

I. Policy Statement

In keeping with the interest of the Board of Education of Howard County in providing varied, innovative, and creative instructional programs, a public charter school may be established in Howard County.

II. Purpose

To provide a procedure by which a public charter school may be established under the supervision of the Board of Education of Howard County, in accordance with state and federal law and regulations.

III. Definitions

- A. Charter Agreement – A formal contract entered into by the Board of Education of Howard County and the operator(s) of a public charter school that specifies the terms and conditions under which a charter school is authorized to operate.
- B. Public charter school – A public school that:
1. Is nonsectarian in all its programs, policies, and operations
 2. Is a school to which parents choose to send their child
 3. Is open to all students
 4. Is a new public school or converted existing public school
 5. Provides a program of elementary or secondary education or both
 6. Operates in pursuit of a specific set of educational objectives
 7. Is tuition-free for all students who are eligible to attend any other Howard County public school tuition-free
 8. Is subject to federal and state laws prohibiting discrimination
 9. Is in compliance with all applicable health and safety laws
 10. Requires students to be physically present on school premises for a period of time substantially similar to that which other Howard County Public School students spend on school premises
 11. Is created in accordance with state law and regulations, and under the supervision of the Board of Education of Howard County.
- C. Restructured School – A school that must implement an alternative governance arrangement approved by the State Superintendent of Schools and the State Board of Education if, after a year of corrective action, a school does not make adequate

yearly progress as defined in the reauthorization of the Elementary and Secondary Education Act (No Child Left Behind).

IV. Standards

A. General

1. A public charter school operates under the authority of the Board of Education of Howard County. A public charter school must abide by the provisions of all laws, policies, and regulations governing other public schools, except as otherwise provided in policy or state law.
2. The primary public chartering authority for the granting of a Charter is the Board of Education of Howard County.
3. The secondary public chartering authority for the granting of a Charter is the State Board of Education. The State Board may assume chartering authority for a restructured school in accordance with Section IV-B of this policy.
4. An application to establish a public charter school may be submitted to the Board of Education of Howard County 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
 - e. Any combination of the above.
5. Under Maryland Law, the Board of Education of Howard County shall not grant a Charter to:
 - a. A private school
 - b. A parochial school.
 - c. A home school
 - d. 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.
6. Persons interested in establishing a public charter school must obtain a charter school application from the Superintendent/designee. The Board of Education of Howard County shall render a decision within 120 days of receipt of a completed application.

7. If the Board of Education of Howard County denies an application to establish a public charter school, the applicant may appeal the decision to the State Board of Education.
8. The application of an approved public charter school shall be incorporated into its Charter Agreement. A Charter Agreement may be approved for no more than four years. The Board of Education of Howard County will review Charter Agreements annually.
9. The Board of Education of Howard County will determine the amounts of local, state and federal funding to be distributed to public charter schools. This amount will be calculated in accordance with current state guidelines for determining allocations commensurate with the amounts disbursed to other public schools in the school system.
10. The Board of Education of Howard County or State Board of Education may give surplus educational materials, supplies, furniture, and other equipment to an approved public charter school.
11. 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.
12. Any methodology implemented to improve student performance at a public charter school shall be considered the property of the Howard 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.

B. Restructured Schools

1. The Board of Education of Howard County shall render a decision on a completed and required application for a public charter school submitted for a school it has identified as meeting the conditions of restructuring within 30 days of receipt of said application.
2. The Board of Education of Howard County may apply to the State Board of Education to extend the time limit imposed under B.1. of this Section for a period of 15 days.
3. If a request for an extension is denied, and 30 days have elapsed, the State Board of Education may become a chartering authority. If an extension has

been granted, and 45 days have elapsed, the State Board of Education may become a chartering authority.

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

C. Employees at a Public Charter School

1. Employees at a public charter school are public school employees and shall have all rights contained therein.
2. The Superintendent retains the authority to assign and transfer employees as the needs of the system require and as negotiated in the Charter Agreement.
3. Each member of the professional staff assigned to a public charter school shall hold the appropriate Maryland certification.
4. Employees at a public charter school are represented by the bargaining unit(s) representing 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.
5. 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. Agreements are subject to Board of Education of Howard County approval.

D. Public Charter School Facilities

1. A public charter school wishing to use existing Howard County Public School System buildings or a portion thereof must negotiate such use with the Board of Education of Howard County.
2. Policies and procedures related to health and safety cannot be waived.

E. Student Admission and Tuition

1. A public charter school cannot discriminate and must operate in compliance with all federal and state anti-discrimination laws.
2. A public charter school is open to all eligible students on a space available basis. A random selection process must be used if the number of eligible

applicants exceeds the predetermined student capacity in the public charter school as agreed upon in the approved charter application.

3. Enrollment in a public charter school is subject to Policy 9000, and tuition may only be charged in accordance with established policy and implementation procedures.

V. Compliance

A. General

1. A public charter school shall comply with all provisions of law and regulations governing other public schools, unless the State Board of Education grants a waiver. The State Board of Education may waive any provisions except 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.
2. A public charter school may request waivers of local policies and procedures from the Board of Education of Howard County.
3. Individualized Education Programs (IEPs) for students with disabilities must be implemented and all state and federal procedural safeguards followed, in accordance with the Charter Agreement.
4. Criminal background checks for all public charter school employees shall be required as dictated by policies and procedures of the Board of Education of Howard County, and applicable state law.
5. Employees at a public charter school shall 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.
6. The Superintendent shall 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.

