

CHARTER SCHOOLS

I. Purpose

To establish procedures for the implementation of the policy governing Charter Schools.

II. Procedures

- A. An application to establish a public charter school may be submitted to the Board of Education by:
 - 1. The staff of a public school;
 - 2. A parent or guardian of a student who attends a public school in the county;
 - 3. A nonsectarian, nonprofit entity;
 - 4. A nonsectarian institution of higher education in the state; or
 - 5. Any combination of persons specified above.

- B. Under Maryland Law, the Board of Education shall not grant a charter to:
 - 1. A private school;
 - 2. A parochial school; or
 - 3. A home school.

- C. After submission of a technically complete Talbot County Public Schools (TCPS) application for a public charter school, the Board of Education shall render a decision within 120 days, acting upon a recommendation of the Superintendent.

- D. If the Board of Education denies an application to establish a public charter school, the applicant may appeal the decision to the State Board of Education.

- E. If the Board of Education denies an application to establish a public charter school and the State Board reverses the decision, the State Board may direct the Board of Education to grant a charter and shall mediate with the Board of Education and the applicant to implement the charter.

III. Employees Assigned To A Public Charter School

- A. The Superintendent retains the authority to assign and transfer employees as the needs of the system require.

- B. A member of the professional staff of the public charter school shall hold the appropriate Maryland certification.
- C. Employees of the public charter school are public school employees, as defined in §§6-401(d) and 6-501(f) of the Education Article, *Annotated Code of Maryland*, and shall have all rights contained therein.
- D. Existing employee organizations and the public charter school may mutually agree to negotiate amendments to an existing agreement to address the needs of the particular public charter school.
- E. Any negotiated amendments must be approved by the Board of Education. Agreements are subject to Talbot County Board of Education approval.
- F. Employees are in the bargaining units with other public school employees in similar job classifications and are entitled to salaries, benefits, and working conditions in the existing negotiated agreement for their job classification, unless modified pursuant to amendments referenced above.
- G. Public charter school employees shall be observed and evaluated consistent with state regulations and TCPS procedures.

IV. Public Charter School Facilities

- A. If the public charter school wishes to use existing TCPS buildings, such use must be approved by the Board of Education. The cost of such use must be negotiated. Policies and regulations related to health and safety cannot be waived.
- B. If the public charter school plans to use a non-TCPS facility or a portion thereof, the Board must approve its use. Policies and procedures related to health and safety may not be waived.

V. Student Admission

- A. Tuition
 - 1. Resident students shall be eligible for admittance without tuition charge. Non-resident students shall be eligible for admittance without a tuition charge only as allowed by the school system for other non-domiciled students attending other schools in the school system. The amount of any tuition charged shall be calculated as if the student is attending any other public school in Talbot County. The tuition shall be paid to TCPS. However, the funding provided by the school system to the charter school for that student shall be calculated in the same manner as for all other students attending the charter school.

2. No resident student may be denied admittance in the charter school in order to accept a tuition-paying student.
- B. The public charter school shall not discriminate and shall be in compliance with all federal, state, and local anti-discrimination laws.
 - C. A random selection process shall be used if the number of qualified applicants exceeds the predetermined student capacity in the public charter school.

VI. Compliance With Laws, Policies, and Regulations

- A. A public charter school shall comply with the provisions of state law and regulations governing other public schools, unless a waiver is granted by the State Board. The State Board is prohibited from granting a waiver from provisions of law or regulations relating to:
 1. audit requirements;
 2. the measurement of student academic achievement, including all assessments required for other public schools and other assessments mutually agreed upon by the public chartering authority and the school; or
 3. the health, safety, or civil rights of a student or an employee of the public charter school.
- B. A public charter school shall comply with all policies of the Board of Education and regulations of the Superintendent unless granted a waiver by the Board of Education.
- C. Criminal background checks shall be required as dictated by other Board of Education policies and regulations, and applicable state law.
- D. A public charter school shall implement the Individual Evaluation Plan (IEP) of any student with a disability who chooses to enroll and shall adhere to the normal IEP process. Public charter schools shall provide all special education services and related services as delineated in a student's current approved IEP.
- E. The Superintendent of Schools shall ensure that prior to opening a public charter school the operators of the school are informed of and have addressed the human, fiscal, and organizational capacity needed to fulfill the school's responsibilities related to children with disabilities.
- F. A charter may not be granted to a school whose operation would be inconsistent with any public policy initiative, court order, or federal improvement plan governing special education that is applicable to Maryland.

- G. The State Board shall provide technical assistance to the operators of a public charter school to help the school meet the requirements of federal and state laws, including 20 U.S.C. §1400, et seq. and §504 of the *Rehabilitation Act of 1973*, 29 U.S.C. §794.

VII. Evaluation of Public Charter Schools

- A. The public charter school shall be evaluated annually based on student achievement, fiscal management, and other criteria pursuant to its approved application and the terms and conditions of the Charter Agreement.
- B. For a public charter school to remain in operation, it must be able to meet the needs of its students, maintain student enrollment levels, and remain accountable under the terms of the Charter Agreement.

