

**A. Purpose**

To establish procedures for the Charter School application process, annual report, and renewal.

**B. Background**

Except as provided in Section 9-106 of the Educational Article of the Maryland Annotated Code, a public charter school is subject to the federal, state, and local policies, regulations, and statutes that affect traditional elementary and secondary public schools unless the policies, regulations, and statutes are waived by the appropriate governing authority. The public charter school must demonstrate in any waiver request that the exemption would enhance the school's ability to advance the educational goals and objectives of the school. Policies, regulations, and/or statutes related to health and safety or civil rights cannot be waived.

**C. Definitions**

1. "Application," for the purposes of this regulation, is defined to mean a proposed plan and timeline for the operation of a public charter school and is the basis for consideration of approval.
2. "Charter" or "Charter Contract" or "Contract" is defined as a formal contract entered into by the Board of Education of Frederick County (Board) and the Charter School Governing Board that specifies the terms and conditions under which a public charter school is authorized to operate.
3. "Charter School Governing Board" is defined to mean a group of officers or persons having control over a public charter school.
4. "Concept Proposal" is defined to mean a document addressing certain components that an applicant may submit prior to an application to informally share information and receive feedback from the Board.
5. "Eligible Public Charter School" is defined to mean a public charter school that has been in existence for at least five (5) years and demonstrates to the Board a history of sound fiscal management and student achievement that exceeds the average in FCPS on statewide assessments and other measures developed by the State Board.
6. "Public Charter School" or "Charter School" is defined to mean a public school that is created in accordance with state laws and regulations, operates under a Charter or contract, is under the authority of the Board, and is accountable to the Board.
7. "Renewal" is defined to mean a continuation of a Charter after the initial term.

8. “Renewal Review Team” is defined to mean a group of individuals with different interests and expertise who are selected by the Superintendent to review applications for renewal.
9. “Revocation” is defined as the termination of an approved Charter.

#### **D. Procedures**

##### **1. Application Process**

- a. **Application Submission.** To establish a public charter school in Frederick County, a completed formal application must be submitted to the Board by:
  - i. The staff of a public school.
  - ii. A parent or guardian or a student who attends a public school in the county.
  - iii. A nonsectarian nonprofit entity.
  - iv. A nonsectarian institution of higher education in Maryland;
  - v. Any combination of persons specified in items D(1)(a)(i) through (iv) above.
- b. **Concept Proposal.** An applicant may submit a concept proposal. If an applicant opts to submit a concept proposal, the concept proposal must be submitted on or before January 1 of the year preceding the applicant’s proposed start date for the charter school.
- c. **Deadline to Submit Application.** A complete application must be submitted on or before May 1 of the year preceding the applicant’s proposed start date for the charter school.
- d. **Application Components.** Components of the application include, but are not limited to:
  - i. A vision and mission statement. This is the applicant’s vision for the public charter school and a mission statement as to how the vision will be achieved.
  - ii. An action plan(s) that details the development and delivery of education programs and services, including the:
    1. Philosophy and goals of the program;
    2. Education levels to be offered (*i.e.*, preschool, elementary, middle, secondary);
    3. Student to teacher ratio;
    4. Unique focus of the school program as appropriate (*i.e.*, reclaiming dropouts, utilizing specific instructional programs);
    5. Framework of how the charter school will meet the unique needs of students and ensure that students with disabilities are provided a Free Appropriate Public Education (FAPE);
    6. Fully developed curriculum showing alignment with Maryland voluntary state curriculum;
    7. Fully developed Multi-Tiered System of Supports (MTSS) which outlines the academic and behavior framework for supporting student needs;
    8. Instructional methods to implement the curriculum;
    9. Appropriate technology, equipment, libraries, and other media available;
    10. Length of student instructional day;
    11. Extracurricular offerings;
    12. Extended day program/supplemental programs - both free and fee-based;
    13. Provision for transportation, if appropriate; and

