pictures, addresses, telephone numbers, and parents' names) will be posted on the Internet.
- Students who encounter inappropriate materials must immediately report the occurrence to the media supervisor.
- Students may view published web pages and must cite information obtained from them appropriately. Caution must be taken to avoid plagiarism.
- Students will not vandalize, damage, or disable the work of another individual or organization.
- Students will not access, manipulate, alter or attempt to damage, disable or destroy technology or computer files.
- Students will not access, create or distribute harassing, pornographic, obscene, racist, sexually explicit, or threatening material, imagery or language.
- Students will not use school-provided Internet access for illegal purposes or for non-approved commercial purposes.

- Students and parents are required to sign an Acceptable Use Agreement each year in order for the student to be allowed to use school computers.

Student Netbooks in the Classroom

Middle school students have access to netbook computers for use in producing various written assignments in the classroom. Student netbooks are not to be taken home. Parents and students are required to sign a special use agreement for the student to be permitted to use these computers. BCA provides middle school students with a Google account for doing assignments using Google Classroom.

Tape Recording

There are limited circumstances under which students may need to either tape record a class lecture or have another student tape record a class for them. However, it is the school policy that any students wishing to tape record a class or any part of the school day must obtain permission in advance from the administrator. Any student who records a class or any part of the school day, regardless of the reason, without the express permission of the administrator is subject to suspension or expulsion.

Field Trips

Field trips are a worthwhile way to teach concepts and expose students to experiences they would not otherwise receive at school. Each class will attend some school-funded field trips during the school year. Additional field trips may be scheduled at the parents' expense. These are considered optional. Field trips are scheduled at various times throughout the year. Notification of the specific time and place of each trip will be provided during the year. Written parental permission is required for a student to go on a field trip. Although BCA has procedures to take care of students with medical issues on field trips, parents of students with severe medical conditions will be given the option of attending as a chaperone. BCA's policy is that if a student is considered medically unstable or determined to be ill on the day of the field trip, he/she will not be allowed to participate. Although all the teachers are trained in basic first aid procedures, they are not trained nor equipped to deal with severe medical emergencies.

If a parent does not send in a signed permission slip for a student to attend a field trip, the student is to remain at home that day. Students **will not** be allowed to call the parent that morning for verbal permission. They will remain at school working on a related assignment and/or schoolwork if there is staff to monitor them. Otherwise, the parent will be called to pick them up.

Parents or other adult family members (21 years old) may be selected to chaperone on field trips. If selected for a particular trip, the parent will receive confirmation notification from the teacher or the school office. ***Chaperones are not allowed to take younger children who are not in the class on field trips.***

It should be noted that all school rules apply on all field trips and on all school-sponsored events on the school campus and away from it. Students may not bring cameras or other electronic devices on field trips. Chaperones may bring cameras, but may not post photos of students other than their own on any Internet site.

PRESCHOOL – ELEMENTARY SPECIALS CLASSES

At the preschool and elementary level students participate in Specials classes that are scheduled once a week.

Art

All students receive art instruction. Students learn basic art skills related to color, line, shape and technique. Older students also learn art history as they work on projects using a variety of media.

Music

Music classes focus on vocal music, but may also include experiences with instruments such as recorders, percussion instruments, or bells. As they get older, students learn music theory and may sing different vocal parts in a group performance. Students perform at various programs and events which are mandatory. Therefore, advance notice must be given if the student is unable to attend a scheduled performance.

Physical Education

Beginning in PreK, students have P.E. class. They learn the rules and gain various sports' skills. Instruction in physical fitness is also emphasized and the elementary students participate in the President's Fitness Program each school year. Students in 1st grade and up must wear a P.E. uniform to class on their designated day and their grade will be affected if they are not properly dressed for P.E. (Please refer to the Dress Code section.)

Computer/Library

Beginning in kindergarten, students take a computer class in which they learn typing and how to use Microsoft Office applications. They are also provided with instruction regarding a variety of classic genres of literature and how to find books in the library. Students in 1st grade and up may check out books to take home.

MIDDLE SCHOOL ELECTIVES

Electives for middle school students and the schedule of those classes may vary each year. However, all middle school students are required to take classes within the following course categories: Art, Music, P.E. and Media/Technology.

In the context of fulfilling elective requirements and exploring other areas of interest, a student may be able to take a class in drama, worship dance, martial arts, robotics, coding, podcasting, portrait drawing, painting, life skills, current events or a variety of other subjects.

Some classes, such as dance, drama, and choir have a mandatory performance component. Students are expected to be present and participate in **evening** programs that occur at Christmas, Easter, and in the spring. Since ***all special programs are mandatory for performing arts students***, unexcused absences will result in the student receiving a zero for the performance. To be excused from a performance, arrangements must be made **well in advance** with the performing arts teacher, except in the case of an emergency.

Performing Arts Classes

The focus of all BCA performing arts is to dynamically communicate God's principles and His love. Foundations will be laid regarding the effective use of movement, music, staging, and vocal expression to express the gospel and lift up the name of Jesus.

Spanish

Middle school students may elect to take Spanish. Since elective classes are not offered 5 days a week, a student need to take Spanish for two years to earn a full credit.

OPPORTUNITIES FOR OLDER STUDENTS

Praise Team

Students in grades 3-8 may have the opportunity to participate in leading worship. Instrumentalists and vocalists are needed. Students who are interested in this opportunity should be prepared to arrive early to school at times and meet for practice after school.

Student Leadership

The middle school leadership team works with a BCA staff advisor to plan events and work on projects for the advancement of the middle school. Students must

apply to be on the leadership team. This team attends an annual conference for training in leadership skills. They meet during the lunch period and after school. 5th grade students may also have the opportunity to participate in leadership opportunities at their campus.

ACADEMIC PERFORMANCE

Student performance is assessed and recorded in a variety of ways. The parents of Preschool students receive a hard copy report of the student's progress in meeting annual objectives. PreK students receive a Quarterly Progress Report available on RenWeb indicating their progress in meeting quarterly objectives. Students in grades Kindergarten – 8th receive a Report Card available each quarter on RenWeb. The scales used to measure student performance are listed below:

PreK Progress Scale

CD = Consistently Demonstrates Skill
 MP = Making Progress in Demonstrating Skill
 NY = Not Yet Demonstrating Skill

Kindergarten Grading Scale

E = Excellent [High proficiency]
 G = Good [Expected proficiency]
 S = Satisfactory [Developing proficiency]
 N = Needs Improvement [Lacks proficiency]

1st – 8th Grade Grading Scale

98 – 100 = A+	88 – 89 = B+	78 – 79 = C+
93 – 97 = A	83 – 87 = B	73 – 77 = C
90 – 92 = A-	80 – 82 = B-	70 – 72 = C-
68 - 69 = D+	59 - = F (Failing)	
63 - 67 = D	I = Incomplete	
60 - 62 = D-	(M) = Modification*	

*Modifications are made only for students who have documented special needs.

Most graded assignments and written assessments are scored for actual number correct out of the possible points or for percentage correct. However, some activities and assignments may be scored using a more subjective method as described in the table below or by using a criteria-based scoring rubric.

When these symbols or a letter grade are written on an assignment, it holds the numeric value shown on the chart on the next page. Teachers may, however, choose to give a more precise numeric grade.

A+ √++ = 100	Exemplary; exceeds expectations
A √+ = 95	High proficiency in meeting the assignment objectives
B √ = 85	Expected proficiency in meeting the assignment objectives
C √- = 75	Developing proficiency in meeting assignment objectives
D √- - = 65	Lacks proficiency in meeting assignment objectives, but some skill evident
F = teacher assigns %	Did not finish assignment, did not meet basic requirements, no proficiency demonstrated

Note: Students who have been determined to have cheated or plagiarized on an assignment may receive a zero in addition to other possible disciplinary consequences.

Conduct and Work Habits

Conduct

The Conduct grade reflects a student's respectfulness, self-control, obedience, and ability to get along with others throughout the quarter. Behavior information is available on RenWeb and is updated on a weekly basis. If a student has earned three or more demerits during the quarter, an automatic email message containing the behavior report will be generated to the parent. This behavioral information will be considered when assigning the student's Conduct grade on the quarterly report card based on the following rubric. However, the number of demerits is not listed on the report card nor does it appear on the student's permanent record.

E = Excellent	Requires little or no correction.
G = Good	Occasionally needs verbal correction but he/she responds appropriately.
S = Satisfactory	Lacks self-control; requires redirection.
N = Needs Improvement	Requires multiple warnings and often requires additional consequences.
U = Unsatisfactory	Exhibits a pattern of misbehavior or willful rebellion, and/or has had a more serious behavioral offense

Work Habits

Students are expected to be prepared and attentive in class, to follow directions, and to complete work on time and in a quality manner. Students are taught specific study skills and are assisted with organization in class.

However, a student's personal work and study habits can impact his/her academic performance. The teacher will inform parents when a particular work or study habit is having a negative impact on the student's grade and comments may appear on the report card indicating a student's performance in this area.

Penmanship

Students in the elementary grades receive a grade in Penmanship and once they have learned to write in cursive, they are required to do so. Fifth – eighth grade students are required to write in cursive handwriting and their grades in a particular class may be impacted by a failure to do so or by illegibility. However, students in these grade levels do not receive a separate grade for penmanship.

Honor Roll

A/B Honor Roll: Students who have earned all A's and B's and above and have at least an S (Satisfactory) in Conduct.

Principal's Honor Roll: Students who have earned all A's and have at least an S (Satisfactory) in Conduct.

All classes count towards honor roll for middle school. Only core classes count for 1st – 5th grade.

Academic Failure

Students who earn a final grade of F in any academic subject (math, English, reading, science, history, or Bible) will not be promoted to the next grade. It may be possible for the parent of a student in this situation to make arrangements with the administration for summer remediation if the student has earned an F in only one subject. Summer remediation does not apply to 8th graders who have earned an F. They will not graduate.

Students who earn a final grade of D in any academic subject (math, English, reading, science, history, or Bible) **will be required to receive sufficient documented tutoring during the summer to demonstrate mastery of subject material at a C level or above.** The tutoring must be approved in advance by the BCA administration and a report from the tutor regarding the hours tutored and the student's progress must be provided. Students who have earned a final grade of D will have the notation "Promoted with Reservation" on their final report card.

Many BCA teachers are available to tutor students who need extra support. The rate for BCA teachers doing tutoring on campus is \$40/hour plus Extended Care fees payable to the school.

ANNUAL EVENTS

Veterans Day

The week of Veterans Day, the Chapel service at each campus is dedicated to those who have served or are currently serving in the armed forces. Parents are welcome to join us for this special service.

Grandparents Day

BCA designates a day each year to honor grandparents. Grandparents are welcome to visit with their grandchild/ren in the classroom and enjoy a complimentary lunch. Please invite your child/ren's grandparents to attend.

Christmas Program

In December, BCA students perform in special programs to honor Christ's birth. Programs typically include drama, dance, and music.

Moving Up Night

In late January, parents are invited to attend this event and get a preview of the types of instructional activities and projects that their student(s) can expect in the next school year. Curriculum is available to review and teachers are present to answer questions.

Easter Program

In the spring, BCA students perform in special programs celebrating the Resurrection. Programs typically include drama, dance, and music.

Evening of Excellence

In the spring, students in 3rd – 8th grade participate in an "Evening of Excellence" by displaying projects created throughout the school year. Academic areas for which projects are displayed include Bible, reading, writing, science, history, and art. In addition, performances in music, drama, and dance may be presented.

Carnival/Field Day

At the end of the school year, BCA holds a spring carnival and middle school field day. There are activities and events for students in all grades. All student accounts are billed \$18.00 in April to cover the cost of the Carnival. This event is not a fundraiser.

Year-End Awards

Students are recognized for their achievements at special assemblies at each campus at the end of the school year. A student from the middle school may be selected as

Student of the Year based on character, academic diligence/achievement, leadership, service, and spiritual growth and maturity.

Kindergarten Graduation

A special graduation ceremony is held during which students present performances related to things they have learned and receive a Kindergarten “diploma.”

5th Grade Promotion

The 5th grade promotion ceremony provides an opportunity for 5th grade students to perform and welcomes them into middle school.

8th Grade Graduation

Eighth-grade graduation is held on a special graduation night. All graduating students are required to attend.

ATTENDANCE

In order to gain the most from school, each student must be in regular attendance. Parents are encouraged to establish a pattern of regular attendance unless health prohibits. Students should not be taken out of school for an extended period of time.

If a student is kept home for health reasons, a call must be made to the school before 10:00 a.m. Requested absentee assignments may be picked up at the school office after 3:00 p.m. or they will be given to the student upon his/her return to school.

Chronic absenteeism on quiz, test, or exam days will be brought to the attention of the administrators.

Students that arrive late, leave early, or are removed from class for a middle-of-the-day appointment that results in being away from school for three hours or more will be credited with one-half day of attendance.

According to Maryland state law a student who misses 35 school days is considered chronically absent which, in the public school system could result in legal action against the parent. Bethel Christian Academy may choose not to promote a student who has been absent for 35 days.

Students serving suspensions are considered absent for purposes of “Perfect Attendance.” See “Discipline Policies” for information regarding missed work due to suspension.

Excused Absences

Examples of excused absences are:

- Personal illness
- Death in family
- Appointment with doctor or dentist. (Such appointments should be made after school hours if at all possible.)
- Major traffic accidents and road conditions making travel dangerous.
- Family vacation (Prior notice is required.)

In order for an absence to be considered excused, the reason for the absence must be stated in writing and signed by a parent or guardian.

For excused absences, work may be made up according to the following guidelines. Assignments must be made up in the time equal to the number of days absent (i.e., one day absent - all make-up work must be made up in one day; two days absent - all make-up work must be completed within two days after returning.). This is to continue up to five days. Five days are the maximum number of days allowed for make-up work.

Tests or quizzes scheduled for the day a student was absent are expected to be taken the day the student returns unless the absence included the day(s) on which initial instruction was given for the test or quiz material. Students who are absent for an in-class review, however, are not given additional time to make up a quiz or test since instruction was provided and the student had the opportunity for personal study. Tests or quizzes for which the student was not present for the content instruction must be scheduled with the teacher so that appropriate instruction can occur prior to the quiz or test.

In the event that a student is absent for multiple days, the teacher will coordinate with the student, parents, and administration to provide any necessary instruction and schedule make-up work and missed tests/quizzes in a timely fashion.

Unexcused Absences

If an absent student returns to school without an acceptable written excuse from the parent, the absence is considered unexcused. A student with an unexcused absence will receive a zero for all missed assignments and tests for that day. Assignments that were due that day may be considered late and the grade deducted accordingly.

Planned Absences

The student's teacher(s) should be notified at least two days prior to any planned absence. If prior notification is not received, the absence will be considered unexcused and the student will receive zeroes for assignments missed that day. Assignments that were due that day may be considered late and the grade deducted accordingly.

Teachers who are notified well in advance of a planned absence will do their best to provide the student with his/her work prior to the absence, which must then be turned in the first day the student returns to class. If the work is not turned in at that time, the policy regarding late work will apply.

Returning to School after an Absence

Upon returning from an absence, all students must furnish a note to their homeroom teacher from their parent or guardian stating the date(s) and reason for the absence, and the signature of the parent or guardian.

If a student is absent for three consecutive days, the medication technician (MT) should be notified regarding the situation. A note from a doctor is required upon the student's return to school for absences in excess of two days and for communicable illnesses (i.e., chicken pox, measles, lice, etc.).

Perfect Attendance

A Perfect Attendance award is given to students who have been physically in school for at least ½ day every day school is open. Regardless of the reason for a student's absence, if he/she was not physically present in school, he/she is not eligible to receive a Perfect Attendance award.

Tardiness to School

It is important that every student arrive at school with sufficient time to unpack his/her backpack and prepare for instruction. The arrival times for each campus are:

Middle School Campus Arrival **7:55 – 8:15 a.m.**

Students must be unpacked and in the morning assembly by 8:15 a.m. or will be considered late, with the exception of bus students. Late students must check in and receive a *late pass*. After 8:25 a.m., parents must come into the building to sign the student in.

Campus 3- Oakes Building Arrival 7:55 – 8:15 a.m.

Students must be signed in, unpacked, and in their classroom by 8:15 a.m. or will be considered late with the exception of bus students. Late students must check in and receive a ***late pass***. After 8:15 a.m., parents must come into the building to sign the student in.

Campus 1- Cox Building Arrival 8:00 – 8:25 a.m.

Arrival after 8:25 a.m. is considered late and parents must come into the building to sign the student in.

Excused Tardies/Lateness

Examples of excused tardies/lateness include, but are not limited to:

- Appointment with doctor or dentist. (Note from doctor/dentist required.)
- Major traffic accidents and road conditions making travel dangerous.
- Serious or significant family situations
- Unforeseen circumstances (e.g., car trouble, lost electricity, home flooded, dog ran away)

Note: Oversleeping and running late are not considered excused tardies.

For a tardy to be considered excused, the reason (as indicated above) must be stated in writing and signed by a parent or guardian and provided at the time of arrival.

Unexcused Tardies/Lateness

If a student arrives to school after the designated arrival window without an approved written excuse from the parent, the tardy is considered unexcused. A student with an unexcused tardy will receive a zero for any assignments and tests/quizzes missed during that time. Teachers who accept homework at the beginning of a class period may consider work turned in after that time as late and deduct a letter grade.

Being in class is critical to student learning. Therefore, five (5) unexcused tardies will be converted to one day absent and will be noted on the student's report card. This will affect "Perfect Attendance". Thirty-five absences are deemed chronic absenteeism and may result in a student not being promoted.

Tardiness to Class

For students who change classes, there is sufficient time between classes or from lunch/recess for students to get to the next class on time. Students who are late to class may have points deducted from their grade. Students who are legitimately kept

late by a teacher or staff member should ask that teacher/staff member for a pass to enter their next class without penalty. Students should report to their classes promptly and then ask to sign out to the rest room. Students are not permitted to just go to the rest room between classes; they must have permission from a teacher.

BEFORE AND AFTER SCHOOL

Morning Care

Cox Building Gym: 6:30 – 8:00 a.m. Students in any grade.

Students will be escorted/transported to other campuses beginning at 7:55 a.m. so if they are arriving close to this time, they should be dropped off at their own campus.

Middle School Campus – No morning care provided

Oakes Building – No morning care provided

BCA does not serve breakfast in morning Extended Care. However, students may bring a breakfast from home to eat at tables provided.

All students must be signed into morning Extended Care. Supervision of students by school staff begins when a student is signed into Extended Care. BCA assumes no responsibility for students prior to 6:30 a.m. or for students who have not been signed in to have their presence acknowledged.

After-School Program

The BCA After-School Program is available to BCA students only. These hours are considered part of the BCA school day. As such, all BCA policies apply during the After-School Program.

The After-School Program is offered from 3:00 - 6:30 p.m. at Campus 1/Cox Building. *Parents must sign all students out of the program in the afternoon/evening.* BCA does not assume responsibility for any students on the property after 6:30 p.m. or when the last registered student is picked up.

Student Behavior After School

Students are expected to conduct themselves in the same manner as during the school day. When misbehavior occurs, it will be documented by the Program staff and may result in the student receiving a demerit. After school misbehavior will be reflected on the students' Conduct grade on their quarterly report card.

COMMUNICATION

Communication between home and school is extremely important for partnership. BCA is committed to utilizing a number of means to provide parents with the information they need to enable their student(s) to excel.

BCA Web Site

The BCA web site is maintained for the purpose of providing information about the school and school events on the Internet. A monthly calendar, events bulletins, and information regarding enrollment are some of the things available on this site. The web site address is <http://www.bethelchristianacademy.com>. A link to the RenWeb parent portal is available on this website as well.

RenWeb/ParentsWeb

Bethel Christian Academy provides up-to-date school information online through RenWeb. Parents and students may access the student's account. The RenWeb web site provides attendance, health, academic and behavioral information as well as displaying homework assignments and information about school events and activities. Teachers can be contacted via email directly through RenWeb.

The "web forms" button on RenWeb allows parents to update student and parent information directly. Information such as changes in phone numbers or email addresses or emergency contact or pick up information can be updated using this option or by calling the school office.

BCA Calendar

Yearly and monthly calendars are posted on the BCA web site and on RenWeb. In addition, a shared Google calendar is available for parents to link to in order to keep up-to-date electronically in regard to BCA events. Monthly events information is sent home with the lunch menu.

BCA Publications

Parents receive a quarterly newsletter providing information about things that are happening in the school. A weekly email update is sent out to keep parents abreast of events and activities for the upcoming week.

Missing Homework Notification

If a student has had a missing homework assignment during the week, it will be noted on RenWeb and an automated email notification will be sent. However, it is possible that by the time it is noted on RenWeb, the student will have already earned a zero. Therefore, it is important for parents to check the student's

homework each night to ensure that completed assignments are in the binder to be turned in on time.

Academic Progress

Information regarding each student's academic progress and performance is available on RenWeb. Grades on specific assignments and tests as well as the student's quarterly average are provided. In addition, email notifications are sent to the parents when the student receives a grade lower than 65% on an assignment or assessment. Teachers will also contact parents when a pattern of poor performance is noted.

Behavior Report

Behavior information is available on a weekly basis on RenWeb. When a student has earned an excessive number of demerits during the quarter, an automated email notification will be generated to the parent detailing the offenses.

Mid-Term Reports

Since parents can access progress and performance information on a weekly basis via RenWeb, BCA does not publish a separate Mid-Term Report.

Report Cards

Report cards give the students' letter grades for each class. PreK students are issue a quarterly Progress Report. Comments may be included as appropriate. Report cards are officially posted on RenWeb at the end of each quarter. Final report cards are mailed. Report cards will not be accessible unless the student's financial account is up-to-date during the school year and paid in full at the end of the year.

Parent-Teacher Conferences

Parent-Teacher conferences are held twice during the school year. Preschool – 2nd grade conferences are scheduled directly with the teacher who sends out a notification of the date and a means of making an appointment.

In grades 3 – 8, the conferences are scheduled by the campus administrative assistant. Middle school conferences are with several teachers; therefore, it is not possible to have a conference with every parent on the day set aside for parent-teacher conferences. Priority is given to those parents whose students are earning two or more low C's or a grade below a C and for parents of new students. Other parents are welcome to schedule a conference on that day if there is a slot available or on another day after school. Middle school students are required to attend parent-teacher conferences.

Scheduling Conferences

Parents may call the school office or send an email when an appointment is desired with the teacher or administrator. **Teachers may not be seen for impromptu questions, conferences, or discussions, particularly at the beginning of the school day.** All meetings with a teacher must be scheduled in advance.

Visiting the Classroom

Parents sometimes want to observe their student in the classroom environment. Observations in the classroom must be scheduled in advance with the teacher and are limited to one class period to avoid disruption to the classroom routine. Upon arrival, the parent is to sign in at the school office and obtain a visitor badge. The administrative assistant will notify the teacher of the parent's arrival.

Use of Telephone

Students are not allowed to use the school phone. In the case of an emergency, the school will contact a student's parents. Personal cell phones are not permitted and will be confiscated. Arrangements for after-school activities should be made prior to the day of the activity. Personal messages from parents cannot be taken to children during school hours unless there is an emergency.

Parties

Parents are welcome to provide refreshments during the lunch period for their student's birthday. In addition, there may be class or school-wide parties planned for a variety of reasons. Parents may be contacted to provide food contributions.

Invitations to personal parties are not to be distributed at school. A BCA family directory is available in RenWeb to facilitate relationship building. Parents may choose not to have their information displayed in the directory.

Handling Concerns or Complaints

The following procedure is used by BCA faculty and staff and is taught to the students. Parents are urged to use this procedure as well since it is the plan given in God's Word.

If you have a concern/complaint:

- **Pray.** Seek God.
- **Express your concern** promptly in a spirit of respect **to the proper person.** Concerns about a problem or situation should be expressed **to the individual involved.** Do not broadcast them. Express your complaint **only** to the person who should hear it. Unneeded worry, harm, and hard feelings result when problems and dissatisfactions are expressed to persons other than those

directly involved. Your concern should be expressed to the administrator if you cannot work it out with that individual and no one else. (Matthew 5:23,24)

- Express it clearly and respectfully. Make sure the person to whom you are expressing your complaint understands the details of the situation and **exactly what you are complaining about and why**. Please focus on the issue and refrain from general accusations or personal attacks. Clearly state what you would like the person to do.
- **Pray about it.** Ask God to help you to make your complaint in such a way that it will result in a stronger partnership with the individual and the betterment of the school. Read and think about such passages as Ephesians 4:1-3 and Colossians 3:12-13. Pray about it.

If you overhear or are told a concern/complaint:

- Encourage the person communicating to express his/her concern/complaint only to the person who is a part of the problem or a part of the solution.
- Pray and ask God to take care of the situation. **Do not continue to listen to the details of the problem after you discern that you are not part of the problem or the solution.**

If a complaint is made to or about you:

- Understand what the complaint is and why it is being made.
- Give it prompt attention and agree on an effective solution.
- Make it a growth experience and learn from any mistakes.

Be sure to allow ample time for a problem to be resolved before contacting the administrator. Most of the problems that arise can be resolved by keeping the channels of communication open with the teacher. However, if a problem is not resolved, please contact the administrator for assistance in reaching a resolution. Administrators cannot address concerns of which they are not aware.

DISCIPLINE PHILOSOPHY

Discipline is a biblical principle by which individuals are trained in righteousness (Heb. 12:6-11). Consistent, loving discipline enables students to learn to do what is right and to grow in every area of their lives. We recognize that “no discipline seems pleasant, but painful” to the one being trained by it. However, the fruit of righteousness that results from discipline will ultimately benefit the individual and those around him/her. Our commitment is to apply discipline “with great patience

and careful instruction” and to base all correction on the Word of God (2 Tim. 4:2). When correction is necessary, our goal is to lead the student to repentance and restoration in a spirit of grace while preserving his/her personal dignity.

Discipline Policies and Procedures

To maintain a classroom environment that is conducive to learning, the following behavior is not permitted.

- Being disruptive – intentionally causing a disturbance that draws class attention away from the learning task at hand
- Out of order – doing anything other than the task at hand whether it causes a disturbance or not
- Talking – persistent communicating during a time when talking is not permitted
- Rudeness – speaking/acting in an unkind, disrespectful, or demeaning manner to anyone; teasing
- Attitude lacking – displaying in word or action an unwillingness to submit to the instruction or correction of a teacher

When a student chooses to persist in any of these behaviors, the teacher will record the incident and will issue a consequence. A brief time-out during recess, lunch with the teacher, an essay assignment, a phone call to the parent, or other consequence may be issued. Behavior incidents which result in a consequence are noted through the posting of a demerit on RenWeb. If a pattern of misbehavior persists or an incident is more serious, a demerit will be given, and the parent may receive a call from the teacher or an administrator.

- Intentional disobedience – serious willful rebellion/defiance

Intentional disobedience is considered a serious behavioral offense (*See Behavioral Offenses*). This behavior will be documented in RenWeb and the student will be sent to the administrator. The teacher or administrator will contact the parents to explain the incident and to discuss the disciplinary action to be taken.

Most BCA students receive no demerits throughout a quarterly grading period. Students who earn an excessive number of demerits in a quarter are considered to be in non-compliance BCA behavioral standards. A conference may be scheduled with the administrator and the parent(s) of any student who has exhibited a pattern of misbehavior. The administrator may place the student on a daily accountability plan or behavioral Performance Plan. Students who continue to demonstrate an inability or unwillingness to comply with BCA behavioral expectations may be

suspended or asked to withdraw. Students with a pattern of misbehavior may be prohibited from continued enrollment the following year.

Middle School Code of Conduct

While students in preschool through elementary school are still very much under the control of their teachers, middle school students are expected to take ownership of their education and to make a personal commitment to controlling their own conduct. Therefore, they are expected to conduct themselves in the following manner:

1. Speak and act respectfully to teachers and staff members
 - Make eye contact
 - Speak in a quiet tone of voice at all times
 - Endeavor to portray only positive body language (no eye rolling, etc.)
 - Receive correction in an affirmative manner (Hebrews 12:11 *"For the moment all discipline seems painful rather than pleasant, but later it yields the peaceful fruit of righteousness to those who have been trained by it."*)
 - If a concern or conflict with an adult occurs, speak to the person respectfully in private at an appropriate time
 - Speak respectfully *about* those in authority
2. Speak and act respectfully to classmates
 - Communicate only positive things to others
 - Avoid talking *about* others (If it's positive, say it to them. If it isn't, don't say it at all.)
 - Respect other people's personal space
 - Respect other people's belongings
 - Stay out of other people's business
3. Obey school authorities (teachers, administrators, office staff, lunch room staff, extended care workers)
 - Do what you are asked to do without arguing or complaining
4. Comply with school rules
 - Be in the proper uniform/abide by the dress code
 - Be on time to school and class
 - Be prepared for class with assignments and materials
 - Do assigned work
 - Follow each teacher's classroom rules and procedures
 - No gum chewing on school grounds
 - Respect school property

Behavioral Offense Policies and Procedures

Unfortunately, at times students commit offenses of a more serious nature. The offenses listed below may result in suspension or expulsion from BCA.

- Any communication or behavior of a sexual nature
- Cheating (including plagiarism)
- Destruction of property
- Forging a parent's signature
- Gossip/slander
- Harassment (incl. sexual)
- Inappropriate relationships (There is to be no physical contact or public displays of affection.)
- Leaving a designated area without permission
- Leaving school grounds
- Lying
- Offenses via the Internet and/or social media including, but not limited to, gossip, slander, threatening, teasing, bullying, profanity, crude communication, lying, and harassment, whether perpetrated on school property or from another location. A student may be required by the administrator to give access to his/her online accounts in the course of investigating such behavioral offenses. Refusal to do so may result in expulsion.
- Physical aggression/Fighting (whether the initiator/aggressor or not; includes hitting, punching, shoving, etc.)
- Possession of a weapon
- Possession of inappropriate items (e.g., alcohol, drugs, prescribed medications, or cigarettes)
- Profanity/crude communication
- Stealing
- Teasing/bullying/threatening
- Willful rebellion/defiance

This list of potential behavioral offenses is not exhaustive. Any conduct that is in violation of the school's Statement of Faith will be considered grounds for disciplinary action, including the expectation that BCA students identify with, dress in accordance with, and use the facilities associated with their biological gender.

The administration reserves the right to decide whether misbehavior is serious enough to warrant suspension or expulsion even for a first offense.

Engaging in illegal or biblically immoral behavior at any time, including when off the school campus is grounds for suspension or expulsion.

