

**I. Policy Statement**

The Board of Education of Howard County is committed to maintaining an educational system that delivers exemplary curriculum and instruction as well as rigorous and innovative programs. The Board of Education of Howard County recognizes that public charter schools may be established in Howard County as an alternative means of providing innovative learning opportunities and creative educational approaches to enhance the education of students.

**II. Purpose**

The purpose of this policy is to provide guidelines and procedures by which public charter schools may be established under the supervision of the Board of Education of Howard County, in accordance with federal, state, and local laws and regulations.

**III. Definitions**

Within the context of this policy, the following definitions apply:

- A. Charter – A formal contract entered into by the Board of Education of Howard County and the Charter School Governing Board that specifies the terms and conditions under which a charter school is authorized to operate.
- B. Charter School Governing Board – A group of officers or persons having control over a public charter school.
- C. Public Charter School – A public school that is created in accordance with state laws and regulations, operates under a charter, and is under the supervision of and is accountable to the Board of Education of Howard County. It:
  - 1. Is nonsectarian in all its programs, policies, and operations.
  - 2. Is a school to which parents choose to send their children.
  - 3. Focuses on improving student performance through a specific set of educational objectives.
  - 4. Maintains high academic standards consistent with Howard County Public School System (HCPSS) expectations for academic achievement.
  - 5. Is innovative.
  - 6. Is a new public school or a converted existing public school.
  - 7. Provides a program of elementary and/or secondary education.
  - 8. Is tuition-free for all students who are eligible to attend any other Howard County public school tuition-free.

9. Is subject to federal and state laws, including those prohibiting discrimination.
10. Is in compliance with all applicable health and safety laws.
11. Requires students to be physically present on school premises for a period of time substantially similar to that which other HCPSS students spend on school premises.

#### **IV. Standards**

- A. The Board of Education of Howard County is the only entity authorized to grant a charter (contract) in Howard County.
- B. A public charter school must abide by the provisions of all laws, policies, and regulations governing other public schools, except as provided by law or waiver.
- C. A public charter school operates under the authority of the Board of Education of Howard County.
- D. To establish a public charter school in Howard County, a completed formal Application to Form a Public Charter School within the Howard County Public School System (Application) may be submitted to the Board of Education of Howard County 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.
  5. Any combination of the above.
- E. The Board of Education of Howard County will not grant a charter to:
  1. A private school.
  2. A parochial school.
  3. A home school.
  4. A school that operates fully online.
  5. Any 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.
- F. Applications will be submitted and reviewed in accordance with procedures established by the HCPSS.
- G. A decision will be rendered by the Board of Education of Howard County with regards to a public charter school's Application within the period provided by state law.
- H. An applicant may appeal an Application denial decision to the State Board of Education.

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- I. The Application of an approved public charter school will be incorporated into its Charter which may be approved for no more than four years.
  - J. A public charter school is open to all eligible students. If more students apply than can be accommodated, a lottery selection process will be used as specified in the Charter, consistent with state law.
  - K. The Board of Education of Howard County will approve the amount of local, state and federal funding to be distributed to a public charter school in accordance with current state guidelines for determining allocations commensurate with the amounts disbursed to other public schools in the school system. In addition, the Board of Education of Howard County may appropriate surplus items to a public charter school.
  - L. Individualized Education Programs (IEPs) and Section 504 Accommodations Plans for students with disabilities will be implemented in a public charter school, and all state and federal procedural safeguards followed, in accordance with the Charter.
  - M. For a public charter school to remain in operation, it will meet the needs of its students in order to obtain a high level of achievement, maintain a specified level of student enrollment, achieve a high degree of parent involvement, and remain accountable under the terms of the Charter.
  - N. An annual status report on each public charter school will be presented to the Board of Education of Howard County by the Charter School Governing Board.
  - O. Charters will be reviewed annually.
  - P. A public charter school may be placed on probationary status by the Board of Education of Howard County if provisions of the Charter are not met or if it does not meet HCPSS standards.
  - Q. A public charter school's charter may be revoked by the Board of Education of Howard County if provisions of the Charter are not met or if it does not meet HCPSS standards.
  - R. Employees at a public charter school are public school employees and will have all rights and responsibilities as other HCPSS employees.
  - S. Subject to the approval of the Board of Education of Howard County, 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.
  - T. A public charter school requesting to use existing HCPSS buildings or a portion thereof must negotiate such use with the Board of Education of Howard County.

- U. The Board of Education of Howard County will require the public charter school to participate in financial, programmatic, and compliance audits consistent with federal, state, and local laws and procedures. The public charter school will make available all required financial records and other material necessary to conduct an audit.
- V. A public charter school will immediately notify the Superintendent/Designee if at any time during the year it forecasts that the school may not be able to meet its financial obligations. The public charter school will provide the school system with the necessary details and will work with the school system to resolve the financial situation.

