

Baltimore City Public School System Public Charter School Policy

I. PURPOSE

To provide parents and students an alternative means within the existing public school system for additional innovative learning opportunities and creative educational approaches to improve the education of students.

II. DEFINITIONS

A. "Public Charter School" means 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 children.
3. Is open to all students on a space-available basis and admits students on a lottery basis if more students apply than can be accommodated.
4. Is a new public school or a conversion of an 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 Baltimore City 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 Baltimore City Public School students spend on school premises.
11. Is created in accordance with state law and regulations, and under the control of the Baltimore City Board of School Commissioners.
12. Is required to meet all accountability outcomes that other schools in the BCPSS must meet.

III. POLICY STATEMENT

In keeping with the Board's interest in providing varied innovative and creative instructional programs and recognizing that, under certain conditions, a non-traditional program may provide alternative educational opportunities for students, a charter school may be established in Baltimore City.

IV. POLICY GUIDELINES

A. General Information

1. A public charter school operates under the authority of the Baltimore City Board of School Commissioners. Except as provided in Section 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 School Commissioners of Baltimore City.
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 9-104 of the Education Article, *Annotated Code of Maryland*.
4. An application to establish a public charter school may be submitted to the Board 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;
or
 - e. Any combination of persons specified above.
5. Under Maryland Law, the Board shall not grant a charter to:
 - a. A private school;
 - b. A parochial school; or
 - c. A home school.
6. Prior to submission of a completed application, the applicant shall provide a letter of intent and concept paper pursuant to requirements outlined in the BCPSS' application.
7. Upon submission of a completed and required application for a public charter school (on a form provided by the Chief Executive Officer), the Board shall render a decision within 120 days of receipt of said application.

8. If the Board denies an application to establish a public charter school, the applicant may appeal the decision to the State Board in accordance with §4-205(c) of the Education Article, Annotated Code of Maryland.
9. By law, the State Board shall render a decision within 120 days of the filing of an appeal under this section.
10. If the Board denies an application to establish a public charter school and the State Board reverses the decision, the State Board may direct the Board to grant a charter and shall mediate with the Board and the applicant to implement the charter.

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. The State Board may require the Board to reopen a restructured school as a charter school, per COMAR 13A.01.04 et. seq.

1. Upon submission of a completed and required application for creating a charter for a school it has identified as meeting the conditions of restructuring (on a form provided by the Chief Executive Officer), the Board shall render a decision within 30 days of receipt of said application.
2. The Board may apply to the State Board for an extension of up to fifteen (15) days from the time limit imposed under item #1 of this Section.
3. If an extension is not granted, and 30 days have elapsed, the State Board may become a chartering authority. If an extension has been granted, and 45 days have elapsed, the State Board may become a chartering authority.
4. If the Board denies an application to establish a public charter school, the applicant may appeal the decision to the State Board, in accordance with § 4-205(c) of the Education Article, Annotated Code of Maryland.
5. By law, the State Board shall render a decision within 120 days of the filing of an appeal under this section.
6. If the Board denies an application to establish a public charter school and the State Board reverses the decision, the State Board may direct

the Board to grant a charter and shall mediate with the Board and the applicant to implement the charter.

C. Employees at a Public Charter School

1. The Chief Executive Officer retains the authority to assign and transfer educators as the needs of the system require and as negotiated in the Charter Agreement.
2. All members of the professional staff assigned to a public charter school shall hold the appropriate Maryland certification.
3. Employees assigned to 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, subject to the approval of the Board.

D. Public Charter School Facilities

1. If the public charter school plans to use existing Baltimore City Public School buildings or a portion thereof, such use must be negotiated with the Board. Policies and regulations related to health and safety cannot be waived.
2. If the public charter school plans to use any other facility or a portion thereof, the Board must approve its use.
3. All facility costs for public charter schools must be borne by the charter school applicant and must be cost neutral to the Baltimore City Public School System.
4. The charter school's educational program must be fully supported by the charter school facility. Any facility costs required to support the charter school's educational program must be borne by the charter school applicant and must be cost neutral to the BCPSS.