If a behavioral offense occurs, the parent will be contacted by the teacher who witnessed the offense or by an administrator. A demerit will be entered in RenWeb to document the offense and to indicate the consequence. A meeting may be scheduled with the administrator.

If a second behavioral offense occurs, a conference with the parent, student, and administrator will be scheduled. The administrator may place the student on a daily accountability system and/or a behavioral Performance Plan.

Detention

The administrator may issue lunch/recess detention for misbehavior. Detention consists of the student being detained in an isolated, but monitored, location.

Detention may involve completing a written assignment regarding his/her misbehavior.

Suspension

If a behavioral offense requiring suspension occurs, the parent will be contacted by an administrator the day the offense is discovered. A demerit will be entered into RenWeb to document the offense and the disciplinary action to be taken. A meeting may be scheduled with the administrator. The suspension period will begin the day following discovery of the offense and will continue for a minimum of one school day.

Students who are suspended for a behavioral offense will automatically receive a grade of "U" (Unsatisfactory) in Conduct on the quarterly report card for that quarter. Since the student is not present in school during a suspension, he/she is not eligible for a "Perfect Attendance" award.

If a student commits a second behavioral offense requiring suspension, the parent will be contacted to schedule a meeting for the parents and the student with the administrator. Prior to beginning the second suspension period, the requirements for ending the suspension will be agreed upon in writing.

After two suspensions, the student will be placed on behavioral probation for the remainder of the school year. Any additional behavioral offenses that occur during that period will result in the student being expelled or asked to withdraw.

Students who have been suspended more than once during one academic year will be placed on a behavioral Performance Plan in order to re-enroll.

In-School Suspension

BCA does not conduct in-school suspensions. All behavioral suspensions require that the student be completely removed from the school environment.

Out-of School Suspension

If a student is suspended from school, it has been deemed in the best interest of the student body to have the student completely removed from the school environment for a period. Clear requirements for the student's reinstatement will be communicated to the parent(s). Students who are suspended from school are not permitted to make up class work, quizzes, or tests that are missed. The student will receive zeroes. However, homework and projects completed at home may be submitted upon the student's return to school but may be considered late.

Expulsion

If a student has been unresponsive to correction during the suspension process and/or there is no significant behavioral change over the time period determined by the administration, the student will be expelled or asked to withdraw from BCA. The administration reserves the right to expel for any one-time offense deemed of a serious enough nature.

DRESS CODE

The BCA administration desires to provide an environment in which students can focus on their schoolwork and on developing their identity in Christ. Experimenting with the styles of the surrounding culture is best left out of the Christian school environment as it distracts from that focus. **We ask that parents and students submit to the spirit of this policy by avoiding dress and grooming choices that may be questionable.**

All students are expected to be in their proper school uniform every day. Clothes should always look clean and well-kept and should fit without being tight or too short. Persistent uniform violations will be deemed non-compliance with the BCA Statement of Cooperation and Agreement and the parent may be contacted by the administrator and other consequences applied, such as calling the parent to bring the student the proper uniform.

Students in grade 3 – 8 are required to have their shirts tucked in and must wear a belt.

If a student is not in the appropriate uniform for the day, the student will receive a uniform violation. Uniform violations for students in grades 3 – 8 will result in recess detention for the day. Recess detention may involve a written assignment. Parents will be contacted if a student is chronically out of uniform.

Hairstyles

All students are expected to keep their hair clean, well-kept, and out of their eyes. Extreme unconventional/fad hair styles or color are discouraged.

Jewelry

Jewelry that does not present a classroom or student distraction may be worn. However, only ears may be pierced. Students may not wear “smart” watches that have Internet access, chat features, or email applications. Traditional watches are acceptable.

UNIFORM OPTIONS

NOTE: Option components are not interchangeable and asterisked items must be purchased from Flynn & O’Hara Uniform Company.

Option #1 for All Students

- *White, cardinal, or navy blue polo shirt (short or long sleeves) with the BCA flame logo
- Navy blue or khaki/tan colored straight-leg uniform pants
- Plain black belt
- Socks should be navy blue, black, white, tan, or *cardinal
- **Entirely black** shoes (***black sole, black strings/Velcro, minimum embellishments***) with heels not to exceed one inch

Option #2 for Preschool - Elementary Girls Only

- White Peter Pan blouse (short or long sleeves)
- *Plaid jumper (length at the top of the knee)
- Socks or tights should be navy blue, black, white, tan, or *cardinal
- **Entirely black** shoes (***black sole, black strings/Velcro, minimum embellishments***) with heel not to exceed one inch

Option #3 for Middle School Girls Only

- White oxford blouse (short or long sleeves)
- *Plaid uniform skirt (length at the top of the knee)
- Socks or tights should be navy blue, black, white, tan, or *cardinal
- **Entirely black** shoes (*black sole, black strings/Velcro, minimum embellishments*) with heels not to exceed one inch

P.E. Uniform (1st – 8th grade only; to be worn only on designated days)

- *White logo gym shirt or BCA athletics shirts
- *Navy blue logo gym shorts (length at top of the knee)
- *Navy blue logo sweatpants & *sweatshirt (Wearing a sweatshirt is optional.)
- White **crew-style** socks (no skin visible)
- Athletic shoes (not fashion sneakers)

Field Trip Uniform (*All students must have a field trip uniform.*)

- *Cardinal polo shirt (short or long sleeves) with the BCA flame logo
- Navy blue straight-leg uniform pants
- Plain black belt
- Navy blue socks
- Entirely black shoes (unless otherwise specified)

Warmer Weather

In the fall and spring, students may wear:

- Knee-length uniform shorts
- Knee-length uniform skorts (girls only)
- *White, cardinal, or navy blue polo shirt (short or long sleeves) with the BCA flame logo
- Sock color should be navy blue, black, white, tan, or *cardinal

Colder Weather

- A *Prescott Red cardigan, plain navy blue cardigan, the *BCA logo fleece jacket, or BCA athletic spirit wear items may be worn in the classroom. Non-uniform sweaters and jackets are not permitted.

Clothing Items Not Permitted

- Shorts or skorts out of season or by middle school students
- Corduroy pants
- Casual pants (e.g., pockets on the leg, top-stitching on seams or pockets, back pockets with flaps, skinny, boot-cut, or bell-bottom style)

- Boots
- Long-sleeved shirts under short-sleeved uniform shirts

Undershirts/Clothing

All underclothing worn under a shirt should be a color that is not readily visible through the student's shirt. This includes undershirts and bras. Underclothing with any emblem, decal, pattern, or artwork is not permitted. Undershirts should not extend beyond the outer shirt.

Dress for Extended Care

Students who remain at school for afternoon Extended Care are to remain in their school uniform unless participating in a BCA-sponsored activity that requires other attire (e.g., BCA sports, dance instruction).

Sports Uniforms

The sports fees cover the cost of team uniforms for BCA competitive sports teams.

Identification of Clothing

Since the students wear uniforms, it is necessary that all items of clothing be labeled with the student's name. BCA cannot be held responsible for the loss of a student's clothing.

Lost and Found

There is a *Lost and Found* area in each building. Students should have their name on their belongings. BCA accepts no responsibility for discarding or donating items that have been left unclaimed in the Lost and Found.

EXTRA-CURRICULAR SPORTS

Academic Eligibility Policy/Procedure

Students in 5th grade – middle school wishing to participate in the competitive sports program at Bethel Christian Academy must maintain at least a C in all subjects to try out and play. Academic eligibility is determined at the end of each quarterly grading period. If a student's grades fall below a C during the season at the evaluation period, he/she will be removed from the team.

Behavioral Eligibility Policy

Students must demonstrate acceptable behavior in all school situations to be permitted to try out for and to participate in competitive sports. A Conduct grade of at least S (Satisfactory) is required. If, during the season, a student's Conduct grade

falls below an S, he/she will be removed from the team. A student who is suspended for any behavioral offense may be removed immediately from the team at the judgment of the administration.

Athletic Participation/Commitment

Student athletes must attend practices scheduled after school hours. Students who are not picked up after practice will be placed in Extended Care, and the parent will be charged. Parents should not remove a student athlete from participation on a BCA team as a family disciplinary measure as it can adversely affect the entire team. Participation in BCA sports is both a privilege and a commitment.

To participate in athletics, a student must have an annual athletic physical. The Sports Authorization form documenting the physical exam is in addition to the regular health inventory. If a student has been absent due to sickness during the school day, he/she will not be allowed to participate in a scheduled game the same afternoon.

A sports fee is charged for students who play competitive sports to cover the cost of uniforms, referees, gym charges, and league fees. BCA has boys' and girls' competitive basketball, girls' competitive volleyball, and cheerleading. In addition to competitive sports, intramural sports, and sports clinics may be offered.

School Colors & Mascot

BCA's school colors are navy blue and burgundy. The school mascot is the Eagle, taken from Isaiah 40:31 *"Those who hope in the Lord will renew their strength. They will soar on wings like eagles; they will run and not grow weary, they will walk and not be faint."* BCA sports teams are the Eagles.

FINANCIAL INFORMATION

The Bethel Ministries Board of Directors endeavors to keep costs reasonable while recognizing that excellence requires financial resources. Most of the costs involved in educating a student at BCA are included in the tuition. However, there are some specific fees that apply to certain situations as listed on the following chart.

2019 – 2020 TUITION AND FEES

TUITION	
Grade Level	Tuition (all inclusive)*
Preschool - Kindergarten	\$8325

1 st – 5 th Grade	\$8225
Middle School	\$8475

*Field trips, textbooks and workbooks, Preschool & PreK snack, and all technology fees are included. **Full payment in advance receives a 2.5% deduction.**

HOT LUNCH		
Grade Level	Yearly Meal Plan*	Daily Lunch
Preschool Kindergarten	\$675	\$4.25
1st – 5 th Grade	\$700	\$4.50
Middle School	\$750	\$5.00

Note: Portion sizes are commensurate with grade level and cost. Middle school lunch will include two slices of pizza. Any student ordering additional slices of pizza will be charged an extra \$1.00 per slice, even those on a yearly meal plan. No refunds will be given for meals ordered, but not eaten due to the student's absence.

EXTENDED CARE (Siblings ½ Price)	
Morning Before School Care <i>Note:</i> No breakfast offered	\$6.00 per hour (or any fraction thereof)
After School Extended Care <i>Note:</i> After 6:30 p.m., parents will be charged \$1.00 per minute.	Daily Rate - \$21.00 per day* (Advance registration required; \$25 registration fee – non-refundable.) “Drop-In” Rate - \$7.50 per hour (or any fraction thereof)

*Enrichment classes and activities may be offered by BCA or by outside vendors for which a student must register. These may incur an additional charge.

SPECIAL FEES	
Kindergarten and 8 th Grade Graduation	\$100 due in April
Annual Carnival	\$18.00 per student due in May
Transcript Requests	\$10.00 each
Extra Financial Statements requested from the Finance Office	\$35.00 processing fee
Competitive Sports Fees	Vary depending on the sport (\$150 - \$200)
Book Replacement Fee	The cost of any lost or damaged books

Note: If the student's account has a past-due balance, all special fees must be paid in cash.

Tuition Reduction Program

BCA offers a Tuition Reduction Program for students entering grades K-8. Families who are awarded a reduction in tuition are required to volunteer in some capacity during the school year. Notifications of Tuition Reduction awards are normally made by the end of May. Parents may apply for a reduction in tuition at www.bethelchristianacademy.com. The tax return from the previous year is required by BCA to be submitted on FACTS in order to apply for tuition Reduction. This requirement **will not** be waived by the school. Please note that applying for a Tuition Reduction and setting up a tuition payment account are two separate things.

NOTE: If there is an outstanding balance on the student's FACTS account, then Tuition Reduction awards will not be granted or applied.

Although the Tuition Reduction Program is not available for Preschool and PreK students, as an approved preschool provider with MD Excels, BCA does accept vouchers from that program for students in Preschool or PreK. An application must be submitted by the deadline noted on the application.

Payment Schedule

Bethel Christian Academy uses the FACTS Tuition Management Company for all school charges. **All parents are required to set up a FACTS account** upon enrollment with BCA for automatic debits through FACTS for tuition and other school expenses.

Parents may choose either the 10th or the 25th of the month for debits to occur. FACTS provides a monthly statement with itemized information regarding expenses due. Throughout the school year, payments will be withdrawn according to the monthly date selected by the parent in their FACTS account. Payment options include:

1. **Annual Plan** - full tuition for the year paid on or before July 25. Parents choosing this plan receive a 2.5% discount upon payment by cash, check, or money order. This discount does not apply to credit card payments.
2. **Semester Plan** – 50% payment no later than July 25 or the first month the student is enrolled if enrolled after July 25 and 50% payment due Dec. 1.
3. **Bi-Monthly Plan** – payments starting July 10 and continuing until April 30 by direct debit or credit card.
4. **Monthly Plan** - Multiple monthly payments of equal amount beginning no later than July 25 or the first month the student is enrolled if enrolled after July 25 and continuing until April 30 by direct debit or credit card.

Note: Since all tuition must be paid by April 30, beginning payments after July will result in fewer months in which to pay.

If a student's account is up-to-date and the parent is registering for BCA's Summer Camp, then school year tuition for the next year can begin in August and run through May 30. However, all tuition and fees must be paid for that school year in full before a student may participate in graduation or receive a final report card.

Parents may delay a payment to another date within 25 business days of the original debit date on their FACTS account a maximum of 4 times during the school year. After that, payments may not be moved. The finance office should

NOT be asked to delay a payment once the maximum has been reached. They are not authorized to do so.

In the event of an unforeseen financial hardship, the parent may submit a request for additional delayed tuition payments to the Bethel Ministries, Inc. Board of Directors. This request should be made by letter or email to the Finance Office at finance@teambethel.org to be presented to the Board of Directors.

Tuition accounts that are past due at the end of a month will result in a student's report card being blocked on RenWeb, and the student/parents will not be permitted to incur additional charges for the After-School Program, hot lunch, tutoring, the school store, etc. until the student's account is made current.

ALL TUITION MUST BE PAID BY APRIL 30.

NOTE: If the current balance is not paid in full, the student will not be considered enrolled for the next school year until the balance is paid. Therefore, there is no guarantee that the student's space will be held. At no time will a FACTS account balance be rolled over into the next school year.

Delaying/changing the date of a payment does not alter the due dates of subsequent payments. (i.e., The parent cannot move the entire pay schedule back extending payments beyond April 30 except as indicated regarding summer camp.)

Bethel Christian Academy assesses a 1.5% late fee per month on any unpaid balance. If a student's account becomes more than 30 days in arrears, **the student will be removed from class attendance until the account is brought up-to-date.** If it becomes necessary to send an account to collections, Bethel Christian Academy reserves the right to assess a collections fee of 33% of the outstanding balance. Final report cards will not be mailed until the account is paid in full.

Continuous Enrollment

Bethel uses a continuous enrollment contract. Upon acceptance, parents sign an Educational Agreement that is continuous from year to year.

Students are automatically enrolled for all subsequent years until graduation unless the parent notifies the finance office in writing via letter or email by February 28 of the current school year that they are withdrawing the student for the following year.

Unless written notice is received, the expectation is that the student will attend Bethel Christian Academy for the entire next school year and the parent will pay the annual tuition. The administration creates a budget and purchases curriculum materials based on this information.

Therefore, a non-refundable tuition deposit/advance is withdrawn through direct debit in two \$100 installments in March and April via the parent's FACTS account. This per-family amount is deducted from the total tuition bill for the upcoming school year; it is not an additional re-enrollment fee.

There are financial penalties for late notification of a student not returning to BCA in a subsequent school year. These are specified in the Educational Agreement as follows:

- Notification after March 1 and before June 30 will be assessed a \$500.00 withdrawal penalty.
- Notification after July 1 will be assessed a \$1,000.00 withdrawal penalty.

These penalties must be paid directly to the school before any school records will be released to another school.

Early Withdrawal

If it is necessary to withdraw a student before the end of the school year, a Withdrawal Form must be completed and submitted to the finance office and BCA hardcover books and other school materials (i.e., novels, sports uniforms, and library books) must be turned in. The parent is required to pay all outstanding tuition and fees through the end of any quarter in which the student was in attendance. The receiving school will generally request student records which will only be released when all financial obligations have been met. School records are not given directly to the parent.

Tuition Refunds

BCA's general policy is that tuition obligations are not waived and payments are not refundable. Parents should refer to the Educational Agreement that they signed upon enrollment for details.

Hot Lunch

Bethel Christian Academy offers a hot lunch program. Two options are available for purchasing hot lunch:

- Purchase of a **meal plan** to cover the entire year's basic lunch cost

A meal plan registration form must be submitted to the finance office.

- Be billed for **individual lunches**

A monthly hot lunch charge will be added to the student's FACTS account at the beginning of each month based on lunches ordered for that month.

No refunds will be given for lunches ordered but not eaten due to a student's absence.

Ordering Lunches

A hot lunch menu will be published monthly. **All hot lunch orders must be placed by the parent via RenWeb by the deadline each month. This includes lunches for students who are on the yearly meal plan.** Students whose parents have not ordered hot lunch but who arrive at school without a packed lunch will be provided with an alternative meal and will be charged the school lunch fee.

The hot lunch program includes pizza on Fridays. Preschool – 5th grade students receive one slice of pizza at the regular lunch cost. Middle school students receive two slices. Additional slices are \$1.00 each for all students even those who are on the yearly meal plan. **Pizza must be ordered by the parent via RenWeb by the deaddline each month.**

Students who bring their lunch are not permitted to bring soda, and candy is discouraged. Students do not have access to a microwave oven.

Before and After School Fees

All Before-School Care is billed at an hourly rate of \$6.00 per hour or portion thereof.

Two options are available for After-School Program payment:

- Registration for the **daily plan**

This plan is designed for those families who expect their student to stay for the After-School Program past 5:00 p.m. on one or more days each week. It reflects a lower per-hour rate to offset the number of hours being used. Parents **MUST** register for this plan and once on the plan will pay the daily rate regardless of the number of hours the student stays.

- \$25 registration fee
- \$21 per day

- **Hourly rate** with no registration requirement

This "drop-in" rate is higher per hour than the daily plan but may be suitable

for families whose students do not stay after school regularly or only need their student(s) to stay for a short time after school each day.

- \$7.50 per hour or portion thereof

Families with more than one student will receive a discount of 50% for each additional student in before or after-school care regardless of the payment option chosen. Students who are not picked up by 3:00 p.m. will be placed in the After-School Program and parents will be charged.

Most after-school enrichment activities or clubs are included in the program fee. However, activities run by outside vendors do have an additional fee. ***Students involved in one of these activities will be charged for After-School Program and the vendor fee.*** Students involved in BCA competitive sports are not charged for after-school care during practice and game times.

If children are not picked up by 6:30 p.m., parents will be charged \$1.00 for every minute thereafter. Siblings are charged at 50%.

Before and after school care **charges will be added** to the parent's FACTS account by the 10th of **the month following the month in which they were incurred.**

Other Fees

Parents should review their FACTS account regularly to see the upcoming charges for their student. Is a student's tuition account is past due, these fees must be paid in cash.

Sports Fee

Athletic fees are assessed for each individual sport for uniforms, gym use, transportation, league fees, and referee costs.

Damaged/Lost Book Charges

BCA does not charge parents an annual book fee. Non-consumable books are on loan to the student and should be cared for accordingly. A charge will be assessed to cover replacement of lost or damaged non-consumable books. A student's account is also charged to replace any lost consumable books.

Graduation Fee

A graduation fee will be applied to the accounts of Kindergarten and 8th grade students in April. This fee covers such things as caps and gowns, certificates, receptions, and end-of-year trips. Paying a reduced fee for partial participation is not an option. If the student's account is not paid in full (including the graduation

fee) at the time of graduation exercises, the student will not be allowed to participate.

Tutoring at BCA

Parents who would like their student to be tutored by a BCA faculty member on the BCA campus are required to submit payment in advance of each session in cash or by check made out to BCA. The fee for this service is \$40 per hour.

Transcript Request Fee

A fee of \$10.00 will be charged for each transcript requested to be sent to another school. Transcripts and teacher recommendations are sent directly to the receiving school. They are not given to the parent. *No final student records will be sent to another school until a student's financial account is paid in full.*

FUND-RAISING & CONTRIBUTIONS

Annual Fund-Raising

BCA may conduct fund-raisers during the school year and opportunities are provided for contributing to the growth and development of the school. Donations may also be solicited for specific needs such as technology for the classrooms.

Read-A-Thon

During the summer months, BCA promotes reading for our students through a Read-A-Thon program. Students solicit pledges for each book that they read. When the students return in September, they turn in their pledges along with their signed reading list. Students reading a certain number of books will be acknowledged during Chapel in the fall.

Box Tops for Education

Bethel Christian Academy collects Box Tops for Education which are used toward the purchase of needed equipment for the school (e.g., gym equipment, and projectors). Students may bring in box tops throughout the school year.

Grocery Store Receipts

Parents are asked to select Bethel Christian Academy as their designated school on grocery store club cards. With these funds, the school is able to purchase things such as educational videos, printers, and athletic equipment.

INCLEMENT WEATHER

BCA follows the same inclement weather procedure as Howard County. BCA information may also be posted on www.bethelchristianacademy.com and on RenWeb.

Delays

When there is a delay, the regular arrival time and Morning Care for students will correspond with the called delay (1 or 2 hours).

Closings

If Howard County schools are closed due to inclement weather, BCA will also close. However, there may be times when the public schools were already closed for a holiday or other event and BCA is open. In that situation, the BCA administration will make a decision regarding closing and will post the information on the BCA web site, and on RenWeb, and will send out an email to parents by 6:00 a.m. that morning.

The BCA administration reserves the right to make an independent decision regarding the return of students to school after a snowfall that may differ from Howard County. If BCA is opening on a day that the county is still unable to do so, the administration will post the information on the BCA web site, and on RenWeb, and will send an email to parents by 6:00 a.m. that morning.

When extreme weather conditions make it necessary to close school earlier than usual, announcements will be made on TV and radio for Howard County; BCA will also try to contact parents by phone or email. Students must be picked up as soon as possible.

If school closes early because of weather conditions, bus riders will be provided bus transportation home. Afternoon Extended Care will be cancelled.

MEDICAL POLICIES

The Health Department requires immunization records for all students. No student will be permitted to attend school without a completed immunization form or waiver on file by the first day of school. New immunization records are only required when the student receives a new vaccine.

A doctor and the parent must complete a Health Assessment form for each student. These forms may be obtained from the school office and will remain on file in the office. Forms are to be updated when there is a change in the student's physical condition.

Students who become ill or need to take medication are to go to the MT's office. A trained Medication Technician (MT) will be available to assist these students.

All students who wish to participate in competitive sports must undergo an annual **athletic physical** and submit a Sports Authorization form signed by the doctor that is dated after June 15th of each year in addition to the regular health assessment. The Sports Authorization form must be submitted to the school before a student may practice or participate in any competitive sports.

School Emergency Medical Consent

Parents are to complete and sign an Emergency Medical Consent form giving Bethel Christian Academy and its officers permission to obtain medical assistance if an injury seems serious. This includes having the child transported to a medical facility if necessary.

If the Emergency Medical Consent form is not on file by the Wednesday of the first week of school of the new school year, the student will not be allowed to attend classes until the Emergency Medical Consent form is received.

Emergency contact information must be kept updated throughout the year. Updates can be made by calling the school office or by using the "web forms" on RenWeb. Parents are to pick up their sick child within one hour of being called. An hourly extended care charge will be applied for students who are not picked up within one hour.

****If a student is sent home during the school day due to sickness or is home all day sick, he/she will not be permitted to attend any after-school activities.***

Medication

BCA follows Maryland statutes regarding medication. No prescription or over-the-counter medications (including aspirin, Tylenol, ibuprofen, cough drops, throat lozenges, vitamins, and homeopathic remedies) will be given to any student for any reason without **a written doctor's order**. A doctor's order for medication must be completed every year. This form with dosage and time requirements will be kept on file in the health office. Whenever possible, students should take medication at

home. However, when necessary, the School Nurse or a Medication Technician (MT) will administer medication at school.

Parents must give the first dose of any new prescription or over-the-counter medication prior to the student coming to school. This does not include PRN or emergency medications (e.g., EpiPen).

Medications to be given at school under a doctor's order must be brought to the office by the parent. Medication is not to be sent to school in lunch boxes or other containers. Students found with medication will have it taken away and parents will be notified. If a student goes to morning Extended Care, all medications should be given to the adult worker. All medication is administered by a trained MT when the student is at school. On field trips, medications may be administered by the teacher if needed. The MT will notify the parents when additional medication is needed at school.

All medications must be in their original containers. When filling a prescription, parents should request a school bottle from the pharmacy. All medications must be supplied by the parents for school use. Any leftover medications will be returned to the parent at the end of the school year.

In compliance with school health standards (COMAR 13A.05.05.05--.15), medications are stored in a locked cabinet. Access to this space is under the authority of the MT and administrator.

A record will be maintained in the school office indicating each time a medication is given. Upon administering medication, the parent will be notified what medication was given, at what time.

Emergency medication (i.e., epiPen) is available at the school for allergic reactions that are unforeseen. Parents must have signed an authorization for their student to be given this medication in the case of an unforeseen emergency.

Illness

A student is considered sick if he/she has/is:

- A fever. That is defined as a temperature of 99.0 or greater. A student should be fever-free without medication for *more than* 24 hours before returning to school.
- Vomiting or diarrhea. A student should not have thrown-up or had diarrhea for 24 hours before returning to school.

- Starting on antibiotics. A student is contagious until he/she has been on antibiotics for 24 hours.
- Yellow, green or any color mucous. Whether it is blown out or coughed up, colorful mucous indicates infection. A physician should evaluate the student because he/she may need antibiotics.
- Inflamed, crusty, red, or runny eyes. A student with these symptoms needs to be evaluated by a doctor for possible conjunctivitis. If bacterial conjunctivitis is diagnosed, the student will need antibiotic eye drops. The student must be symptom-free or on medication for 24 hours or have written clearance from a doctor to return to school.
- Stiff Neck. A student must be symptom-free or have a note from a doctor to return.
- Unusually sleepy, lethargic, or grumpy. A student must be symptom-free for 24 hours.
- Skin lesions that are severe, weeping, or pus filled. The student must be symptom-free or on medication for 24 hours or have written clearance from a doctor.
- Nausea. Student must be symptom-free for 24 hours before returning to school.
- Difficulty breathing or wheezing. A student must be symptom-free for 24 hours.

The state health department has issued the following information regarding communicable diseases and quarantine times.

- Ringworm. A student suspected of having ringworm needs to be evaluated by a doctor. The student may return 24 hours after beginning of treatment and requires a doctor's statement to verify medication and treatment. Area must be covered with a dressing at school.
- Strep Throat. A student with sore throat and fever should be evaluated by a doctor for possible strep throat. A student may return 24-48 hours after beginning treatment with antibiotics.
- Chickenpox. Student may not return to school for 6 days from onset of rash and all pox should have dry scabs.
- Conjunctivitis. Student must be symptom-free, on antibiotics for 24 hours, or have written clearance from a doctor.
- Impetigo. A student may return 24 hours after beginning treatment or with written clearance from a doctor.

- Fifth's Disease. Parent must notify the school nurse.
- Lice. Student may return to school after receiving treatment with a pedicilicide shampoo and all nits have been removed

Students displaying any of the above symptoms should not be sent to school. Parents will be called to pick them up.

Injury or Illness at School

All students who are injured or become ill during the regular day will be escorted to the school office. In case of injury, a teacher or staff member will escort the student to the MT's office and an accident report will be completed. Basic first aid will be provided. Parents will be notified if the injury is more serious than a minor bruise or scrape and proper professional medical attention will be sought.

If a student is complaining of a sickness (e.g., headache, stomachache, sore throat) and/or is running a fever, the parent will be called and is required to pick the student up **within one hour**.

Working parents should make arrangements before the school year begins regarding who will be responsible for picking up a sick child. BCA does not have the resources to provide care for a sick child while parents complete their day at work or try to find someone to pick up their child. Therefore, since a staff member must be designated to stay with a sick child, **parents will be charged an extended care fee of \$7.50/hour for the time the student remains in school beyond the required one-hour pick-up window.**

When parents send a student to school, they should be aware that other students will be present and that the students may be playing in a classroom, on the blacktop, on the field, in the gym, and on playground equipment. There are inherent risks involved in the activities associated with multi-student play and playground play in general. As such there is an "assumption of risk" on the part of the parent that is not transferred to the school or the school personnel. Therefore, barring "contributory negligence" on the part of the school or the school personnel, the parent bears the sole responsibility for any medical expenses incurred as a result of injury while the student is on school property.

Food Policy and Management of Food Allergies

BCA will assist in providing students who have food allergies with a safe school environment which allows them to participate in all aspects of school life with their peers. The school recognizes that nut and peanut allergens are the most likely to

cause a life-threatening allergic reaction. BCA provides a table in the lunchroom where students who have food allergies may choose to sit and eat. Students are encouraged to wash their hands before and after eating. Students are prohibited from sharing food. All tables are cleaned between lunch shifts.

Special arrangements can be made for students with allergies for class parties. When bringing in food for a party, notice should be given to the teacher so that student allergies can be taken into account.

While it is important to prevent exposure to food allergens whenever possible, BCA cannot and does not guarantee total elimination of these foods at school. The school does not completely ban any particular food. In addition, the school is not responsible for checking every ingredient in a meal when a child purchases hot lunch. It is the parent's responsibility to have checked the ingredients of the prepared food. Arrangements can be made with the teacher or MT for the refrigeration of foods for a child with allergies if medically necessary.

Parents are asked to fill out a health history for their child prior to school. All health records are reviewed, and appropriate staff is informed when there is a child in class who has a food allergy. Staff members who care for students are trained in the administration of the EpiPens in an emergency. The school cannot be held negligent in not providing for a child whose parent has not indicated the existence of an allergy.

*For more details, please refer to the BCA Health and Safety Manual.

PARENT INVOLVEMENT

The administration desires to promote parent partnership. Opportunities to get involved may include:

The BCA STEM Initiative

This initiative needs parents to help out in a variety of ways.

- Share your expertise by conducting a workshop, demonstration, or activity in the classroom.
- Help to create/compile a resource booklet of parents willing to come in on a scheduled basis to conduct an activity.
- Lead or participate with a focused STEM club for an Extended Care club session.

