A. Policy Purpose

To establish guidelines for the submission and evaluation of proposals for public charter schools and the oversight of approved public charter schools.

B. Definitions

1. "Application", for the purposes of this policy, 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. "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.

6. "Renewal" is defined to mean a continuation of a Charter after the initial term.

7. "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.

8. "Revocation" is defined as the termination of an approved Charter.

C. Policy Statement

1. The Board believes in offering and supporting educational systems designed to provide success for every student, delivered through a variety of innovative programs designed to meet the needs of a diverse student body.

2. The Board supports the Maryland law that vests the authority to establish charter schools with each local Board of Education.

3. The Board recognizes that the purpose of charter schools is to establish alternative means within the existing public school system to offer innovative learning opportunities and creative educational approaches to FCPS students.

4. The Board's expectation is that a public charter school operator(s) will advertise access and opportunity for their charter school to all communities in FCPS to strive to have a student population representative of FCPS's student population.

5. Except as provided in Section 9-106 of the Education 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.

D. Implementation

1. The Board is the only entity authorized to grant a Charter in Frederick County.

2. The Superintendent will oversee public charter schools and make recommendations to the Board regarding the approval, renewal, probation, and/or revocation of Charters.

3. The Board shall ensure that prior to opening a public charter school, the operators of the charter school are informed of the human, fiscal, and organizational capacity needed to fulfill its responsibilities related to children with disabilities.

4. **Criteria.** In accordance with Maryland law, to qualify as a public charter school, the charter school must:
   a. Focus on improving student achievement, strive for high academic standards, be accountable for measurable results, and offer a rigorous program of instruction.
   b. Operate in pursuit of a specific set of educational objectives.
   c. Be nonsectarian in all its programs, policies, and operations.
   d. Be a school to which parents choose to send their children.
   e. Be open to all students on a space-available basis and uses a lottery basis for student admission if more students apply than can be accommodated.
   f. Be a new public school or a conversion of an existing public school.
   g. Provide a program of elementary or secondary education or both.
   h. Tuition-free for all students who are eligible to attend any other Frederick County public school tuition-free.
   i. Be subject to federal and state laws and regulations, including those prohibiting discrimination and governing other public schools.

j. Be in compliance with all applicable health and safety laws.
k. Require students to be physically present on school premises for a period of time substantially similar to that which other FCPS students spend on school premises.

5. The Board will not grant a Charter to:
   a. A private school.
   b. A parochial school.
   c. A home school.
   d. A school that operates fully online.
   e. 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. The charter school application and review process for a restructured school shall be governed by Section 9-104(a)(5)(ii) of the Education Article of the Maryland Annotated Code.

7. A public charter school may begin operation in the school year following the date the charter is granted, provided approval is granted no later than the last Board meeting in December of the preceding school year.

8. **Student Admission and Tuition**
   a. Students residing in Frederick County will be eligible for admittance without tuition charge.
   b. No eligible Frederick County student may be denied admittance in order to accept an out-of-county student. Others residing outside of Frederick County must comply with Board policy and FCPS regulation governing enrollment and tuition charges for nonresident students.
   c. Students with special needs will adhere to the established individualized education program (IEP) or 504 plan process. Specific additional resources allocated to a student via the approved IEP or 504 plan will remain with the student going to the charter school.
   d. Except as otherwise allowable by law, a public charter school may not deny admission based on illegal discriminatory factors such as race, gender, ethnicity, religious preference, socio-economic conditions, disability, or sexual orientation.

9. **Employees**
   a. Public charter school employees are public school employees of FCPS with all the rights, responsibilities, and benefits granted by law, collective bargaining, policy, and procedures.
   b. 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.
   c. Any additional contracts to provide staff services need to be detailed and approved by the Board.

d. 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.

10. **Facilities**
    a. Unless otherwise agreed, a public charter school applicant shall be responsible for providing and maintaining a facility in accordance with provisions as outlined in FCPS regulation.
    b. If a public charter school leases its own facility, it will be responsible for adhering to appropriate local and state building codes and regulations.
    c. If, with approval of the State Superintendent, the Board determines that a school site or building is no longer needed for school purposes, and after the County Council of Frederick County has been provided the required notice, the Board shall inform the public charter schools in Frederick County that the school site or building is available for occupation on terms determined by the Board.
    d. If the public charter school wishes to use existing FCPS buildings, such use must be negotiated with the Board.
    e. The public charter school must provide for appropriate insurance, including the provision that names FCPS as co-insured against any loss or damage to its property or any liability resulting from the use of its property or from the acts or omissions of its officers and employees.