E. Student Admission

1. Students domiciled in Baltimore City will be eligible for admission without tuition charge. Siblings of current students shall be given priority over other new students. Students not domiciled in Baltimore City will be eligible for admission with 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 Baltimore City. The tuition will be paid to the Baltimore City Public School System. However, the funding provided by the school system to the charter school for that student will be calculated in the same manner as for all other students attending the charter school.
2. No eligible non-tuition-paying student may be denied admission in the charter school in order to accept a tuition-paying student.
3. The public charter school may not discriminate and must be in compliance with all federal and state anti-discrimination laws.
4. A random selection process must be used if the number of qualified applicants exceeds the predetermined student capacity in the public charter school.

F. Compliance with Laws, Policies, and Regulations

1. A public charter school shall comply with the provisions of state law and regulations governing other public schools unless a waiver is granted by the State Board.
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 shall be required as dictated by other Board policies 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 assigned to a public charter school shall be evaluated in a manner that is consistent with state law and applicable Board policies and regulations and any applicable negotiated agreement provisions.
7. The Chief Executive Officer 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 6 and §504 of the Rehabilitation Act of 1973, 29 U.S.C. §794.
9. State law prohibits a waiver for the following:
 - 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.

G. Evaluation of Public Charter Schools

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

H. Reporting Requirements

1. An annual report on each public charter school will be presented to the Board and distributed to all parents, including:
 - a) Fiscal accountability;
 - b) Student performance; and
 - c) Any other matter required pursuant to the charter.
2. Public charter schools shall comply with all federal, state, and local reporting requirements, unless waived.

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

1. The Board may 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 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 State Board or Board 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.
5. An approved public charter school shall notify immediately the Chief Executive Officer 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 shall include evidence of appropriate property and casualty insurance.

J. Revocation of a Charter

1. The Board 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 may revoke a public charter school's charter after a hearing on the CEO's recommendations for any of the following reasons:
 - a) The school has not fulfilled a condition imposed by the Board in connection with the granting of the charter.
 - b) The school has failed to comply with the charter or provisions of federal, state, or local law.
 - c) The fiscal condition of the school is deficient.
 - d) The academic condition of the school is deficient.
 - e) The facility can no longer support the needs of the educational program.
 - f) The continuation of the operation of the public charter school is not in the best interests of the public, or of the students of the Baltimore City Public School System.

- g) Student admission procedures.
- h) 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. Final charter approval would be contingent upon the acquisition of the appropriate facilities consistent with the facilities plan.
- i) A defined management and administrative structure that will be in place for the public charter school.
- j) The proposed duration of the charter and a plan which provides legal accountability for the operation of the public charter school.
- k) Demonstration of financial solvency for the duration of the charter and accountability for the use of funds and resources as addressed in the budget section of the charter school application.
- l) A plan which provides programmatic accountability for the length of the charter.
- m) Specific waivers of local, state and federal requirements needed to implement the proposed education program.
- n) A description of the type and extent to which there is sufficient community support for the proposed public charter school.
- o) The public charter school may have a major emphasis on specific criteria, such as reclaiming drop-outs or basic instructional programs.

5. Applications are due by September 1st for schools opening the following September.

V. LEGAL AUTHORITY

This policy is consistent with Title 9 of the Education Article, Annotated Code of Maryland, known as the "Maryland Public Charter School Program".

VI. DELEGATION OF AUTHORITY

The Chief Executive Officer shall develop regulations to implement this policy. The regulations shall contain a phase-in plan for the operation of charter schools in Baltimore City, allowing for no more than three charter schools to be operated during the first three years of this program to facilitate the initial administration of this program. Further, the regulations shall specify that all Charter Agreements shall be limited to three years in length with the option for two one-year renewals.

VII. EFFECTIVE DATE

This policy is effective November 1, 2003.