- Lead or assist a team in a STEM-focused competition such as *Technovation* or *Destination Imagination*

To volunteer to help with the STEM initiative, please contact a school administrator.

Parents In Partnership (PIP)

The purpose of the PIP is to provide parent with a means to support and promote the school. BCA's parent organization is made up of committees that focus on various aspects of school support. At the beginning of the school year, parents are invited to join a committee such as the Prayer Committee, the Events Committee, or the Teacher Support/Appreciation Committee. New committees may form as parents express interest and are available to provide leadership.

Monthly PIP events are scheduled to keep parents informed and to facilitate relationship building and family networking.

PIP committees provide parent volunteers opportunities to do such things as:

- Help with school programs
- Help with the student Thanksgiving luncheon
- Man a station at the annual Field Day and/or Carnival
- Lead an after-school club
- Assist with vision or hearing screening
- Tutor students who need additional academic support
- Copy and/or laminating materials for a teacher
- Be a "room parent"
- Assist in the library
- Monitor lunch and/or recess
- Greet students at morning arrival
- Help with fundraising

Coaching

Coaches are needed for soccer, basketball, baseball, running club, and cheerleading squad. It is not necessary to have a child on the team to volunteer to coach. For more information about coaching requirements, contact the Athletic Director.

Tuition Reducton Volunteer Requirement

Recipients of tuition reduction awards must fulfill a volunteer requirement at some time during the school year or during the summer. Leading or participating on a PIP committee fulfills this requirement. Volunteering for a school event such as Grandparents Day, the Thanksgiving luncheon, or the annual Carnival are also options for meeting this requirement. There are also summer opportunities assisting

with facility maintenance tasks, the distribution of curriculum materials, or copying and binding school documents are available. Parents may contact one of the administrators to volunteer.

SAFETY & SECURITY POLICIES

Student Safety

At times, unexpected events occur for which staff and students need to be prepared. BCA has specific procedures for fire or other disasters that may occur including locking down the school from intruders. The school conducts fire drills and other types of safety drills during the school year.

In the event of an actual crisis requiring a school lockdown, parents will be contacted by email and provided with specific information and guidelines for picking up their child.

Building Security

To ensure the security of BCA students and staff, all exterior doors are kept locked. No one is to be let into the building except through the designated entrances. All parents and visitors are to sign in at the school office and get a visitor badge before proceeding into the school areas of the building. If someone is noticed in the building without a visitor's pass, he/she will be directed to the school office to sign in. **Parents are required to make an appointment to visit the classroom or to meet with a teacher.**

BCA buildings are monitored by security cameras inside and outside. Anyone on the Bethel Assembly and BCA property may be recorded at any time while on the property. A person's presence on the church or school property is considered consent to be recorded. There are no cameras in the classrooms.

Release of Students

Students are released only into the care of their parents unless written authorization has been given to release the student to another individual. Such written authorization is kept on file in the school office. When anyone arrives to pick up a student, he/she must be listed as an authorized individual and must show one of the following means of identification: BCA car sign or photo ID. In the case of parents who are separated or divorced, legal documentation must be on file indicating which parent has legal custody of the children or that the custody is held jointly. BCA cannot deny a parent access to his/her child or refuse to release the child to a parent without legal documentation.

If the student is to be picked up by someone who does not regularly do so, the parent should send in a note to that effect that day. Students are not permitted to call parents at dismissal time to get permission to go home with a friend.

Security of Personal Property

To ensure that a student's personal property is not lost, stolen, or broken, BCA prohibits bringing any non-school-related items to school. If a student violates this prohibition, BCA cannot be held responsible for loss or damage. Should an item be brought to school against school policy, the item will be confiscated and must be claimed by a parent. This includes, but is not limited to, hand-held electronic games, CD players, iPods, cell phones, cameras, and sports equipment. Reading material brought to school may be confiscated by the student's teacher or an administrator if it is deemed inappropriate for school. Prohibited items that are confiscated from students may be examined for content and must be claimed by the student's parent.

Students in Preschool - 2nd grade are provided with a locker or cubby space in which to store their personal school-related items. In 3rd – 8th grade, students are required to have traditional circular numeric locks for their lockers and school-related items are to be kept with the student in the classroom or placed in the student's locker. Lockers are to be accessed only before and after school and during designated locker breaks. Lockers should be kept locked at all times. Students are not to give out their locker combinations to friends. If an item becomes missing, the student should notify the teacher immediately so that a search can be conducted. Locker inspections are conducted on a regular basis, and the BCA administration reserves the right to search student lockers, backpacks, and personal possessions at will. Any student found to have taken another student's or a teacher's belongings will be subject to suspension or expulsion.

Cameras, phones, and other electronic devices may not be brought by students on field trips. Chaperones may bring cameras but may not post photos of students other than their own on any Internet site.

SPIRITUAL FORMATION

It is the school's mission to train students to know Jesus Christ and learn to love and serve Him. This is done through daily Bible instruction and the modeling of a biblical lifestyle by the staff and faculty. Students are encouraged to use the Bible as their guide for faith and practice and are directed to God's Word when they are

struggling academically, emotionally, physically, or socially. Teachers and staff pray for and with students regularly and encourage them to place their trust in the Lord for their needs.

Opportunities for service and outreach are available for students as well. Middle school students engage in an annual neighborhood service project raking the yards nearby homes in the fall. They have also held food or clothing drives and contributed to various Christmas giving projects such as Operation Christmas Child.

Students are urged to commit their lives to Christ and to allow Him to develop their character. Since the eagle is the school's mascot, students are encouraged to

Serve the Lord and others

Take **O**wnership of their education, choices, and actions

Display a Christlike **A**ttitude

Respect others in word and action

Chapel

Once a week the students participate in a Chapel service in which they can worship God and hear a message that is relevant to them. Parents are welcome to attend.

Once a month, *Student of the Month Awards* are presented during Chapel. Students who have exemplified a high standard in attitude, behavior, and academic diligence are honored as Student of the Month. Preschool – 5th grade students are nominated by their homeroom teacher. Middle school students are nominated based on a set of objective criteria related to conduct and academic diligence.

SUMMER CAMP

Destination Awesome! Summer Camp runs in two-week sessions throughout the summer. Campers continue to grow in faith through Bible lessons and worship. They maintain basic math and reading skills through daily academic time.

Campers entering 1st – 8th grade participate in a variety of camp experiences such as swimming, attend fun field trips, and engage in enriching clubs such as Horsemanship Club, Cooking Club, Sports Club, Adventure Club, Multi-Media Art, Engineering or Robotics Club, and Dance Club. The fun is never-ending!

Younger campers who are entering Preschool – Kindergarten participate in

Destination Awesome's K Camp where they engage in activities and experiences based on a theme for each session, such as Animal Planet, Cultures Around the World, and Nature They also go on field trips and engage in water play activities.

Campers may register for one session or all the sessions, and before and after camp extended care is available. Camp information is available at the school or on the school web site. Summer camp fees are not billed through FACTS. All camp fees must be paid via the online registration and session sign-ups found on the BCA website.

Students whose school tuition account is in arrears may not be permitted to register for summer camp until the past-due tuition is paid.

TRANSPORTATION

Arrival

Middle School Campus ***7:55 – 8:15 a.m.***

Except for bus students, students must be unpacked and in the morning assembly by 8:15 a.m. or will be considered late. Late students must check in with the appropriate person and receive a ***late pass***. After 8:25 a.m., parents must come into the building to sign the student in.

Campus 3 – Oakes Building ***7:55 – 8:15 a.m.***

Except for bus students, students must be signed in, unpacked, and in their classroom by 8:15 a.m. or will be considered late. Late students must check in with the appropriate person and may receive a ***late pass***. After 8:15 a.m., parents must come into the building to sign the student in.

Campus 1 – Cox Building ***8:00 – 8:25 a.m.***

Arrival after 8:25 a.m. is considered late and parents must come into the building to sign the student in.

Beginning at 8:00 a.m., the parent is to pull up to the curb as far forward as possible and discharge the student(s) at the designated entrance. The driver should remain in the car while the student gets out of the car. At the Cox Building, staff members will be at the curb to assist students until 8:25 a.m.

Bus Service

Families living in Howard County are encouraged to use the free public busing available to and from Campus 1. Students must be at least 5 years-old to ride the school bus. 3rd – 8th grade bus riders are then shuttled to and from their respective campuses. A list of the bus stops is available from the school office.

Bus Conduct

Students are expected to maintain the same behavior standards on the bus that they do during the school day. Any student not complying will receive the following:

- 1st Offense: Verbal warning
- 2nd Offense: 1 week of bus suspension
- 3rd Offense: Removal of bus riding privileges

Walkers

Students who live nearby may walk home with written permission from a parent.

Campus to Campus

Parents are asked to sign a general transportation permission slip allowing BCA teachers or staff to transport students between campuses for a variety of reasons (e.g., gym, special presentations, research).

Dismissal

Students at each campus are to be picked up on a staggered schedule.

- Preschool – Kindergarten – 2:40 p.m. at Campus 1/Cox Building
- 1st & 2nd Grade – 2:45 p.m. at Campus 1/Cox Building
- 3rd, 4th, 5th Grade – 2:50 p.m. at Campus 3/Oakes Building
- Middle School – 2:45 p.m. at the Middle School Campus

Students are to remain on school grounds upon arriving in the morning until dismissed at the end of the school day unless signed out by an authorized person. At 3:00 p.m., all students who have not been picked up will be signed into Extended Care and parents will be charged.

Parents are to stay in line for the student to get in the car. ***Parents and/or pick-up designees will not be allowed to enter the building to pick up students during the 2:30 – 3:00 p.m. dismissal window.*** Parents or other pick-up designees who want to come into the building to get a student, must park in a parking space (not the pick-up line) and wait until 3:00 p.m. to come in and sign out the student. To pick

up a child for *early dismissal*, the parent must contact the school in advance and pick-up *must occur before 2:30 p.m.*

All cars must display a BCA car sign with the student's name to identify the car as an authorized vehicle for picking up the student. Written authorization is required for anyone other than the student's parent(s) to pick up the student. Anyone picking up a student without a BCA car sign will be asked to park and come in to show his/her identification.

For parents who have students in middle school and at one of the other campuses, the middle school student should be picked up first. The parent should then proceed to the other campus. Only students that ride the bus, are participating in sports, or who attend afternoon Extended Care may ride the shuttle from the Middle School. Parents should not wait at one building for their student to be brought over from other buildings for regular pick up as there is not enough room on the shuttle to accommodate this.

EXHIBIT 10



200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • marylandpublicschools.org

October 13, 2017

Dear BOOST-Eligible School:

The BOOST Advisory Board takes this opportunity to emphasize the meaning and effect of the assurances your school signs to become a BOOST-eligible school. Those assurances are attached.

In May 2017, the Maryland State Department of Education had two informational meetings for schools participating in the 2017-2018 BOOST Program during which a copy of the BOOST law was distributed, the provisions of the law were articulated, and the assurances to which schools must agree were distributed and explained. This information also was distributed via email.

On behalf of the Board, I point out particularly the assurance (as seen on page 4 of the attachment) that your school will not discriminate in admissions on the basis of race, color, national origin or sexual orientation. It is important that you review your school's moral and religious position on non-discrimination, particularly on sexual orientation. You are not required to adopt a position that conflicts with your moral or religious teaching, but your school is not allowed, under the BOOST law, to accept publically-funded scholarships if you cannot, in good faith, sign the assurance not to discriminate. If you sign the assurance but continue a discriminatory practice, the consequences are severe. The school will be disqualified from the BOOST Program, may be required to reimburse BOOST funds to the State, and will be required not to charge BOOST students tuition or fees to replace the BOOST scholarship funds the school did not or will not receive. A copy of the BOOST law is enclosed here for your records.

Thank you for your participation in the BOOST Program and for working with us to expand educational opportunities for students in Maryland.

Sincerely,

A handwritten signature in black ink that reads "Matthew D. Gallagher".

Matthew Gallagher
Chair, BOOST Advisory Board

cc: BOOST Advisory Board
State Board Members
Karen B. Salmon, Ph.D.
Kristy Michel
Monica Kearns
William Reinhard
Gayle Secrist



200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD • marylandpublicschools.org

March 5, 2018

Clair Dant, Principal
Bethel Christian Academy
8455 Savage-Guilford Rd.
Savage, MD 20763

Dear Ms. Dant,

Thank you for participating in the BOOST Scholarship Program for 2017-2018. As a participant, your school signed an assurance regarding non-discrimination in admissions. As a follow-up to the assurance signed by all participating schools, the BOOST Advisory Board and the Maryland State Department of Education (MSDE) recently requested copies of each school's Student Handbook.

MSDE staff have reviewed your school's handbook. It contains a statement that has raised some questions as it relates to the assurance your school signed stating that the school will not discriminate in admissions on the basis of sexual orientation. The statement in your handbook says the following:

Statement of Nondiscrimination

Bethel Christian Academy admits students of any race, color, and national or ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of race, color, national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and athletic and other school-administered programs.

It should be noted, however, that Bethel Christian Academy supports the biblical view of marriage defined as a covenant between one man and one woman, and that God immutably bestows gender upon each person at birth as male or female to reflect His image. (Gen. 1:27, Gen. 2:23-24) Therefore, faculty, staff, and student conduct is expected to align with this view. Faculty, staff, and students are required to identify with, dress in accordance with, and use the facilities associated with their biological gender.

Here is the non-discrimination requirement in the BOOST law for 2017-2018 (House Bill 150 of the 2017 legislative session, page 135-136):

To be eligible to participate in the BOOST Program, a nonpublic school must ... (d) comply with Title VI of the Civil Rights Act of 1964 as amended, Title 20, Subtitle 6 of the State Government Article, and not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation. Nothing herein shall require any school or institution to adopt any rule, regulation, or policy that conflicts with its religious or moral teachings. However, all participating schools must agree that they will not discriminate in student admissions based on race, color, national origin, or sexual orientation. If a nonpublic school does not comply with these requirements, it shall reimburse MSDE

BOOST Scholarship Program, Handbook Review

March 5, 2018

Page 2

all scholarship funds received under the BOOST Program and may not charge the student tuition and fees instead. The only other legal remedy for violation of this provision is ineligibility for participating in the BOOST Program.

Before the BOOST Advisory Board can authorize payment of the BOOST scholarships for students in your school, the Advisory Board asks that you explain how your handbook statement reconciles with the assurance the school signed regarding non-discrimination in admissions. A brief written response by March 14, 2018 will be helpful.

If you have questions, you can reach me at (410) 767-8863 or monica.kearns@maryland.gov. Thank you for your cooperation.

Sincerely,



Monica Kearns

Assistant State Superintendent for Business Services

EXHIBIT 12

Transcript of BOOST Advisory Board

Matt Gallagher, presiding

Transcript Prepared Exclusively for
Alliance Defending Freedom by
Malloy Transcription Service

[Transcript prepared from a provided audio recording.]

1 P R O C E E D I N G S

2 MR. GALLAGHER: Do any of the Board Members need
3 more time, or are we ready to proceed, whether you're in
4 present--whether you're present or on the phone?

5 MS. SANDBOWER HARBINSON: [via telephone] I'm ready.

6 MS. CAMP: [via telephone] I'm ready.

7 MR. GALLAGHER: Skipp?

8 DR. SANDERS: [via telephone] Yes. Yes, Matt.

9 MR. GALLAGHER: Are you ready?

10 DR. SANDERS: [via telephone] Yeah.

11 MR. GALLAGHER: Okay. Linda, Elizabeth, you--

12 MS. GREEN: Okay.

13 MR. GALLAGHER: Okay.

14 So we have our agenda, which I think has been
15 distributed to everybody in the room, and we have a request
16 from--which school is it?

17 MS. KEARNS: Bethel Christian Academy.

18 MR. GALLAGHER: --Bethel Christian Academy to
19 address the Board. And I think that that's probably something
20 we should allow before the Board would act.

21 So I think the choice is do we delay, No. 1--they
22 are issue No. 1, right? They're not No. 2?

23 MS. KEARNS: No. 1 and B.

24 MR. GALLAGHER: No. 1 and B, yeah.

25 Do we delay the discussion on No. 1 and kind of

1 backload that in the meeting, or do you want to have the
2 discussion for No. 1, delay action, afford, you know, them
3 time to arrive to address the Board? Is there any preference
4 among the Board Members?

5 MS. KEARNS: I would probably prefer to skip to the
6 next item number.

7 MR. GALLAGHER: So that we can have the benefit of
8 their input before we deliberate? Okay, all right.

9 So just let the minutes reflect that we will kind of
10 jump the agenda a little bit, and we'll start with No. 2,
11 which is you have a one-page document, I think--or one page
12 that has the value of potential clawbacks from 2016 and 2017.

13 I believe at one of our last sessions, we had asked
14 MSDE to compile the data and information by school. If I get
15 any of this wrong, correct me, but these are the schools that
16 based on the feedback and information we are provided for
17 2016-2017 were not in compliance with the BOOST law that
18 existed at the time, and we ultimately did--they had been paid
19 the scholarships, right?

20 MS. KEARNS: [Nodding head up and down.]

21 MR. GALLAGHER: We didn't find out about the
22 noncompliance until after the fact.

23 MS. KEARNS: [Nodding head up and down.]

24 MR. GALLAGHER: We notified the families about the
25 noncompliance that the schools had a responsibility to

1 maintain admission, right?

2 MS. KEARNS: Yes.

3 MR. GALLAGHER: Okay. And the issue now is whether
4 or not we will attempt to clawback this money, which we're
5 entitled to.

6 MS. KEARNS: Yes.

7 MR. GALLAGHER: Okay. And Liz, from the Attorney
8 General's office perspective in MSDE, in short, this is a
9 discretionary decision of the Board.

10 MS. KAMEEN: It is a discretionary decision of the
11 Board.

12 MR. GALLAGHER: All right.

13 And we have 57 students who attended these schools,
14 and the approximate value of the scholarships--well, the exact
15 value of the scholarships is \$138,150, correct?

16 MS. KEARNS: Yes.

17 MR. GALLAGHER: Okay. Open it up to the Board for
18 questions or comments at this point.

19 MS. EBERHART: Could you repeat what the language of
20 the--the bill language says that--

21 MS. KAMEEN: Well, there's no language in the bill
22 that actually talks about clawbacks, but certainly, you have
23 these schools have been paid. They've been found not to be in
24 compliance with the law, and so the question is--and they've
25 had students. They took students in the face of

1 noncompliance.

2 So my advice to this Board has been you have the
3 authority to enforce your law. You can do it by a clawback,
4 but you don't have to do it by a clawback. You don't--you
5 always have the discretion to exercise your authority. So you
6 can say no, we're going to--they educated the students and
7 we're going to let them keep the money, or we're going to take
8 the money back.

9 MR. GALLAGHER: Are these schools still
10 participating in the BOOST program or the Textbook Program at
11 this point?

12 MS. KAMEEN: Monica, I would assume no.

13 MS. KEARNS: No, they are not.

14 MR. GALLAGHER: Okay. So in terms of like our next,
15 it is really only for the 2016-2017 school year, right?

16 MS. KEARNS: That's--

17 MR. GALLAGHER: We're not--they're not engaged with
18 the State with them, correct?

19 MS. KEARNS: Well, because of the timing of--the
20 timing difference between the Textbook Program and BOOST, I
21 know, for one, Trinity Lutheran is participating in the
22 2017-2018 Textbook Program because they revised their handbook
23 and resubmitted it to MSDE, and we found that it was
24 acceptable.

25 MR. GALLAGHER: Okay.

1 MS. KEARNS: So there could be a couple of others--

2 MR. GALLAGHER: But they're the only school. Like
3 the others have not changed their handbooks or taken action?

4 MS. KEARNS: Jamie and I talked about that. Is
5 that--that's correct.

6 MR. GALLAGHER: Okay.

7 MS. KEARNS: So--

8 MR. GALLAGHER: So Trinity Lutheran is now in
9 compliance?

10 MS. KEARNS: They are in compliance in terms of
11 handbook.

12 MR. GALLAGHER: Right.

13 MS. KEARNS: And all of that happened before the
14 application window closed for textbook for current year
15 because that application goes--window actually goes into
16 January, usually.

17 MR. GALLAGHER: Okay.

18 MS. KEARNS: So--

19 MR. GALLAGHER: Liz, absent the Board acting on this
20 particular issue, as a matter of course, would MSDE forward
21 this to the Central Collection Unit of the State, or would
22 they view this as a policy decision?

23 MS. KAMEEN: I believed it would be a decision of
24 this Board, whether--whether to attempt to collect this money.

25 MR. GALLAGHER: Okay. Any questions or observations

1 from the Board Members?

2 MS. SANDBOWER HARBINSON: [via telephone] I have
3 just one question. This is Beth.

4 MR. GALLAGHER: Sure.

5 MS. SANDBOWER HARBINSON: [via telephone] The
6 schools, excluding Trinity Lutheran, which I think we may have
7 to discuss separately, all signed the statement saying that
8 they were in compliance; is that correct?

9 MS. KEARNS: Yes. And Trinity Lutheran signed that
10 same assurance statement.

11 MS. CAMP: [via telephone] Hi. This is Marva, and
12 I'm still trying to get my hands around the rules. So can you
13 tell me the implications if we were to take the money back?
14 How does that impact the students? They lose their
15 scholarship, or the school would just be paying the portion
16 that was the scholarship?

17 MS. KEARNS: It's the school. The school cannot
18 charge the family to compensate for the funds that they would
19 lose for becoming ineligible. So the last specifies that.

20 MS. CAMP: [via telephone] Okay.

21 MR. GALLAGHER: The students--just to add to that,
22 Marva Jo, the students, the scholarship is portable to any
23 eligible school, and in the case where appropriately awarded
24 scholarship to an eligible family, they went to a school that
25 had signed and provided the assurance which we later found not

1 to be accurate, it's the school that's liable. It's not the
2 family, and the student maintains their scholarship
3 eligibility.

4 So the decision as it relates to these schools would
5 be to basically send them a bill for the 2016-2017 school year
6 to recoup the money, you know, that was paid for those
7 scholarships that they were not entitled to as a school
8 because they really weren't eligible, given their policies at
9 the time.

10 Is that--

11 MS. KEARNS: Correct.

12 MR. GALLAGHER: Okay.

13 MS. CAMP: [via telephone] Okay.

14 MR. GALLAGHER: If we were to initiate repayment,
15 then MSDE sends it to Central Collections, who then works with
16 the individual schools.

17 MS. KAMEEN: Right. And we would--we would send a
18 letter to the school saying this is the amount of money that
19 you're required to reimburse MSDE and the State. I mean, the
20 money would go back to the State.

21 MR. GALLAGHER: Right.

22 MS. KAMEEN: And if they don't send the money, then
23 there's a referral to Central Collections at some point, and
24 then that process takes over.

25 MR. GALLAGHER: But there's also--I mean, I don't

1 have direct experience with this case, obviously, because this
2 is the first time this has ever happened, but if it is
3 referred for collection, there is an opportunity to go into
4 agreement in terms of the payment.

5 MS. KAMEEN: Right. Sure. Right.

6 MR. GALLAGHER: So depending on the circumstances
7 and the size, like the school would potentially have the
8 ability to spread it out over 2 or 3 years.

9 MS. KAMEEN: That--those kinds of negotiations
10 happen with the Department of Budget and Management and the
11 collections unit.

12 MR. GALLAGHER: That's not--

13 MS. KAMEEN: So we can't--I can't guarantee that
14 there's, you know--

15 MR. GALLAGHER: There is that possibility.

16 MS. KAMEEN: Absolutely.

17 MR. GALLAGHER: We just want people to be aware of
18 that.

19 MS. KAMEEN: Sure.

20 MR. GALLAGHER: Okay.

21 MS. SANDBOWER HARBINSON: [via telephone] I
22 personally don't think it matters, and I'm not saying that the
23 money is irrelevant, but I don't think from a standpoint of
24 making a decision about this that it matters or whether we get
25 paid or not. I think what matters is that we're clear as a

1 group about the decision and the basis for the decision, and
2 hopefully, we nip this issue in the bud in general. But I do
3 think that's important to be specific with our decision.

4 And in looking this over and reading this after
5 and thinking this over, my feeling is that we should go ahead
6 and request the clawback, except for the school, which is the
7 last one who has come into compliance with the law.

8 MR. GALLAGHER: Well, I think that's a little bit
9 complicated, just in that we didn't afford the other schools
10 an opportunity to kind of come into compliance, and in this
11 case, all of these schools had signed and executed assurances,
12 which were contrary to their policies and which ran afoul of
13 the law, so--

14 MS. SANDBOWER HARBINSON: [via telephone] So you're
15 just saying that Trinity proactively came into compliance?

16 MR. GALLAGHER: Trinity came into compliance for
17 '17-'18.

18 MS. KEARNS: After the fact for BOOST--

19 MR. GALLAGHER: Yeah.

20 MS. KEARNS: --but not after the fact for Textbook,
21 and since Textbook is the gateway program for BOOST and a
22 couple of other programs, they're participating in 2017-2018
23 for Textbook, which technically makes them eligible for
24 2018-19 for BOOST and the Board's letter to Trinity Lutheran
25 and said, "We would consider allowing you to participate again

1 in BOOST in 2018-2019. So that's kind of an open door,
2 unsettled on the BOOST count, but for Textbook, they did have
3 time to come into compliance for the current year.

4 MS. SANDBOWER HARBINSON: [via telephone] But,
5 Monica, doesn't that mean all the other schools also had,
6 quote/unquote, "time to come into compliance" for the next
7 school year and chose not to?

8 MS. KEARNS: For Textbook purposes.

9 MS. SANDBOWER HARBINSON: [via telephone] Right.

10 MS. KEARNS: Yes.

11 MS. SANDBOWER HARBINSON: [via telephone] Right.

12 MS. KEARNS: Correct.

13 MS. GREEN: Well, did all of them or not all--some
14 of them were notified later on in the process, weren't they?

15 MS. KEARNS: We notified them as soon as we--

16 MS. GREEN: The ones that were in the question--the
17 ones that were in the questionable--I'm not--

18 MS. KEARNS: Yeah.

19 MS. GREEN: If we weren't sure that they weren't in
20 compliance, they might not have received notification in time
21 to fix it for Textbook, or did all of them receive--

22 MS. KEARNS: They received--we--we reached out to
23 them--

24 MS. GREEN: Okay.

25 MS. KEARNS: --and they knew that if they--they

1 wanted to change their handbook, we would work with them.

2 MS. GREEN: Okay.

3 MS. KEARNS: Okay. So--

4 MR. GALLAGHER: In the case of these six schools--

5 MS. KEARNS: Mm-hmm.

6 MR. GALLAGHER: --the first five no longer

7 participate in the program, correct?

8 MS. KEARNS: And Trinity currently does not either?

9 MR. GALLAGHER: Trinity does not either.

10 MS. KEARNS: For BOOST.

11 MR. GALLAGHER: For BOOST. But they have come into

12 compliance for Textbook purposes?

13 MS. KEARNS: For Textbook purposes, the current

14 year, but none of these schools are in BOOST for 2017-2018.

15 MR. GALLAGHER: Okay. So just on the issue of

16 sanctions or, you know, a penalty, in the first year of the

17 program, these six schools had students that had been awarded

18 scholarships at these values. The students enrolled. They

19 attended. The clawback option is there, but in terms of like

20 the initial action, they've been excluded from the program

21 going forward or at least this year or the second year.

22 MS. KEARNS: This year.

23 MR. GALLAGHER: So there has been a consequence--

24 MS. KEARNS: Mm-hmm.

25 MR. GALLAGHER: --to the intervention.

1 MS. KEARNS: Yes.

2 MR. GALLAGHER: So I would call that kind of like
3 the first most immediate sanction, and then the question
4 becomes do we want to pursue the repayment.

5 MS. GREEN: So, Matt, if I'm hearing what you're
6 saying, theoretically, we don't have the numbers right in
7 front of us. Trinity Lutheran may have had that same \$62,000
8 worth of scholarship--previously eligible students enrolled in
9 their school for 2017-18 and lost the funding. So they've had
10 to keep those students and not receive the money.

11 So what we're talking about is effectively a double
12 penalty because of--

13 MR. GALLAGHER: Well, I mean, I don't think that we
14 verified the 2017-2018 that they kept the students. I mean,
15 when we--when we sanctioned them in 2016-2017 and said they
16 were not in compliance with the law, they can't kick the kids
17 out at that point.

18 MS. GREEN: We sanctioned them in--

19 MS. KEARNS: 2017-2018.

20 MS. GREEN: '17-'18.

21 MR. GALLAGHER: So 2017-2018, you've ensured that
22 all of those students are still enrolled?

23 MS. KEARNS: No, we have not ensured that. We don't
24 know that.

25 MS. GREEN: But that's the year that they--if--

1 right now, they got this money. Then there was another year
2 where they had already accepted all the kids.

3 MR. GALLAGHER: But 2017-2018, they have not
4 received this money, right?

5 MS. KEARNS: Well, actually, if you look, I'm just
6 going to--there's another handout called BOOST Schools with
7 Handbooks that Do Not Comply with the BOOST Non-discrimination
8 Requirements. It says that at the top, and there's a line
9 through the middle of the page.

10 MR. GALLAGHER: That's this one?

11 MS. KEARNS: So that above the line--yes. Above the
12 line is the list of schools that are ineligible in 2017-2018
13 and did not get paid. So those are the funds that they
14 forfeited, and you'll see on there, Trinity Lutheran is
15 just--it's just sequentially numbered, so Trinity Lutheran is
16 nine, and they did not get paid \$73,900 this year. So they
17 already were compelled to keep the students if the students
18 wanted to stay, those 19, and they are not paid, \$73,900 So
19 that's what happened for 2017 and 2018.

20 MR. GALLAGHER: I got it.

21 MS. GREEN: And looking at the first one, they went
22 from year one to year two, from one to four students. So the
23 impact in year two is \$8,600 of--

24 MR. GALLAGHER: Which school are you talking about?

25 MS. KEARNS: Are you looking at Appleton?

1 MS. GREEN: Appleton, yeah.

2 So, in year one of the program, they had one student
3 forcing to withdraw their award. In year two, the year that
4 they were already--not received the funds but kept the kids,
5 it's 8,600. So the impact on that school would actually be a
6 \$10,000 impact, effectively, right?

7 MR. GALLAGHER: Okay. I think we're--we're getting
8 a little apples and oranges. So this one--these are the
9 2016-2017. These are the scholarships paid.