- 14. Building security and safety plan.
- iii. Desired educational results, such as student academic outcomes and how they will be measured.
- iv. Student admission procedures.
- v. Staffing plan.
- vi. Management plan.
  - 1. Applicants must clearly define the governance structure that will be in place for the public charter school. Staff, parents and the community must be represented in the governance structure.
  - 2. Applicants must specify the methods by which they expect to achieve legal, fiscal, and programmatic accountability for the operation of the public charter school and must be accountable to the local board for performance results and for fiduciary responsibility.
- vii. Facilities plan. Unless otherwise agreed, a public charter school applicant shall be responsible for providing and maintaining a facility. A facilities plan for the charter school must be provided that specifies cost, location, available space as well as the use, terms, and conditions of the facility acquisition and necessary utilities.
- viii. Financial plan. An applicant must submit a financial plan for the charter school, which includes a proposed budget outline, proposed student enrollment, and revenue sources. The plan must include assurances of financial solvency for the duration of the charter, demonstrate accountability for the use of funds and resources, and comply with Section 5-234 of the Education Article of the Maryland Annotated Code regarding budgeting and expenses.
- ix. Articulation of how the charter school will benefit students and the local community. A description of the type and extent to which there is sufficient community support for the proposed public charter school must be submitted.
- x. Completed conflict of interest forms, if applicable. Each founding member and individuals serving on the proposed charter school's governing board will be required to complete a conflict of interest form.
- e. **Waivers.** An applicant must identify waivers it intends to request from either the local or state board that it deems necessary to execute the mission of the proposed charter school. Waiver requests must be submitted with the application and in accordance with the following:
  - i. Waivers pertaining to local Board policies and FCPS regulations will be submitted for approval to the Board;
  - ii. Waivers pertaining to policies of the state will be submitted for approval by the State Board of Education;
  - iii. Waivers cannot be granted from laws or regulations relating to:
    - 1. Audit requirements.
    - 2. 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.
    - 3. The health, safety, or civil rights of a student or an employee of the public charter school.
  - iv. If the Board denies a request for a waiver under paragraph D(1)(e)(i) above, the Board will provide the reason for the denial in writing to the public charter school.

**f. Educational Programs and Services**

- i. The charter school's instructional plan must include the following:
  - 1. Philosophy and goals of the program;
  - 2. Educational levels to be offered;
  - 3. Student to teacher ratio;
  - 4. Innovative learning opportunities or creative educational approaches to improve the education of students;
  - 5. Fully developed curriculum showing alignment with state approved curriculum;
  - 6. Instructional methods to implement the curriculum;
  - 7. Appropriate technology, equipment, libraries, and audio-visual materials available;
  - 8. Length of student day;
  - 9. Extracurricular offerings; and
  - 10. Supplemental programs.
- ii. Students may only participate in extracurricular activities at their charter school.
- iii. Students must be physically present on school premises for a period of time substantially similar to that which other public school students spend on school premises (*i.e.*, length of the instructional day).

**g. Student Outcomes**

- i. Unless otherwise approved, the public charter school must meet or exceed current school accountability provisions of the Board of Education of Frederick County, Board adopted goals, and state regulations and statutes.
- ii. If a public charter school is exempted from certain state regulations and/or local rules and policies, educational achievement will still be measured against the same standards used by the Board as outlined in [Board Policy 405, Graduation](#), in comparison with other FCPS schools of similar demographics and the Maryland State Board of Education.

**h. Student Admission**

- i. The Superintendent or their designee will oversee a charter school's admission process to ensure adherence to federal and state laws and regulations.
- ii. Charter schools will use a common FCPS Charter School application which will include key demographic information so that charter school enrollment can be a stratified random sampling of the FCPS population.
- iii. A public charter school may give greater weight to a student's lottery status if the student is:
  - 1. Eligible for free and reduced-price meals;
  - 2. A student with disabilities;
  - 3. A student with limited English proficiency;
  - 4. Homeless; or
  - 5. A sibling of a student currently enrolled.
- iv. Enrollment preferences are permitted for:
  - 1. Children of the founders of the charter school as identified in the original application for up to five (5) years after the opening day of the school, provided the total number of students does not exceed 10% of the total student population;
  - 2. Siblings of students already admitted to, or attending, the charter school;

