

Effective: April 13, 2023

Policy Outline

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I. Policy Value Statement

The Board of Education of Howard County (Board) is committed to maintaining an educational system that delivers exemplary curriculum and instruction as well as rigorous and innovative programs. The Board 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 educational experiences of its 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, in accordance with federal, state, and local laws and regulations.

III. Standards

- A. The Board is the only entity authorized to grant a Charter 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.
- 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 (HCPSS) may be submitted to the Board by the following:

1. The staff of a public school.
 2. A parent 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.
- 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 solely in a virtual or online method.
 5. Any schools 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 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.
- 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 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 may appropriate surplus items to a public charter school.
- L. Individualized Education Programs (IEPs) and 504 Plans for students with disabilities will be implemented in a public charter school, and all state and federal regulations will be followed.
- 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 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 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 if provisions of the Charter are not met or if it does not meet HCPSS standards.
- R. Employees at a public charter school will have all rights and responsibilities as HCPSS employees.
- S. Subject to the approval of the Board, 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.
- U. The Board 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 and relevant financial and other records 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 it may not be able to meet its financial obligations. When this happens, the public charter school will provide the Board with all pertinent financial records and will work with the Board to resolve any financial deficiency.

IV. Responsibilities

- A. General
 - 1. The Board 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 students 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 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 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.

V. 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 and for otherwise implementing this policy.

VI. Definitions

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

- A. Charter – A formal contract entered into by the Board and the Charter School Governing Board that specifies the terms and conditions under which a public charter school is authorized to operate.

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- B. Charter School Governing Board – A group of officers or persons having control over a public charter school.
- C. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
1. Biological Parent – A natural parent whose parental rights have not been terminated.
 2. Adoptive Parent – A person who has legally adopted the student and whose parental rights have not been terminated.
 3. Custodian – A person or an agency appointed by the court as the legal custodian of the student and granted parental rights and responsibilities.
 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and responsibilities.
 5. Caregiver – An adult resident of Howard County who exercises care, custody or control over the student, but who is neither the biological parent nor legal guardian, as long as the person satisfies the requirements of the Education Article, §7-101 (c) (Informal Kinship Care) or has been issued a U.S. Department of Health and Human Service’s Office of Refugee Resettlement (ORR) Verification of Release form entering into a custodial arrangement with the federal government.
 6. Foster Parent – An adult approved to care for a child who has been placed in their home by a state agency or a licensed child placement agency as provided by the Family Law Article, §5-507.
- D. Public Charter School – A public school that is created in accordance with state laws and regulations, operates under a Charter, is under the supervision of the Board, and is accountable to the Board. It also is:
1. Nonsectarian in all its programs, policies, and operations.
 2. A school to which parents choose to send their children.
 3. Focused on improving student performance through a specific set of educational objectives.
 4. A school that maintains high academic standards consistent with HCPSS expectations for academic achievement.
 5. Innovative.
 6. A new public school or a converted existing public school.
 7. A school that provides a program of elementary and/or secondary education.
 8. Tuition-free for all students who are eligible to attend any other Howard County public school tuition-free.
 9. Subject to federal and state laws, including those prohibiting discrimination.
 10. In compliance with all applicable health and safety laws.

11. A school that 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.

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
 Md. Ann. Code, Education Article, Section 4-205
 Md. Ann. Code, Education Article, § 6-401(d), §6-501(f), §6-501(g)
 Md. Ann. Code, Education Article, Title 9, Maryland Public Charter School Program
 Public Charter School Improvement Act of 2015
- B. Board Policies
 Policy 2000 School Board Governance
 Policy 9000 Student Residency, Eligibility, Enrollment and Assignment
- C. Relevant Data Sources
 (none)
- 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. History¹

ADOPTED: October 23, 2003
 REVIEWED: February 24, 2022
 MODIFIED: April 13, 2023
 REVISED: April 10, 2008
 April 14, 2016
 EFFECTIVE: April 13, 2023

¹ Key: **Adopted**-Original date the Board took action to approve a policy; **Reviewed**-The date the status of a policy was assessed by the Superintendent's Standing Policy Group; **Modified**-The date the Board took action to alter a policy that based on the recommendation of the Superintendent/designee did not require a comprehensive examination; **Revised**-The date the Board took action on a policy that based on the recommendation of the Superintendent/designee needed a comprehensive examination; **Effective**-The date a policy is implemented throughout the HCPSS, typically July 1 following Board action.

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 (HCPSS).
 - 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 entities or 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. The Maryland Charter School Statutes.
 - 4. Deadlines for submissions.
- B. Any entities or 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 of the posted deadline of each school year. The Superintendent/designee will accept a formal completed application only from applicants whose Letter of Intent Form and Prospectus have been approved.

III. Submission of the Application

- A. Completed applications will be submitted to the Board of Education of Howard County (Board) through the Superintendent/designee by the established deadline.
- B. 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.
 - 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. Review of applications will not begin before the posted application deadline for that school year.
- B. The review/evaluation committee will consist of various stakeholders, including but not limited to, each division of the HCPSS who will review and evaluate the sections of the application that pertain to their area of expertise. HCPSS may also

send public notice in an effort to have community representatives as a part of the review process.

- C. An interview may be scheduled with the applicant to ascertain capacity to fulfill stated intentions or to clarify aspects of the application.
- D. At the conclusion of the review process, evaluation committee members will make recommendations to approve or not approve an application, and those recommendations will be forwarded to the Board for consideration.
- E. Approval or denial of all completed formal applications submitted to the Board will occur within the established deadline in state law.
- F. An applicant may appeal an application denial decision to the State Board of Education. The applicant will be provided with the appeal information in the denial decision.

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.
- C. A public charter school will immediately notify the Superintendent/designee if at any time during the year it forecasts that it may not be able to meet its financial obligations. When this happens, the public charter school will provide the Board with all pertinent financial records and will work with the Board to resolve any financial deficiency.

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

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 will have all rights and responsibilities as 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 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 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.

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 by the school 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 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.
- E. Resources provided by the school system to a public charter school that is closing will remain under the supervision of the Board.

XI. Monitoring

Policy 10040 implementation procedures will be overseen by the Office of the Deputy Superintendent.

XII. History¹

ADOPTED: October 23, 2003
REVIEWED: February 24, 2022
MODIFIED: May 8, 2014
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