

# POLICY

SOMERSET COUNTY  
BOARD OF EDUCATION

<b>Date Submitted:</b> September 16, 2003	<b>Number:</b> <b>100-20</b>
<b>Date Reviewed:</b> February 21, 2006 October 21, 2008	
<b>Subject:</b>  Public Charter Schools	<b>Date Approved:</b> October 21, 2003 November 18, 2008 <b>Date Revised:</b> September 16, 2008 <b>Date Effective:</b> October 21, 2003 November 18, 2008

## 1. PURPOSE

To provide parents and students who reside in Somerset County an alternative means within the existing public school system for additional innovative learning opportunities and creative educational approaches.

## 2. DEFINITION

### A. Public charter school means a public school that:

- (1) Is nonsectarian in all its programs, policies, and operations.
- (2) Is a school to which parents choose to send their children.
- (3) Is open to all students on a space-available basis and admits students on a lottery basis if more than can be accommodated.
- (4) Is a new public school or a conversion of an existing public school.
- (5) Provide a program of elementary or secondary education or both.
- (6) Operates in pursuit of a specific set of educational objectives.
- (7) Is tuition-free for all students who are eligible to attend any other Somerset County school tuition-free.
- (8) Is subject to federal and state laws prohibiting discrimination.
- (9) Is in compliance with all applicable health and safety laws.
- (10) Requires students to be physically present on school premises for a period of time substantially similar to that which other Somerset County/City Public School students spend on school premises.
- (11) Is created in accordance with state law and regulations, and under the supervision of the Board of Education of Somerset County.

## 3. POLICY STATEMENT

In keeping with the local board of education's interest in providing varied innovative and creative instructional programs, a public charter school may be established in Somerset County.

## 4. POLICY GUIDELINES

### A. General Information

- (1) A public charter school operates under the authority of the Board of Education of Somerset County. Except as provided in Section 9-104 of the Education Article,

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*Annotated Code of Maryland*, the public charter school must abide by the provisions of all laws, policies, and regulations governing other public schools, except as otherwise provided in policy or state law.

- (2) The primary public chartering authority for the granting of a Charter is the Board of Education of Somerset County.
- (3) The secondary public chartering authority for the granting of a Charter is the State Board of Education. The State Board may assume chartering authority for a restructured school in accordance with Section IV., B of this policy.
- (4) An application to establish a public charter school may be submitted to the local board of education by:
  - a) The staff of a public school;
  - b) A parent or guardian of a student who attends a public school in Somerset County;
  - c) A nonsectarian, nonprofit entity;
  - d) A nonsectarian institution of higher education in the state; or
  - e) Any combination of persons specified above.
- (5) Under Maryland Law, the local board of education shall not grant a Charter to:
  - a) A private school;
  - b) A parochial school; or
  - c) A home school.
- (6) Upon submission of a completed and required application for a public charter school (on a form provided by the local superintendent and in accordance with the locally established procedures and timelines), the local board of education shall render a decision within 120 days of receipt of the application.
- (7) If the local board of education denies an application to establish a public charter school, the applicant may appeal the decision to the State Board of Education in accordance with §4-205(c) of the Education Article, *Annotated Code of Maryland*.
- (8) By law, the State Board of Education shall render a decision within 120 days of the filing of an appeal under this section.
- (9) If the local board of education denies an application to establish a public charter school and the State Board of Education reverses the decision, the State Board of Education may direct the local board of education to grant a Charter and shall mediate with the local board of education and the applicant to implement the Charter Agreement.

**B. Restructured Schools**

Restructured schools are schools that must implement an alternative governance arrangement that has been approved by the State Superintendent of Schools and the State

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Board of Education if, after a year of corrective action, a school does not make adequate yearly progress as defined by No Child Left Behind legislation.