10 MS. KEARNS: [Nodding head up and down.]

11 MR. GALLAGHER: This is what we found out after the
12 fact were noncompliant.

13 MS. KEARNS: Yes.

14 MR. GALLAGHER: So this is the clawback opportunity,
15 right?

16 MS. KEARNS: Mm-hmm. Yes.

17 MR. GALLAGHER: This one is noncompliant, have to
18 keep the kids this year.

19 MS. KEARNS: Mm-hmm.

20 MR. GALLAGHER: They never got the money.

21 MS. KEARNS: Right.

22 MR. GALLAGHER: Okay. Just making sure.

23 MS. KEARNS: Yes.

24 MS. GREEN: Just to clarify where my--my brain is
25 going, because clearly not everybody thinks the way I do,

1 which is understandable, I think they're already had a
2 substantial financial impact by it being in year two that we
3 sort of realized the issue.

4 MR. GALLAGHER: You mean caught up with the fact
5 that they signed and assurance illegally?

6 MS. GREEN: Well, that we caught up with the issue
7 of--I don't--I actually--Matt, I take a little issue with that
8 because when you look at what the school said, they read the
9 policy and they say--like the very first school that came up,
10 they said, "We've never discriminated." We have
11 interpreted--and I think we've properly interpreted--that to
12 not be in compliance. But I don't think that they were
13 intentionally trying to get around something. I think they
14 didn't understand, and so I take a little issue with an out
15 and out--again, we've done the right thing, I believe, but I
16 just think that looking at it and looking at the impact--and I
17 think--I think that it's a real discussion, but there has been
18 a financial impact for these schools because in year two
19 there's a substantial amount of money that they did not
20 receive, and I--for whatever it's worth looked at--

21 MR. GALLAGHER: In year two, wasn't assurance
22 language even more explicit and stringent?

23 MS. KEARNS: It was the--it was the same.

24 MR. GALLAGHER: Did it change a little? It was
25 exactly the same, okay.

1 MS. KEARNS: I mean, it mirrors the law, and it was
2 the same, Liz--

3 MR. GALLAGHER: So after all the public attention?

4 MS. KEARNS: --because it was the Textbook that was
5 in 2015-2016 where that was the first time the
6 nondiscrimination language was ever seen for any of the
7 programs. BOOST came into being the next year, 2016-2017. It
8 was set. It was resettled and all, and it has stayed the same
9 since then.

10 MS. KAMEEN: Correct.

11 MS. KEARNS: Yeah.

12 MR. GALLAGHER: Okay. I don't think we have to
13 agree on that point, but--I mean, but we got to figure out the
14 2016-2017 policy issue, and if all of these--let's see.

15 MS. KEARNS: So Arnold and Grace Academy did not
16 receive funds in 2016-2017.

17 MR. GALLAGHER: Got it.

18 MS. KEARNS: And there must be one more missing.

19 ATTENDEE: [Inaudible.]

20 MS. KEARNS: Sorry? Celebration.

21 ATTENDEE: [Inaudible] in '16-'17.

22 MS. KEARNS: Celebration because there's six--

23 MR. GALLAGHER: But for the '16, the six in '16 and
24 '17.

25 MS. KEARNS: Mm-hmm.

1 MR. GALLAGHER: Five of the six have students
2 enrolled that they didn't get scholarship awards for this year
3 because they were ineligible, and then Trinity--well, I guess
4 it's--is it seven?

5 MS. KEARNS: It's six out of six.

6 MR. GALLAGHER: Six out of six. Okay.

7 MS. KEARNS: Six out of six have not received BOOST
8 funds--

9 MR. GALLAGHER: Okay.

10 MS. KEARNS: --in 2017-2018.

11 MR. GALLAGHER: Okay. But they have BOOST students.

12 MS. KEARNS: As far as we know.

13 MR. GALLAGHER: Yeah.

14 MS. KEARNS: Yes. They have BOOST awardees. We
15 have not recently confirmed whether those BOOST awardees have
16 stayed there, but what happens is if a BOOST awardee leaves,
17 then we're notified. It takes a little time, but then if the
18 BOOST student goes to another BOOST-eligible school, another
19 payment is issued to School No. 2 pro-rated for the number of
20 school days the student will be there.

21 MS. GREEN: Just out of curiosity, how could you do
22 that when the money--does MSDE still have that money that was
23 not--

24 MS. KEARNS: Mm-hmm.

25 MS. GREEN: Okay.

1 MR. GALLAGHER: For '17-'18, right?

2 MS. GREEN: It wasn't part of the \$600,000?

3 MS. KEARNS: No. It was beyond that because the
4 most recent check payment batch is about \$990,000, so we took
5 the funds, that \$162,000, and re-awarded, went further down
6 the list.

7 MS. GREEN: Okay. Mm-hmm.

8 MR. GALLAGHER: Are there any other questions or
9 comments on the '16-'17 issue?

10 [No response.]

11 MR. GALLAGHER: Is there any interest on the Board
12 to kind of know the status of the students for '17-'18, like
13 that they are still enrolled at the school and that the school
14 has maintained the enrollment? Is that a factor that would be
15 impactful to anybody's decision?

16 DR. SANDERS: [via telephone] No.

17 MS. SANDBOWER HARBINSON: [via telephone] I
18 understand where Elizabeth is coming from with this double
19 penalty conversation, but I'm assuming that would be fairly
20 difficult to pull that data. Am I correct, Monica?

21 MS. KEARNS: It would take a little time--

22 MS. SANDBOWER HARBINSON: [via telephone] Yeah.

23 MS. KEARNS: --to get that, yes. But we could--you
24 know, we could work on it.

25 MS. EBERHART: What I would like to know, but I know

1 it's not available, is what's going to happen this coming
2 year. So if they become, quote, "in compliance," because
3 they've changed their handbook, then we just automatically say
4 that they're in compliance? Because we've had this past
5 history of 2 years of not being in compliance. So I know it's
6 probably not a factor that should be considered, and we don't
7 know it. But I've brought it up before of, you know, once
8 they're not in compliance, how do we, quote, "put them back
9 into compliance," just because they change their handbook or
10 do something else?

11 MR. GALLAGHER: I mean, I think if they change their
12 handbook and have compliant language, they can apply to be
13 considered for the program, and if they meet the eligibility
14 criteria--I mean, I will defer to Liz on this.

15 MS. KAMEEN: You're right.

16 MR. GALLAGHER: I don't think that there's any way
17 that they could be excluded.

18 Now, I think you'd have kind of a heightened
19 awareness of the history, and I think everybody's antenna
20 would be up and to see if there were any complaints or if any
21 students or families that wrote in and said they're not in
22 compliance with the handbook or they've taken actions that are
23 inconsistent with the policy, but, you know, in terms of like
24 how far we can kind of take that out, I think it's not much
25 farther than do they have a compliant handbook for the

1 eligible period of time.

2 You know, I--you know, in terms of like things like
3 double penalties and compliance and sanctions, I think that as
4 a Board, we've really tried to impress upon the member schools
5 the importance of this issue. I think that we have tried to
6 act in a very timely and consistent fashion, and I think that
7 if you envision kind of the way this program unfolds in the
8 future, I could see, you know, increased, you know, number of
9 cases coming to us where the school has a compliant handbook
10 and, you know, consistent policies with the law, and we're
11 confronted with actions that might potentially conflict with
12 that.

13 And I think it's going to become increasingly
14 complicated to kind of sort that out, and it's going to be
15 increasingly complicated to kind of sanction that type of
16 behavior if and when we encounter it.

17 So I guess, you know, where I would come down on
18 this is we have the ability to, you know, try to collect the
19 money. I think we have clear cases of noncompliance. If we
20 decide to try to collect, the matter gets referred to
21 Department of Budget and Management in Central Collections.
22 You know, they exercise discretion in those decisions like
23 beyond what the Board could do in terms of repayment
24 arrangements, whether or not they have the ability to pay.

25 So I guess my recommendation would be that we should

1 clawback the money, that we should send a consistent message,
2 and that we should instruct DBM that this is our
3 recommendation, you know, and that they should evaluate the
4 collectability and be mindful of, you know, what this
5 represents in terms of the school's budget and their ability
6 to repay it within one year and to take that into
7 consideration, you know, as to whether or not it should be a
8 multi-year repayment.

9 The only other thing I'll add--and this is just from
10 my experience in other things, you know, related to the State,
11 that it's--this is different, but there are many entities that
12 receive grant funds from the State, and oftentimes there
13 become issues of noncompliance or dispute on the eligibility
14 of expenses. And in some cases, those types of disputes can
15 get resolved over multi-years because there exists an ongoing
16 contractual relationship, and they still might be a service
17 provider.

18 So if schools come into compliance, you know, if
19 they change their practices, which, you know, I think you
20 would hope that they would do, there might be like a
21 multi-year window where that could be resolved.

22 I don't think that we have to insert ourselves into
23 that discussion, but I think that the State would have the
24 ability and the flexibility to navigate that better than we
25 would as a Board.

1 I don't want to get into a payment schedule for
2 Trinity Lutheran, you know, because it's a big number and
3 it's--you know, is it over 2 or 3 or 4 years? I think we can
4 kind of make a policy decision, if there's agreement on the
5 Board, and then we can refer it back to MSDE and DBM to
6 implement it in the fairest and most effective way.

7 MS. EBERHART: And if that's a motion, could we turn
8 your statement into a motion? And I will second it, or I will
9 do whatever.

10 MR. GALLAGHER: It can be a motion. I'm happy to
11 make it one, but I also want to afford the other Board Members
12 a chance to weight in because I think that was kind of the
13 first "here's what I think we should do."

14 If there are additional, you know, points that
15 people want to make, I'm open to that.

16 DR. SANDERS: [via telephone] I don't have any
17 thoughts to make, but, Matt, what you just said really had an
18 impact on me because I think I flipped and flopped two or
19 three times in the course of the conversation. But I agree
20 with you. I think we're already maybe beginning to look at a
21 taste of what's going down the road with trying to ascertain
22 compliance in the future might be, where, you know, given the
23 handbook and maybe school practice.

24 I don't want to see us get mired in that. If it's
25 referring to the statement that there is some type of

1 consideration being given and concentration and that we are
2 simply laying down the policy, I can go with that. I didn't
3 want the double jeopardy, but I can see exactly where you're
4 coming from, and that made sense to me. I think we get
5 totally mired juggling cases down the road. I don't want to
6 do that.

7 MS. CAMP: [via telephone] This is Marva.

8 I was concerned about the students, and
9 understanding that they won't be impacted with their
10 scholarship. Unless there was something that I heard, which I
11 haven't, that really mitigates they are not following the
12 policy, I think that we need to not have a slippery slope, and
13 I think what you said, Matt, makes perfect sense in terms of
14 going forward.

15 MS. GREEN: And I'll just share. I mean, I am
16 concerned for the schools themselves and their budgets and
17 whether they're going to be able to handle it, but I do think
18 that we have a burden when we're dealing with public funds.

19 And so as much as--it's with a little bit of a heavy
20 heart in terms of the impact that I think it may have on these
21 schools. I think that the right thing is for us to refer to
22 be collected.

23 MR. GALLAGHER: Okay. Anybody else on the phone?

24 MS. SANDBOWER HARBINSON: [via telephone] I concur
25 with Skipp's perception. Yes.

1 MR. GALLAGHER: Okay. So based on what we'll now
2 call a motion, would that be 5-oh?

3 MS. GREEN: Yeah.

4 MR. GALLAGHER: Okay.

5 And do you feel like you encapsulated that enough,
6 like what I said?

7 MS. KEARNS: Yes.

8 MR. GALLAGHER: So I would just make sure that
9 the--I would say that whether between MSDE and the AG's
10 office, it would be great if we could kind of roll that into a
11 one-page letter or memo to the school superintendent and DBM
12 just--

13 MS. KAMEEN: What I would suggest first is to send a
14 letter to the schools saying here's what you need to reimburse
15 us, and then within some particular time period, you know, 30
16 days, 40 days, whatever, and then if they don't, then take the
17 next step because they can voluntarily pay.

18 MS. EBERHART: And it's not a 5-oh. It's 6-oh.

19 MS. KEARNS: Right.

20 MR. GALLAGHER: I'm sorry. I'm sorry. Miscounted.
21 Okay.

22 Okay. So I think whether it's a letter to the
23 school or it's a letter to MSDE and DBM--

24 MS. KAMEEN: Right.

25 MR. GALLAGHER: --do you think that the Board should

1 see the substance of that to make sure that it's a fair kind
2 of encapsulation of what we--

3 MS. KAMEEN: Mm-hmm.

4 MR. GALLAGHER: --we just agreed to in terms of the
5 motion?

6 MS. KEARNS: Sure. Okay.

7 MR. GALLAGHER: Great. All right.

8 So we're going to move on to No. 3, update on
9 program status for '17-'18.

10 MS. KEARNS: Okay. Is Principal Dant--Miss, are
11 you Principal Dant? No.

12 Okay. I didn't know if someone from Bethel
13 Christian Academy had joined us yet. Okay. Sorry.

14 MR. GALLAGHER: So let's do--let's do '17-'18
15 update, and then if they're not here by like ten--

16 MS. KEARNS: Okay.

17 MR. GALLAGHER: --I think we should go back to No. 1
18 because that's going to dominate the discussion.

19 MS. KEARNS: Right. Sounds good. Okay.

20 Update on program status for 2017-2018. I just
21 wanted to let you know that the main activity now is getting
22 another payment batch out, and it is for about 996,447
23 payments, and we successfully got the data and the invoices
24 down to Annapolis. So it shouldn't be too much longer before
25 those go out, and we are really emphasizing to schools that we

1 need them to meet the deadlines that are set in the fall
2 because the schools that met the deadlines that were set in
3 the fall were part of the 4.5 million batch that was sent in
4 December, and it's been difficult to get another payment batch
5 out since then because December is when we focus on getting
6 the payment batch out. And then after that, other things
7 start competing for priority, and so it has taken a while, but
8 it is almost done and almost out to the schools. So that is
9 the main piece of information about current year.

10 MS. EBERHART: Now, could you just go back and
11 repeat that in the past, if they didn't turn everything in by
12 December, we gave them a bigger window, which is what caused
13 all this problem to now? I mean, are we saying that in the
14 future, we--I mean, it didn't sound like you are making this
15 line in the sand that we must have this based on what the--I
16 mean what the bill language, the budget language is. So are
17 we going to try--I mean, just give them the same number of
18 opportunities this year? I mean, that was so frustrating for
19 us last fall to do it, or are we going to say--when you say
20 October 1st, we mean October first, not something else.

21 MS. KEARNS: I hear you.

22 So what we are going to do differently in 2018-2019,
23 so moving forward for year three, is we will set a deadline,
24 and the schools that meet that deadline, hard and fast, will
25 be in the payment batch, if they made all the requirements for

1 December. And if they are after the deadline even by one day,
2 they will have to wait for the next payment batch, and there's
3 no guarantee when that will occur.

4 What happened this year was we--schools reached out
5 to us and said, "We really need more time to confirm the
6 enrollment of these students." Some schools had dozens of
7 students, and they asked for more time. And we gave them more
8 time, past our published, you know, communicated deadlines,
9 and so if we did it for one, we tried to work with some others
10 when they came forward. And that, speaking of slippery slope,
11 was a slippery slope.

12 And then finally, at some point, in order to get
13 payments out in December, we had to stop, but by trying to
14 work with some schools and give them some extra time, it
15 really created a problem. We're going to have to--because it
16 created an expectation that "We'll work with you around that
17 deadline."

18 So, next year, no. If you meet the deadline, you'll
19 get paid in December, and if you don't meet the deadlines,
20 you'll get paid sometime after that, and we don't--we can't
21 guarantee when. So that--the law allows the schools to be
22 declared completely ineligible if they don't meet the
23 deadline. So the Board decided, "No, we don't want to do
24 that," so--

25 MS. EBERHART: And then it's because--I'm

1 sorry--because this was just new and we're getting up and
2 working now, we're into another year. So, at some point, I
3 think we need to revisit when that slippery slope stops. I
4 mean when we say, "This is enough. Now you know." It's real
5 clear what the laws says, that you must have this by
6 such-and-such a time.

7 MS. GREEN: Can we try to pay attention to the
8 Jewish holidays? Because the deadline for the BOOST
9 applications is a Jewish holiday, and because it's a Monday,
10 it means that any observant Jewish family that's applying for
11 BOOST this year has 3 fewer days than any other family in the
12 State of Maryland to do the application.

13 So when it comes to an October 1 deadline, right in
14 the middle of the Jewish holidays, can we just make sure that
15 the final dates--you know, as we're looking at it and the
16 notices that are going out take into account that there's a
17 little bit of a different burden there, not that we extend it,
18 but just that we pay attention to the fact that it's--we're
19 not making it unequal as sort of has ended up happening with
20 the BOOST application.

21 MS. KEARNS: Okay.

22 MS. GREEN: It's a 72-hour--

23 MS. KEARNS: It is a 6-week window, but I hear you.
24 So I just need that information well in advance, so--

25 MS. GREEN: The MSDE should have a 5-year Jewish

1 calendar.

2 MS. KEARNS: Okay. I'll find it.

3 MS. GREEN: If you don't, that's a problem.

4 MS. KEARNS: I'll find it. I'm sure somebody else.

5 So I'll find it. I hear you.

6 MR. GALLAGHER: Why don't I--I mean, let me just
7 make a suggestion. How about if MSDE provides the Board its
8 proposed schedule in terms of the windows, the deadlines, you
9 know, when we're going to stop the slippery slope, in
10 whichever slippery slope it is, and we also have the issue of
11 opening the window sooner, so that we can kind of get this
12 schedule more in line with what the admissions and
13 decision-making schedule is because I think we're really
14 trying to move everything up, right?

15 MS. KEARNS: [Nodding head up and down.]

16 MR. GALLAGHER: So if you can provide us that draft
17 schedule, everybody can look at it. You know, in terms of the
18 Jewish holidays, that's not an issue that I would have thought
19 to surface, so I think that's great feedback. And then we
20 can just go from there.

21 MS. KEARNS: I--yes. I just do want to pipe up and
22 say that if I had been able to launch the application this
23 year before the budget bill passed, it would have been very,
24 very difficult to make the awards this year because we did not
25 know that there was going to be the preference given to

1 students with disabilities.

2 So if I had launched the application without knowing
3 that, we could be getting thousands of applications, not
4 asking the parent whether the student has disabilities. And I
5 wouldn't be able to tell you how many people in the pool are
6 students with disabilities, and we have to--you know, there's
7 a set amount, everything that's going to follow on that. So
8 there's just a risk, since we're dealing with annual budget
9 bill language still, and the horse would be very, very far out
10 of the barn and--

11 MR. GALLAGHER: Well, I agree--

12 MS. KEARNS: --we wouldn't have the data we needed
13 for the--for the award.

14 MR. GALLAGHER: I think--I still think that--first
15 of all, I don't think anybody at MSDE or associated with BOOST
16 should be apologetic for being permissive because we've done
17 everything we possibly can to maximize, you know, opportunity
18 and participation and accommodation, so that's one.

19 And then, two, as it relates to kind of the
20 dependence on the budget bill and the availability of funds
21 and the tweaks and the provisions that could change, I think
22 we all agree it makes more sense to be on a different schedule
23 in terms of doing these awards. I think that we're an
24 established program now, 2 years. I think that we have enough
25 level of interaction with MSDE and the key legislators who are

1 involved and, you know, really pay attention to BOOST that we
2 can educate them to the complexities that that would create.

3 But I do think that we have to kind of maintain a
4 good healthy forward pressure about getting the schedule into
5 a place where it makes a lot more sense, and I think we had
6 prior conversations about there are many examples in the State
7 where they start application processes, and it's contingent on
8 funding.

9 MS. KEARNS: Mm-hmm.

10 MR. GALLAGHER: And it can be contingent on funding
11 and potential budget language that would impact that funding.

12 So I would hope that we don't get curveball like
13 where they would change the eligibility in such a dramatic way
14 that it would kind of invalidate the applicant pool, but we
15 should communicate that to the key stakeholders. But I do
16 think that we should try to be as aggressive as possible in
17 terms of the schedule going forward.

18 MS. KEARNS: Okay.

19 MS. SANDBOWER HARBINSON: [via telephone] Just to
20 this point, when--since we have such a big constituency of
21 students is--working at the Jewish day school, we always pull
22 that calendar when we are establishing deadlines, so that we
23 can be respectful of the fact that, you know, as Linda said,
24 it's not like they're not choosing to come in or work on this
25 during this time. It's against their laws.

1 So, Elizabeth, were you asking that an extension be
2 made or--I'm not sure if there was a request or you were just
3 noting that.

4 MS. GREEN: So my understanding is a request has
5 been made and denied with regard to the extension of the BOOST
6 applications. So, with that in mind, I'm just asking, since
7 September 10th through October first are the Jewish holidays,
8 that we be very cognizant of the fact that deadlines not fall
9 on days when the impact would be so substantial on the Jewish
10 day schools.

11 I mean, it already--it already is an issue with
12 regard to the BOOST applications, and my understanding is
13 there was a request made from someone, and it was denied.

14 MS. KEARNS: Yeah. I denied that because I'm trying
15 to get the awards out in July, and if I make an exception for
16 one set of schools, we have to be open to make an exception
17 for others--

18 MS. GREEN: Not--

19 MR. GALLAGHER: Okay.

20 MS. KEARNS: --and I will be making awards in August
21 again because, as it is, it's going to be moving heaven and
22 earth to get them out in July, so it's just--I said no.

23 MR. GALLAGHER: I think prospectively, when we put a
24 deadline, you know, we should be mindful of the holiday
25 schedule.

1 MS. KEARNS: I hear you. I will do that. I will
2 get the schedule, Elizabeth, and I will--

3 MR. GALLAGHER: Great.

4 MS. KEARNS: --work with that.

5 MS. EBERHART: And the reason I brought up the
6 schedule is I want to help support you when you say here's the
7 deadline, you know, in October or whatever, that we don't--and
8 it was part of us, the Board. We didn't want to turn any
9 students away in the middle of this, but I think we're now at
10 a point when you say this is what you want, this is your
11 deadline, then we should say this is our deadline, so you
12 figure it out, come back, and let us know so everyone knows
13 very clearly this is what it really means.

14 MR. GALLAGHER: Okay. Great. Any other questions
15 on the 2017-2018 program status?

16 DR. SANDERS: [via telephone] No. I have none.

17 MR. GALLAGHER: Okay. So we still don't have
18 anybody else here, right?

19 MS. KEARNS: Bethel Christian Academy, is anyone
20 here from that school?

21 [No response.]

22 MS. KEARNS: Okay.

23 MR. GALLAGHER: All right. I do think we should go
24 back to No. 1--

25 MS. KEARNS: Okay.

1 MR. GALLAGHER: --because it's probably going to
2 take--

3 MS. KEARNS: Mm-hmm.

4 MR. GALLAGHER: --some time.

5 MS. KEARNS: Mm-hmm.

6 MR. GALLAGHER: So there were a series of schools
7 that the Board and MSDE thought needed to be scrutinized more
8 closely--

9 MS. KEARNS: Yes.

10 MR. GALLAGHER: --that kind of fell into a little
11 bit of a gray area. Okay. And in MSDE's review, 9 of those
12 12 schools were deemed to be ineligible, correct?

13 MS. KEARNS: Let me--

14 MR. GALLAGHER: Point A.

15 MS. KEARNS: Nine of the--well, no. Sorry. We
16 already talked about 1A. That's just a review. So if we look
17 at the handout with the line across the middle, with the
18 ineligible schools above the line--

19 MR. GALLAGHER: Oh, I'm sorry. Okay.

20 MS. KEARNS: --and the--you know, what we're
21 referring to as the Category 3 schools below the line, that's
22 just a review. There's nothing being asked of the Board today
23 for a decision on the ineligible schools. That's just for
24 informational purposes for the discussion. So those are the
25 nine ineligible schools above the line, and then below the

1 line are the 11 schedules where there was--there were concerns
2 about the handbook, but no final determination was made as of
3 the last Board meeting as to whether those schools were--

4 MR. GALLAGHER: No. But MSDE found that they were
5 in compliance.

6 MS. KEARNS: Yes. We were--

7 MR. GALLAGHER: And that there were three that were
8 still under review.

9 MS. KEARNS: Yes. So we have since been working
10 with the Attorney General's office, Liz and Alan, and just the
11 No. 2, No. 3, and 11 are still under review.

12 MR. GALLAGHER: Right. So the--just to refresh for
13 some of the people who might not be at all the meetings, that
14 decision was made that MSDE would evaluate the compliance
15 issues. That if you're found in compliance, that's not
16 something that's really coming to the Board unless a
17 compliance decision is made and then there's some other
18 independent complaint that comes before us. So they're kind
19 of off to the side.

20 So then we have the three schools that are still
21 under review, and at this point is MSDE and the Attorney
22 General's office looking for action from the BOOST Board based
23 on the information that they've been able to compile. Okay.

24 MS. KAMEEN: Yes. That's huge. Once you go through
25 your discussion or your deliberation, right. I mean, it--yes.

1 We got it.

2 MR. GALLAGHER: Liz, do you have a suggestion in
3 terms of how we should discuss those three cases? You know,
4 should MSDE or the Attorney General's office kind of present
5 the issue with each school? Should we kind of talk that
6 through? I mean, how would you suggest we handle that?

7 MS. KAMEEN: Here's what I could suggest, is it's
8 always good if we can come up with, you know, these are the
9 rules that apply, and then you take the rule and you apply it
10 to the facts.

11 So--and Alan can jump into help me out here, but we
12 really did--we took a look, obviously, at the BOOST statute,
13 which focuses its antidiscrimination clause or
14 nondiscrimination clause on admissions and says that you
15 cannot discriminate in your admission process, and so you say,
16 "Okay. What does that mean?" Well, admission, when you take
17 a look at the plain language of the statute and you look up
18 the word, it means acceptance into the school.

19 And then there's a second part of the statute that
20 says other than admissions, a school does not have to change
21 its policies to be contrary to its religious beliefs. So you
22 have a balance. You have the admissions process and then this
23 assurance that the school does not have to change its policies
24 to--or change its policies to reflect different religious--or
25 pull away from its religious beliefs.

1 Now, you think that would be a pretty clear line,
2 but we have talked here that admission means you get through
3 the door, but if what happens is you are then expelled from
4 the school because of your sexual orientation alone, then that
5 makes the admission process a sham.

6 So we have these three schools, and each one of them
7 had--did not address the sexual orientation, nondiscrimination
8 issue in its handbook, but they raised issues when we--when
9 the MSDE staff reviewed the handbooks in terms of the
10 discipline process or to her statements that might imply that
11 we might let you in, but we're going to put you out the door
12 right thereafter.

13 So those are kind of the rules that we tried to
14 abide by, is that we don't need you to change your
15 disciplinary policy as long as it's nondiscriminatory, as long
16 as it doesn't just get based on the fact that a person has a
17 sexual orientation that is contrary to religious beliefs.

18 And that's the rules we tried to apply here in terms
19 of each of the schools based on the information they gave us
20 because MSDE, when it followed up, said please explain what
21 you mean by the information you have in your handbook in terms
22 of sexual orientation.

23 So that's kind of where we are, and then those rules
24 start first with admissions. If you say we're not going to
25 admit you, then that's pretty clear, but if you say we will

1 admit you--and all of these schools have--you--we're not going
2 to hold your sexual orientation as a factor in admissions,
3 then what happens when you get in the school? So that's where
4 we are.

5 MS. GREEN: Liz, does readmission come into the
6 conversation? So that, year one, we admit you, then we know
7 something--and then we will not readmit--we may not kick you
8 out that year, but we won't readmit you the following year.
9 Is that--I mean, that really means that they are--they
10 really--their admissions policy is not neutral on that, but--

11 MS. KAMEEN: You know, yeah, I think it does mean a
12 readmission, and again, it's the--it's almost like looking
13 into the intent of the people who are making these decisions.
14 So--but yes. If it were based on a complaint that, yeah, my
15 child was not admitted because of the person that he or she
16 is.

17 MS. SANDBOWER HARBINSON: [via telephone] This is
18 Beth. First of all, I want to thank you and Alan for such a
19 well-written memo for the layperson. I read it. I understood
20 it, thought your reasoning for your recommendations were
21 clear, and after reading it, I only had one thought that I
22 wanted to mention to the Committee.

23 I concur with your recommendation for Scenario A, A
24 and B, and then Scenario C, with Christian Academy, I read it
25 a couple of times. I thought about it. I read it again this

1 morning. My concern is that because they are combining
2 promiscuity, pregnancy, and homosexuality as evidence of
3 devious behavior of a sexual nature and that those are grounds
4 for expulsion, to me it's a lot clearer in their statement
5 that--that--that this could be--even though they're not saying
6 they're not going to let you in because of this, they're not
7 going to exclude you from applying and being accepted because
8 of this, that if this become known, that you would be--that
9 you would be expelled, and that they actually list this as
10 devious--and define it as devious behavior.

11 I guess I really had a question about your
12 recommendation for that school based on that reasoning in my
13 head.

14 MR. GALLAGHER: Well, I think my suggestion would be
15 that we should probe each of the three with questions before
16 like we kind of make sure that you're--you don't have any
17 questions with the--as you just did, you had a question about
18 the third one. I think before we kind of say I agree with the
19 recommendation or don't agree with the recommendation, I think
20 it would be great to afford everybody an opportunity to ask
21 questions about the scenario and the cases and the fact
22 pattern before kind of formulating your position.

23 So, you know, since you started with C or 3, I had a
24 similar question as it related to No. 3. That in the
25 nondiscrimination statement, it seemed to discriminate and

1 kind of distinguish between heterosexual and homosexual
2 activity, you know, even by the way it was written. That's
3 the way I read it.

4 DR. SANDERS: [via telephone] It's pretty clear to
5 me that way.

6 Liz, I thought you and Alan wrote a very good
7 statement as well and especially in your discussion that you
8 talked about the balancing act, which to me means that you're
9 trying--that there should be some type of agreement
10 between--you're saying in the handbook in terms of
11 nondiscrimination and what your practice is going to be.
12 Otherwise, I mean, it would seem to me we're starting to go
13 down the road where we'll have a BOOST patrol or something
14 trying to figure--what do comports with what you said.

15 But that there should be an agreement between--I'm
16 thinking what you said you are and then what you are in
17 fact--in fact doing.

18 And so I guess in my--I'm coming down, as I look,
19 like this--is there some sort of agreement between these two
20 kinds of statements.

