

## FIRST AMENDMENT TO CHARTER

THIS FIRST AMENDMENT TO CHARTER (“Amendment”) is dated August 9, 2023, by and between the Board of Education of Frederick County, Maryland (the “Board”), and Monocacy Montessori Communities, Inc. (“MMCI”), collectively referred to as “the Parties” in this Amendment.

### ACKNOWLEDGMENTS

WHEREAS, the Parties established a Charter dated July 1, 2018, for operation of the Monocacy Valley Montessori Public Charter School (“MVMPCS”); and

WHEREAS, the Board granted conditional approval to amend the charter at its February 9, 2022 meeting; and

WHEREAS, MMCI satisfied the conditions set forth by the Board for the conditional approval to amend the charter by securing an appropriate facility for the expansion of MVMPCS to include grades 9 through 12; and

WHEREAS, the Parties wish to amend the Charter pursuant to the conditional approval by the Board at its February 9, 2022 meeting; and

WHEREAS, the Parties wish to amend the Charter to be aligned with new Blueprint for Maryland’s Future education funding; and

WHEREAS, all other terms and conditions of the Charter between the Parties shall remain in full force and effect.

NOW, THEREFORE, in consideration of the promises and mutual covenants and understanding of each of the Parties, the Parties hereby covenant and agree as follows

I. The following shall replace the existing Charter Section II(C) in its entirety:

C. ADMISSION

The terms of admission to MVMPCS will be as follows:

1. Admission to MVMPCS will be open to all students residing in Frederick County eligible for pre-kindergarten through twelfth grade on a space available basis. The charter school will continually strive to have a student body representative of FCPS population and report such status annually.
2. Admission will not be denied to any students based on discriminatory factors such as ability (cognitive, social emotional, and physical), age, ethnicity, family structure, gender, gender expression, gender identity, language, nationality, national origin, race, religion, sexual orientation, or socioeconomics.

3. A public charter school is chosen by parents, for their children, and is open to all students on a space available basis. A random selection process must be used if the number of qualified applicants exceeds the predetermined student capacity in the public charter school. An exception may be granted by the Board for families of the initial charter, for the children of the school improvement/leadership team members, or for siblings of students currently enrolled in the charter school identified at the time of the application, so long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment. MMCI may provide guaranteed placement through a lottery up to 35% of the available space at MVMPCS in grades 9 through 12 to students who attended another public charter school during the previous school year that is operated by MMCI (*Md. Education Code Ann. § 9-101*). The Director of Student Services provides oversight of the process to assure adherence to federal and state requirements.

II. The following shall replace the existing Charter Section II(L)(3) in its entirety:

L. PERSONNEL

\* \* \*

3. The middle and high school teachers and teacher assistants are not required to have Montessori training but it is preferred.

\* \* \*

III. The following shall replace the existing Charter Section VI in its entirety:

**VI. FISCAL MATTERS AND SERVICES**

A. FUNDING

In accordance with *Md. Education Code Ann. § 9-109* and further clarified in corresponding State Board rulings, the Board shall disburse to MMCI an amount of county, state, and federal money for elementary, middle and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction. MMCI may seek and receive other funds through local, state or federal government sources and/or from private sources without a reduction in its annual commensurate allocation.

B. ENROLLMENT

Board Policy 440, Section 440.11, indicates an approved public charter school shall receive funding as determined by Maryland law, which may be comprised of discretionary funds and in-kind services. Annual funding will be based on contractually

agreed upon enrollment and provided on a “per-pupil” basis for up to 300 students in SY 2022-2023; 360 students in SY 2023-2024; 420 students in SY 2024-2025; 480 students in SY 2025-2026; 540 students in SY 2026-2027; and 561 students in 2027-2028.

Retrospective to Fiscal Year 2022 (FY2022) and forward, the Board will include eligible, as defined by the current year state aid pre-kindergarten enrollment, MVMPCS prekindergarten students in the projected enrollment used in the per-pupil allocation (PPA) funding formula. Specifically, for FY2022 the enrollment included only four-year old pre-kindergarten students as of September 30, 2020; for FY2023 it included all pre-kindergarten students as of September 30, 2021; and for FY2024 it will include, as outlined in law, all full-day four-year old pre-kindergarten students from households with incomes at or below the 300% of the federal poverty level. If state aid pre-kindergarten calculations are adjusted in future years, the pre-kindergarten enrollment used in the charter school per pupil allocation calculation will change accordingly.

Under enrollment, as identified by the September 30 enrollment count, may result in funding adjustments for current fiscal year.

C. ACCOUNTING

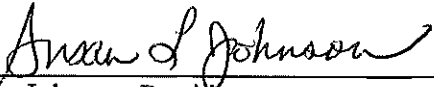
MMCI and MVMPCS must adhere to financial, programmatic, or compliance audits consistent with federal, state, and local laws and budget procedures and deadlines.