- (1) Upon submission of a completed and required application for creating a Charter Agreement for a school it has identified as meeting the conditions of restructuring (on a form provided by the local superintendent), the local board of education shall render a decision within 30 days of receipt of said application.
- (2) The local board of education may apply to the State Board of Education for an extension of up to 15 days from the time limit imposed under number 1 of this Section.
- (3) If an extension is not granted, and 30 days have elapsed, the State Board of Education may become a chartering authority. If an extension has been granted, and 45 days have elapsed, the State Board of Education may become a chartering authority.
- (4) If the local board of education denies an application to establish a public charter school, the applicant may appeal the decision to the State Board of Education, in accordance with 4-05(c) of the Education Article, *Annotated Code of Maryland*.
- (5) By law, the State Board of Education shall render a decision within 120 days of the filing of an appeal under this section.
- (6) If the local board of education denies an application to establish a public charter school and the State Board of Education reverses the decision, the State Board of Education may direct the local board of education and the applicant to implement the charter Agreement.

**C. Employees at a Public Charter School**

- (1) The superintendent retains the authority to assign and transfer educators as the needs of the system require and as negotiated in the Charter Agreement.
- (2) A member of the professional staff assigned at a public charter school shall hold the appropriate Maryland certification.
- (3) Employees at a public charter school are public school employees, as defined in **§§6-401(d)** and **6-501(f)** of the Education Article, *Annotated Code of Maryland* and shall have all rights contained therein.
- (4) Employees at a public charter school are represented by the bargaining unit(s) representing other public school employees in similar job classifications and are entitled to the salaries, benefits and working conditions in the existing negotiated agreement for their classification.

- (5) 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.

**D. Public Charter School Facilities**

If the public charter school wishes to use existing Somerset County Public Schools' buildings or a portion thereof, such use must be negotiated with the local board of education. Policies and regulations related to health and safety cannot be waived.

**E. Student Admission**

- (1) Tuition
  - a) Students domiciled in Somerset County will be eligible for admittance without tuition charge. Students not domiciled in Somerset County will be eligible for admittance without tuition charge only as allowed by the school system for other non-domiciled students attending other schools in the school system. The amount of any tuition charged will be calculated as if the student is attending any other public school in Somerset County. The tuition will be paid to the Somerset County Public System. However, the funding provided by the school system to the public charter school for that student will be calculated in the same manner as for all other students attending the public charter school,
  - b) No eligible non-tuition-paying student may be denied admittance in the public charter school in order to accept a tuition-paying student.
- (2) The public charter school cannot discriminate and is in compliance with all federal and state anti-discrimination laws.
- (3) A random selection process must be used if the number of eligible applicants exceeds the predetermined student capacity in the public charter school as agreed upon in the approved charter application.

**F. Compliance with Laws, Policies, and Regulations**

- (1) A public charter school shall comply with the provisions of law and regulations governing other public schools unless a waiver is granted by the State Board of Education. The State Board of Education is prohibited from granting a waiver from provisions of law or regulations relating to:
  - a) Audit requirements
  - b) The measurement of student academic achievement, including all assessments required for other public schools and other assessments mutually agreed upon by the public chartering authority and the school.
  - c) The Health, safety, or civil rights of a student or an employee of the public charter school
- (2) A public charter school shall comply with all policies and regulations of the Board of Education unless granted a waiver by the Board of Education.

- (3) Individualized Education Programs (IEPs) for students with disabilities will be implemented and all state and federal procedural safeguards will be followed.
- (4) Criminal background checks for all public charter school employees shall be required as dictated by local board of education policy and regulations, and applicable state law.
- (5) A Charter may not be granted to a school whose operations would be inconsistent with any public policy initiative, court order, or federal improvement plan governing special education that is applicable to Maryland.
- (6) Employees at a public charter school shall be evaluated in a manner that is consistent with state law and applicable local board of education policy and regulations.
- (7) The local superintendent of schools shall ensure that prior to opening a public charter school the operators of the school are informed of and address the human, fiscal and organizational capacity needed to fulfill the school's responsibilities related to children with disabilities.
- (8) The State Board of Education shall provide technical assistance to the operators of a public charter school to help the school meet the requirements of federal and state laws, including 20 U.S.C. §1400, et seq and §504 of the Rehabilitation Act of 1973, 29 U.S.C. §794.

#### **G. Evaluation of Public Charter Schools**

The public charter school shall be evaluated by the local board of education based on student achievement, fiscal management, and other criteria pursuant to its approved application and the terms and conditions of its Charter Agreement.

