

# POLICY BOARD OF EDUCATION OF MONTGOMERY COUNTY

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**Related Entries:**

**Responsible Office:** Board of Education

**Related Source:** *Annotated Code of Maryland, Education Article §4-112*

## Board of Education Advisory Committees

### A. PURPOSE

To establish a policy on committees designed to advise the Board on specific issues

### B. ISSUE

Citizen advisory committees are required by the *Annotated Code of Maryland, Education Article §4-112*, to ensure that local school boards will be informed by a variety of opinions from citizens and staff when considering specific issues, activities, and programs.

### C. POSITION

#### 1. Establishment

The Board of Education will establish standing and ad hoc advisory committees to advise the Board on specific issues that may result in changes in Board policy and to facilitate activities and programs. For each advisory committee, the Board of Education will

##### a) Adopt a resolution:

- (1) Stating that the committee is advisory only
- (2) Setting forth a clear and unambiguous charge
- (3) Setting the task to be accomplished with alternative solutions, if possible
- (4) Establishing a schedule for interim and/or final reports
- (5) Stating the expected term or life of the committee

- b) Adopt a resolution to appoint the initial and, for standing advisory committees, successor membership with terms of office

2. Appointment of Members

a) Application

- (1) The Board of Education will announce openings on standing advisory committees and solicit members in a display advertisement or news release in one or more Montgomery County newspapers of countywide circulation and through other internal and external media.
  - (a) Members for standing advisory committees shall be solicited on an ongoing basis with appointments to be made at the all-day meetings in June and December.
  - (b) Members of ad hoc advisory committees shall be solicited in a manner determined by the Board at the time of the formation.
- (2) Interested candidates shall fill out applications for advisory committee membership. Applications for membership will be retained through two rounds of Board appointments, unless the applicant is no longer interested or able to serve.
- (3) In cases where the Board has determined membership on an advisory committee will be by organization, the organization will be requested to submit nominees for vacancies. However, the final selection of membership remains the responsibility of the Board.
- (4) Individuals who apply by the deadline stated on the application (and those individuals who are recommended by the superintendent of schools, organizations and agencies) will be considered for appointment to the advisory committee.
- (5) The Board will not transfer members from one committee to another. However, members may apply to another committee for terms commencing after their current committee term has ended.

b) Appointment

The Board will endeavor to appoint advisory committees balanced by

geographic area, race, ethnicity, gender, and a range of viewpoints.

c) Term of Office

- (1) All appointments and reappointments shall be for the term designated in law, regulation, or Board of Education resolution.
- (2) Students appointed to Board standing advisory committees shall serve one-year terms. All student member terms begin on July 1 and end on June 30 of the next year.
- (3) If a new committee's task is expected to take more than one year to accomplish, overlapping terms and rotating membership will be considered.
- (4) No member shall be appointed to serve for more than two consecutive terms on the same standing advisory committee unless specifically exempted by the Board. Reappointment to a second term is not automatic, particularly when a committee does not exhibit balance, as described above.
- (5) The superintendent will be asked to designate a staff member as liaison to facilitate information-gathering for the committee, to ensure good communication between the committee and the Board, and, when requested, to assist the advisory committee in preparing the committee's report(s).
- (6) The responsibility of advisory committees is to the Board of Education, and committees receive their direction and guidance from the Board of Education.

3. Advisory Committee Operation

- a) When the Board of Education creates a new advisory committee, the Board will appoint a temporary chairperson to preside until the committee elects its chair. Thereafter, standing advisory committees will annually elect their own chairpersons and ad hoc advisory committees will elect their chairpersons as appropriate.
  - (1) All advisory committee chairpersons, with the assistance of staff liaisons upon request, are responsible for preparing agenda of meetings and sending these, together with supplementary materials, to

committee members, the staff liaison person, and the Board of Education office no later than five days prior to a meeting.

- (2) All advisory committees shall keep action minutes of their meetings. These minutes should be approved by the committee at their next meeting and, within 15 days after approval, should be forwarded to the Board of Education.
- b) Although the staff liaison has the responsibility to maintain good communication between the Board of Education and an advisory committee, the committee chairperson should feel free to contact the president of the Board or Board office staff orally or in writing whenever necessary.
- c) Any standing advisory committee member who is absent from 25 percent or more of the scheduled meetings during any one-year period will be considered resigned from membership 30 days after the committee notifies the Board of Education. The Board may, upon request, waive resignation for good cause; i.e., illness, emergency situation, or other extenuating circumstances. The individual shall be notified in writing by the Board whether or not a waiver has been granted.
- d) Meetings of advisory committees must be open to the public as required by the Open Meetings Act and should be held in MCPS or other public facilities. A schedule of meetings for each school year shall be established in advance. That schedule and subsequent changes shall be communicated to the staff assistant to the Board for routine posting in the official bulletin board and on the Board's web site.
- e) If the chair of an advisory committee, acting at the behest of the full committee, wishes to obtain nonconfidential personnel information about an MCPS employee or to express concern about the performance of an MCPS employee, the member should communicate that request or concern to the superintendent and/or the ombudsman/staff assistant to the Board.
- f) The chair of each advisory committee shall be granted access to the appropriate MCPS internal electronic forums and e-mail system during his or her term of office.

**D. DESIRED OUTCOME**

To appoint advisory committee members who can advise the Board on the educational issues confronting the county.

**E. IMPLEMENTATION STRATEGIES**

1. The Superintendent will appoint a staff member to act as liaison to each advisory committee.
2. The Board Office, with the cooperation of the advisory committee liaisons appointed by the superintendent, shall:
  - a) Develop and implement the advisory committee application process, including announcements and application forms
  - b) Prepare, for the Board in advance of appointment, briefing packets that contain lists of committee vacancies, persons who have applied or been recommended, current committee compositions, and copies of applications received.

**F. REVIEW AND REPORTING**

1. All standing advisory committees will submit written reports to the Board of Education at least annually. Ad hoc advisory committees will submit such written reports as directed by the Board.
2. The superintendent will prepare a staff response to the advisory committee's report which will be shared with the committee and the Board.
3. At the request of a standing advisory committee, the Board will meet annually with the standing advisory committee, at a time and place to be determined by the Board officers. The Board will determine if and when ad hoc advisory committees will be required to meet with the full Board, or with the Board officers and/or designated Board representatives.
4. This policy will be reviewed in accordance with the Board of Education policy review process.

