

POLICY	BOARD OF EDUCATION OF FREDERICK COUNTY, MARYLAND	
CHARTER SCHOOLS	POLICY 440	
440.1 Policy 440.2 Implementation of Policy 440.3 Criteria 440.4 Application Process 440.5 Educational Programs and Services 440.6 Student Outcomes 440.7 Student Admission 440.8 Staffing Plan for the School 440.9 Management Plan for the School 440.10 Facilities 440.11 Financial Plan for the School 440.12 Transportation 440.13 Length of Contract 440.14 Performance Review 440.15 Provisions for Renewal 440.16 Eligible Public Charter School 440.17 Charter School Renewal Program Review 440.18 Probation/Revocation Procedures		

Purpose

440.1 Policy

The Board of Education of Frederick County (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. Nationally, public charter schools reflect a movement that focuses on student achievement within an educational environment that may differ from the traditional public schools. Criteria with which to consider proposals for public charter schools and the procedures for granting and overseeing approved public charter schools are essential to this endeavor.

Position - The Board supports the Maryland State Board of Education’s (State Board) position on public charter schools that vests the authority to establish schools with each local Board of Education and provides an alternative means within the existing public school system to offer innovative learning opportunities and creative educational approaches in order to improve the education of students. The public charter school may propose to have a major emphasis on specific criteria, such as reclaiming dropouts or utilizing specific instructional programs.

Legal Reference	<i>Annotated Code of Maryland, Education Article, § 9-101 to § 9-110</i>		
Source Document	<i>Maryland State Department of Education, Maryland Charter Schools – Eligibility for Exemptions from Local Policy §9-104.1: Guidance to Local School Systems and Public Charter Schools; December 6, 2016</i>		
Policy History	Reviewed: 2012, 2015, 2016, 2017	Adopted: 2/14/01	Revised: 5/24/17

Except as provided in §9-106 of the Education Article, *Annotated Code of Maryland*, 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 shall not be waived.

Definitions

A public charter school is defined as a nonsectarian public school that operates under a charter, or contract, within the public school system and under the authority of the Board of Education of Frederick County.

A public charter school is created in accordance with §9-101 through §9-110 of the Education Article, *Annotated Code of Maryland*.

An "eligible public charter school" means a public charter school that has been in existence for at least five years and demonstrates to the Board of Education of Frederick County a history of sound fiscal management and student achievement exceeds the average in Frederick County Public Schools (FCPS) on statewide assessments and other measures developed by the State Board.

440.2 Implementation of Policy

The Superintendent will oversee public charter schools and make recommendations to the Board regarding approval, renewal, probation, and/or revocation. The Superintendent will establish regulation for:

1. Accepting and evaluating applications for public charter schools.
2. Obtaining waivers from the Board's policy and/or administrative regulations and for making waiver requests to the State Superintendent of Schools.
3. Specifying probation and revocation procedures.
4. Identifying charter school renewal process.

440.3 Criteria

A public charter school must:

1. Focus on improving student achievement, strive for high academic standards, be accountable for measurable results, and offer a rigorous program of instruction.
2. Include an equivalent method for satisfying any requirements from which the public charter school operator intends to seek a waiver.
3. Function as a semi-independent education operation within the local school system. Subject to approval by the Board of Education, it can establish its own governance process; create its own priorities, creative solutions, instructional design and

professional development; and utilize its own system for measuring school and student performance in addition to that which is imposed by the local and state boards.

4. Be nonprofit, nonreligious, and nonsectarian.
5. Be a new public school, or a conversion of an existing public school.
6. Not be a private school, parochial school, or home school prior to application.
7. Comply with federal, state, and local requirements for all students, including those with disabilities.
8. Operate in pursuit of specific education objectives.
9. Provide a program of elementary or secondary education or both.
10. Not be a school that operates fully online.

