

# REGULATION BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY

**Related Entries: Policy IO**

**Responsible Office: Assistant Superintendent of Student Support Services**

## **PUBLIC CHARTER SCHOOLS**

### **A. PURPOSE**

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

### **B. PROCEDURES**

1. An application to establish a public charter school may be submitted to the Board of Education by:
  - a. The staff of a public school;
  - b. A parent or guardian of a student who attends a public school in the county;
  - c. A nonsectarian, nonprofit entity;
  - d. A nonsectarian institution of higher education in the state; or
  - e. Any combination of persons specified above.
2. Under Maryland Law, the Board of Education shall not grant a charter to:
  - a. A private school;
  - b. A parochial school; or
  - c. A home school.
3. After submission of a technically complete Anne Arundel County Public Schools (AACPS) application for a public charter school, the Board of Education shall render a decision within 120 days, acting upon a recommendation of the Superintendent.
4. 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.
5. 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.
6. By law, the State Board shall render a decision within 120 days of the filing of an appeal under this section.

### **C. EMPLOYEES ASSIGNED TO A PUBLIC CHARTER SCHOOL**

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

2. A member of the professional staff of the public charter school shall hold the appropriate Maryland certification.
3. 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.
4. 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.
5. Any negotiated amendments must be approved by the Board of Education.
6. 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.
7. Public charter school employees shall be observed and evaluated consistent with state regulations and AACPS procedures.

**D. PUBLIC CHARTER SCHOOL FACILITIES**

1. If the public charter school wishes to use existing AACPS 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.
2. If the public charter school plans to use a non-AACPS facility or a portion thereof, the Board must approve its use. Policies and procedures related to health and safety may not be waived.

**E. STUDENT ADMISSION**

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

## **F. COMPLIANCE WITH LAWS, POLICIES, AND REGULATIONS**

1. 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:
  - a. audit requirements;
  - b. the measurement of student academic achievement, including all assessments required for other public schools and other assessments mutually agreed upon by the public chartering authority and the school; or
  - c. the health, safety, or civil rights of a student or an employee of the public charter school.
2. A public charter school shall comply with all policies of the Board of Education and regulations of the Superintendent unless granted a waiver by the Board of Education.
3. A public charter school shall implement the 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.
4. 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.
5. Criminal background checks shall be required as dictated by other Board of Education policies and regulations, and applicable state law.
6. 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.
7. 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.

## **G. EVALUATION OF PUBLIC CHARTER SCHOOLS**

1. 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.
2. 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.

## **H. REVOCATION OF A CHARTER**

1. 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.

2. The Board of Education may revoke a public charter school's charter for the following reasons:
  - a. The school has failed to meet the terms of the Charter Agreement including, but not limited to, academic achievement or fiscal conditions.
  - b. The school has not fulfilled a condition imposed by the Board of Education in connection with the granting of the charter.
  - c. The facility can no longer support the needs of the educational program.
  - d. The continuation of the operation of the public charter school is not in the best interests of the public, or of the students of Anne Arundel County.
3. Upon revocation, personnel and students shall be reassigned pursuant to Board of Education policy and procedure.
4. Upon revocation, resources provided by AACPS to the charter school shall remain under the control of AACPS.

#### **I. REPORTING REQUIREMENTS**

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

#### **J. FINANCIAL OR OTHER COMPLIANCE MATTERS**

1. The Board of Education may require financial, programmatic, or compliance audits consistent with federal, state, and local law and procedures.
2. The Board of Education shall annually determine a funding allocation that includes the per-pupil allocation for public charter schools that is commensurate with the per-pupil amount disbursed to other schools in the county.
3. The State Board or Board of Education may give surplus educational materials, supplies, furniture, and other equipment to a public charter school.
4. An approved public charter school may seek and receive other grants through local, state, or federal government sources or private sources without a reduction in its fair share allocation unless other provisions are included in the charter agreement.
5. An approved public charter school shall notify the Superintendent immediately if at any time it determines that the school may not be in a position to meet its projected expenses. The public charter school shall provide AACPS the basis of the problem and shall cooperate with AACPS in resolving the financial situation.

6. An approved public charter school shall notify the Superintendent immediately if at any time, a decision is made to discontinue operations. The public charter school shall fully cooperate with AACPS in appropriate and timely transfer of records and other resources. The public charter school shall only accept funding from AACPS beyond the notification date for documented expenses. AACPS shall discontinue funding except for documented requests from the public charter school.
7. The public charter school shall provide evidence of required property and casualty insurance policy limits with a company acceptable to the Superintendent or his designee.

**K. PUBLIC CHARTER SCHOOL APPLICATION PROCESS**

1. 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 1 of the year preceding the proposed starting date (approximately 20 months prior to start).
2. If the prospectus application is approved the completed charter application must be submitted by September 1 of the year prior to the proposed starting date (approximately 12 months prior to start).
3. 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.
4. 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.
5. Applications shall include, but not be limited to, the following components:
  - a. A statement of intent to comply with applicable federal, state, and local laws and regulations and this policy.
  - b. The applicant's vision of public charter school expectations and mission. The primary mission must remain focused on student academic achievement.
  - c. Specific plans and strategies for developing and delivering educational programs.
  - d. Specific educational results including student academic outcomes and how they shall be measured.
  - e. Specific plans for meeting or exceeding current accountability provisions of Anne Arundel County Public Schools and state law, and regulations.
  - f. Student admission procedures.
  - g. A facilities plan that specifies, cost, location, available space (and its use) and the terms and conditions of the facility acquisition and necessary utilities.
  - h. A defined management and administrative structure that shall be in place for the public charter school.
  - i. The proposed duration of the charter and a plan which provides legal accountability for the operation of the public charter school.
  - j. A plan which shall include assurances of financial solvency for the duration of the charter and accountability for the use of funds and resources.

- k. A plan which provides programmatic accountability for the length of the charter.
- l. A description of the type and extent to which there is sufficient community support for the proposed public charter school.
- m. The public charter school may have a major emphasis on specific criteria, such as reclaiming drop-outs or basic instructional programs.

***Regulation History:***      *Developed by Superintendent 3/3/2010*  
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