**Policy History:** Adopted by Resolution No. 150-64, March 10, 1964; amended by Resolution No. 328-81, April 7, 1981; adopted by Resolution No. 277-84, May 1, 1984; rescinded by Resolution No. 430-85, September 10, 1985; reformatted and accepted by Resolution No. 550-88, October 24, 1988; combined with Policies BMB and BMG and adopted by Resolution No. 386-01, July 2, 2001; non-substantive changes July 9, 2008.

**Note on related policies:** Advisory committees were governed by BMA, *Board of Education Policy on Committees*; BMB, *Appointing Members of Board of Education Advisory Committees*; and BMG, *Guidelines for Committee Operation* prior to July 2, 2001 when BMA, BMB, and BMG were combined and adopted as BMA by Resolution No. 386-01.

# POLICY BOARD OF EDUCATION OF MONTGOMERY COUNTY

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**Related Entries:** ABA, ABC, ABC-RA, ACD, CFA, DNA, FAA-RA (pending), JEE, JEE-RA  
**Responsible Office:** Chief Operating Officer  
Planning and Capital Programming

## Long-Range Educational Facilities Planning

### A. PURPOSE

The Board of Education has a primary responsibility to plan for school facilities that address changing enrollment patterns and sustain high quality educational programs in accordance with the policies of the Board. The Board of Education fulfills this responsibility through the facilities planning process. Long-range educational facilities planning is essential to identify the infrastructure needed to ensure success for every student.

The Long-range Educational Facilities Planning (LREFP) policy guides the planning process. The process is designed to promote public understanding of planning for Montgomery County Public Schools (MCPS) and to ensure that there are sufficient opportunities for parents, students, staff, community members and organizations, local government agencies, and municipalities to identify and communicate their priorities and concerns to the superintendent and the Board. Long-range Educational Facilities Planning will be in accordance with all federal, state, local laws, and regulations.

### B. ISSUE

Enrollment in MCPS is constantly changing. The fundamental goal of facilities planning is to provide a sound educational environment for changing enrollment. The number of students, their geographic distribution, and the demographic characteristics of this population all impact facilities planning. Net enrollment changes are driven by factors including birth rates, movement within the school system and into the school system from other parts of the United States and the world.

MCPS is among the largest school systems in the country in terms of enrollment and serves a county of approximately 500 square miles. The full range of population density, from rural to urban, is present in the county. Since 1984, enrollment has increased where new

communities have formed, as well as in established areas of the county where turnover of houses has altered the demographic composition of communities. In areas with affordable housing, there is often greater diversity in enrollment caused by immigration.

MCPS is challenged continually to anticipate and plan for facilities in an efficient and fiscally responsible way to meet the varied educational needs of students. The LREFP policy describes how the school system responds to educational and enrollment change, the rate of change, its geographic distribution, and the racial, ethnic, and socioeconomic diversification of enrollment.

School facilities also change. Aging of the physical plant requires a program of maintenance, renovation, and modernization. Acquiring new sites, designing new facilities, and modifying existing facilities to keep current with program needs is essential. This policy provides the framework to coordinate planning for capital improvements.

**C. POSITION**

The long-range facilities planning process will continue to:

1. Plan for utilization of schools in ways that are consistent with sound educational practice and consider the impact of facility changes on educational program and related operating budget requirements and on the community
2. Provide a constructive and collaborative advisory role through public hearings, position papers, written comments, and advisory committee memberships for parent organizations (such as the PTA) and other community groups in the capital improvements program. An advisory committee will be established for facilities planning activities listed below:
  - a) Selection of school sites
  - b) Facility design
  - c) Boundary changes
  - d) Geographic student choice assignment plans (such as consortia)
  - e) School closures and consolidations
3. Provide a six-year capital improvements program and educational facilities master plan which include enrollment projections, educational program needs, and available school capacity countywide, and identify:

- a) When new schools and additions will be needed to keep facilities current with enrollment levels and educational program needs
  - b) When to modernize older school buildings in order to continue their use on a cost-effective basis, and to keep facilities current with educational program needs
  - c) When school closures and consolidations are appropriate due to declining enrollment levels
  - d) Facility utilization levels, capacity calculations, school enrollment size guidelines, and school site size (adopted as part of the Board of Education review of the superintendent's recommended CIP)
4. Provide for the Board of Education to hold public hearings and solicit written testimony on the recommendations of the superintendent
5. Provide a process for facility design that ensures a safe and secure environment and is consistent with educational program needs and includes community input
6. Provide a process for changing school boundaries and establishing geographic student choice assignment plans that:
- a) Solicit input at the outset of the process by forming a community advisory committee
  - b) Consider four main factors in development of school boundaries and student choice assignment plans, including:
    - 1) Demographic characteristics of student population
    - 2) Geographic proximity of communities to schools
    - 3) Stability of school assignments over time
    - 4) Facility utilization
  - c) The Board of Education may, by majority vote, identify alternatives to the superintendent's recommendations for review

- d) The Board of Education will hold public hearings and solicit written testimony on the recommendations of the superintendent and Board identified alternatives
  - e) At such time as the Board of Education takes action on school boundaries or geographic student choice assignment plans, the Board has the discretion to adopt minor modifications to the superintendent’s recommendation or Board identified alternatives if, by a majority vote, the Board has determined that such action will not have a significant impact on an option that has received public review
7. Provide a process for closing and consolidating schools that meets the requirements of COMAR (Chapter 13A)
8. Provide for articulation in school assignments by:
- a) Traditional Student Assignments
 

Structuring high schools for Grades 9-12 and, where possible, creating straight articulation for clusters composed of one high school, and a sufficient number of elementary and middle schools, each of which sends its students, including special education and ESOL students, to the next higher level school in that cluster
  - b) Student Choice Assignment Plans
 

In cases where schools do not have boundaries and students participate in a student choice assignment plan (e.g., consortium) to identify the school they wish to attend, articulation patterns may vary from the straight articulation pattern that is desired in traditional student assignment
9. The superintendent will develop regulations with student, staff, community, and parental input to guide implementation of this policy

**D. DESIRED OUTCOMES**

A long-range educational facilities planning process that identifies the infrastructure necessary to deliver high quality educational facilities to all students and incorporates the input of parents, staff, and community and, as appropriate, students.

**E. REVIEW AND REPORTING**

1. The annual June publication of the Educational Facilities Master Plan will constitute the official reporting on facility planning. This document will reflect all facilities actions taken during the year by the Board of Education and approved by the County Council. The Master Plan will project the enrollment and utilization of each school, and identify schools and sites that may be involved in future planning activities.
  