3. Children of employees of the charter school, provided the total number of students does not exceed 10% of the total student population.
  4. The Board may grant a waiver to a converted public charter school that provides guaranteed placement through a lottery to students who live within a geographic attendance area as established by the Board as a low performing school, is above the county average rate for the percentage of students who are eligible for free and reduce-priced meals, and meets a strategic need of the school system to include one of the following:
    - a. Serving a high need population;
    - b. Increasing student performance;
    - c. Increasing enrollment; or
    - d. Increasing student diversity.
- i. **Employees**
    - i. Employees assigned to a public charter school are FCPS employees and are entitled to the same rights and privileges as those in traditional public school settings. However, this does not apply to administrative positions, which may have different terms and conditions.
    - ii. The Superintendent retains the authority to assign and transfer educators under Maryland law as the needs of the system require and this authority, in accordance with Maryland law, cannot be waived.
  - j. **Management Plan for the School.** The public charter school must have a school improvement team. The roles, operating procedures, and responsibilities of the school improvement team may be determined by the public charter school participants consistent with local guidelines for school improvement teams.
  - k. **Transportation.** Transportation shall be provided by Frederick County Public Schools (FCPS) in accordance with the provisions of a student's Individualized Education Program (IEP) as discussed annually regarding the need of transportation as a related service based on the student's unique needs related to their disability.
  - l. **Review and Evaluation.** The Superintendent or their designee will evaluate the application and make a recommendation to the Board for approval or denial. The Board shall consider the merits of the proposal, curricular and instructional needs of FCPS, community issues, and any other factors the Board considers appropriate and legal prior to rendering its decision on the submitted application.
  - m. **Application Decision.** The Board will render a decision within one hundred and twenty (120) days after receipt of a complete application. The Board will provide a detailed written recommendation with rationale for its decision for approval or denial of the application.
  - n. **Contingent Approval.** The Board may approve an application on a contingent basis, subject to:
    - i. A public charter school's ability to meet any timelines established by the Board for the security of a facility; and
    - ii. Final approval of the Board regarding the suitability of the facility secured by the public charter school.
  - o. **Contract Timeline.** The Board and the applicant will make a reasonable effort to complete a charter school contract within thirty (30) calendar days after the approval of an application.

- p. **Charter Contract.** The application of an approved public charter school may be incorporated into its Charter contract. The contract shall include all terms of mutual agreement, including the Board approved waivers of Board policies, FCPS regulations, and all state approved waivers of Maryland law. Amendments to the terms of the contract may be made upon written approval of the local Board and the governing body of the public charter school.
  - q. **Appeal of Application Denial Decision.** An applicant may appeal an application denial decision to the State Board of Education in accordance with Section 4-205(c) of the Education Article of the Maryland Annotated Code. The appeal must be in writing and filed within thirty (30) days of the Board’s decision. Information on the appeal process will be provided to the applicant in the denial decision.
2. **Annual Report.** An Annual Report on each public charter school shall be presented to the Board and will include:
- a. Student performance and comparative data on local and state assessments;
  - b. Fiscal accountability;
  - c. School culture and climate;
  - d. Facilities update;
  - e. Governance updates; and
  - f. Any other required information pursuant to the Charter.
3. **Renewal Process.** The FCPS Charter Renewal Process is designed to provide a comprehensive review of the current performance and status of a charter school. The information gathered, analyzed, and presented in this process provides the foundation for the Board to make an informed decision regarding renewal of a charter contract.
- a. [Charter Renewal Process: Guidance for FCPS Charter Schools.](#)
  - b. Charter Renewal Process Timeline:

Milestone	Date	Responsibility
Governing Board notifies FCPS of intent to renew	No Later than March 1 (prior to last year of contract)	Charter School
Charter Liaison shares with board/operator/staff on renewal process	By May 1	FCPS
Renewal application completed	By September 1	Charter School
Assemble renewal review team	By September 15	FCPS
Review team members conduct site and/or classroom visits, review data, and perform financial audit	September 15-November 15	Charter School/ FCPS
Review renewal application and site visit findings with Superintendent	By December 15	FCPS

Prepare recommendation to renew or non-renew charter and notify charter school in writing	By December 30	FCPS
Present to FCPS Board of Education on the Superintendent's recommendation	By January 15	FCPS
Action Item for Board of Education	By February 15	FCPS
If approved, renegotiation of contract	March- April	Charter School/ FCPS
If non-renewed, begin dissolution process	March- April	FCPS

- c. Charter operators will receive specific renewal guidance from the Chief of Schools or their designee. The guidance will include details for the following performance standards and indicators:
  - i. Educational Performance.
  - ii. School Culture and Climate.
  - iii. Financial Performance.
  - iv. Governance.