21 MS. KAMEEN: Well, the statements you will find, the
22 three here--and, Alan, you can jump in--are--again, it's the
23 balance against--you can have a policy that supports your
24 religious beliefs. That's the law, and if--

25 DR. SANDERS: [via telephone] Yes.

1 MS. KAMEEN: --your religious belief is that
2 promiscuity, pregnancy, and homosexuality are evidence of
3 deviant behavior, this is--this is their--this is the belief
4 based on their religion.

5 The question then becomes will you refuse to admit a
6 student who is an LGBT student. Once they're in your school
7 and you say, "Oh, you know, you're an LGBT student," do you
8 then automatically tell that student, "We don't want you in
9 the school anymore?"

10 And on Woodstream, they said when they clarified
11 that this, meaning sexual orientation, would not prohibit an
12 admission decision in any way or lead to exclusion from the
13 school, but for repeated or egregious acts that would lead to
14 the highest level of discipline as a last resort.

15 Now, how far you look behind that is something you
16 can talk about. We took people at face value.

17 MR. GALLAGHER: To that, I guess you're making a big
18 distinction, I think, between the admissions and the
19 discipline.

20 MS. KAMEEN: Correct.

21 MR. GALLAGHER: Right?

22 MS. KAMEEN: Yes.

23 MR. GALLAGHER: Okay. And it's not considered in
24 the admissions process, as the first threshold, but it is
25 considered in the discipline process. And then just carrying

1 that thought out, the handbook language is evidence of deviant
2 behavior of a sexual nature. For example, promiscuity,
3 pregnancy, and homosexual will be grounds for expulsion.
4 Issues of a sexual nature would be dealt with using the Bible
5 as a guide while maintaining confidentiality.

6 So, as I read that on the discipline side, evidence
7 of deviant behavior of a sexual natured, promiscuity and
8 pregnancy obviously implies some action, right? Whereas
9 homosexuality only implies an orientation.

10 MS. GREEN: I don't know that we can make the
11 assumption that that's how they intend the language to be read
12 because that actually wasn't how I read that language.

13 MR. GALLAGHER: So you read it as it could be
14 inclusive of acts?

15 MS. GREEN: Behavior. I--yes. I was seeing that as
16 an action piece, not an identification piece, and, I mean,
17 that's just--that's how I--because they're talking about
18 behavior.

19 MS. CAMP: [via telephone] Is this--I'm sorry. I
20 lost you all for a second. Is this the Woodstream in Prince
21 George's County?

22 MR. GALLAGHER: Yeah. Woodstream Christian Academy.
23 I don't know if it's in Prince George's County or not.

24 MS. KEARNS: Mitchellville?

25 MR. GALLAGHER: Mitchellville. Yep, it is.

1 MS. CAMP: [via telephone] Yes, yes. Yeah, I'm
2 very familiar with the--yes.

3 MS. GREEN: I don't draw a--I don't actually see the
4 distinction between the language that Bethel Christian Academy
5 uses and what Woodstream Christian Academy uses, and so to me,
6 I guess I agree with putting them in the same category saying
7 the language sounds problematic. They're saying we don't
8 discriminate in our admission piece, and we're looking at
9 behavioral expectations that have to do with sexual behavior.
10 And that--perhaps Bethel Christian Academy was a little more
11 eloquent than what they wrote. That's my--looking at it,
12 that's where I see it.

13 Whereas the middle one Broadforwarding, they say--I
14 mean, they come straight out and say, "We will discriminate."

15 MR. GALLAGHER: Okay.

16 MS. SANDBOWER HARBINSON: [via telephone] I see
17 what you're saying, Elizabeth. I'm also--I guess my question
18 came up more around the very specific--you're going to be
19 expelled if you're this, this, or this. So I guess it was the
20 action associated with the identification that concerned me in
21 Scenario C.

22 MR. GALLAGHER: I mean--

23 MS. CAMP: [via telephone] I can tell you this
24 about the school, that I'm--I'm very familiar with the school.
25 They're a very conservative school, and behavior, whether it

1 was heterosexual or homosexual, will be grounds for expulsion.
2 So I too don't think it has to do with the orientation. It is
3 any act. I mean, the school is very, very conservative.

4 MS. SANDBOWER HARBINSON: [via telephone] I
5 appreciate that.

6 MS. CAMP: [via telephone] I mean the church is
7 there. So I don't think they make the distinction. If
8 someone did an act and it was--it wouldn't matter if it was
9 homosexual or heterosexual is what I'm saying.

10 MS. SANDBOWER HARBINSON: [via telephone] Got it.

11 MS. CAMP: [via telephone] They would have a
12 problem with it. I don't think that--

13 MR. GALLAGHER: I mean, it's a helpful perspective,
14 but I have--I have a difficult time relying on that just as
15 the basis for a decision.

16 MS. GREEN: I think that I--

17 DR. SANDERS: [via telephone] That's what I
18 meant--You know, you wind up going down the road, having
19 visitations and such time as [unclear].

20 MS. CAMP: [via telephone] Is there a way to have
21 them be able to clarify that or no?

22 MS. KAMEEN: We can always ask more questions.

23 MS. GREEN: And I think that that may be the thing,
24 is to ask for a clarification on that piece. If you have a
25 person who identifies as homosexual in your school, but there

1 is no evidence of any engaging in sexual activity, would you
2 expel that child? Would you discipline that child? Because
3 that's what we're talking about.

4 I think that there are some things that people feel
5 the need to say, which grates other people tremendously, and
6 it seems to me that in some of these schools, they feel the
7 need to single this out, even though, you know, the idea is
8 any idea is problematic. But that includes that, you know--so
9 that I think that's the question, is--

10 MS. SANDBOWER HARBINSON: [via telephone] I totally
11 agree.

12 MS. CAMP: [via telephone] And if they're not
13 willing to change, as I said--and I understand that, but
14 I--like I said, I don't attend the church, but I've been
15 there. It would be both. So I think that they could correct
16 it in their manual or clarify it in their manual, and I'm very
17 familiar with the school as well, so I don't necessarily agree
18 with some of the things, their policies, but I don't think in
19 this case they're making a distinction.

20 MR. GALLAGHER: I'm find seeking additional
21 information, but we can't really afford everybody an
22 opportunity to kind of change language on the fly.

23 I am very uncomfortable like considering them
24 eligible right now based on this information because of, you
25 know, describing homosexuality is deviant. I mean, I can't

1 get past that, and I think it runs afoul of the intent and the
2 direction that we've gotten from the general assembly in terms
3 of nondiscrimination.

4 And it's not--you know, those are just some of the
5 words I have a problem with, "evidence of deviant behavior of
6 a sexual nature." You know, you have "behavior," but then you
7 have "nature," you know--

8 MS. GREEN: But I'm thinking--and I'm not--and I
9 certainly am not trying to defend this language, but I'm
10 trying to look at the actual language. The definition of
11 deviant means bearing from some norm.

12 DR. SANDERS: [via telephone] Of a norm.

13 MS. GREEN: And so deviant--from a norm. And
14 deviant can be--if your norm is--has to do with dress,
15 dressing in a different manner is deviant. It doesn't--that
16 word, we add a--

17 MS. KAMEEN: Pejorative.

18 MS. GREEN: Yeah, a pejorative interpretation to it,
19 and I get that it offends--it's offensive language. I'm not
20 disagreeing with that, but I think that we need to be very
21 careful about understanding that we're bringing that
22 pejorative interpretation to it. And if in fact they are
23 saying any behavior of any sort of sexual nature is deviant,
24 that they go on to give some examples. I don't--I don't think
25 that when they say pregnancy, they're trying--it's a

1 gender-specific issue, except that that's the only way it
2 happens.

3 So I don't--I think that they're just using a few
4 examples. Again, I think that it's offensive language. I'm
5 not trying to defend that.

6 DR. SANDERS: [via telephone] Right.

7 MS. GREEN: But I don't think that we--I am in favor
8 of asking just that very question of is it the actions or is
9 it the identification because if it's the identification,
10 absolutely I agree they should be excluded.

11 DR. SANDERS: [via telephone] via telephone] And
12 I'd wonder about some of the items. What would you consider
13 hand-holding? If you have a norm for hand-holding in the boys
14 and the girls, what about if a gay couple were holding hands?
15 Would that be tolerated? And I think, you know, we could
16 bring up a whole lot of questions by the way that's written,
17 and just behavior that is harmless. I mean, I don't think the
18 public schools--sexual acts going on in the school, but there
19 are far less--acts of far less degree, which are innocent but
20 actually that we could see children being discriminated
21 against.

22 MS. CAMP: [via telephone] So can I ask a question?
23 Because I think this kind of begs the question for me. I know
24 that we can't--that the school can't discriminate based on
25 certain discrete categories. I understand that. Once they

1 are there and they have behavior, if that behavior is
2 unacceptable across the board to all students, do we take a
3 peek at that? Is that our place, or do we just make sure that
4 they--whatever they do, no matter how wrong it may seem that
5 they do it equally across the board? And it's not a comment.
6 It really is a question, so I can understand data.

7 MR. GALLAGHER: I think the answer is--is that we
8 evaluate the handbook and eligibility of the school, and if
9 they're determined to be eligible, they're in the program, and
10 if at some point in the future, we become aware of a complaint
11 or an issue that's inconsistent with the assurances, then we
12 revisit it.

13 MS. KAMEEN: Right. There is a new provision in the
14 budget bill this year that says that the schools need to
15 report the number of students who receive BOOST scholarships
16 who withdrew or were expelled and the reasons for this they
17 withdrew or were expelled, dot-dot-dot. So there will be some
18 explanation of expulsions. Now--and then what you do with it
19 is up to you.

20 MR. GALLAGHER: Okay. So I think at this point, as
21 it relates to Woodstream, we don't have a consensus other than
22 we need additional information as it relates to Woodstream,
23 and, I mean, I do not agree with the recommendation on
24 Woodstream.

25 And I will just say I will have an extraordinarily

1 high bar as it relates to my vote on this. I don't think that
2 this is a close call as it exists right now, but if it's
3 helpful for the decision-making process to probe further, you
4 know, deviant behavior, sexual nature, and, you know, what
5 constitutes--is it an attitude? Is it a belief? Is it a
6 declaration? Is it hand-holding? And if they want to come
7 back and explain, you know, what that means and how this is
8 applied, we can consider that information, I guess.

9 Does anybody want to add anything to that?

10 DR. SANDERS: [via telephone] No. I think you're
11 expressing much more clearly than [unclear].

12 If I can just go off a little bit for the fact that
13 it reminds me a little bit of the situation in the [unclear]
14 here where you had colleges accepting minority students and
15 getting the federal funding along with that, pretty much
16 knowing full well those students wouldn't matriculate. So by
17 the end of the year, there's this great wash-out, but every
18 year they get a new federal stream coming in, and in essence,
19 the college wasn't [unclear] much because the students would
20 come in, but they weren't going to come out. And there was no
21 real pressure initially until people started becoming aware
22 that the college had to begin making some accommodations, what
23 are you doing to ensure the students are going to have a real
24 opportunity to succeed, blah-blah-blah. So I see some
25 parallel between that and this as it is.

1 MS. EBERHART: I guess my concern, when you mention
2 behavior versus orientation, you know, orientation is I think
3 what we're talking about. And even if they use the word
4 "behavior," is it orientation?

5 MS. GREEN: I think that's--it is a real question.
6 I can tell you, because I only know one system truly, in a
7 Jewish day school, behavior is the issue. It's not
8 orientation. You may not be comfortable because you don't
9 have peers. That's a different issue, but if a student
10 is--wants to be in the school and is comfortable in the school
11 and is fine in the school, behavior is the focus, and so--and
12 I can't tell you what the Christian academies are doing.

13 And certainly, I think that you would be hard
14 pressed to find a Jewish day school in the nation that
15 is--that has specified homosexuality as the issue because
16 that's not the issue. It's behavior across the board.

17 So that's where I'm coming from in, and that I have
18 this belief set that says there are schools that would say
19 we're only looking at actual engaging in behavior that is
20 problematic to our belief system, not an orientation. But I
21 could--I am--I could definitely be wrong, and there are many
22 schools that have said, "That's not what we're focusing on.
23 We are focusing on orientation, and we're going to withdraw
24 from the program." And that's their right.

25 So I think that we need to look because I do believe

1 this is an on-the-line question. If I looked at Bethel
2 Academy at first, I said, "Oh, clearly, they're out," but
3 their explanation was different. So that's where I'm coming
4 from, and that's my knowledge base bringing it into here, and
5 that, again, this term "deviant," while it's a problematic
6 term, we bring some of that problem to the definition.

7 MS. EBERHART: Well, and I'm pleased that we're at
8 least looking beyond the admission that we now have in Liz's
9 terms, you know, tried to define this, that you don't have to
10 change what your religious line would be. But we are looking
11 at--it's more than just getting through the door. It is then
12 what are you doing during this time period, and that is just
13 equal to just not getting through the door. So I think we've
14 moved to that point, and now it's the clarification of, you
15 know, that. And that's going to be another hurdle to--but we
16 might just--as we're doing this, it becomes very clear. I
17 think in a consensus of all of us where we are with
18 orientation that it's not just getting through the door. It
19 is this belief of if this is who you are, then, you know, no,
20 this isn't--you know, we're not putting money into this
21 program because it's public money in a private school,
22 so--but, you know--so it's that. I think if we could at least
23 confirm that we have moved to that piece, so that we don't
24 then have to revisit this discussion, if we all believe that,
25 that it's just not the getting through the door, but through

1 the time that you're there, orientation is not going to be the
2 factor. It is your behaviors that are the significant piece.

3 I don't know if other people feel that. Skipp, do
4 you agree with that or--

5 DR. SANDERS: [via telephone] I [unclear]
6 because--and I guess this goes back to the simple thing as the
7 hand-holding. I mean, if they discipline any hand-holding,
8 then I have no argument, but I doubt that that may be the case
9 in many of these instances. So if the behavior straight
10 across the board is consistent, then [unclear] that's one
11 thing, you know, but I just personally have my doubt that
12 that's really what they would do.

13 MS. EBERHART: I mean, so if a boy and a girl held
14 hands at 6 years old, you know, are they going to, you know,
15 expel them?

16 DR. SANDERS: [via telephone] Right.

17 MR. GALLAGHER: I mean, we can go crazy on the
18 scenarios, and, you know, I think we agree on this one that it
19 needs additional information before--

20 DR. SANDERS: [via telephone] Yes.

21 MR. GALLAGHER: --we can fully consider it, and I
22 think, you know, what Liz said about, you know, it's not just
23 the admissions decision, like that that would be kind of--I
24 think the word you used was "sham," and, you know, I very much
25 agree with that. Okay.

1 Is there any--does anybody disagree with the
2 recommendation on Broadforwarding Christian?

3 DR. SANDERS: [via telephone] Well, I guess I was
4 uneasy with them all, to be honest with you. I just happen to
5 be--

6 MR. GALLAGHER: You were under the what? I'm sorry?

7 MS. KAMEEN: Uneasy, he said. Uneasy with them all.

8 MR. GALLAGHER: With them all--oh, Okay.

9 MS. EBERHART: I agree. If we were voting, I don't
10 think any of them have shown that they're in compliance with
11 what the language supports.

12 DR. SANDERS: [via telephone] Yeah. I just thought
13 there was some great judgment hair-splitting there.

14 MS. KAMEEN: That's my specialty, Skipp.

15 [Laughter.]

16 MS. SANDBOWER HARBINSON: [via telephone] And I
17 agree. I'm uneasy with them all as well, yet I again feel a
18 little bit conflicted and perhaps want to defer to Liz and
19 Alan's recommendations in this memo, but I'm uneasy with it as
20 well.

21 MR. GALLAGHER: I mean, I don't think the burden
22 should be on the Board. I mean, I think, you know, you're
23 either not discriminating or you're leaving the door open to
24 discriminating. And I think all three cases, you're very much
25 leaving a door open to discriminating.

1 DR. SANDERS: [via telephone] Yep.

2 MS. KAMEEN: And, again, I would just advise that
3 the statute puts that--the tension on the table because you do
4 not have to change your religious beliefs, any policy that you
5 have, and it's just the spillover between admissions and what
6 happens to the student when they get into the school and how
7 they're dealt with. And it's not--if this--if this
8 discrimination clause were, for example, we pointed out, as
9 broad as Title 6 or Title 9 or that covers every--every aspect
10 of how a school or any--you know, any business needs to
11 operate in this country, then that would be one thing. But
12 it's really--so I'm just saying you're on a line that most
13 discrimination decisions don't necessarily have to consider.

14 MR. GALLAGHER: I guess--look, I think it's--the
15 advice memo is great, and I think you've explored these issues
16 very effectively. I have really tried to limit, you know, my
17 perspective to the actual handbook language, and I think that
18 in all three cases, it's very problematic.

19 And in the--in the Bethel example, you know, Bethel
20 Christian Academy supports the biblical view of marriage
21 defined as a covenant between one man and one woman and that
22 God immutably bestows gender upon each person at birth as male
23 or female to reflect his image.

24 And then here's where it becomes problematic:
25 Therefore, faculty, staff, and students conduct is expected to

1 align with this view. Faculty, staff, and students are
2 required to identify with, dress in accordance with, and use
3 the facilities associated with their biological gender.

4 And, you know, without going too far in terms of
5 scenarios, you know, a person who identifies as a different
6 orientation from their birth, that language affords them the
7 opportunity to discriminate. It could be as--it could be as
8 early as a declaration. It could be as late as an act, you
9 know, and--

10 DR. SANDERS: [via telephone] Yep.

11 MS. GREEN: But I think this is where we're really
12 straddling this line, which is really not an easy line to
13 straddle. That is, is the intent to--at what point are we
14 excluding a certain category of religious institution, period,
15 no matter what, no matter how they try to abide by the rules,
16 because we're projecting certain things?

17 I mean, I don't--I'm just not--I'm not sure where
18 that line is, and I think that that's what, you know, we're
19 trying to straddle and try to figure out.

20 MR. GALLAGHER: I don't want to straddle anything.
21 I want to--you know, to be honest with you, I don't want any
22 schools to discriminate, and in terms of--this isn't--this
23 isn't a right. You know, this is an opportunity for these
24 schools to participate, and the requirement is you don't
25 discriminate. And if you discriminate or if your policies

1 afford you the opportunity to discriminate, then they have the
2 right to do that, but they don't necessarily think it's to be
3 in the BOOST program.

4 And I just think in terms of like the--you know,
5 when you look at the universe of schools that we've kind of
6 gone through and that we've accommodated and the ones that
7 we're--that we've gone back on and that we've found to be in
8 compliance and the opportunities that we've provided to
9 provide the handbooks, we're down to these three. And I think
10 that when you look at the language of these three, that the
11 best view of it would be we need to get some clarification on
12 how that's applied and when it kicks in because I think all of
13 the language is extraordinarily problematic and leaves the
14 door wide open to discrimination.

15 And, again, just getting back to this program, which
16 is, what, \$8 million now and thousands of kids have
17 scholarships, you know, I don't think the burden is on this
18 Board to figure out, oh, how do we qualify this score? How do
19 we show that we're being kind of, you know, reading their
20 handbooks in the best light?

21 I think the burden and duty is on the school to say,
22 "We don't discriminate," you know, and we shouldn't have to
23 like be straddling anything.

24 DR. SANDERS: [via telephone] I agree.

25 MR. GALLAGHER: So that's my view.

1 DR. SANDERS: [via telephone] I totally agree.

2 MR. GALLAGHER: So I put--I put Bethel in the
3 Woodstream category that we can request additional
4 information, but based on what I have in front of you right
5 now, I would not vote to put them into the program.

6 DR. SANDERS: [via telephone] What would be their
7 response to a transgender application?

8 MR. GALLAGHER: I mean, I think that they would say
9 that it wouldn't be considered in admissions because they
10 probably don't ask that question, but then if you had a
11 transgender declaration on the first day of school, does that
12 initiate disciplinary action, you know?

13 MS. KAMEEN: That's always the question. It's
14 whether the disciplinary action is based on your orientation
15 as opposed to some conduct that is disruptive in the school,
16 and that is a line. I mean, that's--

17 DR. SANDERS: [via telephone] Yeah.

18 MS. KAMEEN: You know, and the whole issue of
19 transgender students is--is not settled in terms of, you know,
20 what--I mean, we have court cases going on all over in terms
21 of whether you need to--you know, if you should be using the
22 bathroom and the locker room, and so it's--

23 MR. GALLAGHER: Well, this is tricky stuff. There's
24 no question about it.

25 MS. KAMEEN: Very hard.

1 MR. GALLAGHER: But, you know, it's not back on us
2 to kind of consort and figure this out. It's on them to show
3 that they want to be in the program, that they are going to
4 meet the requirements, and that they're not going to
5 discriminate.

6 DR. SANDERS: [via telephone] Yep.

7 MR. GALLAGHER: And I just think--

8 DR. SANDERS: [via telephone] [Unclear.]

9 MR. GALLAGHER: --in terms of the whole program and
10 the vulnerability and the exposure to thousands of students
11 who are dependent on the scholarship program, you know, I
12 think it's a huge risk to hang this Board's hat on like
13 approving language like this as acceptable.

14 I think, you know, we got to go back, ask them for
15 additional information and clarification and express to them
16 that there are grave misgivings among some members of the
17 board as to, you know, what they've got in their handbooks
18 right now.

19 DR. SANDERS: [via telephone] Yep.

20 MS. GREEN: Matt, in listening to you, I'm
21 comfortable actually with what you're saying, taking it from a
22 different perspective from the one that I've been looking at.
23 And I'm actually troubled by the fact that they have an
24 opportunity to be here today and they know that they're still
25 being considered, and we've, you know, been moving the meeting

1 around--

2 MR. GALLAGHER: Yeah.

3 MS. GREEN: --to try to accommodate that. And if
4 it's--so I'm--

5 MS. EBERHART: If you're happy, can we just vote not
6 to include them today?

7 MS. GREEN: I'm actually--I'm--again, listening to
8 what you're saying, Matt, I'm comfortable looking at this
9 language and saying that it's all fairly similar and to not
10 include them.

11 MS. KEARNS: And just to pipe--the principal from
12 Bethel Christian emailed me and said she wouldn't be able to
13 be at the meeting after all, so--

14 MR. GALLAGHER: Okay. So was that a no or is that
15 a--

16 MS. KAMEEN: But are you saying no today, but we're
17 asking you additional questions, or are you saying no?

18 MR. GALLAGHER: I'm a no today for all three. If
19 there are Board Members who want additional information on 1
20 and 3, I would be willing to request the additional
21 information for 1 and 3 and defer action of the Board.

22 If there are Board Members who want to afford 1 and
23 3 that opportunity, kind of in keeping with our effort to be
24 inclusive and accommodating and, you know, afford everybody as
25 many opportunities as possible to kind of participate, but

1 that's--you know, I think it's problematic. You know, we
2 haven't allowed people to change their handbook language.

3 I think that the best they would come back and do
4 would be to say it's the act. It's not the intent, but--

5 MS. GREEN: I have a--I'm just sort of thinking,
6 again, thinking some of this through a little bit more and
7 trying to understand it. These schools are not single-gender
8 schools.

9 MS. KAMEEN: Not to my knowledge.

10 MS. GREEN: If you had a school that was a single-
11 gender school and a student who was transgender is applying--

12 MS. KAMEEN: Oh, my heavens.

13 MS. GREEN: --is that considered--what is that?

14 MS. KAMEEN: I have never thought about that.

15 MS. GREEN: I mean, I'm just sort of thinking that
16 through. If we're saying that there's a bright line, can
17 there ever be a bright line on some of this? And--because
18 that's a little bit of what they're--what Bethel Academy is
19 getting into, is, you know, with going to specific bathrooms,
20 et cetera, but I'm prepared to go with the consensus of the
21 Board.

22 MS. KAMEEN: Which is?

23 MS. GREEN: I mean, I don't know.

24 MR. GALLAGHER: My preference is no on all three.

25 DR. SANDERS: [via telephone] [Unclear.]

1 MS. EBERHART: I agree.

2 MR. GALLAGHER: That's three. Liz? Marva?

3 MS. CAMP: [via telephone] Yes. I'm struggling
4 just because I'm struggling.

5 I would prefer to ask the additional information on
6 1 and 3, even though--and I do agree with you that it's the
7 answer and not the ability to change it, and that going
8 forward, if they want to change it, then I guess they can
9 reapply. But I would at least like to know that we are
10 denying it based on--on the--who the person is as opposed to
11 the behavior of the person, I guess, even though I'm
12 struggling and I know I'm being provoked, but--

13 MR. GALLAGHER: No.

14 MS. CAMP: [via telephone] --because I don't agree
15 even with the policies that they have. But I just am not
16 convinced we can look at that path, it being
17 nondiscriminatory, so--

18 MR. GALLAGHER: Liz, you got anything to add?

19 MS. KEARNS: Beth.

20 MR. GALLAGHER: I'm sorry. Beth. I'm sorry. I'm
21 all confused. Beth?

22 MS. SANDBOWER HARBINSON: [via telephone] I do not.

23 MR. GALLAGHER: Marva, I know that you're relatively
24 new to the Board, and I would just--just so you know, we've
25 had unanimous votes on every single item that we've had over

1 the last 2 years.

2 MS. CAMP: [via telephone] Uh-huh.

3 MR. GALLAGHER: And I think that that's really
4 spoken to how closely we've really tried to work together and
5 kind of get to a point where we're trying to make this program
6 as unassailable as possible and the decisions.

7 MS. CAMP: [via telephone] Mm-hmm.

8 MR. GALLAGHER: So I am agreeable to requesting
9 additional information so that we have the maximum amount of
10 information to make the decision in hopes that we could
11 potentially still preserve our record of, you know, complete
12 consensus on all these decisions.

13 So unless anybody objects, I suggest we request
14 additional information from 1 and 3 and that we act after we
15 have that information.

16 Linda, are you okay with that?

17 MS. EBERHART: [Nodding head up and down.]

18 MR. GALLAGHER: Okay. All right. Any other
19 questions on that?

20 [No response.]

21 MR. GALLAGHER: Okay. So we've got the BOOST budget
22 bill for 2018-2019.

23 MS. KEARNS: So Liz and Alan and I will work on
24 something for the Board's review as far as what that request
25 looks like. Is that--

1 MS. KAMEEN: Mm-hmm.

2 MR. GALLAGHER: Yeah.

3 MS. KEARNS: Okay. Should we talk about the things
4 that are new?

5 MR. GALLAGHER: Yeah. Just maybe a quick summary of
6 the new provisions.

7 MS. KEARNS: Mm-hmm. Okay. So does everyone have
8 Senate Bill 185 in front of them? Mm-hmm. And it starts with
9 page 144 as far as the BOOST language, and the--the Conference
10 Committee and subsequently both chambers just struck all of
11 the prior language and inserted new language, so it all looks
12 new, but some of it actually is repeated from prior years.

13 So page 144 is not new.

14 Page 145 at the top, letter C, that is big change
15 for 2018-2019, and it's talking about what the schools need to
16 do in terms of reporting certain assessment scores. And so I
17 am working with a different group here within MSDE who is
18 handling gathering the information from the schools on that.

19 So we've written the assurances for 2018-2019 for
20 Liz and Alan's review and approval. That has happened. We
21 will be getting the schools' approval with an electronic
22 assurance this month in May. So the schools have been told
23 what they have to do on this requirement and the others
24 because this is a--this is a change from what it was before.
25 There are certain tests that they have to agree to use rather

1 than just telling us which types of tests they use for certain
2 grades and certain subjects.

3 MS. GREEN: And I just--I actually looked back at
4 all 3 years of the law, and what's interesting is in year one,
5 there wasn't the breakdown of what years the testing needed to
6 be given in. Then in year two, that was added but not the
7 norm reference. And then in year three, there is the
8 definition of what tests, and the key to that, in my opinion,
9 is they all cost money to the school. And they cost money to
10 the school in every year for 6--7 years for math and English
11 and then 3 years that they have to do it for the science.

12 I just sort of want to bring it up. This is the
13 language, but bring it up that I think that there may be
14 schools, and maybe we just have to watch for it. They're
15 going to have to drop out of the program because if you're
16 getting \$1,400--one \$1,400 or one \$4,400 student and you now
17 need to give, you know, 200 students a test, you know, each
18 year that costs \$30 even per student, it no longer becomes
19 cost effective for the school. And I'm not sure that that is
20 really the intent, and I'm not sure that this actually gets
21 to--gets us further toward the goal of helping improve these
22 children's lives, which is really what the goal is.

23 So I just--it's the language, but I think that it
24 may be very expensive for the schools to comply, and there's
25 no money that's coming to the school to do that.

1 MS. EBERHART: The goal was to improve students'
2 lives, but the only way we know if that's happening is some
3 true accountability that's consistent, so this is moving
4 closer to what the frustration I've had and MSDE with all the
5 different tests and everything, that, you know, if we're using
6 assessments as one of those measures--

7 MS. GREEN: I believe in assessments. I'm not
8 disagreeing with that. I'm just looking at the reality, and
9 it's only one aspect of their lives. It's not looking at
10 whether, you know, all the other pieces of their lives that
11 may be improving, and we can't look at those. We can't
12 measure that. But I don't know that every year from third
13 through eighth grade is necessary in order to get to the goal
14 of a standard idea of--so that if it's three times in
15 elementary or twice in elementary or something like that, you
16 might be able to get to the same goal of having a way of
17 looking and creating a norm. I just think that to keep in
18 mind that the financial burden may be such that we're going to
19 lose schools.

20 MS. EBERHART: And are you going to be just not
21 giving them these assurances, but doing your meeting like you
22 did last spring, where you could talk to them and call them in
23 to go through it and give them that opportunity?

24 MS. KEARNS: We did a meeting on Tuesday--

25 MS. EBERHART: Oh, okay.

1 MS. KEARNS: --as part of Debbie's work group, so
2 it's--and they're always welcome to reach out to us with
3 questions.

4 MS. EBERHART: Did you get much pushback on this
5 provision?

6 MS. KEARNS: Not at that meeting. It was a meeting
7 with a very large agenda, so this was part of it, but we had
8 the two meetings last year just specifically dedicated to
9 BOOST assurances, and it didn't seem that we needed to do that
10 again this year. It seems fine to have it within the context
11 of another meeting because, honestly, it's just kind of taking
12 them through what's on the pages.

13 We're not--MSDE is not in any kind of position to
14 debate or discuss whether these are good ideas. We're just
15 informing the schools so what we need to do to carry out the
16 law, and so that's--it's a pretty compact part of the agenda.