## V. Responsibilities

### A. General

1. The Board of Education of Howard County will be the chartering authority for public charter schools in Howard County.
2. A public charter school will comply with all provisions of laws and regulations governing other public schools, unless the State and/or Board of Education of Howard County grants a waiver.
3. The Superintendent/Designee will ensure that prior to opening a public charter school, the operators of the school are informed of and address the human, fiscal, and organizational capacity needed to fulfill the school's responsibilities related to children with disabilities.

### B. Evaluation of Public Charter Schools

1. The Superintendent/Designee will evaluate a public charter school annually to ensure a high level of student achievement, fiscal management, ethical integrity, and other criteria pursuant to its approved Application and the terms and conditions of its Charter.
2. For a public charter school to remain in operation, it must be able to meet the needs of its students in order to obtain a high level of achievement, maintain a specified level of student enrollment, achieve a high degree of parent involvement, and remain accountable under the terms of the Charter.
3. The Board of Education of Howard County will require financial, programmatic, and compliance audits consistent with federal, state, and local laws and procedures.
4. The public charter school will ensure the availability of all required financial records and other material necessary to conduct an audit.

C. Renewal or Revocation of a Charter

1. The Board of Education of Howard County may revoke a public charter school's charter or place the public charter school on probationary status when operators lack the capacity to fulfill their obligations according to federal, state, and local laws and policies and the Charter.
2. The Charter School Governing Board will provide notice of its intent to renew a charter or to close the public charter school in accordance with the Charter.

D. Reporting Requirements

The Charter School Governing Board will present an annual status report to the Board of Education of Howard County.

**VI. Delegation of Authority**

The Superintendent is directed to develop a process for accepting and evaluating applications for public charter schools, for developing recommendations to the Board of Education of Howard County and for otherwise implementing this policy.

**VII. References**

A. Legal

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§1400 *et seq.*

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794

Annotated Code of Maryland, Education Article, Section 4-205, Powers and duties of county superintendent

Annotated Code of Maryland, Education Article, § 6-401(d), §6-501(f), §6-501(g)

Organizations of certificated and noncertificated employees

Annotated Code of Maryland, Education Article, Title 9, Maryland Public Charter School Program

Public Charter School Improvement Act of 2015

B. Other Board Policies

Policy 2000 School Board Governance

Policy 9000 Student Residency, Eligibility, Enrollment and Assignment

C. Relevant Data Sources

D. Other

Maryland State Charter School Model Application

Application to Form a Public Charter School within the Howard County Public School System

Maryland State Department of Education Quality Standards: Meeting the Definition of a High Performing Charter School

Maryland Charter Schools Model Performance Contract and Performance Portfolio

**VIII. History**

ADOPTED: October 23, 2003

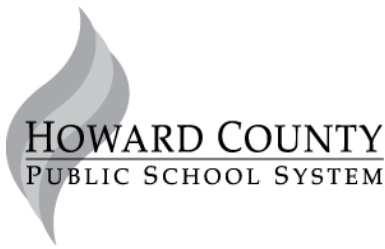
REVIEWED:

MODIFIED:

REVISED: April 10, 2008

April 14 2016

EFFECTIVE: July 1, 2016



**POLICY 10040-IP  
IMPLEMENTATION PROCEDURES**

**CHARTER SCHOOLS**

Effective: July 1, 2016

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**I. Public Charter School Application Process**

- A. The application process, overseen by the Superintendent/Designee, incorporates three phases:
  - 1. Pre-application.
  - 2. Submission of the Application to Form a Public Charter School within the Howard County Public School System (Application).
  - 3. Review and evaluation of the Application.
- B. The Superintendent/Designee will provide assistance throughout the public charter school application process in order to help ensure that all technical requirements of the application process are met.
- C. It is the responsibility of the applicant to meet the requirements of the application process.

**II. Pre-Application**

- A. The Superintendent/Designee will make the following available to persons interested in operating a public charter school:
  - 1. A Letter of Intent Form and Prospectus guidelines.
  - 2. The Application that includes directions for completion.
  - 3. Deadlines for submissions.
- B. Persons interested in operating a public charter school will submit to the Superintendent/Designee by the established deadline:
  - 1. A notarized Letter of Intent Form.
  - 2. A Prospectus (i.e., a concise description of the proposed public charter school and who is submitting the Application).
- C. The Superintendent/Designee will review the Letter of Intent Form and Prospectus and respond to the applicant within 30 calendar days. The Superintendent/Designee will accept a formal completed Application only from

applicants who have submitted a Letter of Intent Form and Prospectus by the deadlines established by the HCPSS.

### **III. Submission of the Application**

- A. Persons interested in operating a public charter school will submit the completed formal Application to the Board of Education of Howard County through the Superintendent/Designee by the established deadline.
- B. The Application provides detailed instructions that need to be followed by persons interested in operating a public charter school in Howard County to complete the Application. Various components of the Application include, but are not limited to:
  - 1. Education Plan – What students will achieve, how they will achieve it, and how the school will evaluate student performance.
  - 2. Organizational Plan – Management roles and responsibilities and organizational structure.
  - 3. Business Plan – Financial management, operational management, resource management, and pre-opening procedures.
- C. Waiver requests will be submitted with the Application and may be negotiated for inclusion in the Charter, pursuant to the following:
  - 1. Waivers regarding local policies and procedures will be submitted for approval by the Board of Education of Howard County.
  - 2. Waivers regarding policies of the state will be submitted for approval by the State Board of Education.
  - 3. Waivers may not be granted from laws 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.
    - c. The health, safety, or civil rights of a student or an employee of the public charter school.
- D. The Superintendent/Designee will make the operators of a public charter school aware of technical assistance available from the State Department of Education to help the school meet the requirements of federal and state law.