2. This policy will be reviewed after its initial implementation, but no later than 2007, in accordance with the Board of Education's policy review process.

*Policy History:* Adopted by Resolution No. 257-86, April 28, 1986; amended by Resolution No. 271-87, May 12, 1987; amended by Resolution No. 831-93, November 22, 1993; amended by Resolution No. 679-95, October 10, 1995; amended by Resolution No. 581-99 September 14, 1999; updated office titles June 1, 2000; updated November 4, 2003; amended by Resolution No. 268-05, May 23, 2005.

# REGULATION

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** ACD, CFA, DNA, FAA, JEE, JEE-RA

**Responsible Office:** Chief Operating Officer  
Planning and Capital Programming

### Long-Range Educational Facilities Planning

#### I. PURPOSE

To implement the Board of Education Long-Range Educational Facilities Planning policy (FAA) to achieve success for every student by providing appropriately utilized, functional, and modern facilities. These regulations provide direction on how the planning process should be conducted.

#### II. BACKGROUND

Montgomery County Public Schools (MCPS) operates in a dynamic environment and is among the largest school systems in the country. Montgomery County is increasingly diverse, both in terms of population and types of communities encompassed within the county. This environment, combined with the needs of the physical infrastructure and fiscal realities, demands a planning process that incorporates the needs of our community and produces the physical foundation for an excellent school system.

#### III. DEFINITIONS

- A. The *Capital Improvements Program (CIP)* is a comprehensive six-year spending plan for capital improvements. The CIP focuses on the acquisition, construction, modernization, and renovation of public school facilities. The CIP is reviewed and approved through a biennial process that takes effect for the six-year period that begins in each odd-numbered fiscal year. For even-numbered fiscal years, only amendments are considered to the adopted CIP for changes needed in the second year of the six-year CIP period.
- B. The *Capital Budget* is the annual budget adopted for capital project appropriations.
- C. *Cluster* is a geographic grouping of schools within a defined attendance area that includes a high school and the elementary and middle schools that send students to that high school.

- D. *Community outreach*, for the purposes of Policy FAA: *Long-Range Educational Facilities Planning*, and this regulation means that reasonable and systematic efforts will be made to solicit input from stakeholders on decisions that impact them. These efforts may include, but are not limited to, postings to the MCPS Web site and related electronic media, notices published in local newspapers, newsletters, and/or notices sent to community representatives.
- E. *Consortium* is a grouping of high schools or middle schools within close proximity to one another that provide students the opportunity to express their preference for attending one of the schools based on a specific instructional program or emphasis.
- F. *Geographic Student Choice Assignment Plans* identify the geographic area(s) wherein students may express a preference for a school assignment, based on program offerings or emphasis. These geographic areas may include areas, known as “base areas,” where students may be guaranteed attendance at the school under certain criteria; or, the area may be a single unified area with no base areas for individual schools.
- G. *Program Capacity* is the student capacity figure that reflects how a school facility is used based on the educational programs at the school. The MCPS program capacity is calculated as the product of the number of teaching stations in a school and the student-to-classroom ratio for each grade or program in each classroom. The MCPS program capacity is used for county capital budgeting and facility planning analyses for future capital project needs, boundary changes, and geographic student choice assignment plans.
- H. *Quad-cluster* is a grouping of geographically contiguous clusters that is overseen by a community superintendent.
- I. *State-rated Capacity (SRC)* is defined by the state of Maryland as the maximum number of students who can reasonably be accommodated in a facility without significantly hampering delivery of the given educational program. The SRC is calculated as the product of the number of teaching stations in a school and a state-determined student-to-classroom ratio. The SRC is used by the state to determine state budget eligibility for capital projects funded through the Public School Construction Program administered by the Interagency Committee for Public School Construction (IAC).

**IV. PROCEDURES**

The following procedures, criteria, or standards apply to the facilities planning process:

**A. Capital Improvements Program (CIP)**

1. On or about November 1 of each year, the superintendent of schools will publish recommendations for an annual Capital Budget and a six-year CIP or amendments to the previously adopted CIP. Boundary change or geographic student choice assignment plan recommendations, if any, will be released by mid-October.
2. The six-year CIP will include:
  - a) Background information on the enrollment forecasting methodology
  - b) Current enrollment figures and demographic profiles of all schools including racial/ethnic composition, Free and Reduced-price Meals System (FARMS) program participation, English for Speakers of Other Languages (ESOL) enrollment, and school mobility rates
  - c) Enrollment forecasts for each of the next six years and long-term cluster, consortium, or base area forecasts for secondary schools for a period of 10 and 15 years
  - d) A profile of each school facility showing facility characteristics, capacity, and room use for programs, such as Head Start, prekindergarten, kindergarten, ESOL, special education, or other special use
  - e) A line item summary of Capital Budget appropriation requests by the Board of Education
  - f) Recommendations on the following guidelines for Board review and action:
    - (1) Preferred range of enrollment
    - (2) School capacity calculations
    - (3) Facility utilization

- (4) School site size
  - g) A summary of recommended actions that affect programs at schools or the service area of the schools. Supplements to the CIP may be published to provide more information on issues when deemed advisable by the superintendent of schools
  - h) Project Description Forms (PDF), the official, county authorized budget forms used for all requested capital projects, are included in the Board adopted CIP request to the County Council
- 3. Copies of the superintendent’s recommended CIP will be sent to MCPS executive staff, department and division directors, school principals, Montgomery County Council of Parent Teacher Associations (MCCPTA) cluster coordinators, local PTA presidents, and public libraries. (In lieu of, and in the absence of a regular PTA, the existing affiliation of parents and teachers that serves a comparable purpose will be provided with copies of the superintendent’s CIP.) The superintendent’s recommended CIP also will be posted on the MCPS Web site. In addition, notification of the CIP’s publication and availability will be sent to municipalities, civic groups registered with the Maryland-National Capital Park and Planning Commission, the Montgomery County Region of the Maryland Association of Student Councils, and the Montgomery County Junior Council. This notification will include the Board of Education schedule for worksessions, public hearings, and action on the CIP. Other interested parties may request a copy of the CIP document from the MCPS Division of Long-range Planning.
- 4. The Board of Education timeline for review and action on the CIP consists of a worksession in early November, followed by a public hearing in mid-November, and action in mid- to late November of each year. (See Section V of this regulation for the public hearing process and Section VII for the annual calendar.) The superintendent’s recommendation on any deferred planning issues and/or amendments to the CIP is made in mid-February. The Board of Education timeline for these items consists of a worksession in late February to early March, a public hearing in mid-March, and action in late March.
- 5. After review and Board of Education action, the Board-adopted CIP is submitted to the County Council and county executive for their review and County Council action. The Board-adopted CIP also is sent for information to the Maryland-National Capital Park and Planning Commission, Maryland State Department of Education, State IAC, and municipalities.

6. The county executive forwards his/her recommendations to the County Council in mid-January for inclusion in the overall county CIP. The County Council timeline for review and action on the Board-adopted CIP is from February to May.
7. The County Council, as required by county charter, adopts the biennial six-year CIP.

B. Master Plan

By June 30 of each year, the superintendent of schools will publish a summary of all County Council-adopted capital and Board of Education-adopted non-capital facilities actions. This document, called the *Educational Facilities Master Plan*, is required under the rules and regulations of the State Public School Construction Program.

1. The facilities master plan will incorporate the projected impact of all capital projects approved for funding by the County Council and any non-capital facilities actions approved by the Board of Education.
2. The facilities master plan will show projected enrollment and utilization for schools for the next six years and for a period of 10 and 15 years for secondary schools. This information will reflect projections made the previous fall with an updated one-year projection in the spring, and any changes in enrollment or capacity projected that result from capital projects, boundary changes, geographic student choice assignment plans, or other changes authorized by the Board of Education.
3. The master plan will include demographic characteristics of school enrollments, facility characteristics, and program capacities of schools.
4. The master plan will include County Council-adopted PDFs that provide schedules, estimated costs, and funding sources.

C. Enrollment Forecasts

1. Each fall, enrollment forecasts for each school will be developed for a six-year period. In addition, long-term forecasts for a period of 10 and 15 years also will be developed for secondary schools. These forecasts will be the basis for evaluating facility space needs and initiating planning activities. The forecasts should be developed in coordination with the Montgomery County Department of Parks and Planning county population forecast and any other

relevant planning sources.

2. On or about March 1, a revision to the enrollment forecast for the next school year will be developed to refine the forecast for all schools and to reflect any changes in service areas or programs.
3. The enrollment forecast methodology utilized will be identified in an Appendix in the CIP and Master Plan documents.

D. Preferred Range of Enrollment

Unless otherwise specified by Board action in the adopted CIP, the preferred ranges of enrollment for schools includes all students attending the school.

1. A preferred range of enrollment for schools is:
  - a) 300 to 750 students in elementary schools
  - b) 600 to 1,200 students in middle schools
  - c) 1,000 to 2,000 students in high schools
  - d) Special and alternative program centers will differ from the above ranges and generally be lower in enrollment
2. The preferred range of enrollment will be considered when planning new schools or changes to existing facilities. Departures from the preferred range may occur if an educational program justifies or requires it. Fiscal constraints also may require MCPS to operate schools of other sizes. If larger or smaller schools are built or created, alternative approaches to school construction, management, organization, or staffing will be considered in order to facilitate effective delivery of educational programs.

E. Capacity Calculations and Facility Utilization

1. Unless otherwise specified by Board action in the adopted CIP, the capacity of a facility is determined by the space needs of educational programs. The MCPS program capacity is based on the student-to-classroom ratios shown in the following table, and should not be confused with staffing ratios as determined through the operating budget process.

Level	Student-to-Classroom Ratios
Head Start & prekindergarten	40:1 (2 sessions per day)
Head Start & prekindergarten	20:1 (1 session per day)
Grade K full-day	22:1 (1 session per day)
Grade K-reduced class size full-day	15:1
Grades 1-2—reduced class size	17:1
Grades 1-5/6 Elementary	23:1
Grades 6-12 Secondary	
Grade: 6-8 Middle School	25.1*
Grades: 9-12 High School	25.1**
ESOL	15:1

\* Program capacity differs at the middle school level in that the regular classroom capacity of 25 is multiplied by .85 to reflect the optimal utilization of a middle school facility (equivalent to 21.25 students per classroom).

\*\*Program capacity differs at the high school level in that the regular classroom capacity of 25 is multiplied by .90 to reflect the optimal utilization of a high school facility (equivalent of 22.5 students per classroom).

Special education, some special programs, and class size reduction initiatives may require classroom ratios different from those listed.

2. Unless otherwise specified by Board action in the adopted CIP, elementary, middle, and high schools should operate in an efficient utilization range of 80 to 100 percent of program capacity. If a school is projected to be underutilized (less than 80 percent) or does not meet the preferred range of enrollment, or is overutilized (over 100 percent) or does not meet the preferred range of enrollment, a boundary study, non-capital action, or a capital project for facilities planning may be undertaken. In the case of overutilization, an effort to judge the long-term needs for permanent space should be made prior to planning for new construction. Underutilization of facilities also should be evaluated in the context of short-term and long-term enrollment forecasts.
3. Relocatable classrooms may be used on an interim basis to provide program space for enrollment growth and class-size reduction initiatives until the

demonstrated need for permanent capacity is met. Relocatable classrooms also may be used to enable day care programs to be housed in schools, and may be used to accommodate such programs as:

- a) Parent Resource Centers
- b) Linkages to Learning
- c) College Connection Programs
- d) Judy Centers
- e) Baldrige Training Labs
- f) Career and Community Connections
- g) Other programs as appropriate

Relocatable classrooms should meet the same health and safety standards as other MCPS facilities.

F. School Site Size

Unless otherwise specified by Board action in the adopted CIP, preferred school site sizes are:

- 1. 12 usable acres for elementary schools
- 2. 20 usable acres for middle schools
- 3. 30 usable acres for high schools

Sites of these approximate sizes accommodate the instructional program including related outdoor activities. In some circumstances school sites may be smaller or larger than the preferred sizes. In these circumstances special efforts to accommodate outdoor activities may include the use of adjacent or nearby park properties or shared use of school fields. In some cases it may be necessary to acquire more than the standard acreage in order to accommodate environmental concerns, unusual topography, or surrounding street patterns.

V. **GUIDELINES FOR FACILITY PLANNING**

A. Evaluating Utilization of Facilities

1. By November 1 each year, after new enrollment forecasts are developed, utilization of all school facilities will be evaluated and incorporated into the superintendent's CIP recommendations. The effect of any proposed educational program changes, including prekindergarten programs, special education programs, ESOL programs and centers, or grade level reorganizations also will be evaluated. For schools that are projected to have insufficient capacity, excess capacity, or other facility issues, the superintendent may recommend:
  - a) A capital project
  - b) A non-capital action such as boundary change, geographic student choice assignment plan, school pairing, facility sharing, closing/consolidation, or any other similar action
  - c) No action or deferral pending further study of enrollment or other factors
2. Facility recommendations made by the superintendent of schools will incorporate consideration of educational program impacts. As part of the process of developing facility plans, MCPS staff will work closely with appropriate program staff to identify program requirements for facility plans.
3. Recommendations that relate to school boundary changes or geographic student choice assignment plans will be made after the superintendent of schools receives advice from a school boundary or choice area advisory committee.
4. The superintendent of schools also may request advice from the community for other types of facility recommendations.

**B. Development of School Boundaries and Geographic Student Choice Assignment Plans**

In cases where the utilization of a new school, or the utilization of existing schools (including school pairings) are reviewed through a boundary study, or where revisions to geographic student choice assignment areas are reviewed through a study, the following factors should be considered by any advisory committee, the superintendent of schools, and the Board of Education in the study process.

1. Facility

- a) School boundary and geographic student choice assignment plans should result in school utilizations in the eighty percent to one-hundred percent efficient range whenever possible.
- b) Plans should be fiscally responsible to minimize capital and operating costs whenever feasible. The geographic scope of the studies should be broad enough to realize economies in costs and provide long-range plans to address facility issues while preserving as much stability in school assignments as possible.
- c) When special education programs are assigned to a facility, any required modifications to the facility will be made in accordance with the *Americans with Disabilities Act (ADA)*.
- d) Shared use of a facility by more than one cluster may be the most feasible facility plan in some cases. In these cases, it is desirable for 25 percent or more of articulating enrollment to move on to each of the assigned upper-level schools.

2. Population

- a) School boundary and geographic student choice assignment plans should consider the impact of various options on the affected school populations. A school population consists of students assigned from a specific geographic attendance area regardless of the school building itself.
- b) Where reasonable, school boundaries or geographic student choice assignment plans should be established to promote the creation of a diverse student body in each of the affected schools. Data showing the impact of various options shall be provided for the following factors:
  - (1) The socioeconomic background of students as measured by participation in the federal FARMS program
  - (2) The level of English language learners as measured by enrollment in the ESOL program
  - (3) Student mobility rates at schools

- (4) The racial/ethnic composition in accordance with the Quality Integrated Education policy
- (5) Other reliable demographic indicators, such as the mix of single family and multiple family dwellings, also may be considered where applicable
- (6) Special education programs (large special education programs in schools or proposed to be in new schools) should be considered

3. Geography

- a) In most cases, the geographic scope of elementary school boundary studies and geographic student choice assignment plan studies should be limited to the high school cluster area. For secondary schools, one or more clusters of schools may be studied.
- b) In accordance with MCPS emphasis on community involvement in schools, one of the goals of boundary and student choice area plans should be service areas that are, as much as practical, made up of contiguous communities surrounding the school. Walking access to the school should be maximized and transportation distances minimized when other factors do not require otherwise.

4. Stability

- a) Recognizing that, at times, changes to boundaries and student choice assignment plans may be necessary, plans should result in as long a period as possible of stable assignments.
- b) Recommendations for student reassignments should consider recent boundary or geographic student choice assignment area changes, and/or school closings and consolidations that may have affected the same students.

C. Cluster Comments

- 1. In May, cluster representatives should state in writing to the superintendent of schools any proposals, priorities, or concerns that they have identified for their schools in consultation with local PTA leadership, principals, and the community. (In lieu of, and in the absence of a regular PTA, the existing

affiliation of parents and teachers that serves a comparable purpose will be provided with copies of the superintendent's CIP.)

2. Amendments to cluster comments may be submitted by September 1 in cases where preliminary fall enrollments or unusual events require them.
3. Cluster comments are to be considered in the development of facilities recommendations made by the superintendent of schools in the CIP.

D. Public Hearing Process

1. Public hearings are held annually following publication of the superintendent's CIP recommendations.

a) The PTA cluster coordinators and/or PTA area vice presidents in consultation with the cluster PTA presidents will coordinate testimony at the hearing on behalf of cluster schools and are encouraged to ensure that diversity of opinions are accommodated when scheduling testimony. Testimony time for each cluster will be scheduled and organized by quad-cluster and/or consortium whenever possible.

b) Civic groups, municipalities, and countywide organizations should contact the Board of Education office to schedule testimony.

c) Public comments from individuals also will be heard by the Board of Education. Individuals should contact the Board Office to schedule testimony.

2. Written comments from the community will be accepted at any point, but in order to be considered, comments must reach the Board 48 hours before the time scheduled for action by the Board.

3. Public hearings also may be held on any CIP or facilities planning issues deferred from the fall. These hearings usually would occur in late February or early March. In unusual circumstances, public hearings may be called at other times to consider facility issues that do not fit into the fall or spring timetables.

**VI. COMMUNITY INVOLVEMENT PROCESSES**

A. Community Representation

School and community involvement in MCPS facility planning is important to the success of its plans. Parents, staff, and students are the primary stakeholders in the planning process.

1. Stakeholders and interested members of the community have several opportunities for input into the facilities planning process that may include: participation as members of advisory committees; submission of letters, alternative proposals, or other written material for consideration by the superintendent of schools and staff; and/or testimony in written or oral form before the Board of Education.
2. MCCPTA, local PTAs, or other parent or student representatives along with appropriate MCPS staff should be involved in the following planning processes:
  - a) Site selection
  - b) School boundary or geographic student choice assignment plans
  - c) Issue roundtables
  - d) School closings and consolidations
  - e) Facility planning (educational specifications, architect selection, and architectural design) for new schools, additions, and modernizations
3. Additionally, MCPS employees, municipalities, local government agencies, civic and homeowner associations, and countywide organizations contribute to the planning process. A civic or homeowner association must be registered with the Maryland-National Capital Park and Planning Commission. Countywide organizations are those with members throughout the county.
4. The Board will conduct public hearings for potentially affected school communities prior to actions affecting attendance and/or choice areas and the closure or consolidation of schools.
  - a) Public hearings will be conducted following publication of the superintendent's recommended Capital Budget and six-year CIP.
  - b) Public hearings also may be held in March for any boundary/choice assignment recommendations deferred in November or in cases where

boundary/choice assignment and non-capital decisions must be made in March.

