

<b>POLICY</b>	<b>BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND</b>
<b>CHARTER SCHOOLS</b>	<b>SECTION 440</b>
<b>440.1 Policy</b> <b>440.2 Implementation of Policy</b> <b>440.3 Criteria</b>	<b>Adopted:</b> <b>2/14/01</b> <b>Amended:</b> <b>8/13/08-</b>

#### 440.1 Policy

The Board of Education of Frederick County believes in offering and supporting educational systems designed to provide success for every student, delivered through a variety of innovative programs designed to meet the needs of a diverse student body. Nationally, public charter schools reflect a movement that focuses on student achievement within an educational environment that may differ from the traditional public schools. Criteria with which to consider proposals for public charter schools and the procedures for granting and overseeing approved public charter schools are essential to this endeavor.

##### A. Position

The board supports the Maryland State Board of Education's position on public charter schools that vests the authority to establish schools with each local board of education and provides an alternative means within the existing public school system to offer innovative learning opportunities and creative educational approaches in order to improve the education of students. The public charter school may propose to have a major emphasis on specific criteria, such as reclaiming dropouts or utilizing specific instructional programs.

Except as provided in §9-106 of the Education Article, Annotated Code of Maryland, a public charter school is subject to the federal, state, and local policies, regulations, and statutes that affect traditional elementary and secondary public schools unless the policies, regulations, and statutes are waived by the appropriate governing authority. The public charter school must demonstrate in any waiver request that the exemption would enhance the school's ability to advance the educational goals and objectives of the school. Policies, regulations, and/or statutes related to health and safety or civil rights shall not be waived.

##### B. Definition

A public charter school is defined as a nonsectarian public school that operates under a charter, or contract, within the public school system and under the authority of the Board of Education of Frederick County.

A public charter school is created in accordance with §9-101 through §9-110 of the Education Article, Annotated Code of Maryland.

#### 440.2 Implementation of Policy

The superintendent will oversee public charter schools and make recommendations to the board regarding approval, renewal, probation, and/or revocation. The superintendent will establish regulation for:

- A. Accepting and evaluating applications for public charter schools.
- B. Obtaining waivers from the board's policy and/or administrative regulations and for making waiver requests to the state superintendent of schools.
- C. Specifying probation and revocation procedures.
- D. Identifying charter school renewal process.

#### 440.3 Criteria

##### A. A public charter school must:

1. Focus on improving student achievement, strive for high academic standards, and be accountable for measurable results.
2. Function as a semi-independent education operation within the local school system. Subject to approval by the board of education, it can establish its own governance process, create its own priorities, creative solutions, instructional design, and professional development; and utilize its own system for measuring school and student performance in addition to that which is imposed by the local and state boards.
3. Be nonprofit, nonreligious, and nonsectarian.
4. Be a new public school, or a conversion of an existing public school.
5. Not be a private school, parochial school or home school prior to application.
6. Comply with federal, state, and local requirements for all students, including those with disabilities.
7. Operate in pursuit of specific education objectives.
8. Provide a program of elementary or secondary education or both.

##### B. Application Process

1. A concept proposal may be submitted by May 1 of the year preceding the proposed starting date in order for the board to provide initial feedback prior to the application process.
2. The complete charter school application must be submitted by August 1<sup>st</sup> of the year prior to the proposed starting date. (Reference FCPS Regulation 400-84.)

3. Conflict of Interest - Each founding member and individuals serving on the proposed charter school's board of directors will be required to complete a conflict of interest form in accordance with regulation.
4. Waivers - Charter school applicants must identify waivers they plan to request from either the local or state board as deemed necessary to execute the mission of the proposed charter school.
5. A public charter school may begin operation in the school year following the date the charter is granted, provided approval is granted no later than the last board meeting in December of the preceding school year.
6. The board retains the right to accept, modify, or deny any charter school application.
7. In making a final decision, the board shall consider the merits of the proposal, current and long-term fiscal status of FCPS, curricular and instructional needs of FCPS, community issues, and any other factors any board member deems relevant.
8. Upon submission of a completed and required application, the board shall render a decision within one hundred and twenty (120) days and provide a detailed written recommendation with rationale for its decision for approval or denial of the application.
9. Within thirty (30) calendar days of the application approval, it is an expectation that the board and the applicant shall complete a charter school agreement.
10. Upon approval of a public charter school application, the board-approved components of the application shall become part of a contract, i.e., the charter, between the public charter school and the board of education. The contract shall include all agreements, including the board-approved waivers of board policies, regulations, and all state-approved waivers of Maryland law. A revision of the terms of the contract may be made upon written approval of the local board and the governing body of the public charter school.

#### C. Educational Programs and Services

1. The school's instructional plan must include the following:
  - philosophy and goals of the program
  - educational levels to be offered
  - student-to-teacher ratio
  - unique focus of the school program
  - fully developed curriculum showing alignment with Maryland voluntary state curriculum
  - instructional methods to implement the curriculum
  - appropriate technology, equipment, libraries and media available
  - length of student day
  - extracurricular offerings
  - supplemental programs

2. Students may participate in extra-curricular activities at their assigned home school.
3. Students must be physically present on school premises for a period of time substantially similar to that which other public school students spend on school premises.

#### D. Student Outcomes

1. Unless otherwise approved, the public charter school must meet or exceed current school accountability provisions of the board, board adopted goals, and state regulations and statutes.
2. Even if a public charter school is exempted from certain state regulations and/or local rules and policies, educational achievement must be measured against the same standards used by the Board of Education of Frederick County and the Maryland State Board of Education.