### **IV. Review and Evaluation of the Application**

- A. The Superintendent/Designee will facilitate the review and evaluation, through a review/evaluation committee, of a completed formal Application submitted in



accordance with established deadlines. Appropriate recommendations will be forwarded to the Board of Education of Howard County for consideration.

- B. The review/evaluation committee will consist of various stakeholders, including each division of the HCPSS and community representatives, who will review and evaluate the sections of the Application that pertain to their area of expertise.
- C. At any point in the committee's review and evaluation process of the Application, an interview may be scheduled with the applicant to ascertain capacity to fulfill stated intentions or to clarify aspects of the Application.
- D. Approval or denial of all completed formal applications submitted to the Board of Education of Howard County will occur within the established deadline in state law.
- E. An applicant may appeal an Application denial decision to the State Board of Education.

#### **V. Funding, Expenses, and Material Resources**

- A. A public charter school may seek and receive other grants through local, state, or federal government sources or private sources without a reduction in its "per student allocation" unless other provisions are included in the Charter.
- B. Surplus items that include educational materials, supplies, furniture, and other equipment may be given to a public charter school by the Board of Education of Howard County.
- C. A public charter school will immediately notify the Superintendent/Designee if at any time during the year it forecasts that the school may not be able to meet its financial obligations. The public charter school will provide the school system with the necessary details and will work with the school system in resolving the financial situation.

#### **VI. Annual Review and Evaluation**

The Superintendent/Designee will facilitate an annual evaluation of the public charter school, in order to assess student achievement, fiscal management, ethical integrity, and any other criteria pursuant to its Charter.

#### **VII. Reporting Requirements**

- A. Public charter schools will comply with all federal, state, and local reporting requirements, unless previously waived.

- B. The Charter School Governing Board will present an annual status report to the Board that will address student achievement, fiscal management, and any other criteria pursuant to its Charter.

### **VIII. Employees at a Public Charter School**

- A. Employees at a public charter school are public school employees and have all rights and responsibilities as other HCPSS employees including being subject to all rules, regulations, and policies of the HCPSS.
- B. The Superintendent retains the authority to assign and transfer employees as the needs of the system require.
- C. Each member of the professional staff assigned to a public charter school will hold the appropriate Maryland certification.
- D. Employees at a public charter school are represented by the bargaining unit representative that represents other public school employees in similar job classifications and are entitled to the salaries, benefits, and working conditions in the existing negotiated agreement for their job classification.
- E. Employees at a public charter school will be evaluated in a manner consistent with state law and applicable policies and procedures of the Board of Education of Howard County and any applicable negotiated agreement provisions.
- F. Criminal background checks for all public charter school employees will be required as dictated by policies and procedures of the Board of Education of Howard County, and applicable state law.
- G. Amendments to existing bargaining unit agreements to address the particular needs of a public charter school may be negotiated among the charter school, the bargaining unit representative and the Board of Education of Howard County.

### **IX. Students' Admission and Tuition**

- A. Enrollment in a public charter school is subject to Policy 9000 Student Residency, Eligibility, Enrollment and Assignment, and tuition may only be charged in accordance with that policy.
- B. A public charter school is open to all eligible students on a space available basis. If more students apply than can be accommodated, a lottery selection process will be used as specified in the Charter, consistent with state law.

**X. Revocation of a Charter or Termination of a Public Charter School**

- A. A public charter school may be placed on probationary status to allow the implementation of a remedial plan pending a decision to revoke the school's Charter.
- B. A Charter of a public charter school may be revoked if the school fails to meet the terms of its Charter and/or:
  - 1. The school has failed to comply with the provisions of federal, state, or local law.
  - 2. The academic condition of the school is substantially deficient.
  - 3. The physical environment presents a safety or health risk to building occupants.
  - 4. The fiscal condition of the school is substantially deficient.
  - 5. The facility can no longer support the needs of the educational program.
  - 6. The school is not able to meet the needs of its students.
  - 7. The school is not able to maintain high levels of parent involvement.
  - 8. The school is not able to maintain the specified level of student enrollment.
- C. If the Charter School Governing Board intends to close the public charter school it will provide notice of its intent in accordance with its Charter.
- D. Employees and students of a public charter school that is closing will be reassigned pursuant to policies and procedures of the Board of Education of Howard County.
- E. Resources provided by the school system to a public charter school that is closing will remain under the supervision of the Board of Education of Howard County.

**XI. History**

ADOPTED: October 23, 2003

REVIEWED:

MODIFIED: May 8, 2014

REVISED: April 10, 2008

April 14, 2016

EFFECTIVE: July 1, 2016