

POLICY GUIDELINES**A. General Information**

1. A public charter school operates under the authority of the Board of Education of Allegany County. Except as provided in § 9-106 of the Education Article, Annotated Code of Maryland, the 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 Allegany 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 103(b) of this policy.
4. An application to establish a public charter school may be submitted to the local Board of Education by:
 - a. The staff of a public school;
 - b. A parent or guardian of a student who attends a public school in the county/city;
 - c. A nonsectarian, nonprofit entity;
 - d. A nonsectarian institution of higher education in the state; or
 - e. Any combination of persons specified above.
5. Under Maryland Law, the local Board of Education shall not grant a Charter to:
 - a. A private school;
 - b. A parochial school; or
 - c. A home school.
6. Upon submission of a completed and required application for a public charter school (on a form provided by the local superintendent and in accordance with the locally established procedures), the local Board of Education shall render a decision within 120 days of receipt of the application.
7. If the Board of Education denies an application to establish a public charter school, the applicant may appeal the decision to the State Board of Education in accordance with §4-205(c) of the Education Article, Annotated Code of Maryland.
8. By law, the State Board of Education shall render a decision within 120 days of the filing of an appeal under this section.
9. If the Board of Education denies an application to establish a public charter school and the State Board of Education reverses the decision, the State Board of Education may direct the Board of Education to grant a Charter and shall mediate with the Board of Education and the applicant to implement the Charter Agreement.

B. Restructured Schools

Restructured schools are schools that must implement an alternative governance arrangement that has been 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 by *No Child Left Behind* legislation.

1. Upon submission of a completed and required application for creating a Charter Agreement for a school Maryland State Department of Education has identified as meeting the conditions of restructuring (on a form provided by the local superintendent), the local Board of Education shall render a decision within 30 days of receipt of said application.
2. The local Board of Education may apply to the State Board of Education for an extension of up to 15 days from the time limit imposed under number 1 of this Section
3. If an extension is not granted, 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 local Board of Education denies an application to establish a public charter school, the applicant may appeal the decision to the State Board of Education, in accordance with § 4-205(c) of the Education Article, Annotated Code of Maryland.
5. By law, the State Board of Education shall render a decision within 120 days of the filing of an appeal under this section.
6. If the local Board of Education denies an application to establish a public charter school and the State Board of Education reverses the decision, the State Board of Education may direct the local Board of Education to grant a Charter and shall mediate with the local Board of Education and the applicant to implement the Charter Agreement.

C. Employees at a Public Charter School

1. The superintendent retains the authority to assign and transfer educators as the needs of the system require and as negotiated in the Charter Agreement.
2. A member of the professional staff assigned at a public charter school shall hold the appropriate Maryland certification.
3. Employees at a public charter school are public school employees, as defined in §§ 6-401(d) and 6-501(f) of the Education Article, Annotated Code of Maryland and shall have all rights contained therein.
4. Employees are in the bargaining unit(s) with 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 approval.

D. Public Charter School Facilities

If the public charter school wishes to use existing Allegany County Public Schools' buildings or a portion thereof, such use must be negotiated with the local Board of Education. Policies and regulations related to health and safety cannot be waived.

E. Student Admission

1. Tuition
 - a. Students domiciled in Allegany County will be eligible for admittance without tuition charge. Students not domiciled in Allegany County will be eligible for admittance without tuition charge only as allowed by the school system for other non-domiciled students attending other schools in the school system. The amount of any tuition charged will be calculated as if the student is attending any other public school in Allegany County. The tuition will be paid to the Allegany County Public School System. However, the funding provided by the school system to the public charter school for that student will be calculated in the same manner as for all other students attending the public charter school.
 - b. No eligible non-tuition-paying student may be denied admittance in the public charter school in order to accept a tuition-paying student.
2. The public charter school cannot discriminate and is in compliance with all federal and state anti-discrimination laws.
3. 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.

F. Compliance with Laws, Policies, and Regulations

- a. A public charter school shall comply with the provisions of law and regulations governing other public schools unless a waiver is granted by the State Board of Education. 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 local Board of Education.
3. Individualized Education Programs (IEPs) for students with disabilities will be implemented and all state and federal procedural safeguards will be followed, in accordance with the agreement established by the Charter.
4. Criminal background checks for all public charter school employees shall be required as dictated by local Board of Education policy and regulations, and applicable state law.
5. A Charter may not be granted to a school whose operation would be inconsistent with any public policy initiative, court order, or federal improvement plan governing special education that is applicable to Maryland.

6. Employees at a public charter school shall be evaluated in a manner that is consistent with state law and applicable local Board of Education policy and regulations and any applicable negotiated agreement provisions.
7. The local superintendent of schools 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.
8. The State Board of Education shall provide technical assistance to the operators of a public charter school to help the school meet the requirements of federal and state laws, including 20 U.S.C. §1400, et seq and §504 of the Rehabilitation Act of 1973, 29 U.S.C. §794.