#### E. Student Admission

1. Students residing in Frederick County will be eligible for admittance without tuition charge. No eligible Frederick County student may be denied admittance in order to accept an out-of-county student. Others residing outside of Frederick County must comply with the board's policy governing enrollment and tuition charges for nonresident students.
2. Students with special education identification will adhere to the normal individualized education plan (IEP) process. Specific additional resources allocated to a student via the approved IEP will remain with the student going to the charter school. The public chartering authority shall ensure that prior to opening a public charter school, the operators of the school are informed of the human, fiscal, and organizational capacity needed to fulfill its responsibilities related to children with disabilities.
3. Except as otherwise allowable by law, the public charter school may not deny admission based on illegal discriminatory factors such as race, gender, ethnicity, religious preference, socio-economic conditions, disability, or sexual orientation. Charter schools should continually strive to have a student body representative of FCPS student population and report such status annually.
4. 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. The director of the Student Services Department provides oversight to the process to assure adherence to federal and state requirements.

#### F. Staffing Plan for the School

1. Public charter school employees are public school employees of the Frederick County Public Schools with all the rights, responsibilities, and benefits granted by law, collective bargaining, policy, and procedures.
2. Existing employee organizations and the public charter school may mutually agree to negotiate amendments to an existing agreement to address the needs of the particular public charter school.
3. Public charter school employees will be observed and evaluated consistent with the state law and FCPS procedures.
4. Any additional contracts to provide staff services need to be detailed and approved by the board of education.
5. Certification requirements for public charter school personnel are no different than for personnel in other Frederick County Public Schools.
6. The superintendent retains the authority to assign and transfer educators under Maryland law as the needs of the system require.

#### G. Management Plan for the School

The public charter school must have a school improvement team. The roles, operating procedures, and responsibilities of the school improvement team may be determined by the public charter school participants consistent with state and local guidelines for school improvement teams.

#### H. Facilities

1. Unless otherwise agreed, a public charter school applicant shall be responsible for providing and maintaining a facility in accordance with provisions as outlined in regulation.
2. If a public charter school leases its own facility, it will be responsible for adhering to appropriate local and state building codes and regulations.
3. The applicant must submit a facilities plan that specifies location, available space and its use, and the terms and conditions of the facility acquisition and necessary utilities.
4. If the public charter school wishes to use existing FCPS buildings, such use must be negotiated with the board of education. Policies and regulations related to health and safety cannot be waived.
5. The public charter school must provide for appropriate insurance, including the provision that names FCPS as co-insured against any loss or damage to its property or any liability resulting from the use of its property or from the acts or omissions of its officers and employees.

## I. Financial Plan for the School

1. A financial plan for the duration of the charter must include, but not be limited to, a proposed budget outline, projected student enrollment, and revenue sources. The financial plan shall be annually updated. Changes impacting base budget allocation or strategic improvement requests must be submitted on or before October 1 of the prior fiscal year.
2. 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 a contractually agreed upon enrollment and provided on a “per pupil” basis. Under-enrollment as identified by the September 30 enrollment count may result in funding adjustments for current fiscal year.
3. An approved public charter school may seek and receive other grants through local, state, or federal government sources or private sources without a reduction in its allocation unless other provisions are included in the charter.
4. The charter school must adhere to financial, programmatic, or compliance audits consistent with federal, state, and local laws and budget procedures and deadlines.
5. Charter school audited financial statements and any issued management letters shall be annually provided to the local board, inclusive of all funding sources used to operate or support the charter school.

## J. Transportation

Transportation shall be provided in accordance with provisions of a student’s IEP and may be provided to regular education students if conducive to currently established bus routes that travel along routes in the location of the charter school.

## K. Length of Contract

A charter may be granted for no longer than four (4) years.

## L. Performance Review

1. The public charter school’s performance shall be evaluated based upon performance in educational, financial, and organization areas as well as other criteria as described in the approved charter.
2. An annual report on each public charter school will be provided to the board of education that includes performance on recognized educational, financial, and organizational areas as well as other criteria as described in the approved charter. An interim report is required mid-year of the first year of the charter and any other time the board so requests.
3. If established academic performance standards are not met, a plan for improvement will be implemented in accordance with Regulation 400-85.

#### M. Provisions for Renewal

No later than six (6) months prior to expiration of the contract, the public charter school may request renewal of the existing contract. Renewal criteria are based on conditions as outlined in FCPS Regulation 400-90.

#### N. Probation/Revocation

The board may place a public charter school on probationary status to allow the implementation of a remedial plan, pending a decision to revoke the school's charter.

Probation/revocation decisions shall be based on criteria as outlined in FCPS Regulation 400-85.

#### O. Appeal Process

1. If the board denies an application to establish a public charter school, the applicant may appeal the decision to the state board in accordance with §4-205 (c) of the Education Article, Annotated Code of Maryland.
2. If the board denies an application to establish a public charter school and the state board reverses the decision, the state board, as having secondary chartering authority, may direct the board to grant a charter and shall mediate with the board and the applicant to implement the charter.
3. The charter school application and review process for a restructured school shall be governed by Maryland law §9-104(a)(4)(ii). The state board may assume chartering authority for a restructured school.

NOTE: Cross Reference Title 9, Education Article, Annotated Code of Maryland