**4. Probation/Revocation and Dissolution of a Charter**

- a. For probation/revocation of a charter school's Charter, the following procedures shall apply:
  - i. The Superintendent or designee shall provide the charter school governing board with:
    - 1. Written notification and description of the basis for probation/revocation.
    - 2. Instructions for correcting the deficiency or failure that is the basis for probation/revocation, which may include a request for a corrective action plan.
    - 3. A specified reasonable period of no less than ninety (90) days during which the charter school governing board may remedy the problem to avoid the revocation action.
    - 4. The length of probation may be increased if progress is noted, yet incomplete.
  - ii. If the charter school fails to remedy the problem within the specified time frame, the Superintendent may recommend in writing to the Board that it revoke the Charter, with a copy provided to the charter school governing board.
  - iii. The charter school governing board may appeal such recommendations in accordance with Board policy and Maryland law.
- b. **Dissolution.** In the event the charter school ceases to operate for any reason, a dissolution plan will be developed and implemented through the Deputy Superintendent and shall address the following areas:
  - i. Notification and plan for communication;
  - ii. Transfer of student records;
  - iii. Administration of personnel action;
  - iv. The fulfillment of contractual obligations and outstanding liabilities;
  - v. Liquidation of assets;

- vi. Final reporting requirements (i.e., budget and audit requirements);
- vii. Final enrollment count;
- viii. Transition of students and staff; and
- ix. Transition of services as they pertain to special education students.

## **E. Related Information**

### **1. Board Policy**

- a. [Policy 100](#), *Governance of the School System*
- b. [Policy 405](#), *Graduation*
- c. [Policy 430](#), *Attendance at Schools*
- d. [Policy 440](#), *Charter Schools*

### **2. External Resources**

- a. [Maryland State Department of Education. \(August 2023\). \*Charter School Application: A Guide for Maryland Local Education Agencies\*](#)
- b. [Maryland State Department of Education. \(August 2023\). \*Charter School Renewal: A Guide for Maryland Local Education Agencies\*](#)
- c. [Maryland State Department of Education. \(December 6, 2016\). \*Maryland Charter Schools – Eligibility for Exemptions from Local Policy §9-104.1: Guidance to Local School Systems and Public Charter Schools\*](#)

### **3. FCPS Regulations**

- a. [Regulation 400-07](#), *Enrollment Residency Requirements*
- b. [Regulation 400-16](#), *Admission of Non-Resident (Out of County/State) Students – Tuition*

### **4. FCPS Resources**

- a. [Charter Renewal Process: Guidance for FCPS Charter Schools](#)
- b. [FCPS Public Charter Schools Webpage](#)
- c. [Carroll Creek Montessori Public Charter School Website](#)
- d. [Frederick Classical Charter School Website](#)
- e. [Monocacy Valley Montessori Public Charter School Website](#)
- f. [Sabillasville Environmental School Website](#)

### **5. Federal Law**

- a. Every Student Succeeds Act of 2015
- b. Individuals with Disabilities Education Act (IDEA), 20 USC § 1400, *et seq.*
- c. Section 504 of the Rehabilitation Act, 29 USC § 794

### **6. Maryland Law**

- a. Public Charter School Improvement Act of 2015

### **7. Maryland Statutes**

- a. [Md. Code Ann., Educ. § 4-205](#)
- b. [Md. Code Ann., Educ. § 5-234](#)



- c. [Md. Code Ann., Educ. § 6-401](#)
- d. [Md. Code Ann., Educ. § 6-501](#)
- e. [Md. Code Ann., Educ. § 9-101](#)
- f. [Md. Code Ann., Educ. § 9-102](#)
- g. [Md. Code Ann., Educ. § 9-102.1](#)
- h. [Md. Code Ann., Educ. § 9-102.2](#)
- i. [Md. Code Ann., Educ. § 9-102.3](#)
- j. [Md. Code Ann., Educ. § 9-103](#)
- k. [Md. Code Ann., Educ. § 9-104](#)
- l. [Md. Code Ann., Educ. § 9-104.1](#)
- m. [Md. Code Ann., Educ. § 9-105](#)
- n. [Md. Code Ann., Educ. § 9-106](#)
- o. [Md. Code Ann., Educ. § 9-107](#)
- p. [Md. Code Ann., Educ. § 9-108](#)
- q. [Md. Code Ann., Educ. § 9-109](#)
- r. [Md. Code Ann., Educ. § 9-110](#)
- s. [Md. Code Ann., Educ. § 9-111](#)
- t. [Md. Code Ann., Educ. § 9-112](#)

**F. Regulation History** (Maintained by Legal Services)

<i>Responsible Office</i>	Department of System Accountability and School Administration
Adoption Dates	03/14/07
Review Dates	
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