440.4 Application Process

1. A concept proposal may be submitted by January 1 of the school year preceding the proposed starting date in order for the Board to provide initial feedback prior to the application process.
2. The complete charter school application must be submitted by May 1 of the year preceding the proposed starting date.
3. Conflict of Interest - Each founding member and individuals serving on the proposed charter school's board of directors will be required to complete a conflict of interest form in accordance with regulation.
4. Waivers - Charter school applicants must identify waivers they plan to request from either the local or state board as deemed necessary to execute the mission of the proposed charter school. The Board will evaluate requests for waivers in accordance with Maryland law.
5. 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.
6. Upon submission of a completed and required application, the Board shall render a decision within one hundred and twenty (120) days and provide a detailed written recommendation with rationale for its decision for approval or denial of the application.
7. The Board shall consider the merits of the proposal, curricular and instructional needs of FCPS, community issues, and any other factors the Board deems appropriate and legal prior to rendering its decision on the submitted application.
8. The Board may approve an application on a contingent basis, based on the public charter school's ability to meet timelines established by the Board for securing a facility and final approval by the Board regarding the suitability of the facility.

9. Within thirty (30) calendar days of the application approval, it is expected that the Board and the applicant shall complete a charter school contract.
10. In accordance with guidance issued by the State Board, the submitted application is to be used as a tool for the substantive elements of a 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.

11. Appeal Process

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*.

If the Board denies an application to establish a public charter school and the State Board reverses the decision, the State Board, shall remand the matter back to the Board and may direct the Board to grant a charter and may, if necessary, mediate the matter.

The charter school application and review process for a restructured school shall be governed by Maryland law §9-104(a)(5)(ii).

440.5 Educational Programs and Services

1. The school's instructional plan must include the following:
 - philosophy and goals of the program
 - educational levels to be offered
 - student-to-teacher ratio
 - innovative learning opportunities or creative educational approaches to improve the education of students
 - fully developed curriculum showing alignment with state approved curriculum
 - instructional methods to implement the curriculum
 - appropriate technology, equipment, libraries and audio visual materials available
 - length of student day
 - extracurricular offerings
 - supplemental programs
2. Students may participate in extracurricular activities at their assigned home school.
3. 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.

440.6 Student Outcomes

1. 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.
2. 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 of Education of Frederick County, in comparison with other FCPS schools of similar demographics, and the Maryland State Board of Education.

440.7 Student Admission

1. Students residing in Frederick County will be eligible for admittance without tuition charge. 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 the Board's policy governing enrollment and tuition charges for nonresident students.
2. Students with special needs will adhere to the normal 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. The public chartering authority shall ensure that prior to opening a public charter school, the operators of the school are informed of the human, fiscal, and organizational capacity needed to fulfill its responsibilities related to children with disabilities.
3. It is an expectation that a public charter school will recruit and target all segments of the community. Except as otherwise allowable by law as identified in paragraph 5 below, the 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. It is an expectation that public charter schools continually strive to have a student population representative of the overall FCPS student population and report such status annually.
4. A public charter school is chosen by parents for their children and is open to all students on a space-available basis. A random selection process must be used if the number of qualified applicants exceeds the predetermined student capacity in the public charter school. The director of Student Services provides oversight to the process to assure adherence to federal and state requirements.
5. A public charter school may give greater weight to a student's lottery status if the student is:
 - a. Eligible for free and reduced-price meals
 - b. A student with disabilities
 - c. A student with limited English proficiency
 - d. Homeless
 - e. A sibling of a student currently enrolled

6. Enrollment preferences are permitted for:
 - a. 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;
 - b. Siblings of students already admitted to, or attending, the charter school; and
 - c. Children of employees of the charter school, provided the total number of students does not exceed 10% of the total student population.
7. With Board approval, the public charter school may propose a geographic attendance area with a median income that is equal to or less than the median income of Frederick County and may provide a guaranteed placement through a lottery to students who live within the geographic area for up to 35% of the total student population. The public charter school shall admit students on a lottery basis to its remaining available space and take reasonable steps to maintain the ratio as defined above. The Board may approve or reject this provision separately from the application as a whole, and it is not subject to appeal to the State Board.
8. The Board may grant a waiver to section E.4 above 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

440.8 Staffing Plan for the School

1. Public charter school employees are public school employees of Frederick County Public Schools (FCPS) with all the rights, responsibilities, and benefits granted by law, collective bargaining, policy, and procedures.
2. 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.
3. FCPS employees assigned to work in a charter school will be observed and evaluated consistent with state law and FCPS procedures.
4. Any additional contracts to provide staff services need to be detailed and approved by the Board of Education.
5. Certification requirements for FCPS employees assigned to work in a charter school are no different than for personnel in other Frederick County public schools.