17 MS. EBERHART: Mm-hmm.

18 MS. SANDBOWER HARBINSON: [via telephone] As part
19 of my concern, Monica, to your point, this is--it's the law,
20 like it or not. It's irrelevant, but I really agree with
21 Elizabeth's message about this, and I do think that I would
22 like us to consider continuing this conversation perhaps even
23 after today, given the time, so that when we respond to report
24 next year, we talk about this in the context of undue burden
25 to the school because--I had a conversation with my program

1 administrator about the test, and she said for the larger
2 schools and schools that fall under an umbrella, such as
3 schools that are within the archdiocese, there's a large
4 organization that can be behind this kind of a regulation to
5 say, "Okay, great. this is what we're going to do for this
6 many schools."

7 And the smaller schools with tiny administration and
8 tiny budgets, this potentially becomes different for them.

9 And the third point I want to make is that as it
10 relates to school choice, there are certainly a number of
11 parents--I don't know how many--who send their children to
12 nonpublic school because of issues like test anxiety or the
13 fact that they feel that assessments are over-focused upon in
14 the public school system. So I think there are lots of issues
15 that I would like to have continued conversations around, but
16 particularly around the burdens that they might--this might
17 place on the school, both financially and from an
18 administrative perspective moving ahead. And, you know, I
19 will continue--we will continue to look at any feedback that
20 we hear about related to that.

21 DR. SANDERS: [via telephone] I understand Liz and
22 Beth's points very well. I think that maybe for future
23 discussions that there could be a way that we could talk about
24 some sort of meeting point where you have [unclear] without
25 testing every year. You know, for that, I can definitely see

1 the size of that burden and even recommending some sort of
2 funding inclusion in it more or some testing, whatever that
3 reasonable amount of testing may be decided to be.

4 MS. SANDBOWER HARBINSON: [via telephone] I love
5 that idea, Skipp.

6 That levels the playing field too for, again--

7 DR. SANDERS: [via telephone] Mm-hmm.

8 MS. SANDBOWER HARBINSON: [via telephone] [unclear]
9 part of a larger group where, just like anything else, if I'm
10 buying 500 tests, the cost of that test is much different than
11 if I'm buying 50.

12 DR. SANDERS: [via telephone] Yes.

13 MR. GALLAGHER: Okay.

14 MS. KEARNS: Okay?

15 MR. GALLAGHER: Anything else on that?

16 [No response.]

17 MR. GALLAGHER: Okay. What else we got new?

18 MS. KEARNS: Okay. So then page 145, letter D,
19 starts the nondiscrimination requirements, and that is the
20 same.

21 So now I'm on page 146, and No. 2 is the same.
22 That's just eligibility for free and reduced meals. It
23 determines whether families qualify for scholarships, and then
24 let's see. The next new part is on page 147, No. 6, and this
25 is where it says that the Board shall take into account the

1 special needs of students with disabilities when determining
2 scholarship award amounts.

3 So we do have a question on the application that
4 asks parents whether the student--here's the language of it.
5 Is the student eligible for an individualized education
6 program, a 504 plan, or an individual services plan? So we
7 are gathering that information as part of the application
8 process. So when we start reporting to you soon about the
9 different categories of applicants, that will be part of it.

10 MS. GREEN: Monica, [unclear] is that--did you get
11 guidance from the Attorney General in defining that? Only
12 because a lot of kids in the private school system have
13 testing, but they don't have IAPs. They don't--haven't done
14 it through--

15 MS. KEARNS: Right. It took me a minute, but I did
16 use Alan and Liz's language that is in the parent assurance
17 that we used last year and have used again now for 2018-2019,
18 but then I spoke with Marcella Franczkowski, who leads our
19 Special Education Division here, and this is what we settled
20 on. So the individual services plan is for the students.
21 That's the--that's recognized under the IDEA legislation, the
22 federal law, and that's the pathway and the vehicle for
23 students who are in the private schools who receive those
24 services.

25 So that--so I guess the answer is yes, I did confer

1 with people, but if it needs to be further explored, I can
2 do--

3 MS. GREEN: I don't know that it needs it. I'm
4 just--I'm just thinking about the practical of kids that--if
5 the school accommodates with having some private testing and
6 then--like I don't know what the intent was, and we're back to
7 language gets thrown in here, and there's not a whole lot
8 behind it to help us. But is the goal to lessen the burden
9 for our family that is paying for a shadow? Well, if they're
10 paying for a shadow because the school requires it, but they
11 don't have a--you know, a mandate for it, is that--I think
12 they don't qualify under this explanation if they're--if the
13 goal is to lessen the burden on families that couldn't afford
14 tutoring or--then--and, again, it's not intended to be
15 critical. It's just to understand, you know, whether we're
16 missing some people in that definition and who should have
17 been caught up.

18 MS. EBERHART: It's an--I would like to know more
19 about this individual service plan. So, in a private school,
20 is this something that a parent--it's language that they would
21 know?

22 MS. GREEN: It is not--I will tell you I have
23 children who have had testing. They--I do not know this
24 language at all. We got testing done. We handed it to the
25 school. They did whatever they did with it, and then we

1 worked with them to create whatever we could create. But I've
2 never heard the term.

3 MS. KEARNS: So if you look--I'm sorry. I'm just
4 going to point you, just so you have some words in front of
5 your eyes, there's a handout that says at the top "BOOST
6 Scholarship 2018-2019 Application Summary." And that has
7 three tables on it, and the lowest table is just showing a
8 breakout of the application status and then the parent
9 response to the question that we put.

10 So you'll see at the top heading of the table is the
11 question that's on the application. So for students with
12 disabilities, colon, is the student eligible for one of those
13 things, so--okay. So--

14 MS. KAMEEN: Alan and I are just talking, and I know
15 that we've looked at this question. You're right. An
16 "individual service plan" might not be a term that a parent
17 would know, but let's talk about this with Monica--

18 MS. KEARNS: Sure.

19 MS. KAMEEN: --because it's how do you identify who
20 are the kids.

21 MS. KEARNS: And I have no idea. I'm just--

22 MS. KAMEEN: Right. Yeah. And you're saying there
23 may be children who are in nonpublic schools who have special
24 needs, but there's no formal plan. There's no formal--like in
25 public schools, there are formal plans.

1 MS. GREEN: And maybe the answer is that there just
2 are going to need to be, and that's an okay answer if that's
3 what it is, but--

4 MS. KAMEEN: So you--Alan can describe it.

5 MR. DUNKLOW: An individual service plan is--as you
6 mentioned with your conversation with Marcella--is sort of the
7 vehicle through which a privately placed student doesn't have
8 an IAP, but they may have some services, right? Because as we
9 also know in the application, that you don't have the same
10 entitlements to the free appropriate public education that
11 public school would make available. And so it's sort of an
12 imperfect comparison of an IAP versus an ISP, in a public
13 versus a private setting, but I think the goal was to create
14 categories that have some definition because that means that
15 they're getting some services currently according to some plan
16 that the school that they're in has created, whatever that may
17 be called, versus sort of special needs may be very broad and
18 very informal, and so in terms of reporting it, it was trying
19 to create categories that would be known.

20 MS. GREEN: And in getting an individual services
21 plan, I know that students that are in nonpublic school can
22 sometimes go to the public school in their area--

23 MS. KAMEEN: And that's what that is.

24 MS. GREEN: --and get testing.

25 MR. DUNKLOW: And--yeah. So there's a whole section

1 of IDA about private placements and like consultation with the
2 public schools and stuff like that, so that can get
3 complicated.

4 MS. GREEN: And that's what--is that what this is,
5 the taking your child who is in a nonpublic school to the
6 public school for evaluation, testing, or whatever you want to
7 call it, that the individual services plan is what comes out
8 of that?

9 MR. DUNKLOW: Oh, I don't know if the evaluations
10 have--at the public school system or where they happen, but
11 that--it's through that consultation process that they're
12 accessing some proportion of share of services.

13 MS. GREEN: Okay. So it doesn't require where
14 I'm--what I'm concerned about is private testing is extremely
15 expensive and generally not covered or very--very minimally
16 covered by insurance. So if you have a family that is low
17 income that has a child who has some level of learning
18 difference or special need or disability, whatever we want to
19 define, are they going to be able to access without paying for
20 it out of pocket, something that will give them this that
21 could then qualify them as a student with a disability?
22 That's--

23 MR. DUNKLOW: Yeah. I don't know, I mean, if this
24 was just to create some new workable categories to identify
25 within the pool.

1 MS. GREEN: Yeah.

2 MS. KEARNS: And Marcella, our Special Education
3 Division lead, just agreed that this is another--

4 MS. GREEN: Those are definitions.

5 MS. KEARNS: --example where this is going to be
6 tricky, and it may evolve, I'm anticipating, because in some
7 cases, the language refers to special needs. In some cases,
8 it refers to students with disabilities, and I think there's
9 even a third version later when it mentions the money of how
10 it refers to these students.

11 So it was not a clear-cut directive. So, just so
12 you know--but we're here, and we'll keep working on it as we
13 need to.

14 MS. GREEN: That's fine. I'm just looking at it and
15 bringing in that perspective.

16 MS. EBERHART: And I would like more--when we get to
17 this point of trying to figure this out, I mean, I understand
18 IAPs and 504 plans, but maybe not everyone even on the BOOST
19 Board. So if we could then have some information about
20 all--how it's handled in public school and private school and
21 all the different levels because, as I, you know, thought
22 about this piece of it, oh, this can get very in depth of
23 awarding--is it going to be based on their level of need, a
24 third additional scholarship, or whatever? So there could be
25 much more. So if at some time in the future, if we could just

1 first all ground ourself in what's existing out there, that
2 would be helpful.

3 DR. SANDERS: [via telephone] Mm-hmm.

4 MS. KEARNS: Okay. So we're on page 147. That was
5 No. 6.

6 And the next new piece is on page 148. They do
7 start specifying when they want cutoffs for awards to be made.
8 So the Board made decisions at its February 21st meeting and
9 gave MSDE directions to do some awarding of available funds,
10 so I did carry those out. So I--that's the March 1 deadline
11 that they brought in here, but I did carry out your directives
12 from the February 21st meeting.

13 And then on page 149, they do not want any new
14 awards to be made after January 15, 2019. So that is a
15 different approach than what the Board has taken in year one
16 and year two to try and continue going down the eligible list
17 to award the funds, so we'll have to plan for that.

18 And then on page 149, starting on row--line 12,
19 there's a requirement that the Board needs to make
20 recommendations to the budget committees about encouraging
21 nonpublic schools to admit students with special needs who
22 receive the BOOST scholarships. That's due December 1.

23 And on line 22, \$600,000 of the available funds
24 shall be used only for awards for students with special needs
25 and--

1 MR. GALLAGHER: So further--

2 MS. KEARNS: Mm-hmm.

3 MR. GALLAGHER: What are higher--meaning like value,
4 higher scholarship awards?

5 MS. KEARNS: That's how I read it.

6 MS. GREEN: Yeah.

7 MS. KEARNS: Liz and Alan, do you read it any other
8 way? It would mean higher value?

9 MR. DUNKLOW: I mean, in the paragraph 6 that you
10 reference, it talks about subject to the scholarship award
11 amount, so they're sort of linking it to--you're still capped
12 at the statewide per pupil and tuition of the schools.
13 They're referencing amount.

14 MS. KEARNS: Yes.

15 MR. GALLAGHER: So a third tier of value.

16 MS. KAMEEN: We've got a new--new category, new
17 award category.

18 MS. KEARNS: Or third and fourth.

19 MS. KAMEEN: New award category.

20 MS. GREEN: Could be. And interesting--again,
21 totally not in here is schools that are specifically or
22 particularly good at providing these--that type--nonpublic
23 schools are particularly devoted toward special education are
24 probably mostly not included in the BOOST-eligible schools.

25 MR. GALLAGHER: Because of the tuition cap.

1 MS. GREEN: Yes.

2 MS. KEARNS: Yes.

3 MS. GREEN: So that's sort of a--again, it's the
4 laws that we're working with, but it's sort of an interesting
5 little piece that they're not--

6 MR. GALLAGHER: Do we know where that came from?

7 MS. KEARNS: I don't, not at all.

8 MR. GALLAGHER: Okay. I mean, we should probably
9 try to--

10 MS. KAMEEN: Find out.

11 MR. GALLAGHER: --find out because I think--

12 MS. KAMEEN: There was some legislative history
13 around that or some debate or some--

14 MR. GALLAGHER: Because if we come back next year
15 and we don't have an applicant pool, like, you know--I just--I
16 wouldn't want to like run into a situation like where it looks
17 like we didn't try to work with that provision, and, you know,
18 the provision might not reflect the reality of the schools
19 that are eligible for the Textbook Program, the students that
20 get serviced within this category.

21 I mean, maybe there is enough demand. I don't know,
22 but--

23 MS. KEARNS: Well, we have--as of Monday, we had
24 about 1,100 application--sorry--2,500 applications either
25 completed or in some stage of completion, about 1,500 fully

1 submitted, and either eligible or ineligible, so sorry. Let
2 me just cut to the chase. Of 1,100 eligible applicants, as of
3 Monday, 77 parents said that the students were eligible for--

4 MR. GALLAGHER: Okay.

5 MS. KEARNS: --special education services.

6 MR. GALLAGHER: Okay.

7 MS. KEARNS: So that's where it was on Monday.

8 MS. GREEN: And, Matt, was your question, when you
9 said do we know where it came from, you're saying--

10 MR. GALLAGHER: The legislator. I assume there was
11 a legislator who said, "I want to make sure that special
12 education kids get certain awards or there's a certain level
13 of participation." Like this seems kind of like there's a
14 legislator who wanted that language. That would be my guess.

15 Do you have any idea?

16 ATTENDEE: We'll see if we can track it down.

17 MS. KEARNS: We'll see if we can find--

18 ATTENDEE: I have some ideas. I don't know a
19 specific legislator, but--

20 MR. GALLAGHER: Okay.

21 MS. KEARNS: I'll see what I can find out.

22 ATTENDEE: I think it came out of the conference.

23 MR. GALLAGHER: Do you know who? I mean--

24 ATTENDEE: Everybody [unclear].

25 MR. GALLAGHER: Okay.

1 ATTENDEE: Just want to help these students
2 [unclear].

3 MS. KEARNS: Okay. so we were on page 149, talking
4 about the \$600,000, and row 22 starts talking about the funds
5 that are served for the students. And here, it says students
6 with special needs, so again, it's different phrasing.

7 Then it gets into the reporting requirements, which
8 we have a little bit more time this year. We have until
9 January--January 2019 instead of December. The new reporting
10 requirements include--so the assessment reporting will
11 be--will correspond to the new requirements, and then it's the
12 same until we get down to page 151, No. 13--I'm sorry.

13 ATTENDEE: [Unclear.]

14 MS. KEARNS: I'm sorry?

15 ATTENDEE: You have No. 9 at the bottom on page 115.
16 I would guess--

17 MS. KEARNS: Right. Actually, they did ask us that.
18 We did--

19 MS. GREEN: Had to collect it.

20 MS. KEARNS: Yeah. We did have to collect that data
21 for 2017-2018. I double-checked it the other day. Just made
22 me want to lay eyes on it again, but they actually did--the
23 schools had to report whether the student was a special
24 education student or not, and that was--we just took the
25 language right out of the budget bill. And it was a yes/no

1 for 2017-2018, and that was a data point in the report to the
2 General Assembly. But that was kind of the extent of it for
3 the current year.

4 So that that's the same. The number of special
5 education students--

6 MS. EBERHART: That the private schools told us--

7 MS. KEARNS: Mm-hmm.

8 MS. EBERHART: --however they define special
9 education.

10 MS. KEARNS: Right. English language learner and
11 special education, they had to report on that for each BOOST
12 student, whether it was yes or no for English language learner
13 and special education.

14 And so then No. 13 on page 151 is what Liz referred
15 to a little earlier. We're going to need to get information
16 from the schools on BOOST students in 2017-2018 who withdrew
17 or were expelled and the reasons why.

18 MS. EBERHART: And they didn't do anything to
19 clarify prekindergarten to kindergarten, if they were public,
20 private, not home school or anything. So whatever we came up
21 with last year must be okay.

22 MR. GALLAGHER: Okay. I think that's it, right, on
23 the agenda?

24 MS. KEARNS: That's it.

25 MR. GALLAGHER: Okay. Were there any public

1 comments?

2 [No response.]

3 MR. GALLAGHER: Merciful. Okay.

4 Anybody else have anything to add?

5 MS. CAMP: [via telephone] No, I don't.

6 MR. GALLAGHER: Okay.

7 MS. EBERHART: The timing of our next meeting?

8 MR. GALLAGHER: Yeah, timing of the next meeting, I
9 guess.

10 MS. EBERHART: It would be helpful for me.

11 MR. GALLAGHER: Partially--so what like--

12 MS. KEARNS: The deadline for applications is May
13 21st.

14 MR. GALLAGHER: Got it.

15 MS. KEARNS: We need a week or so to really work on
16 the data, you know, so early, early June, we should have the
17 data ready for you to start making decisions.

18 MR. GALLAGHER: Great.

19 MS. KEARNS: Mm-hmm.

20 MR. GALLAGHER: So early June meeting for that and
21 then--

22 MS. KEARNS: Okay. Send out a--

23 MR. GALLAGHER: Maybe have additional information on
24 two schools that we've requested additional information from.

25 MS. KEARNS: Okay.

1 MR. GALLAGHER: And then--

2 MS. KEARNS: I'm sorry. A separate meeting on that?

3 MR. GALLAGHER: No, no. For the June meeting.

4 MS. KEARNS: At the same meeting, okay.

5 MR. GALLAGHER: Yeah.

6 MS. KEARNS: Okay.

7 MR. GALLAGHER: And then--

8 MS. EBERHART: Maybe a whole special education
9 funding piece of trying to figure out what that means.

10 MR. GALLAGHER: And then maybe the schedule? Like
11 we had that schedule discussion about looking at the schedule.

12 MS. EBERHART: With our goal of 1st of July maybe?

13 MS. KEARNS: I would be very shocked if it was July
14 1, but--

15 MS. EBERHART: But I don't want us to hold you up.

16 MS. KEARNS: Right.

17 MS. EBERHART: So if it means that we need to
18 schedule several meetings in June--

19 MS. KEARNS: Okay.

20 MS. EBERHART: --let's get it on our calendar so we
21 can't--you know, so it's not like another--you're waiting on
22 us.

23 MS. KEARNS: Right, okay. All right. It seems that
24 we would need more than one meeting, given how year two
25 and--one and two went, so maybe schedule two meetings for

1 June, should we?

2 MR. GALLAGHER: Sure.

3 MS. KEARNS: Just in that or--

4 MR. GALLAGHER: Schedule a meeting like when you
5 feel comfortable based on the applications coming in and then
6 why don't you schedule a meeting 2 weeks after that--

7 MS. KEARNS: Okay

8 MR. GALLAGHER: --so there's enough time for actions
9 and follow-up and, you know--

10 MS. KEARNS: Okay.

11 MS. GREEN: Okay. Okay. We'll do that.

12 Okay. All right. With that said, we'll adjourn.

13 Thanks, everybody.

14 MS. SANDBOWER HARBINSON: [via telephone] Thanks,
15 everybody.

16 DR. SANDERS: [via telephone] Thank you. Good job,
17 Matt. Thank you.

18 MR. GALLAGHER: Thanks, Skipp.

19 [End of recorded session.]

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9/12/2019

X Jennie Malloy

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Jennie Ann Malloy

Jennie Ann Malloy

Signed by: Malloy

Jennie Malloy, Transcriptionist

Malloy Transcription Service

EXHIBIT 13



Karen B. Salmon, Ph.D.
State Superintendent of Schools

May 25, 2018

Clair Dant, Principal
Bethel Christian Academy
8455 Savage-Guilford Rd.
Savage, MD 20763

Dear Ms. Dant,

I am writing to follow-up on the March 13, 2018 statement that Bethel Christian Academy provided to the BOOST Advisory Board that explains how your school's student handbook reconciles with the assurance the school signed regarding non-discrimination in admissions. As you know, the assurance addresses the legal requirement that a school that accepts BOOST scholarships "will not discriminate in student admissions on the basis of ... sexual orientation."

The March 13, 2018 statement did not fully answer the questions that the BOOST Advisory Board has about Bethel Christian Academy's compliance with the BOOST law. The law prohibits discrimination in student admissions but it can be argued that it is problematic if a school admits a student and then summarily expels the student based on sexual orientation. Therefore, the BOOST Advisory Board is asking for a statement from your school that addresses the following questions:

- 1) *Does your school discriminate in student admissions on the basis of sexual orientation?*
- 2) *If your school was to discover that one of its students was in violation of the school's religious or moral teachings concerning sexual orientation, what would the school do to address it?*

Please provide a written response by June 6, 2018. The response can be emailed to me at monica.kearns@maryland.gov. If you have questions, you can reach me by email or by phone at (410) 767-8863. Thank you for your cooperation.

Sincerely,

Monica Kearns
Assistant State Superintendent for Business Services

EXHIBIT 14

Transcript of BOOST Advisory Board

Matt Gallagher, presiding

June 21

Transcript Prepared Exclusively for
Alliance Defending Freedom by
Malloy Transcription Service

[Transcript prepared from a provided audio recording.]

1

P R O C E E D I N G S

2

MR. GALLAGHER: Welcome to the meeting of the BOOST
Advisory Board.

4

5

Agenda item No. 1, consideration of the June 4
meeting summary. Did any of the members have any thoughts,
6 questions, or concerns about the meeting summary?

7

ATTENDEE: No.

8

MR. GALLAGHER: Can I get a motion to approve the
9 meeting summary?

10

ATTENDEE: So moved.

11

MR. GALLAGHER: Second?

12

ATTENDEE: Second.

13

MR. GALLAGHER: All in favor? Aye.

14

[Chorus of ayes.]

15

MR. GALLAGHER: Okay. So approved, and if any of
16 the members not present can come back later on, we can amend
17 as necessary.

18

I think the--and this is a somewhat time sensitive
19 issue in terms of like the availability of the special ed
20 personnel.

21

MS. KEARNS: Yes.

22

MR. GALLAGHER: We decided to put that at the front
23 of the meeting.

24

MS. KEARNS: Yes.

25

MR. GALLAGHER: So, Monica, if you want to introduce

1 whoever we need to introduce, that would be great.

2 MS. KEARNS: Sure. Let me introduce, please,
3 Franczkowski--Marcella--and Dori Wilson, and Marcella is lead
4 of the Special Education/Early Intervention Services Division
5 at MSDE. So she is the absolute--the absolute top of the
6 in-house expertise on this subject. So we have the best
7 person in the building and maybe the State for you here today,
8 except for maybe Dr. Grasmick--

9 [Laughter.]

10 MS. KEARNS: And Dori is important in the Division,
11 so they are here with us today to kind of dive into some of
12 the nuances here and some of the information that you all have
13 asked for, and we do have a handout for you. And so I
14 don't--unfortunately, for the members on the phone, I will
15 have to get this handout to you after the meeting today, but I
16 will get that to you.

17 And so, with that, I will turn it over to Marcella.

18 MS. FRANCKOWSKI: Thank you, Monica. Thank you for
19 your flexibility for having us, and there are three of us here
20 today. We also have Dan Martz. Dan Martz is a director. He
21 is now with our branch but was a director of special education
22 in Frederick County for 6 years. So he brings a hands-on,
23 truly the rubber meeting the road at a local level. Dori is
24 going to support any legal, and then I am going to tell the
25 story.

1 So, hopefully, what we bring today will really help
2 in some of the decision-making that you have around how we're
3 going to support fiscally as well as programmatically our
4 students with disabilities.

5 I can't begin without thanking the lens on this that
6 we are providing equitable opportunities for students with
7 disabilities through this program, so thank you for that
8 vision and that work to include all students, including
9 students with disability, so very excited about that.

10 So what we're trying to do today is to bring
11 information about what funding is for students with
12 disabilities, what is available through federal funding for
13 non-public schools, and there's two arms of non-public
14 schools.

15 The left arm that you see in front of you around
16 publicly placed, that is our non-public special education
17 schools. That is probably not the lens or information that
18 will help in some of this decision-making for this.

19 So I just want to quickly share with you the one
20 lens that we use federal funds for are for students with
21 disabilities, where they are publicly placed through the
22 formal and legal Individualized Education Program team.

23 So these are students that receive services in
24 non-public special education schools, and they are placed by
25 IEP teams.

1 What is the driver for this is the Individualized
2 Education Program, which is referenced as an IEP, so you
3 become eligible for those services at the local level, and
4 then a recommendation of the IEP team to write, draft,
5 implement, and evaluate an IEP program.

6 The services unique to this population on your left
7 side of your chart are truly about those services that are
8 entitlements. They are services driven by what services are
9 going to implement a free appropriate public education, and
10 you may often hear that reference of fate.

11 Also, there is a funding formula around this for our
12 non-public, and there's two pieces of that formula. One is a
13 methodology, but, of course, legislation would override that
14 methodology in place if the legislation would say a freeze or
15 put a percentage on it. But there is a methodology placed,
16 and that funding for the non-public special education schools
17 for students with disabilities is a state and local share. So
18 state funds support that, and then a match or close to a
19 percentage local matches.

20 So that left side is very different than the
21 conversations that we're having here today about students with
22 disabilities and the BOOST program, but I wanted to take that
23 off so there's no confusion about this being non-public
24 special education and publicly placed.

25 So more mirroring the conversations that you all are

1 having around BOOST would be those students that are
2 parentally placed. So this isn't coming through the IEP team.
3 This is coming through a parent choice. Parent places their
4 student, and where are they placing them? In a non-public
5 school. It could be a private school. It could be a
6 religious school. It is similar to the conversations that
7 we're having around the BOOST.

8 So when a parent chooses to place their students in
9 a religious or a private school, they receive an
10 individualized service plan, and it's called an ISP. And you
11 will see this, and all of this information is driven by law,
12 as you see the citations. And I want to thank Mr. Alan
13 Dunklow for supporting us in the citations.

14 So, as we look at that, what's differences about a
15 the services here? We must provide equitable services for the
16 student who has been identified eligible for special education
17 or services, and it's determined by a local school system's
18 annual agreement. So it's not the IEP team process. It is
19 through an annual agreement where the private sector and local
20 school systems meet annually, have conversations of what the
21 needs are around students. It is really supporting Child
22 Find. A major role for all of us is to find, to locate
23 students with disabilities wherever they are in the state of
24 Maryland.

25 So this allows us, even if a parent chooses to place

1 their child who has disabilities, in a religious or private
2 school, that we are locating that student and providing
3 equitable services for them in that arena.

4 Funding for that is dictated, again, by federal law,
5 an IDA, and there is a proportionate share, amount for--based
6 upon the services delivered and the number of children served,
7 and I'm going to share with you more details about this. But
8 I just wanted to put this conversation out there first.

9 Many of our local school systems, the proportionate
10 share is dictated by a formula, but please know that most
11 local school systems add to that through local funds or use
12 the other kinds of funds that we give federal passthrough
13 funds. They pass through here to supplement the delivery of
14 these equitable services.

15 So let's unpack this a little bit. First, how do we
16 know the proportionate share--how does this procedure occur?
17 First, every local school system submits to the state
18 department an application every year to support the needs of
19 students with disabilities. As part of that application
20 process, a document comes in and shares about those parentally
21 placed students, and there's a process that each school
22 system--and it is required by law, related to parentally
23 placed private school students.

24 First, they must conduct and hold and complete all
25 Child Find activities, so that's the number one and how is

1 that local school system doing that, and they share with us
2 through their grant.

3 Next, they must actually have a consultation meeting
4 with private schools, religious schools, conversations to what
5 the needs are, what children are they finding, what are the
6 services that will be needed to support our students.

7 Next, they collect data regarding the number of
8 children referred, evaluated, and determined eligible. So
9 this is helping that decision-making of what services are
10 going to be provided.

11 And, next, they develop a service plan for each
12 parentally placed private school student with a disability,
13 and then they must expend the proportionate share. And I'm
14 going to talk to you a little bit about that in the second
15 chart. So there is no choice. Each local school system, the
16 amount in that proportionate share, they must expend that, and
17 then, as I said, they add additional.

18 And then there is also complaint procedures related
19 to that.

20 So what conversation, then, about services? Can we
21 give with the amount of proportionate share? Would all
22 services be able to be provided to our students?

23 ATTENDEE: No.

24 MS. FRANCKOWSKI: No. So that is the reason for
25 this annual conversation and review of data with private

1 partners and with the local school system to determine and
2 select the services that will be provided through this
3 proportionate share amount.

4 So, as we look at the second sheet, here is an
5 example of 2018. So let me--this talks a little bit about
6 your funding question. As you see on your left, you see all
7 local school systems listed, and then there's two types of
8 proportionate share. And I don't want this to cloud the
9 understanding, so I'm just going to very briefly--you'll see a
10 yellow column. That's the proportionate--the parentally
11 placed private school students, proportionate share for the
12 ages of 3 to 5, and then you will see the blue box. And that
13 is for our ages 3 through 21.

14 So our local school systems actually have two pots
15 of parentally placed numbers and data that impact the
16 proportionate share, so one is in the 3 to 5 funding. For
17 those of you who are familiar, that's 619 funding. And then
18 it's the 3 to 21, which is our 611 funding.

19 So students are found eligible, and you will see by
20 Eligibility 2 and 3, those definitions are at the bottom of
21 your chart. Both of them require that the student is eligible
22 for a service plan, so that's the first.

23 And the second, we include for Eligibility 2, those
24 parents, because remember a parent consents to these services.
25 A parent does not have to consent. And then we would not

1 deliver, but Eligibility 3 also counts those students because
2 parents may decline. The student is still eligible, but the
3 parent may decline.

4 SO you will see, for example, in Baltimore City, we
5 have--for the age of 3 to 5, we have about 13 students there
6 in 2018 that were deemed eligible for 2 and 3. So they were
7 deemed eligible for a family service plan, and either parent
8 refused or the parent consented, right?

9 The expenditure for that, looking at the
10 proportionate share, the minimum expenditure--and please know
11 almost all your locals, this is the bare minimum. They add to
12 this for their commitment to Child Find. So they get about
13 \$8,000 in that pot.

14 So, as we continue, they have about 70 students they
15 had in 2018. Again, 70 students were parentally placed. They
16 were eligible for services, and the parent either consented to
17 service or the parent refused service. And then that was an
18 additional, almost \$122,000. So between that amount of money,
19 that's the money they must spend under federal guidelines to
20 support students who are eligible and require services in
21 private and religious schools.