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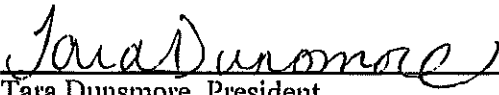
IN WITNESS WHEREOF, the Parties hereto have hereunder set their hands and seals the day and year first above written to this First Amendment to Charter.

WITNESS:

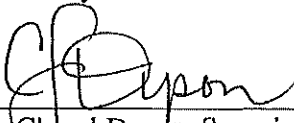
9/7/23  
Date

 (SEAL)  
Susan Johnson, President  
Board of Education of Frederick County

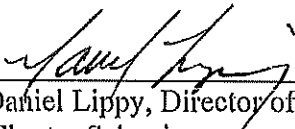
8/3/2023  
Date

 (SEAL)  
Tara Dunsmore, President  
Monocacy Montessori Communities, Inc.

08.31.23  
Date

 (SEAL)  
Dr. Cheryl Dyson, Superintendent  
Frederick County Public Schools

8/31/23  
Date

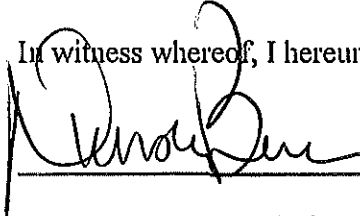
 (SEAL)  
Dr. Daniel Lippy, Director of School Management  
and Charter Schools  
Frederick County Public Schools

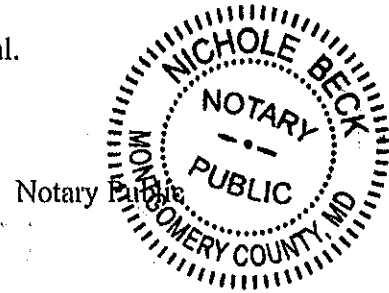
STATE OF MARYLAND:

COUNTY OF FREDERICK:

I hereby certify that on this 1<sup>st</sup> day of September, 2023, before me, a Notary Public of the state aforesaid, personally appeared **Sue Johnson**, who made acknowledgment on behalf of the Board of Education of Frederick County, and that she as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing by herself as President of the Board of Education of Frederick County, Maryland.

In witness whereof, I hereunto set my hand and official seal.

  
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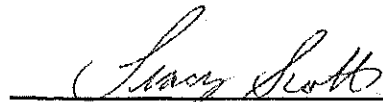
My Commission Expires: 10/11/2024

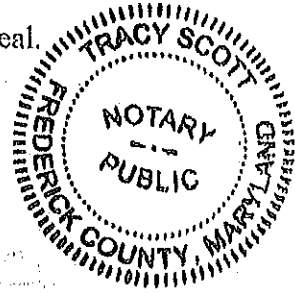
STATE OF MARYLAND:

COUNTY OF FREDERICK:

I hereby certify that on this 3<sup>rd</sup> day of August, 2023, before me, a Notary Public of the state aforesaid, personally appeared **Tara Dunsmore**, who made acknowledgment on behalf of Monocacy Montessori Communities, Inc., and that she as such President, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing by herself as President of Monocacy Montessori Communities, Inc.

In witness whereof, I hereunto set my hand and official seal.

  
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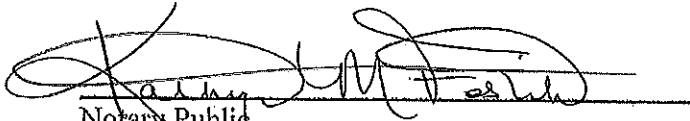
Notary Public  
My Commission Expires: 12-16-2023

STATE OF MARYLAND:

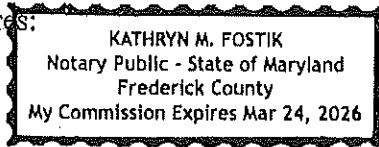
COUNTY OF FREDERICK:

I hereby certify that on this 31 day of August, 2023, before me, a Notary Public of the state aforesaid, personally appeared Dr. Cheryl D. [unclear] son, who made acknowledgment on behalf of Frederick County Public Schools and that she as such Superintendent, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing by herself as Superintendent of Frederick County Public Schools.

In witness whereof, I hereunto set my hand and official seal.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

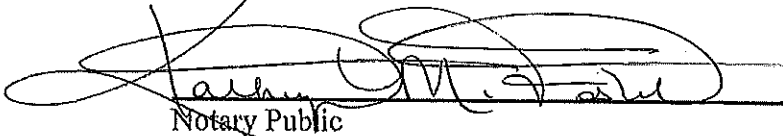


STATE OF MARYLAND:

COUNTY OF FREDERICK:

I hereby certify that on this 31 day of August, 2023, before me, a Notary Public of the state aforesaid, personally appeared Dr. Daniel Lippy, who made acknowledgment on behalf of Frederick County Public Schools and that he as such Director of School Management and Charter Schools, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing by himself in his capacity with Frederick County Public Schools.

In witness whereof, I hereunto set my hand and official seal.

  
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Notary Public

My Commission Expires:

