

Frequently Asked Questions

Program Contact

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Frequently Asked Questions (FAQs)

These FAQs have been developed to assist public charter school applicants. This section contains three sets of FAQs.

The first are of a general nature and were taken from the Maryland State Department of Education website. The second and third were taken from the U.S. Department of Education website and concern *No Child Left Behind*.

Anne Arundel County Public Schools is not responsible for content of the national information resources.

General Questions and Answers

Q: What should be the focus of a Maryland public charter school?

A: The public charter school represents a choice for parents and the community and may provide innovative learning opportunities and creative educational approaches to improve the education of students. Public charter schools strive for high academic standards and are accountable for results for student performance as any other public school.

Q: What requirements are imposed on Maryland public charter schools?

A: Public charter schools are subject to any federal, state, and local policies, regulations and statutes that affect traditional elementary and secondary public schools unless certain policies, procedures or regulations are waived by local education authorities or the State Board of Education, as appropriate.

Q: What is the process for establishing a public charter school in Maryland?

A: Each local board of education will establish policies and procedures that describe the process to be used by public charter school applicants in that school system. Public charter school operators must follow those procedures and use the application process established by the local board of education in the jurisdiction where the public charter school will operate. Public charter schools operate under the supervision of the public chartering authority from which its Charter Agreement is granted.

Q: Who is eligible to submit an application for a public charter school?

A: Public charter school applications may be submitted to the local board of education by the staff of a public school, a parent or guardian of a student who attends a public school in the county/city, a nonsectarian nonprofit entity, a nonsectarian institution of higher education in the state, or any combination of the above.

Q: Who is responsible for completing the application?

A: The applicant is responsible for the completion of the application.

Q: To whom will the public charter school operators report?

A: Public charter school operators report to the public chartering authority from which its Charter Agreement is granted.

Q: May a restructured school become a public charter school?

A: Yes, in accordance with state regulations (*COMAR 13A.01.04.07C*) and local procedures.

Q: May 'start-up' funds be provided for public charter schools?

A: There are no specific state funds available for 'start-up' costs associated with developing a public charter school. There are federal funds available through the Public Charter Schools Program at the U.S. Department of Education, and in the future, the state may apply for these federal funds.

Q: How are public charter schools funded?

A: The local board of education will disburse to public charter schools an amount of county, state and federal money that is commensurate with the amount disbursed to other public schools in the local jurisdiction.

Q: May public charter schools charge tuition?

A: No. Public charter schools are public schools and may not charge tuition to residents of the jurisdiction where the school is located. As authorized by Maryland statutes and regulations, a local school system may charge tuition to out-of-district students.

Q: What is the enrollment process for public charter schools?

A: Public charter schools are open to all students on a space-available basis, and on a lottery basis if more students apply than can be accommodated.

Q: May private or religious schools convert to public charter schools?

A: A public charter school may not be a private school, a parochial school or a home school.

Q: Can public schools convert to public charter schools?

A: Yes. Existing public schools can convert to public charter schools.

Q: Who will review and evaluate public charter school applications?

A: After school system staff has deemed an application complete, public charter school applications will be reviewed and evaluated by the county board of education in which the charter school will be established.

Q: Can the local Board of Education's decisions on charter applications be appealed?

A: Yes. Appeals will be heard by the State Board of Education in accordance with the requirements of the Public Charter School Act of 2003.

Q: Is there a specified number of years for which a charter will be granted?

A: No. However, a local board of education may develop requirements of a specific term as well as standards for renewal of the Charter Agreement.

Q: How are public charter schools held accountable to standards?

A: The public charter school will meet current accountability provisions of local education authorities and state regulations and statutes. The public charter school must provide documentation to the chartering authority regarding fiscal accountability and performance on recognized academic measures as agreed upon in the Charter Agreement.

Q: What kinds of flexibility do public charter schools receive?

A: Public charter schools will receive flexibility in a number of areas, principally in the areas of management and administrative structure, staffing, educational programming, curriculum/instructional focus, program emphasis and budgeting, in exchange for high academic performance. Additional areas of flexibility may be negotiated between the public charter school and the local board of education.

Q: What buildings can house public charter schools?

A: Public charter school buildings must meet all federal, state and local facility, health and safety standards and the building must be appropriate for the education program being offered and must be accessible in accordance with the Americans with Disabilities Act.

Q: Are public charter school personnel employees of the school system?

A: Employees of a public charter school are public school employees of the county/city in which the public charter school is located. If a collective bargaining agreement is already in existence in the county/city where a public charter school is located, the public charter school and the employee organization may mutually agree to negotiate amendments to the existing agreement to address the needs of the particular public charter school.

Q: May public charter schools employ non-certified educators?

A: The professional staff of a public charter school must have the appropriate Maryland certification.

Q: Can volunteers work in the public charter school?

A: Yes. All staff and volunteers in public charter schools must meet required state and local background checks.

Q: Will public charter school staff receive professional development?

A: Public charter school staff will receive the same services as public school staff in that jurisdiction unless indicated in the Charter Agreement.

Q: Are educational support services available to public charter schools?

A: The local board of education will provide support through the designated public charter school contact. The Maryland State Department of Education is also available to provide technical assistance to the operators of a public charter school to help the school meet the requirements of federal and state laws.

Q: Will transportation services be provided for students to/from the public charter school?

A: Transportation services are subject to agreements outlined in the Charter Agreement. Transportation services are to be provided to students with disabilities in accordance with their Individualized Education Program (IEP).

Q: Will the public charter school have extra-curricular activities such as sports?

A: Public charter schools may offer extra-curricular and supplemental services as described in the educational program.

Q: May students with disabilities attend a public charter school?

A: Yes. Public charter school operators must fulfill the responsibilities related to children with disabilities. Public charter schools are open to all students on a non-discriminatory basis.

Q: What ages should the public charter school accept?

A: Public charter schools may support the ages that provide a program of elementary or secondary education, or both.

Q: Will public charter school students participate in assessments?

A: The measurement of student academic achievement must include all assessments required for other public schools and other assessments mutually agreed upon by the public chartering authority and the public charter school.

The Impact of the New Title I Requirements on Charter Schools

(Source: U.S. Department of Education guidance on ESEA Programs)

A. Charter Schools and Accountability Requirements in NCLB

A-1. Are charter schools subject to meeting adequate yearly progress (AYP)?

Yes, charter schools, like all public schools within a State, are subject to the State's Title I accountability requirements. However, a State shall look to its charter school law to ascertain the entity responsible for overseeing charter school accountability for Title I purposes.

A-2. Which entity in a State is responsible for ensuring that charter schools make adequate yearly progress and comply with other accountability provisions in Title I, Part A?

Section 1111(b)(2)(K) of the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (NCLB) and Section 200.49(f) of the final Title I regulations (67 Fed.Reg. 71710, 71727, to be codified at 34 C.F.R. pt. 200) require accountability for charter schools to be overseen in accordance with State charter school law. Thus, a State's charter school law determines the entity within the State that bears responsibility for ensuring that charter schools comply with the Title I, Part A accountability provisions, including AYP. The charter authorizer is responsible for holding charter schools accountable for Title I, Part A provisions unless State law specifically gives the SEA direct responsibility for charter school accountability.

A-3. Must charter school authorizers now insert state plans for meeting AYP into individual charter contracts?

NCLB requires that authorizers monitor their charter schools to ensure they are meeting the State's AYP definition. If authorizers wish, they may choose to incorporate the AYP definition into charter contracts, especially for new schools, but NCLB does not explicitly require this step.

A-4. Given the important role for charter authorizers in many States under NCLB, should authorizers be assured resources from SEAs to discharge their accountability oversight responsibilities effectively?

Yes, pursuant to State charter laws, NCLB empowers many charter authorizers with the oversight responsibilities for this Act. In States where the charter law defers to charter authorizers for accountability oversight, SEAs should consult with authorizers, especially in States that permit alternate authorizers such as public universities and/or municipal governments, to ensure they have the resources necessary to perform the duties assigned to them under NCLB.

A-5. Will eligible charter authorizers now be responsible for allocating Title I and other federal formula funds to their charter schools?

No. If a charter school is authorized by an entity other than a traditional (school-district) LEA, the SEA will still be responsible for allocating Title I funds directly to the charter school, pursuant to federal and state laws. In allocating these funds, SEAs will still comply with Section 5206 of ESEA and ensure that funds are allocated in a timely and efficient manner for new and expanding charter schools. If a charter is, under State law, part of an LEA, the LEA will allocate Federal funds to the school on the same basis that it provides funds to its other schools.

A-6. Should State Title I accountability plans specifically address charter schools and reflect input from charter authorizers and operators?

Yes. Charter schools are public schools subject to the accountability requirements of NCLB. In accordance with congressional intent, Title I state accountability plans may not "replace or duplicate the role of authorized chartering agencies" in overseeing accountability requirements for charter schools. State Title I accountability plans should respect the unique nature of charter schools and should reflect input from charter operators and authorizers.

A-7. Are charter schools subject to the same Title I accountability requirements as other public schools under NCLB?

Yes. In general, State charter laws currently require charter schools to participate in a State's assessment system for public schools in the State. Charter schools are subject to the same Title I accountability requirements as other public schools in a given State, including AYP (see A-1 and A-2).

A-8. What if a charter school fails to meet AYP requirements but meets its contractual requirements with its authorizer?

If a charter school fails to meet AYP requirements, then the charter school authorizer must take actions as required by NCLB.

A-9. Does NCLB prohibit more rigorous accountability requirements than the requirements of a State's Title I accountability plan in an existing charter contract or a future charter contract?

No. Nothing in NCLB prohibits the continuation of existing charter contracts, nor prohibits the development of future contracts that meet or exceed the Title I accountability requirements of NCLB. If a charter school's contract with its authorizer imposes more immediate consequences than a State's Title I accountability plan, the Department believes the authorizer should continue to ensure that the school abides by the charter contract under state law, notwithstanding the fact that the school may have made AYP.

B. Charter Schools and the Title I Public School Choice Provisions

B-1. May an eligible charter school that is part of an LEA be listed as a choice option for parents who wish to transfer their child to a higher-performing school?

Yes. LEAs should list charter schools that have not been identified for improvement, corrective action, or restructuring as choice options. Section 200.44(a)(3)(B)(ii) of the Title I regulations (67 Fed. Reg. 71710, 71724, to be codified at 34 C.F.R. pt. 200) also discusses charter schools as choice options.

B-2. Do charter schools that admit students using a lottery have to give priority to eligible students transferring under the public school choice provisions of NCLB?

No. Nothing in the statute requires that students transferring under the Title I public school choice provisions be granted preference in these lotteries. State law determines how and if lotteries operate for oversubscribed charter schools. Also, to be an eligible charter school under the Federal charter school grants program, a charter school must use a lottery to admit students if there are more applicants than openings.

B-3. Must parents be notified if a charter school is identified as in need of improvement, corrective action, or restructuring?

Yes. If a charter school is identified for improvement, parents of students enrolled at the school must be notified of its status before the beginning of the school year following identification, just as parents of students enrolled in other public schools are notified. If a charter school is part of an LEA, then the LEA should notify parents of their options.

B-4. Are charter schools that are parts of LEAs under State law, required to provide choice options and offer transportation for students to other higher-performing schools in the LEA if the charter school is identified by the State as in need of improvement, corrective action, restructuring?

Yes, consistent with the statute, LEAs that authorize charter schools must provide choice options and offer transportation to other public schools of choice within the LEA, even if a State's charter law does not require that transportation funds be made available for charter schools.

B-5. Are there Department resources one can use to find more information on NCLB's public school choice provisions?

Yes. For more information please consult the Department's Title I regulations at: www.ed.gov/legislation/FedRegister/finrule/2002-4/120202a.html.

You may also wish to consult the non-regulatory guidance on public school choice at: www.ed.gov/offices/OESE/SASA/schoolchoiceguid.doc

C. Charter Schools and Supplemental Educational Services Provisions

C-1. Can charter schools provide supplemental educational services to students enrolled in low-performing Title I schools?

Yes, charter schools that are not identified for improvement are eligible to become supplemental educational service providers pursuant to the Title I requirements.

C-2. Are students who attend charter schools that are parts of LEAs under State law eligible for supplemental educational services?

Yes. As with other public schools, if a charter school is identified as in need of improvement for two or more years, then Title I students in the school are eligible to receive supplemental educational services. The LEA must pay for such services on the same basis as it would pay for supplemental services for eligible students in any other school.

C-3. How much must an LEA pay for supplemental educational services?

The law establishes a combined funding requirement for choice-related transportation and supplemental educational services. Unless a lesser amount is needed to meet demand for choice-related transportation and to satisfy all requests for supplemental educational services, an LEA must spend up to an amount equal to 20 percent of its Title I, Part A allocation, before any reservations, on:

- (1) *Choice-related transportation;*
- (2) *Supplemental educational services; or*
- (3) *A combination of (1) and (2).*

These funds may come from Title I, other federal programs such as Title V, Part A of ESEA, funds moved into these programs under the “transferability” authorization, or State or local sources. This flexible funding approach means that the amount of funding that an LEA must devote to supplemental educational services depends in part on how much it spends on choice-related transportation.

If the cost of satisfying all requests for supplemental educational services exceeds an amount equal to 5 percent of an LEA’s Title I, Part A allocation, the LEA may not spend less than that amount on those services. An LEA may also spend an amount exceeding 20 percent of its Title I, Part A allocation if additional funds are needed to meet all demands for choice-related transportation and supplemental educational services. This funding mechanism applies to both charter schools that are parts of LEAs and charter schools that are their own LEAs under State law.

C-4. Are there Department resources one can use to find more information on the Title I supplemental educational services provisions?

Yes. For more information please consult the Department’s Title I regulations at: www.ed.gov/legislation/FedRegister/finrule/2002-4/120202a.html.

You may also wish to consult the non-regulatory guidance on supplemental educational services at: www.ed.gov/offices/OESE/SASA/suppsvcguid.doc.

D. Charter Schools and Corrective Action

D-1. Does NCLB give either States or authorizers the authority to reorganize a charter school's management and enforce other corrective actions?

Yes. As with other public schools, charter schools that are unable to make AYP by the end of the second full school year after identification are placed under corrective action according to Section 1116(b)(7)(C) of ESEA. NCLB gives the appropriate entity under state law (see A-2) the responsibility to reorganize a charter school's management and enforce other corrective actions, consistent with State charter law and the State's accountability plan for its charter schools. State charter law shall determine if this requires the charter school to modify its charter contract.

D-2. Under the "corrective action" provisions, NCLB allows States to convert low-performing Title I schools into charter schools. How might a State explain the manner in which this provision would be implemented?

If a State's charter school law allows public schools to convert to charter status, a State's Title I accountability plan may explain how the process of converting schools identified for corrective action to charter schools would work. The accountability plan might also identify the entities that will be expected to authorize such charters and explain whether these entities have discretion in extending the contracts for these charter schools.

E. Qualifications of Teachers and Paraprofessionals

E-1. What qualifications do teachers in Title I charter schools have to meet under NCLB?

Charter school teachers who teach core academic subjects must comply with any requirement in a State's charter school law regarding certification or licensure. A teacher in a charter school does not have to be licensed or certified by the State if the State's charter law does not require such licensure or certification.

However, teachers of core academic subjects in charter schools must meet the other requirements that apply to public school teachers, including holding a four-year college degree and demonstrating competence in the subject area in which they teach. According to Section 9101(11) of NCLB, the term "core academic subjects" includes English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography. For more information on the highly qualified teacher requirements, please consult the Title I regulations, Section 200.56 (67 Fed. Reg. 71710, 71730, to be codified at 34 C.F.R. pt. 200) and the Department's non-regulatory draft guidance on Title II, ESEA, Improving Teacher Quality State Grants, available at: www.ed.gov/offices/OESE/SIP/TitleIguidance2002.doc.

E-2. When do charter school teachers have to meet these highly qualified requirements?

Newly hired teachers of core academic subjects in Title I charter schools are teachers that are hired after the 2002-2003 school year. These teachers must meet the highly qualified teacher requirements applicable to charter school teachers before entering the classroom. Teachers of core academic subjects hired before the start of the 2002-2003 school year must meet the requirements by the end of the 2005-2006 school year. For more information on how teachers can demonstrate competence in their subject area(s), please refer to

Appendix A of the Department's draft Title II non-regulatory guidance: Improving Teacher Quality State Grants, available at: www.ed.gov/offices/OESE/SIP/TitleIguidance2002.doc.

E-3. What qualifications do charter school paraprofessionals have to meet?

Paraprofessionals with instructional support duties in charter schools receiving Title I funds need to meet the same requirements as paraprofessionals in traditional Title I public schools. This requirement applies only to paid paraprofessionals and not parents or other volunteers.

According to Section 1119(c) and (d) of ESEA, paraprofessionals hired after enactment of NCLB (January 8, 2002) and working in Title I programs must complete at least two years of study at an institution of higher education, possess at least an associate's degree, or demonstrate subject matter competence through a formal State or local assessment.

E-4. When do paraprofessionals employed prior to the enactment of NCLB need to meet these requirements?

Paraprofessionals hired before enactment of NCLB (before January 8, 2002) and working in Title I programs must meet these same requirements by January 8, 2006. For more information, please see the draft non-regulatory guidance on paraprofessionals at: <http://www.ed.gov/office/OESE/SASA/paraguidance.doc>

E-5. If a charter school does not accept Title I funds, must it comply with these requirements for paraprofessionals?

No, these requirements are applicable only to Title I schools and to paraprofessionals working in Title I programs.

E-6. Which entity is responsible for ensuring that charter schools comply with NCLB's charter school teacher quality requirements?

Section 1111(b)(2)(K) of ESEA is clear that accountability oversight for charter schools shall be determined by individual State charter laws. The charter authorizer bears primary responsibility for holding charter schools accountable for Title I, Part A provisions (including the Part's teacher quality requirements) unless State law specifically gives the SEA direct responsibility for charter school accountability. We do not expect the LEA in which the charter school is located to be this entity, unless it is also the charter authorizer.

Participation of Charter Schools In ESEA Programs Under No Child Left Behind

H-17. Are public charter schools eligible to participate in the Reading First program?

Yes. Under State law, public charter schools are generally either local educational agencies or public schools within an LEA. As such, public charter schools are eligible for support on the same basis as other public schools or LEAs in the State. If State law recognizes a charter school as an LEA and the charter school meets the eligibility requirements outlined in Question H-1, it may apply to its State educational agency for a subgrant as an LEA. If a charter school is a school within an LEA, it may receive funding through its LEA's subgrant if it meets the criteria outlined in Question I-1. (See I-1 below).

H-18. What are the implications of the Charter School Expansion Act of 1998 on Reading First awards?

The Charter School Expansion Act reinforces the Department's policy that public charter schools must be able to compete for Reading First funds on an equal footing with other public schools and local educational agencies. They may not be discriminated against in competing for funds simply because of their charter school status, nor may competitive preferences or absolute priorities be established for the purpose of excluding charter schools from competing for Reading First funds.

H-19. May charter schools that are not local educational agencies apply directly to the State educational agency for Reading First subgrants?

No. Only local educational agencies may apply directly to a State educational agency for Reading First funds. A charter school that is not an LEA under State law may not apply directly to the State for funding.

I-1. In which schools may a local educational agency use Reading First funds?

A local educational agency that receives a Reading First subgrant may only distribute funds to schools within that LEA that are both:

1. Among the schools served by the LEA with the highest percentages or numbers of students in kindergarten through grade 3 reading below grade level, based on the most current data available; and
2. Identified for school improvement under Title I, Part A or have the highest percentages or numbers of children counted for allocations under section Title I, Part A.

Title I, Part F – Comprehensive School Reform

F-18. What are the implications for CSR awards of the charter school provisions in section 5206 of the reauthorized ESEA?

Section 5206 of the ESEA requires that public charter schools be permitted to compete for CSR funds on an equal footing with other public schools and LEAs. States may not create competitive preferences or absolute priorities for the purpose of excluding charter schools from competing for CSR funds and may not discriminate against these schools in awarding funds simply because of their charter school status. States and districts should use a clearly defined process and criteria to determine which schools—including charter schools and other public schools—are most deserving of CSR support. The criteria should distinguish among CSR applicants on the basis of a particular school's need for reform and the quality of the proposed program.

Title II, Part A – Improving Teacher Quality State Grants

I-5. Can charter schools apply for Improving Teacher Quality State Grants funds?

Charter schools that are *not* LEAs cannot apply directly to the SEA for these funds. They are to be treated like the other schools within their particular LEA, and can participate in program activities on the same basis as all other schools.

Title III, Part A – English Language Acquisition

E-2. What entities are eligible to apply to an SEA for a Title III subgrant?

LEAs may apply on their own or jointly with other LEAs. In addition, an individual LEA or a group of LEAs may apply in collaboration with a college or university, community-based organization, or a State educational agency. However, LEAs are the lead applicants for a subgrant in all cases and may, if they choose, include collaborative activities with colleges and universities and community-based organizations in their applications.

E-3. Are public charter schools eligible to receive subgrants under Title III?

A public charter school that is not an LEA would not be eligible to receive a subgrant, but the charter school may be included in its LEA's application on the same basis as other public schools in the district.

Title IV, Part A – Safe and Drug Free Schools and Communities

No reference. However, it would appear that if the charter school is among the schools in the LEA, then all the charter school would be eligible for Title IV funds and would have to meet the same requirements under Title IV as public schools.

Title IV, Part B – 21st Century Community Learning Centers

F-20. Are public charter schools eligible to participate in the 21st CCLC program?

Yes. Under State law, a public charter school is generally either an LEA or a public school within an LEA. As such, public charter schools are eligible to be considered for support on the same basis as other schools or LEAs in the State. Regardless of a charter school's status as an LEA or a public school, it is eligible to apply for a grant because any public or private entity may apply. Even if a charter school does not apply for or receive a grant, its students may participate in 21st CCLC programs established through an application submitted by other organizations.

Title IX – General Provisions Definitions

(26) LOCAL EDUCATIONAL AGENCY-

(A) IN GENERAL- The term local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(B) ADMINISTRATIVE CONTROL AND DIRECTION- The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(C) BIA SCHOOLS- The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

(D) EDUCATIONAL SERVICE AGENCIES- The term includes educational service agencies and consortia of those agencies.

(E) STATE EDUCATIONAL AGENCY- The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

McKinney-Vento Education for Homeless Children and Youth (McKinney-Vento)

No reference to charter schools. However, it would appear that if the charter school is among the schools in the LEA, then all the provisions regarding homeless children and youth would apply, including "school of origin" and transportation, etc.