- c) Written comments from the community will be accepted at any point but, in order to be considered, comments must reach the Board 48 hours before the time scheduled for action by the Board.

B. The following sections describe the community involvement process in site selection, facility design, boundary changes, geographic student choice assignment plans, and school closures and consolidations. These sections refer to the formation and operation of advisory groups. In addition to these activities, all community members have opportunities to advise the superintendent of schools and Board annually through cluster comments, written correspondence, and public testimony.

1. Site Selection

- a) MCPS staff will work with the Montgomery County Planning Board during the development of county land use master plans to identify future school site requirements based on existing and proposed residential development. General locations of sites are identified on master plan maps. As subdivision occurs, site dedications may be requested. If not identified for a specific school construction project, sites acquired through dedication or purchase are placed in the Board's sites inventory for future selection.
- b) Site selection for a specific school construction project begins when MCPS projections indicate a new facility is required in the six year CIP.
- c) MCPS staff works with MCCPTA area vice presidents, cluster coordinators, or PTA presidents to form a Site Selection Advisory Committee (SSAC) composed of MCPS staff; PTA representatives; appropriate municipal and county government agency officials. For a secondary school site, representatives of more than one cluster may be involved in the committee.
  - (1) MCPS staff work with the SSAC identifying and reviewing alternative site candidates from the Board's sites inventory and, in some cases, from private ownership for potential site purchase.
  - (2) The SSAC considers and compares the attributes of each

candidate site, including but not limited to:

- (a) The geographic location relative to existing and future student populations
  - (b) Environmental constraints
  - (c) Availability of utilities
  - (d) Vehicular and pedestrian access
  - (e) Cost to acquire
  - (f) Cost to develop
  - (g) Ability to meet educational program requirements
  - (h) Compatibility with an educational environment
- (3) The SSAC reaches consensus and makes a recommendation to the superintendent of schools.
- (a) The superintendent of schools evaluates the recommendation and then makes his/her recommendation to the Board.
  - (b) The Board considers the committee and superintendent's recommendations before formally taking action to select a site for the specified school construction project.

## 2. Facility Design

- a) Parent representatives will serve with MCPS staff on facility advisory committees to modify, modernize/replace, or construct new facilities.
  - (1) Parent representatives will be identified by MCCPTA area vice presidents, cluster coordinators, or PTA presidents in collaboration with school principals.
  - (2) Student representatives at the high school level will be identified by the principal or chair of the committee to serve

on the committee.

- (3) Adjacent property owners are invited to serve on the advisory committee. Representatives of the neighborhood homeowner and/or civic association registered with the Maryland-National Capital Park and Planning Commission also may be invited to serve on the advisory committee.
  - b) Educational specifications developed by MCPS staff will be reviewed in consultation with school-based administrators, staff, and PTA representatives, as needed.
  - c) MCPS staff will involve the school administration, school staff, and PTA representatives in selection of an architect.
  - d) Viewpoints of adjacent homeowners and registered homeowner and/or civic associations will be included in the review of architectural plans. Concerns of these groups should be considered at the design stage before architectural plans are finalized.
3. School Boundary Changes and Geographic Student Choice Assignment Plans

When directed by the Board of Education, MCPS staff will facilitate the process of community input on school boundary changes or geographic student choice assignment plans.

- a) When the Board of Education identifies the need for changes in school service areas and the geographic scope of a study, an advisory committee will be formed to evaluate boundary change options or geographic student choice assignment plan options developed by MCPS staff. The superintendent of schools will develop the charge for the advisory committee. MCPS staff will organize and work directly with this group.
  - (1) Membership on school boundary or geographic student choice assignment plan advisory committees will consist of individuals who are familiar with the affected school communities. The advisory committee membership should be racially, ethnically, and socioeconomically diverse.
  - (2) The MCCPTA area vice president, cluster coordinator(s), or PTA presidents will identify parent representation from areas throughout the geographic scope of the study approved by the

Board.

- (3) The MCCPTA area vice president, cluster coordinator(s), or PTA presidents also may identify additional representatives from parent or student organizations who have knowledge of the schools involved.
  - (4) MCPS staff may call on other community resources such as civic and homeowner associations for input.
- b) At the outset of meetings, the committee will identify community criteria to assist staff in the development of options. In addition, the committee will consider factors outlined in the section of this regulation titled "*Development of School Boundaries and Geographic Student Choice Assignment Plans*" (Section V.B). MCPS staff will consider community criteria and factors included in this regulation in developing options. The superintendent of schools and the Board of Education also will consider community criteria and factors in this regulation in their review of boundary changes or geographic student choice assignment plans.
  - c) Staff will develop and present approximately three to five viable options for the advisory committee to consider. The advisory committee may request development of additional options; however, the total number of options developed for the committee shall not exceed 10.
  - d) MCPS staff will notify civic and homeowner associations registered with the Maryland-National Capital Park and Planning Commission in the potentially affected communities of proposed boundary changes or geographic student choice assignment plans being considered by MCPS in their area.
  - e) Advisory committee representatives serve as liaisons between the committee and the community they represent. Representatives share committee discussions and options with their community through PTA meetings and other forums. Input received from the community is then presented by representatives at subsequent advisory committee meetings. Community input also is factored into committee member option evaluations and optional PTA or cluster position papers.
  - f) An advisory committee report including evaluations of the options by

committee representatives, and any individual PTA or cluster position papers submitted on the options, will be forwarded to the superintendent of schools.

- g) The superintendent of schools will develop a recommendation after considering staff advice, the advisory committee report, option evaluations and any PTA or cluster position papers, as well as input from other organizations and individuals who have provided comments. The superintendent of schools will publish his/her recommendation in mid-October, or mid-February when necessary.
- h) Copies of the superintendent's recommendation are distributed to the affected schools and PTAs and posted to the MCPS Web site.
- i) The Board of Education will hold a worksession and may request by majority vote that alternatives to the superintendent's recommendation be developed for Board consideration. Any significant modification to the superintendent's recommendation requires an alternative. Any modification that impacts any or all of a school community that has not previously been included in the superintendent's recommendation should be considered a significant modification.
- j) Recommendations from the superintendent of schools and Board-identified alternatives will be the subject of a public hearing prior to final Board action.
- k) The Board has the discretion to adopt minor modifications to the superintendent's recommendation or Board-identified alternatives if this action will not have a significant impact on a plan that has received public review. To the greatest extent possible, additional alternatives will not be considered after the Board of Education alternatives worksession without adequate notification and opportunity for comment by the affected communities.