G. Evaluation of Public Charter Schools

The public charter school shall be evaluated by the Board of Education based on student achievement, fiscal management, and other criteria pursuant to its approved application and the terms and conditions of its Charter Agreement.

H. Revocation of a Charter

1. The Board of Education may place a public charter school on probationary status to allow the implementation of a remedial plan, pending a decision to revoke the school's Charter.
2. The Board of Education may revoke a public charter school's Charter for the following reasons:
 - a. The school has failed to meet the terms of its Charter Agreement.
 - b. The school has failed to comply with the Charter Agreement or 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.
3. Upon revocation, personnel and students shall be reassigned pursuant to Board policy and procedure.
4. Upon revocation, resources provided by the school system shall remain under the supervision of the Board of Education.

I. Reporting Requirements

1. An annual report on each public charter school will be presented to the board of education and distributed to all parents, including:
 - 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.

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

1. The Board of Education 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. The Board of Education will annually determine the appropriate amounts of local, state and federal funding to be distributed to the public charter school commensurate with the amounts disbursed to other public schools in the local jurisdiction.
3. The Board of Education or State Board of Education may give surplus educational materials, supplies, furniture, and other equipment to a public charter school.
4. An approved public charter school may seek and receive other grants through local, state, or federal government sources or private sources without a reduction in its fair share allocation unless other provisions are included in the Charter Agreement.
5. An approved public charter school shall notify immediately the local school system 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.
6. The Charter School Operator shall provide evidence of appropriate property and casualty insurance as reflected in the Charter Agreement.

K. Public Charter School Application Process

1. An applicant to operate a public charter school shall submit an application no earlier than January 15 and no later than March 15 to the Board of Education in accordance with the procedures established by the Board of Education.
2. The superintendent or designees shall make available to a charter school applicant locations and information regarding available school buildings owned by the system, technical assistance, and consultation throughout the charter school application process. The applicant may use these services in order to help ensure that all components of the application have been completed and are addressed. It is the responsibility of the applicant to complete the application.
3. Applications shall include, but not be limited to, the following components:
 - a. A statement of intent to comply with applicable federal, state, and local laws.
 - b. A statement of the intent to comply with all ACPS policies, regulations, and procedures.
 - c. A statement of the intent to use the financial and student/teacher data systems operated by the Board of Education.
 - d. The applicant's vision of public charter school expectations and mission. The primary mission must remain focused on student academic achievement.
 - e. A description of any special or unique educational focus to be implemented.
 - f. Strategies for developing and delivering educational programs including curriculum, staffing patterns and grade levels
 - g. A description of the targeted population, staff recruiting, student recruiting, marketing, and governance structure.
 - h. Specific educational results including student academic outcomes and how they will be measured.
 - i. Specific plans for meeting or exceeding current accountability provisions of Allegany County Public Schools and state law and regulations.
 - j. Student admission procedures.

- k. A facilities plan that describes the type of facilities, possible location, and the characteristics of the facility that will be needed to ensure the appropriate implementation of the proposed education program. The plan should also include the requirements to ensure accessibility consistent with the Americans with Disabilities Act. Approval of a charter school agreement would be contingent upon the acquisition of the appropriate facilities consistent with the facilities plan.
- l. A defined management and administrative structure that will be in place for the public charter school.
- m. The proposed duration of the Charter Agreement which provides legal accountability for the operation of the public charter school.
- n. Demonstration of 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.
- o. A plan which provides programmatic accountability for the length of the Charter Agreement.
- p. Specific waivers of local, state and federal requirements needed to implement the proposed education program.
- q. A plan for providing needed school support services such as transportation, custodial and maintenance, health services, and food services.
- r. A description of the type and extent to which there is sufficient community support for the proposed public charter school must be submitted.