22 So let's talk about selection. So remember that
23 conversation that occurs annually? What services are going to
24 be provided and supported through this proportionate share?
25 It is an individual decision by each local school system and

1 their community partners.

2 So you will see most do speech and language. Many
3 do occupational therapy. Many do physical. Our Baltimore
4 City includes vision and audiology, and then almost all of
5 them use professional development of consultation, which means
6 supporting, if there's a challenge or a need, the local school
7 system, they go to the religious school or to the private
8 school to provide professional development or--and all
9 teachers that are in the private schools are in religious
10 schools can access professional learning delivered at the
11 local level to all teachers. So that's another piece.

12 So this is put on websites. It becomes part of the
13 conversation. It's part of the agreement, and every year,
14 it's reevaluated. But I can share with you that these
15 services here are pretty common, and this is really what most
16 of our local school systems agree to.

17 Also, in the agreement, please know it talks about
18 how much is available. So it might be four sessions per
19 month, but not to exceed 120 minutes. So there's really a
20 caveat or a parameter, so that they can support and provide as
21 many services as possible to our children in the field.

22 So this is the overview. I think that this might be
23 a good time to answer any questions that you may have. I
24 think that as we look at this, these are really some of the
25 decisions or some of the protocols or processes in place that

1 could maybe support some of the decision-making that you are
2 involved here at the BOOST, for the BOOST conversation, so--

3 DR. GRASMICK: So looking at the document we
4 received that we revised in April--

5 MS. FRANCKOWSKI: Yes. Mm-hmm.

6 DR. GRASMICK: --there is a clear statement here
7 that I think is an important one, and that is--and you
8 emphasized it, Marcella, in your presentation--and that is if
9 a child is placed in a non-public school--and I am not talking
10 about non-public special ed schools--there is not the
11 requirement for that child to receive the same services that
12 child would receive in the public school.

13 And when you look at the array of services--and this
14 is not a criticism--of the public schools, but it doesn't--it
15 isn't the academic program. It is not the academic program,
16 and I think that's a really important point because for a
17 child to be able to be successful in a non-public school who
18 may have a significant learning disability--and I'm using that
19 term broadly--this arrangement, as good as it is, is not going
20 to accommodate that.

21 MS. FRANCKOWSKI: No.

22 DR. GRASMICK: I just think it's really important to
23 state that clearly.

24 MS. FRANCKOWSKI: These was--in the selections that
25 have been, it's mostly around related services.

1 DR. GRASMICK: Right.

2 MS. FRANCKOWSKI: But you're right.

3 The expectation is that the teachers and the
4 religious in the schools are receiving professional learning
5 and professional development, but would have, hopefully, that
6 specially designed instruction, which you know equates to
7 special education. And if that's not it, then they would not
8 be receiving the services that would be recommended through an
9 IED. That is correct.

10 DR. GRASMICK: And so when the consultation document
11 is concluded, I'm sure the non-public schools are honest with
12 parents and with the public school representatives and saying,
13 "This is what we can do. This is what we can't do."

14 MS. FRANCKOWSKI: Right. It's an agreement. It's
15 a written agreement, and it's very clear, the amount of time.
16 It's also putting a cap. Right?

17 DR. GRASMICK: Yes.

18 MS. FRANCKOWSKI: Four times a month up until
19 120--so also, it's a capping of services because when the
20 money runs out--and, Dr. Grasmick, you bring up a very good
21 point. If that proportionate share is used or the local money
22 that they have added to that through passthrough, when it's
23 gone in March, April, then that service--those services
24 would--even this agreement--would end and not finish the
25 school year.

1 DR. GRASMICK: So I think that's a cautionary note
2 because it could be that through this process--and I don't
3 know if it's occurring--there could be the recommendation of a
4 non-public special education school versus a non-public
5 private or religious school.

6 I mean, I know that goes through the whole IED
7 process.

8 MS. FRANCKOWSKI: Right, right.

9 DR. GRASMICK: But to begin that process for
10 consideration, if the child has very significant need.

11 MS. FRANCKOWSKI: And the question may be first the
12 home school, the community school, the public school--

13 DR. GRASMICK: Right.

14 MS. FRANCKOWSKI: --first to be, but for many
15 situations of religious, if it's not something that we can
16 deliver based upon culture, then that could be a different
17 conversation. Yes, ma'am.

18 MS. WILSON: Could I speak to this, Marcella?

19 MS. FRANCKOWSKI: Of course.

20 MS. WILSON: So, at its simplest level, IDEA, which
21 is special education law--it's federal law--the IDEA money is
22 federal funds, and the point of the federal funds--and I think
23 this is sort of like that--that gets to the heart of the issue
24 here--is to ensure that all children who have been identified
25 with disabilities receive a free appropriate public

1 education--that acronym FAPE--the P in FAPE is public. So
2 what the law--what the law reinforces, if a parent is choosing
3 to send their child to public school, this is the funding that
4 will ensure that the education they receive in public school
5 is appropriate.

6 But a slice of this pie in the spirit of realizing
7 that there are parents who choose to place their children in
8 private schools and non-public schools is that a slice of this
9 pie needs to be set aside for those kids who have been
10 identified as requiring their services, but whose parents
11 choose not to place them in public school.

12 So, unfortunately, the setup here is that there's a
13 very small amount of money proportionately set aside, which is
14 why the services are so limited and which is why--and we have
15 parents who in the special education world want their child to
16 go to a non-public special education school and will pay for
17 it. The deal with the public schools is that the expectation
18 is they be able to educate every child in their school system.
19 If they can't for some reason, because the child's needs
20 require such specialized instruction or care--the child has
21 challenges sufficient that the school system feels that they
22 can't do it--then the school system has to take public funding
23 and pay for the non-public school, which is how some children
24 end up in non-public schools, the process that Marcella
25 described, and be there on public funding.

1 But that's the only time the public school will end
2 up funding a non-public placement, so they're pretty unusual
3 placements.

4 DR. GRASMICK: Yeah. So, I mean, I think it's an
5 important discussion here about the differences between what
6 the public schools offer and what non-public, private, and
7 religious schools can offer legitimately. And that there's an
8 honesty factor that the public school will be clear about what
9 they believe the child needs, and then whether or not that can
10 be provided.

11 So most of the cases I'm familiar with are the
12 speech and language cases, where the child can come to the
13 public school and get speech and language therapy, but that's
14 not a strong dimension of an academic program.

15 MS. FRANCKOWSKI: And integrated as you always
16 provided right in the setting.

17 DR. GRASMICK: So I just think that conversation is
18 important because we want to be sure the child is getting what
19 the child needs.

20 MS. FRANCKOWSKI: It's not a substitute for it, Dr.
21 Grasmick. That's right.

22 DR. GRASMICK: And some parents, because it's been
23 widely discussed, often think that the same obligation accrues
24 to the private or religious school as it does to the public
25 school.

1 MS. FRANCKOWSKI: No.

2 DR. GRASMICK: And I can understand a parent
3 thinking that. A school is a school. But it's really
4 important that that obligation is not the same.

5 MS. FRANCKOWSKI: No, no. And that's why it's all
6 there. Thank you.

7 DR. GRASMICK: Making good--I think it's about
8 making the right choices for the child.

9 MS. GREEN: Right.

10 MR. GALLAGHER: Do any of the other Board members
11 have questions related to the presentation?

12 DR. GRASMICK: I have a question to ask you. So
13 being on the Board and understand some of the cultural,
14 religious, and issues around Jewish schools--

15 MS. GREEN: Mm-hmm.

16 DR. GRASMICK: --if a child needs a non-public
17 school for those reasons, but the learning needs exceed what
18 can be offered in that setting, I just wanted you to respond
19 to that.

20 MS. GREEN: So you had a couple different things
21 that happened. You have parents that decide that the
22 non-academic needs of the child are more important than the
23 academic needs, and they sacrifice their children's academic
24 successes for other not-quite-so-quantitative reasons. So
25 they're not making a decision based on thinking that they're

1 going to get the same educational needs addressed, but feel
2 that there are other reasons to pull their child.

3 Some families are paying two to three times what the
4 assessed tuition is in order to get their kids all of the
5 services that they need, so they're paying for a shadow, and
6 they're paying for up to eight periods a week or not even a --
7 no. Sorry. Up to eight periods a day of tutoring.

8 And so they have the child in that setting because
9 they don't feel they can be in a public school setting. They
10 don't want them in a co-educational setting, or they don't
11 want them in other things.

12 And I think that you have very few parents who are
13 able to get their children publicly placed when the initial
14 intent was to send them to a religious school. So when the
15 parent always--they are not willing to try to see if their
16 child is going to fail in the public school system and not
17 be--and I do know that the Court of Appeals just rejected a
18 case where a family said, "My child's religious needs are such
19 that I can't put him in the public school setting, and he
20 needs to have his private school paid for." And even though
21 this child absolutely qualifies for all the services, the
22 court said, "You're choosing to pull him out. He could have
23 gotten--the things that you think he needs are not things that
24 we think are required."

25 And so, I mean, I think it's very hard because we're

1 looking at when a parent is choosing to pull them into making
2 decisions to put them in--to access the school choice, how
3 much of that should be supplemented as we're looking at the
4 numbers because the decisions are being made for every
5 different reasons.

6 But parents are spending thousands of dollars to get
7 them the assistance.

8 DR. GRASMICK: Thank you. That's an important
9 point.

10 MR. GALLAGHER: If I could just ask on the data, the
11 two handouts, the one has a staple. The first page, the
12 application data for '18-'19, and then the single sheet is
13 just the '18-'19 for special ed.

14 MS. KEARNS: Yes.

15 MR. GALLAGHER: I just want to make sure. Are we
16 reading this correctly? So on the aggregate, the one with the
17 staple, right now, with all the renewals and all the new
18 applications, at the current aware levels, we have potentially
19 \$7 million in the demand, \$7,060,000?

20 MS. KEARNS: Yes.

21 MR. GALLAGHER: Okay. And we have \$7.5 million and
22 change?

23 MS. KEARNS: Yes.

24 MR. GALLAGHER: Okay. And then going to the single
25 page on special ed--so the top, these special ed renewals,

1 these are people who have already received BOOST scholarships,
2 who have gotten the previously established award levels,
3 right? Okay.

4 And then the 235 there in the bottom, that 235
5 is--or I'm sorry--the 116, that 116 is a subset of the 1,930
6 that are new applications on the other page?

7 MS. KEARNS: Correct. But both are a subset. The
8 renewals are a subset--

9 MR. GALLAGHER: Right.

10 MS. KEARNS: --of the entire renewal pool. The
11 special education new is a subset of the entire new pool on
12 the staple page.

13 MR. GALLAGHER: Okay. So stay with me for a second.
14 In the last--in the language that came into the law, the
15 budget language this year about special ed, it was they were
16 supposed to consider trying to encourage special ed
17 applications, right?

18 MS. KEARNS: Yes.

19 MR. GALLAGHER: Okay. And was it silent on
20 adjusting the amount for special recipients, or was it--did it
21 encourage the different award amount?

22 MS. GREEN: I think it mandated a different--

23 ATTENDEE: Shall.

24 MR. GALLAGHER: Shall.

25 MS. GREEN: Receiving a higher amount.

1 MR. GALLAGHER: Okay.

2 ATTENDEE: Require.

3 MR. GALLAGHER: So right now, we have 119 out of
4 1,463 already at the current award, and then we've got--of the
5 new ones, 116 of the 1,930.

6 MS. KEARNS: Yes.

7 MR. GALLAGHER: All right. So I would assume that
8 if we went with a higher amount for the special ed awards, we
9 would be able to reflect that in the renewables as well?

10 MS. KEARNS: I'm sorry?

11 MR. GALLAGHER: SO if you're a special ed recipient,
12 your renewal--and if we decide it is going to be \$500 or
13 \$1,000 more--

14 MS. KEARNS: Mm-hmm.

15 MR. GALLAGHER: --we can do that for the renewals as
16 well as the new applicants?

17 DR. GRASMICK: I would say you need to, yeah.

18 MR. GALLAGHER: Yes?

19 MS. KAMEEN: I think so. I mean, we're talking
20 about encouraging schools to admit special ed students, and
21 even though--I see the distinction. They're already in there.

22 MR. GALLAGHER: Yeah.

23 MS. KAMEEN: So what encouragement do they need? It
24 may be that additional bump would be the kind of help
25 that--well, the student would need and that the school would

1 need to keep that student.

2 MR. GALLAGHER: Okay. So then another question that
3 I would have, not get too far in the weeds, but there are
4 non-public schools that serve special ed students that
5 typically have the different rate structure, Elizabeth, as you
6 alluded to. And I know the one I went to had a separate rate
7 structure for special ed students that would fall outside of
8 the parameters of the textbook eligibility.

9 So, you know, the example I'll give is I went to
10 Calvert Hall. Calvert Hall had a program for special ed
11 students, the Xavier Program. Xavier students' families paid
12 a much higher level that would be well outside of the textbook
13 and the traditional BOOST eligibility levels, which I think
14 are 15- or \$16,000 towards tuition.

15 If the tuition is that much higher, does it--like I
16 don't think it would mean to, but like I don't think that
17 that's anything anybody considered in the budget language,
18 that they would be paying such a disproportionately higher
19 tuition rate.

20 I mean, I think it's a good argument that the awards
21 should be larger, but we just never really thought about that
22 or looked at that.

23 MS. GREEN: I don't know of your example would be
24 disqualified from Textbooks. Certainly, a school like Jemicy
25 that is only a higher tuition would be excluded, but I don't

1 know if a school has a program within it--Monica, maybe you
2 know--whether any schools with a program within that's
3 separate if they can--if that piece of their program qualifies
4 for--

5 MS. KEARNS: For the Textbook program, the schools
6 report to us their--if there are varying tuition rates--for
7 example, a lot of schools will offer discounts for siblings.
8 What we ask them to do is give us a figure of tuition revenues
9 per pupil, so that we can just flatten all that, and so if
10 there is any type of graduated tuition structure at a school,
11 that's how we address it, so that the tuition revenues per
12 pupil have to be at or below that statewide per pupil public
13 school expenditure. So we don't necessarily know what they're
14 putting into that.

15 MS. GREEN: Right. So I think it depends on how
16 they report it. Is it a separate entity, or is it a program
17 within an existing entity?

18 MS. KEARNS: Right.

19 MS. GREEN: But the stand-alone schools clearly
20 don't qualify, and I don't think the legislature considers
21 them at all in terms of--

22 MS. KEARNS: No.

23 MS. GREEN: --expanding who would qualify for where
24 kids could go for--

25 MR. GALLAGHER: I mean, if we're being encouraged to

1 admit special ed students and you want them to have access to
2 appropriate services, if there was a Jemicy that would have a
3 different tuition structure that's reflective of the fact that
4 all the populations that they're dealing with are much higher
5 in terms of the cost--like if we give a BOOST scholarship to a
6 kid who is going to Calvert Hall and they have to pay the
7 higher tuition rate, from a policy perspective, wouldn't we
8 want that student to potentially be eligible to go to Jemicy
9 too? Because the tuition rate might actually be comparable.

10 MS. GREEN: I think you're starting our letter.

11 MR. GALLAGHER: Well, it's just a--it's an
12 open-ended question, but I think we--

13 MS. GREEN: Yeah.

14 MS. GREEN: Schools have been excluded based on
15 tuition level, and that makes sense in terms of people didn't
16 want to pay for Gilman or Bryn Mawr. They wanted to pay for
17 the more affordable non-public schools, but if we're bringing
18 special ed into the discussions, if we're going to encourage
19 special ed in terms of the applicants, the higher rates that
20 some of these non-publics that are BOOST-eligible right now
21 might be charging in these categories might be comparable to
22 some of the schools that aren't in the program right now.

23 And I'm putting it out there as a discussion point
24 that like I don't think anybody thought of that in the budget
25 language, and I just wonder if we need to point that out to

1 somebody or reflect that back because I think it is a
2 consideration.

3 DR. GRASMICK: Are you referencing non-public
4 special ed schools or--I guess I'm trying to get in the
5 classification here. Jemicy, first of all, is not a special
6 ed school, even though it operates like a special ed. They
7 don't have the designation, so that's a different thing.

8 But if you looked at Sheppard Pratt, say, are you
9 talking about that or a school which has a component of
10 special ed?

11 MR. GALLAGHER: I'm talking about schools that
12 aren't BOOST Textbook-eligible right now because the clientele
13 they serve would be more concentrated in these categories, so
14 that they would have higher tuition levels that make them
15 eligible.

16 And I guess from a policy standpoint, if we're going
17 to give a BOOST scholarship to a family and they're going to
18 go to a BOOST-eligible school right now that's going to charge
19 a higher tuition rate because of their needs, are there other
20 BOOST-eligible schools that would be as competitive, if not
21 more competitive, and potentially better settings for those
22 kids? That while they're not BOOST-eligible right now, should
23 we be making a recommendation that if we're opening up the
24 door on special ed higher awards, should we be opening up the
25 door to look at other schools to participate? Just so you

1 widen the number of options.

2 MS. CAMP: And because I agree, and I guess the
3 other question is when you level it out in those schools,
4 whether or not because of the special ed program, maybe so
5 much higher. Then it raises when you do the averaging, so
6 that a school who otherwise would have been eligible is no
7 longer eligible because of whatever their specialized programs
8 are take them outside of eligibility.

9 And so, to that extent, I'm just wondering should
10 there be a carve-out in general so that you can compare apples
11 to apples as it relates to this one.

12 MR. GALLAGHER: I'm just thinking about the needs of
13 the student.

14 MS. CAMP: Or the other people, right.

15 MR. GALLAGHER: If the needs of the student are
16 paramount--

17 MS. CAMP: Yeah.

18 DR. GRASMICK: Correct.

19 MR. GALLAGHER: --and if there are schools--

20 MS. CAMP: Wherever they go.

21 MR. GALLAGHER: --that are probably more experienced
22 and better situated to serve them, but they're not in the
23 program right now because of this tuition level barrier, like
24 should we be considering that it makes sense to widen the
25 access to the program of the school, so that the special ed

1 students have more--potentially better options? That's my
2 question.

3 MS. CAMP: But I think that's--I would be scared to
4 expand it where you then make--you open it up for non-special
5 ed to make sure that that is for just them because if it
6 may--I mean, you can [inaudible] Baltimore. If all of a
7 sudden, the school itself eligible, I think you would run into
8 some issues. But if you are just comparing all of the schools
9 and the tuition for special ed, then there might be a way to
10 have language or policy that would allow for whatever the
11 school is.

12 MR. GALLAGHER: I think we should put a pen on this
13 issue to come ask.

14 MS. GREEN: I think it's a really good issue for us
15 to go through. I think for--I would rather put it to the sort
16 of back end of our process and not--

17 MR. GALLAGHER: Well, we can't get a new school in
18 at this point, so this would be a prospective issue. But I do
19 think it's one that we should come back to at some point. I
20 don't think anybody thought about that, the language.

21 MS. GREEN: And I think it's also very possible that
22 we're going to see somewhat of a rush on you all to get
23 some--to get parents looking to get their kids into getting
24 proper qualifications because it's never made a difference for
25 the non-public schools, for many of the non-public schools

1 before because the kids weren't getting dollars for what they
2 were doing. So the parents were never even trying to get
3 there.

4 Now that the language is such that there would be an
5 incentive, parents may be looking to get some of those, and
6 even some of the parents that are moving from the public
7 school system may be looking to get--

8 MS. FRANCKOWSKI: Right. It's a new open door.

9 MS. GREEN: Correct.

10 MS. FRANCKOWSKI: It's a new question. It's an
11 opportunity.

12 MS. GREEN: Right.

13 DR. GRASMICK: So one of the questions I would ask,
14 Marcella, is--

15 MS. GREEN: That's a very positive way of looking at
16 it.

17 MS. FRANCKOWSKI: I try.

18 DR. GRASMICK: --if one of the schools we're talking
19 about would be a non-public special ed school, they already
20 get a contribution from the state.

21 MS. FRANCKOWSKI: Yes, they do.

22 DR. GRASMICK: So what would--I guess it's to Alan
23 and Liz and you. What would be the eligibility, if that's the
24 best placement for the child? The family meets the income
25 criteria. Can they get an additional amount of money through

1 BOOST to go to that school? Because that's the best school
2 for that child.

3 MR. DUNKLOW: They're only getting a state local
4 share if they go through the public option and the IEP process
5 places them there.

6 DR. GRASMICK: Right.

7 MR. DUNKLOW: So if they're going around that, they
8 wouldn't necessarily get that.

9 DR. GRASMICK: But if they go through the process
10 and they are eligible financially to get a BOOST scholarship,
11 I just want to--

12 MR. DUNKLOW: It would be free, though.

13 MS. FRANCKOWSKI: But what Dr. Grasmick is saying,
14 I believe, is that they would be parentally placed by that
15 family to selecting non-public special education school, but
16 did not, were not approved, and did not go through the IEP
17 team process.

18 You know, we have non-public special education
19 schools where some are paid with the state-local share with
20 state dollars--

21 MR. DUNKLOW: Right.

22 MS. FRANCKOWSKI: --and then others are parentally
23 placed.

24 Dr. Grasmick's question is for that family choice to
25 place in a Sheppard Pratt without the IEP process, would they

1 get this extra funding to support that.

2 MR. DUNKLOW: If they were eligible for the program.

3 MS. KAMEEN: Right. If they were eligible for a
4 BOOST scholarship, the school was eligible to be a
5 participant, and if the tuition were, you know, X, and this
6 student got \$4,400 plus whatever of this \$600,000, they could
7 use that toward the tuition, I think.

8 But a lot depends on whether they can actually get
9 into the BOOST program as a school because of the tuition
10 right now.

11 [Simultaneous speaking.]

12 ATTENDEE: You're correct.

13 MR. GALLAGHER: Any other questions on the special
14 ed?

15 MS. FRANCKOWSKI: No. We stand positioned to
16 answer any questions.

17 MR. GALLAGHER: Thank you.

18 MS. FRANCKOWSKI: Thank you.

19 DR. GRASMICK: Thank you. We need to deal with
20 this.

21 MS. GREEN: Yeah, yeah.

22 DR. GRASMICK: Thank you.

23 MS. FRANCKOWSKI: It's a pleasure to see you. Bye,
24 everyone.

25 MR. GALLAGHER: Thanks.

1 So can we just go out of order for a minute and go
2 to No. 4 on the agenda?

3 MS. KEARNS: Sure. Sure.

4 MR. GALLAGHER: The updated summary of application
5 data for '18-19, and potentially No. 5 as well.

6 MS. KEARNS: Mm-hmm.

7 MR. GALLAGHER: So just by my quick math, we have
8 \$7.55 million available, and we have about \$7 million in
9 applications right now in terms of the renewals and the new
10 applications, and that leaves a little bit over a half a
11 million dollars available to either the just award amounts in
12 total and the special ed amounts.

13 So, well, it's disappointing, I guess, that the
14 number of applications has gone down, and that's something I
15 think we have to spend some time talking about. I think we're
16 in relatively good shape in terms of we can accommodate the
17 renewals. We can accommodate the new applications, and we
18 actually have a fairly generous pool available to adjust the
19 special ed awards.

20 On average--I'm not suggesting we do this, but on
21 average, if you took the balance, divided it by the 235
22 special ed students, we have more than \$2,200 available per
23 special ed student for an adjustment to the special ed awards.

24 Now, I'm not suggesting that we make adjustments of
25 that magnitude, but that is available.

1 We also have--you know, we can make inflationary
2 adjustments, you know, to the other awards, whether it was 1
3 or 2 percent to just kind of be keeping pace with what I
4 suspect is tuition growth, so that's an option as well.

5 Does anybody--I mean, I guess one of the things I'm
6 concerned about, if we went as high as \$2,200 on the special
7 ed adjustments, would we run into situations where the award
8 would eclipse the tuition at the school, maybe in some cases
9 probably not a ton of them, but if \$1,000 award became \$3,300
10 awards, is there going to be like an onslaught of people who
11 are looking to kind of reclassify special ed or kind of pursue
12 that and feel incentivized?

13 MS. GREEN: One question I had--and I don't know how
14 it--when the tuition bill goes out from some schools, its'
15 not--you get--your tuition is, let's say, \$5,000, and then you
16 have a separate bill of \$1,500 that is your special education
17 cost. Is that--are now as--if a school is looking at the
18 award the child gets, is it based on that \$6,500? So, when
19 they look at the need that that parent has, would they be
20 working with the \$6,500, or are they still limited to that
21 \$5,000?

22 MS. KAMEEN: When you say special education costs,
23 that's--I mean, maybe it's not lumped into the \$5,000 tuition,
24 but it is tuition.

25 MS. GREEN: Well, I mean, it is. Right. And it is

1 often required in order for the child to be in school.

2 MS. KAMEEN: Yeah, yeah.

3 MS. GREEN: The school has said, "You must have two
4 sessions of a learning center with this frequently." I just
5 want to--I guess, in some ways, it's a question for you, and
6 in some ways, I guess it's a question for Monica down the line
7 to make sure that when we're communicating with the schools,
8 the actual tuition for that student in the school's mind is
9 \$5,000, but the all-in for the student of the educational cost
10 is the \$5,500. And when it comes to like the payback, if
11 necessary, if the need is less, I think the need is the
12 \$5,500, not--or \$6,500, whatever my numbers were, not the
13 \$5,000. It's somewhat semantics, but semantics are important
14 at times.

15 MS. KAMEEN: I'd be comfortable with that. Monica,
16 are you?

17 MS. KEARNS: Yeah. I mean, we're just going to
18 probably perhaps enter a different mode with schools because
19 right now they're just entering this data into our portal, and
20 it's all self-reported. So they are--they have the
21 assurances. I was just thinking them. I think it's worded to
22 say tuition and fees. So it has an inclusive approach in the
23 explanation of how--what schools need to do to participate,
24 so--

25 DR. GRASMICK: And can I ask do you assume--and I'm

1 asking you, Monica--that they have to follow the consultation
2 process to get the money? If we chose to give additional
3 money for education, that they would go through the
4 consultation process?

5 MS. KEARNS: There's nothing in the assurances right
6 now that the schools have signed off on or not signed off on,
7 as the case may be, that pertains to this. It's just a
8 reporting.

9 MS. KAMEEN: Let me add this in, though, because you
10 remember how we were talking about how are we identifying
11 these special ed students?

12 DR. GRASMICK: Right.

13 MS. KAMEEN: And we were identifying them--our
14 recommendation was because they would have an individualized
15 service plan.

16 DR. GRASMICK: Right, absolutely.

17 MS. KAMEEN: Or if they're coming from the public
18 school, they had an IEP or a 504 plan.

19 DR. GRASMICK: Right.

20 MS. KAMEEN: So that is what the parents used in
21 identifying their kids.

22 DR. GRASMICK: Right.

23 MS. KAMEEN: So those would be the three mechanisms.

24 DR. GRASMICK: Right.

25 MS. KAMEEN: But the school, if the kid doesn't

1 have--if the private school child doesn't have an
2 individualized service plan, the school can't say, "But I give
3 them special services." You would have to have an
4 individualized service plan for that kid.

5 DR. GRASMICK: Right. Because you have to validate
6 in some way.

7 MS. GREEN: I think, actually, Dr. Grasmick, it's
8 probably--what I hear is a potential fear that you're
9 identifying--is actually, probably the opposite of the
10 reality. There are more students getting special education
11 resources in the non-public school system than have
12 individualized plans and then qualify for the BOOST--the BOOST
13 boost to them.

14 So that the schools are being required to follow
15 those plans in order for those students to be able to be in
16 this.

17 DR. GRASMICK: But when you say they're following
18 those plans, these are plans that are done in collaboration
19 with the public schools in order to get that carved-out public
20 funding. So that's all I'm asking, is we would continue the
21 process of ensuring that there is this plan developed.

22 MS. KEARNS: Well, sorry. Just to pipe up, though,
23 because this is so new this year and is evolving a little bit.
24 So the parents were asked what's on the bottom of your special
25 education handout, whether--and actually, it says whether the

1 student is eligible for services in these categories. So
2 whether or not they're currently receiving it--

3 DR. GRASMICK: Is a different--

4 MS. KEARNS: --is not a deal breaker.

5 DR. GRASMICK: Right, right.

6 MS. KEARNS: It's just eligibility.

7 DR. GRASMICK: Right.

8 MS. KEARNS: So, however, that's what the
9 application said, but then there were further discussions.
10 And by the time the school assurances came out, those--the
11 school--those three things are mentioned in the assurances,
12 but it also says "or a similar educational plan used by the
13 non-public school for students with special needs." So we did
14 not stick to the three. Remember, Alan? We did not stick to
15 the three categories.

16 By the time we got to the school assurances, this
17 had evolved.

18 MS. KAMEEN: I thought we did, but maybe that was--I
19 don't know.

20 DR. GRASMICK: But then how did they access the
21 money that's carved out that Marcella spoke to if they haven't
22 gone through--if they don't have any of this?

23 MS. KEARNS: I guess I'm not following.

24 DR. GRASMICK: Okay. So you can see what the
25 funding is from the Federal Government that local school

1 systems have to use for students who are going to non-public
2 schools, okay? The only way the local jurisdiction would know
3 what money to give them is if they're identified through the
4 local school system. I'm just asking. And if they are
5 identified that way, they go through a process.

6 So if the parent just says, "No. I want to put them
7 in the school. I don't want anything to do with the local
8 public school," then the responsibility falls to the parent.

9 MS. KAMEEN: Correct.

10 DR. GRASMICK: And they don't get the public money.

11 MS. KAMEEN: I think--yeah--that what we really want
12 to focus on is the child in the private religious school has
13 an individual services plan--

14 DR. GRASMICK: Right.

15 MS. KAMEEN: --or has come from the public school,
16 having had an IEP, but will now have an individual services
17 plan, so it all goes back to this.

18 DR. GRASMICK: And then they can access the public
19 monies.

20 MS. KAMEEN: And that will be how you're picking the
21 students who will get the BOOST in their scholarship fund--

22 DR. GRASMICK: Yeah.

23 MS. KAMEEN: --because they're identified students
24 with disabilities, identified through a formal process.

25 MR. DUNKLOW: But the assurances is what the schools

1 are willing to report to MSDE. The application, if I'm
2 correct, had the three buckets, not four.

3 DR. GRASMICK: Yes.

4 MR. DUNKLOW: So when you're making decisions based
5 on the applicant pool, you are utilizing the three criteria
6 that have defined eligibility. I think there was some
7 discussion about trying to--at some point, if the Board wanted
8 to explore additional information, that we would want the
9 schools to assure that we would be able to get that, if we
10 needed to get information about other things that we're doing.
11 But if these three buckets are what makes sense--and it sounds
12 like it does--then the applicant pool is defined that way.