#### 4. School Closures and Consolidations

In cases where a school closure or consolidation is contemplated, the Board of Education, superintendent of schools, and MCPS staff will follow requirements of the Maryland State Board of Education set forth in COMAR, Chapter 13A ([www.dsd.state.md.us/comar/13a/13a.02.09.01.htm](http://www.dsd.state.md.us/comar/13a/13a.02.09.01.htm)).

This regulation provides the procedures governing school closings that must be used by local school systems. The regulation also sets the timeline for announcing school closings, and the procedure for appealing a local Board decision to the Maryland State Board of Education.

**VII. CALENDAR**

The long-range facilities planning process will be conducted according to the county’s biennial CIP process and will adhere to the following calendar adjusted annually to account for holidays and other anomalies.

MCPS staff meets with school principals, cluster coordinators, and PTA representatives to exchange information about the adopted CIP and consider issues in the upcoming CIP or amendments to the CIP. (In lieu of, and in the absence of a regular PTA, the existing affiliation of parents and teachers that serves a comparable purpose will be provided with copies of the superintendent’s CIP.)	Summer
MCPS staff presents enrollment trends and planning issues to the Board of Education	Mid-October
County Council adopts Spending Affordability Guidelines (SAG) for the new CIP cycle. SAG sets limits on debt affordability	Early-October of odd numbered fiscal years
Superintendent publishes and sends to the Board of Education any recommendations for school boundary or geographic student choice assignment plans	Mid-October
Superintendent publishes and sends to the Board of Education recommendations for the annual Capital Budget and biennial six-year CIP or amendments to the CIP	November 1
Board of Education holds a worksession to consider alternatives to superintendent recommended boundary changes or school choice assignment plans	Early-November
Board of Education holds a public hearing on the recommended CIP and boundary or school choice assignment plan recommendations and any alternatives identified by the Board at its worksession	Mid-November
Board of Education acts on Capital Budget, CIP, amendments, and any boundary changes or geographic student choice assignment plans	Late November
County executive and County Council receive Board of Education adopted capital budget and CIP for review	December 1
County executive transmits his/her recommended Capital Budget and CIP or amendments to County Council	January 15

**FAA-RA**

County Council may hold public hearings on CIP	February - March
County Council reviews Board of Education requested and County executive recommended Capital Budget and CIP	March - April
Superintendent recommendations on any deferred planning issues, boundary change or geographic student choice assignment plans, and/or recommended amendment(s) to the CIP are published for Board of Education review	Mid-February
Board holds worksession and identifies any alternatives to boundary change or geographic student choice assignment plan recommendations	Late-February/ early-March
Board holds public hearing (if needed)	Mid-March
Board acts on deferred CIP recommendations and/or boundary or geographic student choice assignment plans	Late-March
County Council approves Capital Budget and CIP	Late-May
Cluster PTA representatives submit comments to the superintendent about issues affecting their schools for the upcoming CIP or amendments to the CIP	May
Superintendent publishes a summary of all actions to date affecting schools (Educational Facilities Master Plan) and identifies future needs	June 30

In the event the Board of Education determines that an unusual circumstance exists, the superintendent will establish a different and/or condensed time schedule for making recommendations to the Board, for scheduling public hearings on recommendations for alternatives not previously subject to public hearing and for Board action.

*Regulation History:* Interim Regulation, June 1, 2005; revised March 21, 2006; revised October 17, 2006; revised June 8, 2008.

# 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 undue 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.

# REGULATION

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** CFB

**Responsible Office:** Deputy Superintendent of Schools

### Public Charter Schools

#### I. PURPOSE

To set forth guidance for the application, evaluation, approval, implementation, and ongoing monitoring process for public charter schools

#### II. BACKGROUND

Public charter schools, as authorized under Maryland law, may provide innovative educational opportunities and educational approaches for Montgomery County Public Schools (MCPS) students. A public charter school is subject to the same federal, state, and local policies, regulations, and statutes that affect all public schools, unless otherwise waived by the Montgomery County Board of Education (Board) or the Maryland State Department of Education (MSDE).

#### III. DEFINITIONS

- A. A *public charter school* is a public school that meets the criteria of the Maryland Public Charter School Program and which operates under a charter within the public school system and is accountable to the Board.
- B. A *charter application* details the proposed plan and timeline for the operation of a charter school and is the basis for consideration of approval.
- C. A *charter agreement* delineates the responsibilities of all parties involved in the implementation and ongoing monitoring of a public charter school.
- D. *Renewal* is a continuation of a charter after the initial term.
- E. *Revocation* is the termination of an approved charter.
- F. *Technical assistance* is the information provided to the applicant solely to clarify the application process requirements and associated documents, and to direct the applicant

to resources about technical procedures such as the Code of Maryland Administrative Regulations, Board policies and MCPS regulations.

- G. *Technical completion* means that all questions and sections have responses.
- H. A *qualified applicant* would be staff in a public school, a parent or guardian of a student who attends a public school in the county, a nonsectarian nonprofit entity, a nonsectarian institution of higher education in the state, or any combination of persons specified above.
- I. *Review panel* is a group of individuals with different interests and expertise, including representatives from various MCPS offices; MCPS employee associations; the Montgomery County Council of Parent Teacher Associations and/or other parent organizations; and individuals external to MCPS who are either expert in the field of academic design, governance, facilities, finance and operations, education, and/or key stakeholders from the community, who are selected to review applications.