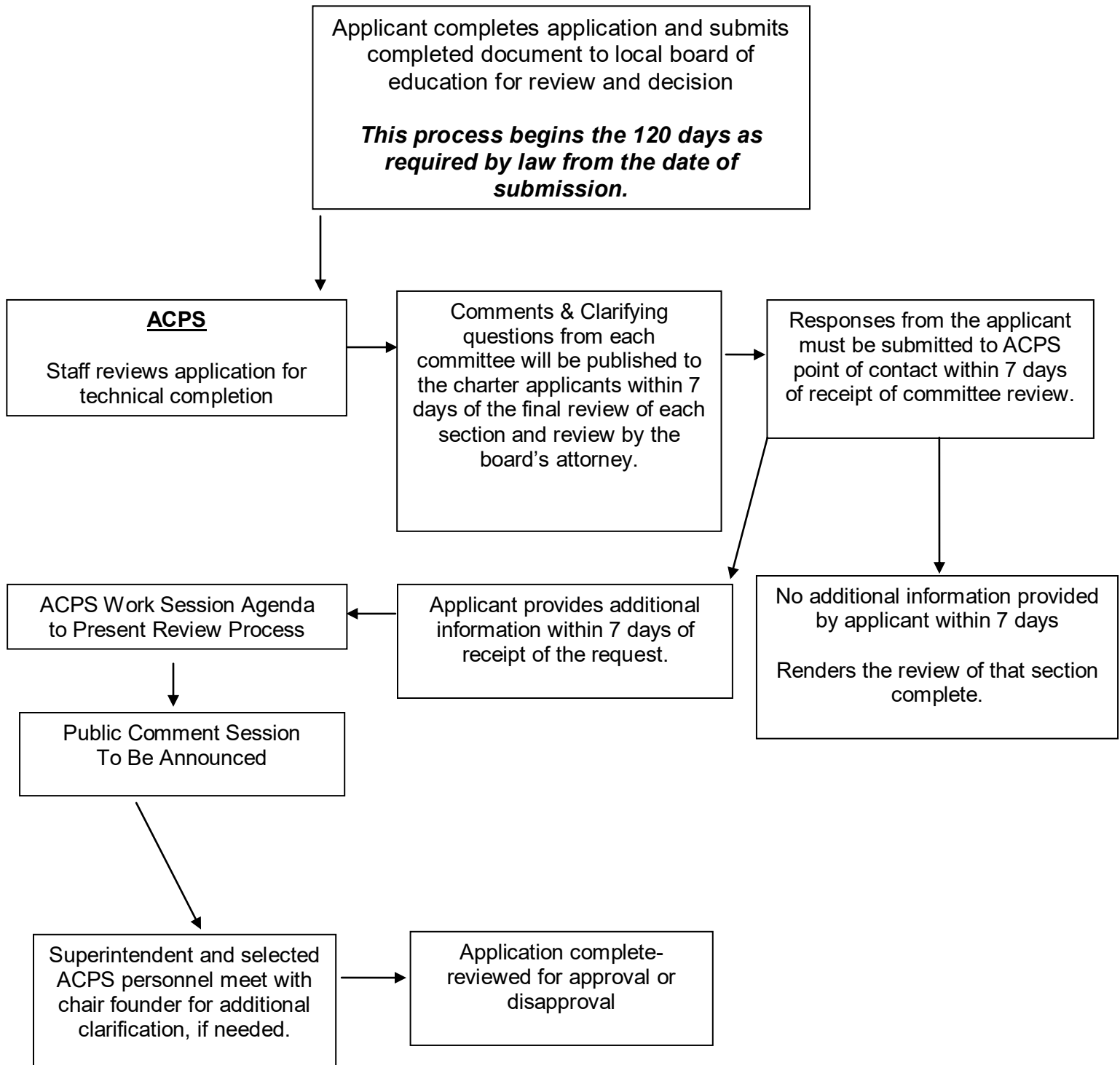
L. Application Review Process

- 1. The review process will be comprised of five committees and be focused on categories including; Education Plan, Operating Plan, Facilities Plan, Business Plan, and Founders.
- 2. Recognizing the complexity of school operation, each committee will address the topics with the applicant related to their category. In some cases topics may span more than one category, See IHBF-E2.
- 3. Each committee will have a chairperson who will lead the evaluation process by involving appropriate individuals deemed to have expert knowledge in the topics supporting their category. The Superintendent will name each chairperson and approve the make-up of each committee.
- 4. The Supervisor of Federal Programs will serve as point of contact who will work directly with applicant and committee chairs to facilitate the process in accordance with timeline. See exhibit IHBF-E1.
- 5. When all committees have completed the review of the application, committee chairs will meet and collectively score the application based on a rubric. Then each committee chair will provide in writing to the Superintendent his recommendation on behalf of the committee.
- 6. An executive summary complete with each committee's recommendation, will be advanced to the Superintendent for the Superintendent's review.
- 7. The Superintendent will make his recommendation to the board. The board will then vote in a public meeting to accept or reject his recommendation.

M. Legal Authority

This policy is consistent with Title IX of the Education Article, Annotated Code of Maryland, known as the "Maryland Public Charter School Program."

ACPS Review Flow Chart For Review of Charter Application



Subjects of Review										
	Special Education	Student Services	Technology	Professional Development	Human Resources	Transportation	Food Services	Curriculum	Finance	Maintenance
Committee	Founders	X	X	X	X	X	X	X	X	X
	Education	X	X	X	X			X	X	
	Operations		X		X	X	X			
Review	Facilities	X				X	X		X	X
	Business	X	X		X	X	X		X	X