13 DR. GRASMICK: Yes.

14 MS. GREEN: Dr. Grasmick, I think the issue with
15 accessing this funding is that presumably all of the families
16 that applied and checked the box on their application are
17 receiving this funding.

18 DR. GRASMICK: Included.

19 MS. GREEN: It's just there are--then the
20 question--you know, we don't know exactly what's going to be
21 down the line in terms of the schools and whether the schools
22 are getting it, but I think--all of them qualify for this
23 funding if they have identified themselves as such.

24 DR. GRASMICK: But they don't get the--my point is
25 they don't get the funding--if I'm a parent, I have a child

1 who has a learning disability, and I want to access the BOOST
2 money. But I'm not going to go through my public school
3 system. I'm going right up to--name the school--and enroll my
4 child, a non-public or religious school. They would not be
5 identified through the public school.

6 MR. DUNKLOW: So I think what you're pointing out is
7 the fact that, to the count--if you look at the footnote on
8 Marcella's chart, the count includes those that are eligible
9 for a services plan, whether or not the parent consented to
10 receive those services or declined.

11 And so what your point, I think, is is that to
12 access the BOOST funds and as it's outlined in the
13 application, you have to say that you are eligible for one of
14 these, whether or not you are getting it. You are counted,
15 and then part of the proportionate care count.

16 DR. GRASMICK: Right, exactly.

17 MR. DUNKLOW: Because that's what the footnote on
18 Marcella's chart says is that those who are deemed eligible
19 are who's counted, and that equates to the proportionate
20 share. so that's what the applicant pool is based on.

21 MS. KEARNS: Yes. That is what the application had,
22 the three buckets.

23 MR. DUNKLOW: Mm-hmm.

24 DR. GRASMICK: Okay.

25 MR. GALLAGHER: So what I would suggest as it

1 relates to the award amounts and the special ed adjustments,
2 there's basically 500--like if you start, I think one of our
3 principles has been once you receive an award, we want to
4 sustain the award to sustain the enrollment, and since the
5 first year, we've been very focused on the renewals. So if
6 you consider the existing award levels, whether it's \$1,000,
7 \$1,400, \$3,400, or \$4,400, you consider that kind of the base
8 award. And if we stuck to the base awards, we have \$7 million
9 allocated. We have another \$538,000 available.

10 So, within that \$538,000 that would be available to
11 supplement the base awards, I think we have two options. One
12 would be some level of inflationary adjustment to the base
13 awards to reflect that we're 3 years into the program now--and
14 not a suggestion, but if you said a 2 percent per year
15 adjustment, that would eat up about 415- to \$20,000 of that
16 additional pool. If we did that and then we said \$500
17 adjustment for special ed, that would basically allocate all
18 of the money to get us to the 7.55 number.

19 So that would be base award, 2 percent per year
20 adjustment, so basically like a 6 percent adjustment to the
21 base awards, and then a \$500 supplement if you're one of the
22 235 kids that we've identified as special ed.

23 I don't know if that's the right way to go. We
24 could drop the inflationary adjustment and increase the
25 special ed adjustment.

1 I do think that we should be mindful of--you know,
2 right now, 8 percent of the renewals fall into the special ed
3 category. 6 percent of the new applications fall under the
4 special ed category. I don't know what the right percentage
5 is, but I don't know general population like of the schools,
6 public schools, what percentage are special ed.

7 DR. GRASMICK: It's about 14 percent.

8 MR. GALLAGHER: It's about 14? Okay.

9 So I don't know how much we should be incentivizing,
10 and I also don't know if we incentivize too much if it's going
11 to lead to like a migration of categorization and kind of pre
12 other issues that are kind of unanticipated.

13 So I would argue that we would want to make an
14 adjustment, but it should be measured so that we have time to
15 kind of evaluate these issues a little bit more closely.

16 MS. GREEN: And I think, to answer a question you
17 asked before, we just did a flat--you had said \$2,000 per kid.
18 I think that for some of the students, you might end up
19 getting money given back because if you're looking at \$4,400
20 plus \$2,000, there we might have an issue with money coming
21 back. So being more measured, I think, makes a lot of sense
22 on a lot of levels.

23 One possibility is that we had an idea, that to the
24 extent that there are--if we're able to fully fund all of the
25 applications this year, that we have a policy that when we go

1 back and look at money that isn't used, we could give an
2 additional amount to the special ed families from what's left.
3 We might make that--if we have the ability to do that down the
4 line because it's a small amount of people.

5 ATTENDEE: To sort of mitigate against population
6 shifting over because they see extra funding.

7 MS. GREEN: Both. But also to just--because
8 suddenly we seem to potentially have enough money to cover
9 everything, which is a new phenomenon. I don't think one that
10 will continue but a new phenomenon, just because I think that
11 there may be more applications.

12 MR. GALLAGHER: It strikes me as strange that on the
13 special ed renewals, we have one renewal of a public school
14 student, and all the rest are previously attended non-public.
15 And then when you go down to the new applications, we have a
16 lot more new applications that are coming in from special ed.

17 MS. GREEN: I think some of that could be that
18 families discovered that they're not going to use any
19 services. You know, they just--their child needs more
20 services than can be given in the private school setting.

21 MR. GALLAGHER: But also, the renewals, if you're in
22 a private school and you're going for a renewal, you might not
23 consider yourself special ed anymore. They might not call it
24 "special ed" in the private school.

25 DR. GRASMICK: Right.

1 MR. GALLAGHER: So you get into categorization
2 issues too. Like if you went from Johnson Square Elementary
3 to St. Dominics, they might not say you're special ed student.

4 So I just think there's a lot we need to unpackage
5 around special ed.

6 DR. GRASMICK: I agree.

7 MR. GALLAGHER: I'm just preaching caution, I think,
8 basically.

9 DR. GRASMICK: I agree with that, and I also think
10 we need to hear from some of the schools in terms of what
11 their anxieties may be or how they can comply. I just think
12 it's important to hear from selected schools from different
13 categories about this.

14 So I would err on the side of caution.

15 MR. GALLAGHER: Okay.

16 So on the allocation plans, does everybody agree
17 that we stick to the base awards?

18 [No audible response.]

19 MR. GALLAGHER: Okay. And then should we work up
20 a--the base awards meaning \$1,000 to \$4,400.

21 MS. GREEN: As opposed to giving a--

22 MR. GALLAGHER: No. That we start there, and then
23 maybe we look at a couple of scenarios in terms of how to
24 apply the balance of the \$538,000--

25 MS. GREEN: Correct.

1 MR. GALLAGHER: --between inflationary increases and
2 a special ed adjustment.

3 ATTENDEE: Yes.

4 DR. GRASMICK: Yes.

5 MR. GALLAGHER: Okay.

6 MS. KAMEEN: Matt, just--I just want to remind
7 everybody that the law really says further provided at
8 \$600,000 of the appropriation shall be used.

9 MR. GALLAGHER: Oh, it's that specific. Okay.

10 MS. KAMEEN: Yeah. Shall be used for higher
11 scholarship awards to students with special needs.

12 MR. GALLAGHER: Okay.

13 MS. KAMEEN: So I just want to make sure we're
14 focused on the right amount.

15 MS. GREEN: But--and I don't mean to--I don't mean--

16 MR. GALLAGHER: Can you just read it--can you just
17 read it one more time? I'm sorry.

18 MS. KAMEEN: Sure. \$600,000 of this appropriation,
19 which is the \$7 million, shall be used only for higher
20 scholarship awards for students with special needs in
21 accordance with paragraph 6, which is reviewing and
22 determining scholarship awards.

23 MR. GALLAGHER: But the \$600,000--

24 MS. KAMEEN: Is dated.

25 MR. GALLAGHER: No, but--

1 MS. KAMEEN: Yeah.

2 MR. GALLAGHER: We have renewals that are special
3 ed.

4 MS. KAMEEN: Of course.

5 MR. GALLAGHER: Does that count in the awards to
6 those people?

7 MS. GREEN: No, the base awards. So I think we
8 talked about those things last meeting.

9 MS. KAMEEN: It's whether--whether for higher
10 scholarship awards with students with special needs.

11 MS. GREEN: Is it the 500? Let's say we used--is it
12 the 500, or it a \$1,500 instead of \$1,000?

13 MS. KAMEEN: I don't understand.

14 MR. GALLAGHER: So if you have a special ed student
15 who is getting \$1,000 award renewal, and we adjust it to
16 \$1,500, does that count at \$500 towards the \$600,000, or does
17 it count at \$1,500 towards the \$600,000?

18 MS. KAMEEN: I'm think it's only the \$500 that
19 counts, but I'm willing to rethink that and play with some
20 numbers.

21 MS. GREEN: I mean, I think that this year that may
22 make a lot of sense in many ways, but if the whole goal is to
23 get families that weren't--families that did not feel that
24 they had the ability to access school choices because their
25 children were receiving services and now they feel that

1 they--because they can get a higher award, they can now apply
2 to BOOST and get enough money that they can put their kids in
3 these schools, arguably their entire award is serving the goal
4 of getting families to apply who otherwise would have felt
5 that this was not an option for them.

6 MS. KAMEEN: Well, yeah. And that goes to intent as
7 opposed to, you know, what we actually know as a fact. So, I
8 mean, I think you can grapple with how you want to think about
9 that and how you're parsing it out, but I'm just pointing out
10 that the statute says \$600,000 of the appropriation shall be
11 used for higher scholarship awards.

12 MR. GALLAGHER: So what that would mean based on
13 what we have in terms of eligibility--I think the way the math
14 on that would work would be if we took the 235 special ed
15 students that we had and we had to augment their awards by
16 \$600,000 over the baseline, that we would probably go from
17 being able to accommodate all the applicants to not being able
18 to accommodate all the applicants.

19 MS. KAMEEN: That's--

20 MR. GALLAGHER: And we're going to lose eligible
21 applicants who are not special ed if we interpret it that the
22 600 has to be additive to the base award.

23 MS. CAMP: But the way it reads, I think it can be
24 read as the \$1,500, using that same example, because that then
25 becomes the higher award. And whether--it is a higher award,

1 and in reading it broadly rather than narrowly, I think it's
2 more consistent with the purposes and goals.

3 And I cannot imagine the legislature wanting a
4 situation where in order to give to one group--

5 MS. KAMEEN: You have to take--

6 MS. CAMP: --take away from another, and so I think
7 we should err--at least my personal opinion is that we should
8 err on the side of a broad reading of it in order to be able
9 to accommodate both.

10 MR. GALLAGHER: Why don't I suggest--I mean, I think
11 that we're all in agreement about protect base awards,
12 supplement, as the additional money is available. Perhaps the
13 Attorney General's office can deliberate on the reading of
14 that provision, and then we can reflect it in a handful of
15 scenarios. But I think that--I think, largely, we're in
16 agreement that we make some level of inflationary adjustment
17 to the base awards and then we apply the enhancement on
18 special ed kind of a measured way. Okay.

19 And I think that, you know--I think that we could
20 build a spreadsheet pretty easily that would show the buckets
21 of the students by category and by kind of a scholarship
22 award, where we have one or two or three scenarios--one,
23 inflation increase and then how that would affect the pool of
24 money that would be available for the special ed enhancements,
25 and maybe we could get a spreadsheet around so that the

1 members could kind of--I mean, I assume this would be
2 permissible.

3 We'd get a spreadsheet around. The members can
4 noodle with it, see if they like a particular scenario, and
5 then we could vote on a potential scenario for the
6 obligations. Does that make sense?

7 MS. KEARNS: Okay. Sure.

8 MR. GALLAGHER: Okay. All right. Any--

9 ATTENDEE: [via telephone] Yes, I agree with that
10 in everyone.

11 MR. GALLAGHER: Okay.

12 Any questions about that, 4 or 5?

13 [No audible response.]

14 MR. GALLAGHER: All right. So now we are at the No.
15 3, which is the compliance on the nondiscrimination
16 requirements.

17 So in preparation for the meeting and in consulting
18 with MSDE and Attorney General's office staff around the
19 agenda, there is some information that's available in terms of
20 the Attorney General's office that relates to recent court
21 rulings that has not yet been memorialized in any type of memo
22 or any type of formal advice to the Board. And it has been
23 suggested that we would probably be well served to get briefed
24 on that information, and it might make sense to do that in a
25 closed setting to get that legal briefing.

1 We've been very protective--well, we have endeavored
2 to this point through 3 years that all of our meetings have
3 been open and that we haven't gone into closed session.

4 So what I would suggest is, if the Board is
5 agreeable to this, we would go into closed session to get the
6 briefing. We wouldn't do any deliberating. We wouldn't take
7 any action in closed session. We would only do that in the
8 open session, and that we will reflect kind of the thinking of
9 the board and the decision-making any underlying like legal
10 justification for that in the minutes and in the open meeting
11 discussion that we would subsequently have later today in this
12 meeting or in follow-up meetings.

13 Liz, was that a fair statement?

14 MS. KAMEEN: That is perfect.

15 MR. GALLAGHER: Okay.

16 MS. KAMEEN: So you just need a motion to go into
17 the closed session.

18 MR. GALLAGHER: Okay. Well, first, I just want to
19 ask. Do any of the Board members have any objection to that?

20 [Chorus of noes.]

21 MR. GALLAGHER: Okay, great.

22 So can I get a motion for the Board to go into
23 closed session?

24 DR. GRASMICK: So moved.

25 MR. GALLAGHER: Okay.

1 MS. CAMP: Second.

2 MR. GALLAGHER: Second.

3 All in favor?

4 [Chorus of ayes.]

5 MR. GALLAGHER: Okay. So for the attendees, we're
6 going to go into closed session. We would ask you to leave
7 the room and--

8 MS. KEARNS: I have a room down the hall reserved.

9 MR. GALLAGHER: There's a room down the hall which
10 you can hang out. We're going to get briefed. Then we will
11 come back into open session. We will still have the public
12 comment period, and if there are any deliberations that will
13 happen today, they will happen in open session.

14 MS. KEARNS: Okay. And then the camera--does the
15 camera--

16 THE VIDEOGRAPHER: It's going to leave the room.

17 MS. KAMEEN: No, the camera does not go into closed
18 session.

19 MS. KEARNS: That's what I mean.

20 [Whereupon, the BOOST Advisory Board went into
21 closed session off the record.]

22 MR. GALLAGHER: [In progress]--3. Follow-up on
23 student compliance with nondiscrimination requirements. We
24 have some requests for eligibility reconsideration, and then
25 we also had a number of schools that still had pending

1 consideration.

2 So the first school that we're going to take up is
3 Broadfording Christian Academy from Hagerstown, and the Board
4 has been provided a copy of their written policies. It was
5 also provided some further--some answers to some further
6 inquiries we had made.

7 The Attorney General's office has advised that the
8 policy--the published policies are consistent with the
9 applicable laws governing BOOST, and that it's the opinion
10 that they are in compliance.

11 So for the Board's consideration, because they had
12 been put into a bucket where we needed to reconsider this one,
13 we have the information from MSDE and the Attorney General's
14 office. The Board would act to reconsider their request, and
15 so I would make a motion that we favorably reconsider
16 Broadfording Christian Academy in terms of their eligibility
17 for BOOST.

18 ATTENDEE: I second.

19 MR. GALLAGHER: We have a second. Okay.

20 All in favor on the Board? Aye.

21 [Chorus of ayes.]

22 MR. GALLAGHER: So the Board is unanimous on
23 Broadfording Christian Academy's eligibility.

24 Okay. The second request for eligibility
25 reconsideration was Grace Academy in Hagerstown. Again, MSDE

1 provided us their policy documents, some of which have been
2 updated, correct?

3 We've also received advice from the Attorney
4 General's office in terms of their evaluation of that
5 language.

6 The issue that still persists with Grace Academy is
7 they had been excluded from the program the first year because
8 they had language that was noncompliant and was in conflict
9 with the written assurances that they received. They have not
10 been eligible for the current year, '17-'18 that we're in
11 right now, and their revisions to their policy documents have
12 come after their eligibility for consideration in '17 and '18.

13 So what we basically have is we have a new set of
14 policy documents that have been made available to MSDE and the
15 Attorney General's office really beyond the window in which
16 they could have been considered.

17 So based on advice from Attorney General's office,
18 the evaluation of MSDE, the potential exists that Grace
19 Academy could be considered for involvement in BOOST during
20 the next eligible window, which would be a determination that
21 would happen administratively at MSDE.

22 So I would make a motion that we would advise Grace
23 Academy in Hagerstown that they can contact MSDE to be
24 considered for application in the program at the next
25 available window.

1 DR. GRASMICK: Second.

2 MR. GALLAGHER: Second. All in favor? Aye.

3 [Chorus of ayes.]

4 MR. GALLAGHER: Okay. So we're unanimous in terms
5 of that notification for Grace Academy.

6 We have another two schools that are still under
7 review that provided additional information to MSDE and to the
8 Attorney General's office.

9 These are schools that had gone through the process
10 that had been involved in the BOOST program, and when MSDE and
11 the Attorney General's office initiated the review of the
12 policy documents and disciplinary documents to ensure
13 compliance with the assurance language, there were elements of
14 their published policies which require further evaluation by
15 the Board.

16 So these had been further evaluated. The schools
17 had been contacted to provide additional supplemental
18 information. The additional supplemental information has been
19 considered by MSDE and the Attorney General's office and now
20 the Board, and the Board has been asked to consider this
21 information and make a determination as to their eligibility
22 for the '17-'18 school year. Is that correct?

23 Okay. So in the case of Bethel Christian Academy
24 and Woodstream Christian Academy, there remain elements of the
25 published policies of those schools that are not consistent

1 with the nondiscrimination requirements governing BOOST, and I
2 would make a motion, either jointly or two motions, one for
3 Bethel and one for Woodstream, that they not be considered
4 eligible for the program in 2017 and 2018. So I'm making a
5 motion.

6 MS. CAMP: Second to both.

7 MR. GALLAGHER: Second to both or second
8 individually. Whatever we need to do. But I think we just
9 did both.

10 ATTENDEE: Both is good.

11 MR. GALLAGHER: Both is good.

12 All in favor? Aye.

13 [Chorus of ayes.]

14 MR. GALLAGHER: Unanimously again. The vote of the
15 Board is to not deem Bethel and Woodstream eligible for
16 inclusion in BOOST right now.

17 All of the four schools that we just acted on will
18 be contacted by MSDE and notified of the decision and the
19 explanation, and copies of those letters will go to obviously
20 the school, but the Board will see those as well. Okay.

21 MS. GREEN: Is it possible, is it appropriate, for
22 the letter that goes to the schools to address--if they want
23 to change their policies, at what point that could be
24 submitted for consideration? In other words, if you change
25 your policy now, we're looking at next school year, but if you

1 change your policy, you know, in the summer, next summer,
2 that's not going to work. That a change needs to be made at a
3 point that--

4 MR. GALLAGHER: I think it's definitely fair that we
5 can include in the letter when the next window opens for
6 schools to be considered, the policies they might consider.

7 MR. DUNKLOW: Yeah.

8 MR. GALLAGHER: And I think that we have to address
9 that anyway in the case of Grace Academy--

10 ATTENDEE: Right.

11 MR. GALLAGHER: --because of their timing issue. So
12 I think that that's certainly a line or a sentence that we can
13 include in the communications.

14 But that's an MSDE issue in terms of the windows for
15 eligibility for the schools.

16 Any--on the Board level, any thoughts, questions, or
17 concerns about these issues or any of the other articulated
18 items on the agenda?

19 DR. GRASMICK: No. Just to welcome Valerie
20 Carpenter. Would you like to--

21 MS. KEARNS: Sure. Yes. Thank you.

22 I'd like to introduce Valerie Carpenter, sitting
23 right here, and so she is a new staff member at MSDE who will
24 work on the BOOST and Textbook programs. So welcome, Valerie.

25 MS. CARPENTER: Thank you.

1 MS. KEARNS: She comes to us from another state
2 agency, the Department of Housing and Community Development.

3 MR. GALLAGHER: Welcome.

4 Okay. I guess at this point, we would open up the
5 meeting for public comment from any of the public attendees.

6 MR. RADZIWILL: [via telephone] Yeah, I had a
7 comment. Brian Radziwill from the Archdiocese of Washington
8 Catholic Schools office.

9 And I had sent a comment, I guess, about a month ago
10 to Monica to ask about that designation for special education.
11 I'm a little concerned--you know, at that time, I submitted
12 the comments that I thought--that we thought identifying for
13 special ed should be expanded beyond just IEP 504 ISP, but
14 also have language to support similar educational plan that's
15 used by the non-public school for students with special needs.

16 The reason for this, I just think there's a lot of
17 reasons why a parent may not go through the ISP process. I
18 realize you had said that it's not just if you have an ISP or
19 IEP, but if you're actually eligible for one. But in either
20 event, it assumes the family has gone through a formal
21 evaluation process through Child Find, through the local
22 public school district, and there's a lot of reasons why a
23 parent may not do that.

24 You had mentioned, for instance, that--I think it
25 was Marcella that mentioned that some districts with a

1 proportionate share of funds may only offer, for instance,
2 speech-only services. So if you have a student or if you have
3 a child with a disability who may not need speech or who have
4 different needs, who might need occupational therapy or may
5 have a different need, then that alone--if you know the
6 district for the last 5 years has only been providing speech
7 services, you may decide, well, there's no reason to go
8 through the formal, this whole process of having, you know
9 public school officials come into my child's classroom,
10 monitor my child, evaluate my child, if again--if you know at
11 the end of the day that that district, what they're offering
12 in the proportionate share for private school children placed
13 by their families isn't going to even be able to offer what
14 your child needs.

15 You also--somebody also mentioned that oftentimes,
16 even if your child is eligible, the services that are going to
17 be offered by that public school district occur in the actual
18 public school. So, again, that's been a big hindrance
19 historically for our parents to even go and get children
20 evaluated because they often know they're working during the
21 day. They're tied up, and the transportation is relying on
22 the parent. So if you want to even take advantage of ISP
23 services through the local public school district, many times,
24 you have to come to the school, pick up your child, drive your
25 child to that local public school, wait until the services are

1 finished, you know, take the child back to their private
2 school.

3 So, again, if you know, for instance, transportation
4 is a concern that you're not going to be able to do that,
5 given your schedule, then that may be another reason why
6 parents have foregone even going through, you know, again,
7 this public evaluation process through the district.

8 Some parents may not want the public school to
9 evaluate their child, for whatever reason, and some parents
10 may already know their children have a disability. So they
11 don't need the public school district to come and make a
12 formal evaluation and a diagnosis because they've already gone
13 through a private process and have that diagnosis and just
14 plan on bringing them to a private school, anyway. So there
15 may be no reason for them to, again, go through that public
16 school Child Find process.

17 So I guess what I'm saying is there's a lot of
18 reasons why a family may not go--may not have an IEP, if they
19 haven't been in a public school, or may not go through that
20 process.

21 And, you know, our system of schools has a process.
22 We call them ICEPs. They're Individual Catholic Education
23 Plans. It's a very formalized process. We have what are
24 called SAC teams. That stands for Student Assistance Teams.
25 They're made up of usually the school counselor, resource

1 teachers, counselors, the principles, and similar to an IEP
2 process, when a family comes into the school and needs
3 accommodations or needs special education, special instruction
4 for their child, in addition to the classroom instruction,
5 families have to bring supporting documentation. That might
6 be a medical evaluation. That might be a psycho-ed evaluation.
7 There's a number of different documents that they're required
8 to come and prove the diagnosis of a disability. Oftentimes
9 that's a private diagnosis that's been made.

10 And then we take that documentation that the family
11 brings in, and we create what's called this ICEP plan for
12 them, which includes outlines, what the school provides, what
13 accommodations will provide, whether that be physical
14 accommodations, whether it be lesson plan accommodations.
15 There's a number of different things that we can do to
16 accommodate students with special needs.

17 MR. GALLAGHER: Brian, I'm sorry. Brian, just thank
18 you.

19 Did you want to summarize very briefly?

20 MR. RADZIWILL: [via telephone] Yeah. I was just
21 going to say there's a lot of kids. If you go with the
22 definition of being eligible for IEP or ISP only, I think
23 you're going to miss a big population of students who are
24 students with disabilities, but they haven't been diagnosed by
25 the public school district.

1 MR. GALLAGHER: Okay. Thank you. Thank you very
2 much for that feedback.

3 The special ed issue is a complicated and nuanced
4 one, which the Board discussed at length at the beginning of
5 the meeting. You know, this is the first time that the
6 special ed issue has really come into the BOOST discussion
7 because of the most recent budget language, and your feedback
8 is very much appreciated and will be helpful as we formulate
9 our plan for going forward right now, so thank you.

10 MR. RADZIWILL: [via telephone] Thank you.

11 MR. GALLAGHER: Garrett, did you have something you
12 wanted to say?

13 MR. O'DAY: Yes, just briefly to piggyback on what
14 Brian was saying. You know, for the record, Garrett O'Day
15 with Maryland Catholic Conference, and on behalf of myself and
16 [inaudible] for Maryland [inaudible] School Coalition.

17 Our thoughts are just--suggest keeping in mind that
18 the budget language generally with regard to special needs
19 provides that the money goes toward this extra \$600,000 toward
20 higher scholarships for students with special needs. It just
21 makes a general designation of special needs.

22 So our concern is kicking out any, you know, fourth
23 category with regard to the--with the school itself to find
24 the special needs based on the needs of the child, which is,
25 you know, the point of this program, would probably do a

1 disservice. We're worried a little bit about that that 235
2 kids, I think it was, that are designated right now as special
3 needs could become 35 if you kick out that fourth category.
4 By only limiting it to IEPs or ISPs, you're limiting really to
5 what I believe is about 13 different categories of disability
6 that are covered by IDEA. I think that's what it is. Correct
7 me if I'm wrong, Alan. It's something like that. And a lot
8 of the schools make determinations beyond that.

9 One other thing is, too, I feel that we can't act as
10 if the funding provided through IDEA or through equitable
11 services through the LEA is easy to get. Kids are routinely
12 denied because either they just can't accommodate for the
13 public school or the LEA school fund, unable or only to
14 accommodate--or the money is not there. It's not available.

15 So, as what Brian was saying, a lot of students,
16 their parents will circumvent that process, or if they have a
17 disability that's outside of IDEA, they will go to the
18 non-public school that suit their needs. And that's what, you
19 know, the purpose, I think, of the program is, to expand those
20 options and maintain those options.

21 The last thing I'll note is that I think--and
22 correct me if I'm wrong. I think the legal history of
23 nonpublic placement as a separate entity, you know,
24 subcategory in and of itself was, you know, from a
25 historical--historically, legally--historically schools not

1 being able to accommodate in the public schools and parents
2 going and placing their kids in non-public schools and then
3 essentially asking for reimbursement for that tuition under
4 IDEA, and that's what's happened historically.

5 So I agree with Dr. Grasmick. That is kind of
6 outside of this consideration, but that is the purpose of the
7 fact that they have non-placement even within IDEA, so we'd
8 ask you to basically consider having a category, that fourth
9 category where, you know, the schools and parents can make the
10 determination about what general special needs is. And
11 I--my--our opinion is it would still be compliant with the
12 statutory--or the budget language as it's written.

13 That's all. Thank you.

14 MR. GALLAGHER: Thanks.

15 Any other public comments?

16 [No audible response.]

17 MR. GALLAGHER: Motion to adjourn?

18 ATTENDEE: So moved.

19 ATTENDEE: Second.

20 MR. GALLAGHER: All in favor? Aye.

21 [Chorus of ayes.]

22 MR. GALLAGHER: Thank you.

23 [End of recorded session.]

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CERTIFICATE OF TRANSCRIPTIONIST

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9/12/2019

X Jennie Malloy

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Jennie Ann Malloy

Jennie Ann Malloy

Signed by: Malloy

Jennie Malloy, Transcriptionist
Malloy Transcription Service

EXHIBIT 15



Karen B. Salmon, Ph.D.
State Superintendent of Schools

February 28, 2019

Claire Dant, Principal
Bethel Christian Academy
8455 Savage-Guilford Road
Savage, Maryland 20763

Dear Ms. Dant:

This responds to your e-mail dated February 3, 2019, following up on the letter you received from the BOOST Program in December 2018. In your e-mail, you stated that Bethel Christian Academy had only recently opened the letter, and that its Board of Directors would need some time to respond. In the meantime, I want to provide you with some additional information that may be helpful. Bethel Christian Academy is currently ineligible for the BOOST Program due to language in its student handbook that contradicted the nondiscrimination requirements in the BOOST law. As a result, the school has been invoiced for BOOST scholarship funds received while its student handbook contradicted the nondiscrimination requirements.

To the extent Bethel Christian Academy decides to revise the language in its student handbook, please know that the BOOST Advisory Board has restored the eligibility of schools for the BOOST Program on that basis. It is therefore possible that Bethel Christian Academy could regain its eligibility to participate in the BOOST Program during the upcoming 2019-2020 school year. This, of course, remains contingent on the school's meeting all eligibility requirements contained in the relevant BOOST law, which governs operation of the BOOST Program and places conditions on expenditure of funds during the applicable fiscal year.

To the extent Bethel Christian Academy is finding it difficult to reimburse BOOST scholarship funds received in the 2016-2017 and 2017-2018 school years, the Board recently decided that it would offer schools the option to utilize a prospective payment plan to accomplish the required payment. If you have your eligibility for the BOOST Program restored as noted above, this would effectively allow the school to pay down the amount owed at the same time it is receiving new BOOST scholarship awards. Please know, however, that students must still be credited for the full value of their awards.

Looking ahead, the BOOST Program can offer payment plans for three years or less, which incur no fee. The Board is willing to consider authorizing payment plans for four years or longer, but be aware that such plans must be arranged with the Maryland Central Collection Unit and may incur a collection fee. I have enclosed a sample three-year repayment agreement for your consideration. You may suggest other payment options on behalf of your school, which the BOOST Program will consider in light of their reasonableness and practicality.

Claire Dant
February 28, 2019
Page 1

If you would like to discuss student handbook revisions that have previously been upheld by the Board, or are interested in beginning the process of arranging for a payment plan, please contact me by phone at 410-767-0757 or by e-mail at donna.gunning@maryland.gov, within 30 days of the date of this letter.

Sincerely,

Donna Gunning
BOOST Program Executive Director

Cc: BOOST Advisory Board
Elizabeth Kameen