11. **Funding and Audits**
    a. Charter schools shall receive funding from the Board consistent with the terms of their Charter and in accordance with Sections 5-234 and 9-109 of the Education Article of the Maryland Annotated Code.
    b. An approved public charter that seeks to receive a grant through local, state, or federal government or private sources must comply with any applicable Board policies or FCPS regulations for approval of a grant application.
    c. The charter school must adhere to financial, programmatic, or compliance audits consistent with federal, state, and local laws and budget procedures and deadlines, and in accordance with Maryland law may not be waived. A public charter school may elect to access rates for audits negotiated with current FCPS vendors. Charter school audited financial statements and any issued management letters shall be annually provided to the local Board, inclusive of all funding sources used to operate or support the charter school.

12. **Length of Contract.** An initial charter may be granted for up to five (5) years. Charter renewals may be granted for up to ten (10) years.

13. **Performance Review**
    a. The public charter school's performance shall be evaluated based upon performance in educational, financial, and organizational areas as well as other criteria as described in the approved Charter.

b. An annual report on each public charter school will be provided to the Board that includes performance on recognized educational, financial, and organizational areas as well as other criteria as described in the approved charter.
c. An interim report is required mid-year of the first year of the charter and any other time the Board so requests.
d. If established academic performance standards are not met, a plan for improvement will be implemented.

14. **Provisions for Renewal**
    a. No later than March 1 of the year prior to the Charter expiring, the Charter School Governing Board must submit written notice of its intent to renew its contract.
    b. The Superintendent or their designee will evaluate proposals and make a recommendation to the Board for approval and renewal.

15. **Probation/Revocation of a Charter or Termination of a Public Charter School**
    a. 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.
    b. A charter school may be placed on probation or have its Charter revoked for the following reasons:
        i. The school has not fulfilled a condition imposed by the Board in connection with the granting of the charter.
        ii. The school has failed to comply with provisions of the Charter, Board policy, FCPS regulations, and/or federal, state, or local law;
        iii. The fiscal condition of the school is substantially deficient;
        iv. The academic condition of the school is substantially deficient;
        v. The facility can no longer support the needs of the educational program;
        vi. The continuation of the operation of the public charter school is not in the best interests of the students it serves or of the public school system of Frederick County; or
        vii. Continued operation of the school presents a health, safety or security risk to the school's students or staff.
    c. If the basis for revocation involves an immediate threat to the health, safety, or educational welfare of the school's students or staff, the Board reserves the right to immediately suspend operation and revoke the Charter.

16. **Closing of a Charter School**
    a. If the Charter School Governing Board intends to close the public charter school, it shall provide written notice of its intent to close the public charter school to the Board in accordance with the terms of the Charter Contract or, if the Charter Contract is silent with regard to provide notice of the intent to close, then by no later than March 1 of the year prior to when the Charter School Governing Board intends to close the school. For illustrative purposes only, if a Charter School Governing Board were to seek to cease operations before the start of the 2026-2027 school year, it would need to give notice to the Board by March 1, 2025.
    b. Employees and students of a public charter school that is closing or has had its Charter revoked will be reassigned pursuant to Board policies and FCPS regulations.

c. All resources purchased with federal, state and FCPS funds remain the property of the Board and FCPS.

17. The Superintendent is directed to establish regulations for:
    a. The submission, evaluation, and approval of applications for public charter schools
    b. The process to request a waiver(s) from Board policy, FCPS regulations, and/or administrative regulations and for making waiver requests to the State Superintendent of Schools.
    c. Specifying probation and revocation procedures.
    d. The process to renew a Charter.

E. Related Information

1. **Board Policy**
    a. Policy 100, *Governance of the School System*
    b. Policy 430, *Attendance at 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*
    c. Regulation 400-84, *Charter School Application Process*

4. **FCPS Resources**
    a. FCPS Public Charter Schools Webpage
    b. Carroll Creek Montessori Public Charter School Website
    c. Frederick Classical Charter School Website
    d. Monocacy Valley Montessori Public Charter School Website
    e. 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. Policy History (Maintained by Legal Services)

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