

# POLICY

## BOARD OF EDUCATION OF MONTGOMERY COUNTY

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**Related Entries:**

**Responsible Office:** Superintendent of Schools

### Public Charter Schools

#### A. PURPOSE

To establish criteria for the evaluation of proposals for public charter schools, the principles guiding the negotiation and contracting process, and assignment of responsibility for oversight of approved public charter schools

#### B. ISSUE

The Board of Education believes in maintaining an educational system designed to provide success for every student and in delivering services 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 differs from the traditional public schools. The Board of Education needs to have criteria with which to consider proposals for public charter schools and procedures for overseeing approved public charter schools.

#### C. POSITION

1. The Board of Education supports the Maryland law that vests primary authority to establish charter schools with each local board of education.
2. A public charter school is defined as a public school that operates under a charter, or contract, within the public school system and is accountable to the Board of Education.
  - a) The public charter school must focus on improving student performance, strive for high academic standards, and be accountable for results.
  - b) The public charter school must function as a semi-independent education operation within the local school system. It can establish its own “learning community” governance subject to approval by the Board of Education, and create its own priorities, creative solutions, instructional design, professional development, and its system for measuring client satisfaction.

- c) The public charter school must be non-profit, non-religious, non-sectarian, and not based in private homes.
3. 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 advance the educational goals and objectives of the school. Policies, regulations, and/or statutes related to audits, health and safety, measurement of student academic achievement, or civil rights cannot be waived.
4. A public charter school must comply with federal, state, and local provisions for all students, including those with disabilities, demonstrate the human, fiscal and organizational capacity to meet the needs of all students and have an appropriate physical plant to fulfill school responsibilities.
5. The superintendent or his/her designee will evaluate proposals and make recommendations to the Board.
6. The superintendent will submit to the Board of Education a fiscal impact statement as a component of his/her recommendation.
7. All implementation and final contracting is contingent upon the Board's final action on the MCPS budget. Board of Education approval of an application is a commitment to request appropriations from funding agencies. All implementation and final contracting is contingent upon adequate financial resources.
8. The Board will render a decision within 120 days of receipt of a completed application. The superintendent will establish a process and format for the submission of applications including application deadlines and timelines.
9. The superintendent or his/her designee will oversee the implementation of approved public charter schools.
10. Criteria for assessing a public charter school proposal
  - a) Application must be submitted by one or any combination of the following:
    - (1) Current MCPS staff
    - (2) Parent of a current MCPS student

- (3) A nonprofit entity that is nonsectarian in all its programs, policies, and operations
- (4) A Maryland institution of higher education that is nonsectarian in all its programs, policies, and operations
- b) Applications will not be considered from private schools, parochial schools, or home schools.
- c) A public charter school proposal must identify the innovative nature of its program.
- d) The total costs to MCPS for operating the proposed public charter school will not exceed the equivalent costs for like students in MCPS.
- e) A public charter school applicant must demonstrate fiscal and ethical integrity.
- f) The proposal must identify the means by which it will demonstrate improved student performance.
- g) The proposal must delineate how academic and programmatic reporting will occur.
- h) Public charter school decisions must not have an unduly detrimental impact on other MCPS public schools.

11. Application

- a) Those interested in applying to operate a public charter school must submit a proposal to the superintendent or designee. Each proposal shall include, but not be limited to, the following components:
  - (1) The applicant's vision of public charter school expectations and mission
  - (2) The primary mission must remain focused on student academic achievement
  - (3) Specific plans and strategies for developing and delivering educational programs

- (4) Specific educational results including student academic outcomes and how they will be measured and reported
  - (a) The public charter school must meet or exceed current accountability provisions of MCPS and state regulations and statutes.
  - (b) A waiver may not be requested from provisions of state law or regulation relating to the measurement of student academic achievement, including all assessments required for other public schools.
- (5) The public charter school may have a major emphasis, such as reclaiming dropouts or basic instructional programs or to provide innovative learning opportunities and educational approaches for the education of students.
- (6) Facilities

The applicant must submit a facilities plan that specifies cost, location, available space and its use, and, if it is a lease, the terms and conditions. The location of the public charter school must be approved by the Board of Education. Use of existing MCPS buildings must be negotiated with the Board of Education. Policies and regulations related to health and safety cannot be waived.
- (7) Student Admission
  - (a) Students residing in Montgomery County will be eligible for admittance without tuition charge. No eligible Montgomery County student may be denied admittance in order to accept an out-of-county student. Others residing outside of Montgomery County must comply with MCPS policy and state law governing non-resident students.
  - (b) 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.
  - (c) The public charter school must require students to be physically present on school premises for at least a period of

time substantially similar to the period of time other MCPS students are required to be on school premises.

- (d) A random-selection process (lottery) will be used if the number of qualified applicants exceeds the pre-determined student capacity in the public charter school.