#### IV. PROCEDURES

- A. Prior to Submission of an Application
  - 1. MCPS will establish and maintain a website where potential applicants and other interested parties may obtain applications, guidelines, and other information regarding applying to form a charter school in Montgomery County.
  - 2. MCPS will conduct meetings to provide information and technical assistance during the two months prior to the application submission due date.
  - 3. Applicant submits a letter of intent to the deputy superintendent of schools on March 1.
  - 4. Applicants may seek technical assistance by contacting the charter school liaison in the Office of the Deputy Superintendent of Schools.
- B. Application Criteria
  - 1. Application must be submitted by one or any combination of the following:
    - a) Current MCPS staff
    - b) Parent of a current MCPS student

- c) A nonprofit entity that is nonsectarian in all its programs, policies, and operations
  - d) A Maryland institution of higher education that is nonsectarian in all its programs, policies, and operations
2. A completed application must include the following:
- a) A description of how the applicant meets the criteria for qualified applicant as delineated in state law, Policy CFB, *Public Charter Schools*, and Section III.H., above.
  - b) The applicant's vision of the public charter school's expectations and mission.
  - c) The strategies for focused attention to student academic achievement.
  - d) Specific plans and strategies for developing and delivering educational programs, including the Maryland State Curriculum and the Core Learning Goals, aligned with Common Core State Standards, as applicable; also including how the school will meet the needs of special students, including English language learners, students with an Individualized Education Program or Section 504 Plan, and all students covered under the *Americans with Disabilities Act (ADA)*.
  - e) Specific educational results, including student academic outcomes and how they will be measured and reported.
  - f) A description of the major emphasis of the public charter school.
  - g) A facilities plan that specifies cost, location, health and safety compliance, available space and its use, compliance with requirements of the ADA, and, if a lease is required, the terms and conditions of the lease.
  - h) A staffing plan for the school consistent with Board Policy CFB, *Public Charter Schools*, and state law.
  - i) A management plan for the school consistent with Board Policy CFB, *Public Charter Schools*, and state law.

- j) The school improvement process including school improvement team membership, school improvement plan development, monitoring, reporting, review, and revisions.
- k) A financial plan and detailed four-year balanced budget for the school consistent with related Board policies, MCPS regulations, and state law.
- l) A description and documentation of the type and extent to which there is community support for the proposal for the public charter school.
- m) The length of time the public charter school will operate with current charter and provisions for termination of the charter consistent with Board Policy CFB, *Public Charter Schools*.
- n) A transportation plan.
- o) A food and nutrition services plan.
- p) A description of waivers applicant deems necessary to the operation of the public charter school. Waivers to any MSDE regulations must be obtained prior to submitting an application to MCPS.

C. Review of the Application

1. Optional Pre-submission for Technical Completion

MCPS will provide an opportunity for applicant to pre-submit an application no less than 10 working days in advance of the application due date to be reviewed for technical completion.

2. Application Submission

- a) Applications are due on the first business day in April of each school year for schools seeking to open in August or September of the following calendar year. The Board will render a decision within 120 calendar days.
- b) Applications that are not technically complete will be recommended for denial.
- c) Copies of the application will be provided to a panel of reviewers.

- d) Panel members will review applications based on the review criteria and submit their comments to the charter school liaison.
- e) The charter school liaison will provide the applicant with a list of any questions or concerns expressed by review panel members.
- f) Applicants will be given the opportunity to meet with review panel members to advocate for their public charter school and discuss or clarify any aspect of the application about which there may be questions or concerns.
- g) Panel members will submit their recommendations, based on the review criteria, to the charter school liaison who will convene a meeting of review panel members to reach a consensus recommendation.
- h) The charter school liaison forwards recommendations to the deputy superintendent of schools who will, in turn, make a recommendation to the superintendent of schools.
- i) The superintendent of schools considers the recommendations of the deputy superintendent of schools and presents a recommendation to the Board for approval or denial of the public charter school application.

D. Approval of a Public Charter School Application

- 1. The Board takes final action on the public charter school application.
- 2. Denial of a public charter school application may be appealed to the Maryland State Board of Education within 30 days.

E. Chartering a Public Charter School

- 1. Once the charter school application has been approved, MCPS and the applicant develop a formal written Charter Agreement between the public charter school applicant and the Board . The approved application becomes the basis of the charter agreement.
- 2. MCPS and the applicant will make every effort to have the charter agreement signed within 30 calendar days from the date of Board action.

3. If within 30 calendar days agreement has not been reached, the superintendent of schools may notify the Board and request appropriate action, including modification or revocation of the Board's approval.
4. The charter is legally enforceable and must describe all aspects of the new public charter school, including:
  - a) The applicant's vision of the public charter school's expectations and mission
  - b) The strategies for focused attention to student academic achievement
  - c) Specific plans and strategies for developing and delivering educational programs
  - d) Specific educational results, including student academic outcomes and how they will be measured and reported
  - e) A description of the major emphasis of the public charter school
  - f) Additional issues, such as waivers, which will be addressed in the charter as agreed upon by MCPS, the Maryland State Board, and the applicant
  - g) A facilities plan that specifies cost, location, health and safety compliance, available space and its use, and, if a lease is required, the terms and conditions of the lease
  - h) A plan for student admission, enrollment, and withdrawal consistent with Board Policy CFB, *Public Charter Schools*, and state law
  - i) A staffing plan for the school consistent with Board Policy CFB, *Public Charter Schools*, all relevant negotiated agreements, and state law
  - j) Certification requirements for public charter school professionals or paraeducators that are the same as those for professionals or paraeducators in other MCPS schools in accordance with state and federal law

- k) A school improvement plan for the school consistent with MCPS standards
- l) A financial plan for the school
- m) The length of time the public charter school will operate (no longer than four years) and provisions for termination of the charter consistent with Board Policy CFB, *Public Charter Schools*, and state law
- n) A transportation plan
- o) A food and nutrition services plan

F. Review, Renewal, and Revocation of a Charter

1. Review

- a) A charter may be granted for no longer than four years and will be reviewed annually by the Board.
- b) For approved charter schools to remain in operation, their annual report must include:
  - (1) Evidence that they are meeting the academic needs of their students
  - (2) Evidence that they are achieving positive results on student outcomes consistent with their school improvement plan
  - (3) Evidence that the school maintains a high level of parent involvement
  - (4) Evidence of student interest in enrolling
  - (5) Evidence that the school is in compliance with all health and safety requirements
  - (6) Evidence of utilization of MCPS input on the operation of the charter school
  - (7) Evidence of having met accountability requirements under the terms of the charter

(8) Evidence that all provisions of the charter are being met

2. Renewal

The public charter school shall provide to MCPS written notice of closure or intent to renew its charter immediately upon decision of its governing board, but no later than six months prior to closure or expiration of its charter.

3. Revocation

A charter may be revoked for the following reasons:

- a) The school has not fulfilled conditions in accordance with the charter agreement.
- b) The school has violated any provisions of the charter.
- c) The fiscal condition of the school is substantially deficient subject to the audit requirements of MCPS.
- d) The school does not meet audit requirements in accordance with MCPS policies and regulations.
- e) The academic achievement of charter school students has not met specified accountability measures.

*Regulation History:* New Regulation, March 12, 2004; revised April 25, 2006, revised January 14, 2011.