#### **H. Revocation of a Charter**

- (1) The local board of education may place a public charter school on probationary status to allow the implementation of remedial plan, pending a decision to revoke the school's Charter.
- (2) The local board of education may revoke a public charter school's Charter for the following reasons:
  - a) The school has failed to meet the terms of its Charter Agreement.
  - b) The school has failed to comply with the Charter Agreement or provisions of federal, state, or local law.
  - c) The fiscal condition of the school is substantially deficient.
  - d) The physical environment presents a safety or health risk to building occupants.
  - e) The academic condition of the school is substantially deficient.
  - f) The facility can no longer support the needs of the educational program.
- (3) Upon revocation, personnel and students shall be reassigned pursuant to Board policy and procedure.

- (4) Upon revocation, resources provided by the school system shall remain under the supervision of the local board of education.

**I. Reporting Requirements**

- (1) An annual report on each public charter school will be presented to the local board of education, including:
  - a) Fiscal management;
  - b) Student achievement; and
  - c) Any other matter required pursuant to the Charter Agreement.
- (2) Public charter schools shall comply with all federal, state, and local reporting requirements, unless waived.

**J. Financial, Programmatic, or Compliance Audits of Public Charter Schools**

- (1) The local board of education shall require financial, programmatic, or compliance audits consistent with federal, state, and local law and procedures. The public charter school shall make available all required financial records and other material necessary to conduct an audit.
- (2) The local board of education will annually determine the appropriate amounts of local, state and federal funding to be distributed to the public charter school commensurate with the amounts disbursed to other public schools in the local jurisdiction.
- (3) The local board of education or State Board of Education may give surplus educational materials, supplies, furniture, and other equipment to a public charter school.
- (4) An approved public charter school may seek and receive other grants through local, state or federal government sources without a reduction in its fair share allocation unless other provisions are included in the Charter Agreement.
- (5) An approved public charter school may seek and receive other grants through local, state or federal government sources without a reduction in its fair share allocation unless other provisions are included in the Charter Agreement.
- (6) The Charter Agreement shall provide evidence of appropriate property and casualty insurance as reflected in the Charter Agreement.

**K. Public Charter School Application Process**

- (1) An applicant to operate a public charter school shall submit an application to the local board of education in accordance with the procedure established by the local board of education.
- (2) The superintendent or designees shall make available to a charter school applicant advice, technical assistance, and consultation throughout the charter school application

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process. The applicant may use these services in order to help ensure that all components of the application have been completed and are addressed.

- (3) Applications shall include, but not be limited, the following components:
- a) A statement of intent to comply with applicable federal, state, and local laws and regulations and this policy.
  - b) The applicant's vision of public charter school expectations and mission. The primary mission must remain focused on student academic achievement.
  - c) A description of any special or unique educational focus to be implemented.
  - d) Strategies for developing and delivering educational programs including curriculum, staffing patterns and grade levels.
  - e) Specific educational results including student academic outcomes and how they will be measured.
  - f) Specific plans for meeting or exceeding current accountability provisions of Somerset County Public Schools and state law and regulations.
  - g) Student admission procedures.
  - h) A facilities plan that describes the type of facilities, possible location, and the characteristics of the facility that will be needed to ensure the appropriate implementation of the proposed education program. The plan should also include the requirements to ensure accessibility consistent with the Americans with Disabilities Act. Final Charter approval would be contingent upon the acquisition of the appropriate facilities consistent with the facilities plan.
  - i) A defined management and administrative structure that will be in place for the public charter school.
  - j) The proposed duration of the Charter Agreement which provides legal accountability for the operation of the public charter school.
  - k) Demonstration of financial solvency for the duration of the Charter Agreement and accountability for the use of funds and resources as addressed in the budget section of the charter school application.
  - l) A plan which provides programmatic accountability for the length of the Charter Agreement.
  - m) Specific waivers of local, state and federal requirements needed to implement the proposed education program.
  - n) A plan for providing needed school support services such as transportation, custodial and maintenance, health services, and food services.
  - o) A description of the type and extent to which there is sufficient community support for the proposed public charter school must be submitted.

® **LEGAL AUTHORITY**

**This policy is consistent with Title 9 of the Education Article, *Annotated Code of Maryland*, known as the 'Maryland Public Charter School Program'.**

**EFFECTIVE DATE:**

**This policy is effective in accord with state law, November 1, 2003.**