(8) Staffing Plan for the school

- (a) Public charter school employees are employees of MCPS with all the rights, responsibilities, and benefits granted by law. They shall be covered by the existing contract agreements for similar employees in MCPS, to the extent negotiated with the duly-recognized employee representative.
- (b) Any proposals for contracts to provide services which in any way obligate MCPS must be developed with and approved by the Board of Education.
- (c) Certification requirements for public charter school professionals or paraeducators are no different than for professionals or paraeducators in other MCPS schools.
- (d) The superintendent retains the authority to assign and transfer educators as the needs of the system require and as negotiated in the charter.

(9) Management plan for the school

- (a) Applicants must clearly define the governance structure that will be in place for the public charter school. Staff must be represented in the governance structure.
- (b) Applicants must specify the methods by which they expect to achieve legal, fiscal, and programmatic accountability for the operation of the public charter school and must be accountable to the Board of Education for results.
- (c) 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.

(10) Financial plan for the school

A financial plan must include, but not be limited to, a proposed budget outline and revenue sources, and the conditions for providing operating support such as custodial, mail service, subject content coordinators, legal counsel, professional development, transportation, food services, etc.

- (a) An approved public charter school must receive funding for instructional costs for students equivalent to what would have been provided for like students in MCPS, taking into account federal, state, and county revenues.
- (b) Other fiscal support such as transportation will be part of the negotiations between the charter school and the school system.
- (c) 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 fair share allocation unless other provisions are included in the charter.
- (d) The public charter school must provide for appropriate insurance, including the possibility of being named 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.
- (e) The public charter school will be subject to the same internal and external audit requirements and all other financial information as may be requested from any other MCPS schools.
- (f) The public charter school will be subject to the same financial reporting requirements as all MCPS schools.

(11) Community Support

A description of the type and extent to which appropriate communities support the proposal for a public charter school

(12) Length of time the public charter school will operate with current contract and provisions for termination of the charter

- (a) A charter may be granted for no longer than 4 years and will be reviewed annually by the Board of Education.
  - (b) The superintendent must set a timeframe and deadline for requests for renewals. The deadline must be at least six months prior to the expiration of the charter school contract.
  - (c) A public charter school shall provide to MCPS written notice of closure or intent to renew its contract immediately upon decision of its governing board but, in any event, no later than six months prior to closure or expiration of its contract.
  - (d) For approved public charter schools to remain in operation, they must be able to meet the needs of their students, maintain a high degree of parent involvement and student enrollment, and remain accountable under the terms of the charter.
  - (e) The superintendent or designee will evaluate proposals and make a recommendation to the Board of Education for approval and renewal.
  - (f) Contract provisions must delineate contingencies for the continued education of charter school students should the charter school cease to operate. Additionally, the contract must specify how employees will be assigned should the charter school cease to exist.
12. An approved public charter school application shall become part of a contract (charter) between the public charter school and the Board of Education. The contract shall reflect all agreements including the release of the public charter school from any agreed-upon school system policies and all requests for release from state regulations. A revision of the terms of the contract may be made only with the approval of the Board and the governing body of the public charter school.
13. Denials of a public charter application may be appealed to the Maryland State Board of Education within 30 days.
14. A starting date for the public charter school will be established through the contracting process.

15. The superintendent will oversee the public charter school and provide support for the operational and implementation issues at his/her discretion or as negotiated through the contracting process.
16. The superintendent will make recommendations to the Board regarding renewal, significant operational or implementation problems, and/or revocation.
  - a) A charter may be revoked for the following reasons:
    - (1) The school has not fulfilled any of the conditions imposed by the Board of Education in connection with the granting of the charter
    - (2) The school has violated any provisions of the charter
    - (3) The fiscal condition of the school is substantially deficient
    - (4) The academic condition of the school is substantially deficient
  - b) 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.
  - c) Upon revocation, students and staff will be reassigned at MCPS' discretion or as negotiated through the contracting process.
  - d) Resources provided by MCPS shall remain the property of MCPS and will immediately revert to MCPS possession upon revocation.

**D. DESIRED OUTCOME**

Have opportunities for innovative and creative educational approaches for students and a fair and consistent process with which to evaluate, renew, or revoke public charter school applications or contracts in Montgomery County.

**E. IMPLEMENTATION STRATEGIES**

1. The superintendent will provide information to the public about the process for making application to operate a public charter school.
2. The superintendent will develop and implement a regulation which sets forth a process for accepting and evaluating applications for public charter schools.
3. The superintendent will develop and implement a process for obtaining waivers from Board of Education policy and/or administrative regulations.

4. The superintendent will develop and implement a process for expediting waiver requests to the State Superintendent of Schools.
5. The superintendent will develop and implement a process for the revocation and renewal of charter schools.

**F. REVIEW AND REPORTING**

1. This policy will be reviewed in accordance with Policy BFA: *Policysetting*.
2. An annual report on each public charter school will be presented to the Board of Education that includes fiscal accountability and performance on recognized academic measures, as described in the approved charter.

*Policy History:* Adopted by Resolution No. 793-98, November 10, 1998; Amended by Resolution No. 539-03, October 27, 2003.