VIII. Revocation Of A Charter

- A. The Board of Education 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.
- B. The Board of Education may revoke a public charter school's charter for the following reasons:
 - 1. The school has failed to meet the terms of the Charter Agreement including, but not limited to, academic achievement or fiscal conditions.
 - 2. The school has not fulfilled a condition imposed by the Board of Education in connection with the granting of the charter.
 - 3. The facility can no longer support the needs of the educational program.
 - 4. The continuation of the operation of the public charter school is not in the best interests of the public or of the students of Talbot County.
 - 5. The school has failed to comply with the Charter Agreement or provisions of federal, state, or local law.
 - 6. The fiscal condition of the school is substantially deficient.
 - 7. The physical environment presents a safety or health risk to building occupants.
 - 8. The academic condition of the school is substantially deficient.
 - 9. The school is not able to meet the needs of its students.
 - 10. The school is not able to maintain high levels of parent involvement and student enrollment.
- C. Upon revocation, personnel and students shall be reassigned pursuant to Board of Education policy and Administrative Regulations.
- D. Upon revocation, resources provided by TCPS to the charter school shall remain under the control of TCPS.

- E. The governing board of a public charter school must provide notice of its intent to renew a Charter Agreement or to close the public charter school to the Superintendent/designee as soon as such decision is reached, but not less than six months prior to such closure or expiration of the Charter Agreement, whichever occurs first.

IX. Reporting Requirements

- A. An annual report on each public charter school shall be presented to the Board of Education, including:
 - 1. student performance;
 - 2. fiscal accountability; and
 - 3. any other matter required pursuant to the Charter Agreement.
- B. Public charter schools shall comply with all federal, state, and local reporting requirements, unless waived.

X. Financial Or Other Compliance Matters

- A. The Talbot County Board of Education shall require financial, programmatic, or compliance audits consistent with federal, state, and local law and procedures. The public charter school shall make available all required financial records and other material necessary to conduct an audit.
- B. The Talbot County Board of Education will annually determine the appropriate amounts of local, state and federal funding to be distributed to the public charter school commensurate with the amounts disbursed to other public schools in the local jurisdiction.
- C. The Talbot County Board of Education or State Board of Education may give surplus educational materials, supplies, furniture, and other equipment to a public charter school.
- D. 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 Agreement.
- E. An approved public charter school shall notify immediately the Talbot County Board of Education's Superintendent if at any time during the year it suspects or determines that the school may not be in a position to meet its projected expenses. The public charter school shall provide the school system with the basis for the problem and cooperate with the school system in resolving the financial situation.

- F. The Charter Agreement shall provide evidence of appropriate property and casualty insurance as reflected in the Charter Agreement.
- G. Any methodology implemented to improve student performance at a public charter school shall be considered the property of the Talbot County Public School System. As such, the school system reserves the right to replicate proven strategies or pedagogies in other public schools within the system at no additional cost.

XI. Public Charter School Application Process

- A. An applicant to operate a public charter school shall submit a prospectus application to the Board of Education in accordance with the procedures established by the Board by January 1st of the year preceding the proposed starting date (approximately 20 months prior to start).
- B. If the prospectus application is approved the completed charter application must be submitted by September 1st of the year prior to the proposed starting date (approximately 12 months prior to start).
- C. A public charter school may begin operation in the school year following the date the charter is granted as long as the charter is granted by the last board meeting in December of the preceding year.
- D. Prior to the submission of a completed application the applicant shall confer with the Superintendent or designee. The applicant, at a minimum, shall provide plans for addressing each of the components required for the formal application. The Superintendent or designee may provide advice and technical assistance as the formal application is finalized.
- E. Applications shall include, but not be limited to, the following components:
 - 1. A statement of intent to comply with applicable federal, state, local laws and regulations and this policy.
 - 2. The applicant's vision of public charter school expectations and mission. The primary mission must remain focused on student academic achievement.
 - 3. A description of any special or unique educational focus to be implemented.
 - 4. Strategies for developing and delivering educational programs including curriculum, staffing patterns and grade levels.
 - 5. Specific educational results including student academic outcomes and how they shall be measured.
 - 6. Specific plans for meeting or exceeding current accountability provisions of Talbot County Public Schools, state law, and regulations.

7. Student admission procedures.
8. A facilities plan that describes the type of facilities, possible location, and the characteristics of the facility that will be needed to ensure the appropriate implementation of the proposed education program. The plan should also include the requirements to ensure accessibility consistent with the Americans with Disabilities Act. Final Charter approval would be contingent upon the acquisition of the appropriate facilities consistent with the facilities plan.
9. A defined management and administrative structure that shall be in place for the public charter school.
10. The proposed duration of the charter and a plan which provides legal accountability for the operation of the public charter school.
11. Demonstration of financial solvency for the duration of the Charter Agreement and accountability for the use of funds and resources as addressed in the budget section of the charter school application.
12. A plan which provides programmatic accountability for the length of the Charter Agreement.
13. Specific waivers of local, state and federal requirements needed to implement the proposed education program.
14. A plan for providing needed school support services such as transportation, custodial and maintenance, health services, and food services.
15. A description of the type and extent to which there is sufficient community support for the proposed public charter school must be submitted.

XII. Legal Authority

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

(Pulled from our current policy/AR)