7. The Superintendent shall 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 laws.

B. Evaluation of Public Charter Schools/Renewal of Charter Agreements

1. The Board of Education of Howard County will evaluate a public charter school annually based on student achievement, fiscal management, and other criteria pursuant to its approved application and the terms and conditions of its Charter Agreement.
2. For an approved public charter school to remain in operation, it must be able to meet the needs of its students, maintain a high degree of parent involvement and student enrollment and remain accountable under the terms of the Charter Agreement.

C. Revocation of a Charter/Termination of a Charter School

1. The Board of Education of Howard County may revoke a public charter school's Charter for any of the following reasons:
 - a. The school has failed to meet the terms of its Charter Agreement.
 - b. The school has failed to comply with the provisions of federal, state, or local law.
 - c. The fiscal condition of the school is substantially deficient
 - d. The physical environment presents a safety or health risk to building occupants.
 - e. The academic condition of the school is substantially deficient.
 - f. The facility can no longer support the needs of the educational program.
 - g. The school is not able to meet the needs of its students.
 - h. The school is not able to maintain high levels of parent involvement and student enrollment.
2. The Board of Education of Howard County 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 Agreement.
3. 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.

4. Employees and students of a public charter school which is closing shall be reassigned pursuant to policies and procedures of the Board of Education of Howard County.
5. Resources provided by the school system to a public charter school which is closing shall remain under the supervision of the Board of Education of Howard County.

D. Reporting Requirements

1. An annual report on each public charter school will be presented to the Board of Education of Howard County by the governing board of the school and made available to all parents. The report will address the following:
 - a. Fiscal management;
 - b. Student achievement; 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.

E. Financial, Programmatic, or Compliance Audits of Public Charter Schools

1. The Board of Education of Howard County 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.
2. An approved public charter school shall immediately notify the Superintendent if at any time during the year it 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.

VI. Delegation of Authority

The Superintendent is directed to develop a process for accepting and evaluating proposals 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, 20 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, Sections 6-401(d) and 6-501(f)
(Organizations of certificated and noncertificated employees)
Annotated Code of Maryland, Education Article, Title 9, Maryland Public Charter
School Program

- B. Other Board Policies
 - Policy 2000 School Board Governance
 - Policy 9000 Enrollment, Residency, Student Assignment and Admission to
PreK and Kindergarten

ADOPTED: October 23, 2003

AMENDED: April 10, 2008

EFFECTIVE: July 1, 2008

I. General

- A. The Superintendent/designee is responsible for the development and coordination of a tiered process by which individuals/groups apply to the Board of Education of Howard County to establish a public charter school.
- B. As part of the process, the Superintendent/designee shall make available to persons interested in operating a public charter school:
 - 1. A letter of intent and prospectus form
 - 2. An application form
 - 3. A Charter Agreement template containing default language with which the applicant will be presumed to agree unless the applicant proposes exceptions or substitutions
 - 4. Deadlines for submission of the prospectus and application for the applicable school year.
- C. It is the responsibility of the applicant to meet the requirements of the application process. The Superintendent/designee will provide assistance throughout the charter school application process in order to help ensure that all technical requirements of the application process are met.

II. Public Charter School Application Process

- A. Persons interested in operating a public charter school must first submit to the Superintendent/designee a letter of intent to apply and a brief prospectus that includes the following:
 - 1. Vision and mission statements for the proposed charter school.
 - 2. Plans for the delivery of educational programs, including the identification of any unique focus or curricula.
 - 3. The management structure to be used by the charter school and how that structure will provide for the school's legal, programmatic and fiscal accountability.
 - 4. A notarized statement that the applicant has the full legal and organizational authority to apply to establish a public charter school and to operate the school, if approved.

- B. The Superintendent/designee will review the prospectus and notify the applicant within 30 calendar days whether the information is sufficient to support the development of a formal application. The Superintendent/designee will accept applications only from eligible applicants who have received written approval of a prospectus.
- C. The application to operate a public charter school in Howard County shall include, but not be limited to, the following components:
1. A statement of intent to comply with applicable federal, state, and local laws and regulations and this policy.
 2. An Educational Program plan that includes:
 - a. The applicant's vision of the public charter school's expectations and mission. The primary mission must focus on student academic achievement.
 - b. A description of any special or unique educational focus.
 - c. Strategies for developing and delivering educational programs including curriculum, staffing patterns and grade levels.
 - d. Requests for any specific waivers of local, state and federal requirements needed to implement the proposed education program.
 - e. Specific educational results including student academic outcomes and how they will be measured.
 - f. Specific plans for meeting or exceeding current accountability provisions of Howard County Public Schools, and state law and regulations.
 3. Student admission procedures.
 4. A Facilities plan that:
 - a. Describes the possible location, and the characteristics of the facility that will be needed to ensure the appropriate implementation of the proposed education program.
 - b. Includes provisions to meet the requirements of the Americans with Disabilities Act (final Charter Agreement approval is contingent upon the acquisition of the appropriate facilities consistent with the facilities plan).
 5. A Management plan that:
 - a. Defines the management and administrative structure that will be in place for the public charter school.

- b. Specifies the methods by which the school will maintain its legal, fiscal and programmatic accountability to the Board.
- 6. A Financial Plan that includes:
 - a. Documented 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.
 - b. Evidence of appropriate property and casualty insurance against any loss or damage to any property or any liability resulting from the use of any property or from the acts or omissions of its officers and employees. The employees of the Howard County Public School System are covered by the Board of Education's insurance.
 - 7. A description of the type and extent to which there is community support for the proposed public charter school must be submitted.
- D. The Superintendent/designee will review completed applications submitted in accordance with established deadlines and forward them with appropriate recommendations to the Board of Education of Howard County for consideration.

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