6. 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.

440.9 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 state and local guidelines for school improvement teams.

440.10 Facilities

1. Unless otherwise agreed, a public charter school applicant shall be responsible for providing and maintaining a facility in accordance with provisions as outlined in regulation.
2. If a public charter school leases its own facility, it will be responsible for adhering to appropriate local and state building codes and regulations.
3. The applicant must submit a facilities plan that specifies location, available space and its use, and the terms and conditions of the facility acquisition and necessary utilities. However, the Board recognizes that public charter school applicants may not have identified a facility at the time an application is submitted for review by the Board, as the approval of the application is sometimes needed in order to secure the acquisition or lease of an appropriate facility. Under this circumstance, the public charter school applicant may be required, as part of the application, to identify a timetable for acquiring a site, along with a projection of the number of square feet needed to operate the educational program and the general location within the jurisdiction. It is an expectation that the applicant identify the type of facility needed in order to efficiently operate the proposed educational program.

The Board may condition final approval of a charter contract pending applicant's identification of either the acquisition or leasing of an appropriate facility that meets health and safety requirements, as well as specific needs of the educational program. The Board may establish an identified timeline which allows adequate time for staff to prepare the school for operation at the targeted opening date.

4. 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.
5. If the public charter school wishes to use existing FCPS buildings, such use must be negotiated with the Board of Education.
6. Policies and regulations related to health and safety cannot be waived.
7. 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.

440.11 Financial Plan for the School

1. A financial plan for the duration of the charter must include, but not be limited to, a proposed budget outline, projected student enrollment, and revenue sources. The financial plan shall be annually updated. Changes impacting base budget allocation or strategic improvement requests must be submitted on or before October 1 of the prior fiscal year.
2. An approved public charter school shall receive funding as determined by Maryland law, which may be comprised of discretionary funds and in-kind services. Annual funding will be based on a contractually agreed upon enrollment and provided on a “per pupil” basis. Under-enrollment as identified by the September 30 enrollment count may result in funding adjustments for current fiscal year.
3. 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 allocation unless other provisions are included in the charter.
4. 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.
5. 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.

440.12 Transportation

Transportation shall be provided in accordance with provisions of a student’s IEP and may be provided to regular education students if conducive to currently established bus routes that travel along routes in the location of the charter school.

440.13 Length of Contract

A charter may be granted for up to five (5) years.

440.14 Performance Review

1. 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.
2. An annual report on each public charter school will be provided to the Board of Education that includes performance on recognized educational, financial, and organizational areas as well as other criteria as described in the approved charter.

An interim report is required mid-year of the first year of the charter and any other time the Board so requests.

3. If established academic performance standards are not met, a plan for improvement will be implemented.

440.15 Provisions for Renewal

No later than six (6) months prior to expiration of the contract, the public charter school may request renewal of the existing contract. Renewal criteria are based on conditions as outlined in Section 440.17.

440.16 Eligible Public Charter School

In accordance with Maryland law §9-101, *et seq.* Education Article, *Annotated Code of Maryland*, the Maryland State Board of Education (State Board) determined the following measures and criteria by which a public charter school meets eligibility in order to negotiate exemptions from certain local board policies and/or regulations.

A. Criteria

The State Board has established the following standards and criteria to determine if a public charter school is an “eligible public charter school” (all factors must be met to be deemed eligible):

1. The charter school has been in operation at least five (5) years, or is in its fifth year of operation.
2. The charter school has submitted an annual independent audit: (a) the auditor’s report offers unqualified opinions and any management points were resolved by the subsequent audit; and (b) statements of cash flow indicate good performance on short term liquidity measures.
3. The student achievement data shows that proficiency, as defined by the Maryland State Board of Education, and/or the charter school’s overall student growth percentile exceeds that of the local school system for the All Students group in the most recent year for which data is available. “Exceeds” means exceed, by any amount, the combined proficiency or growth in Reading and Math for all grades.
4. For schools serving grades nine through twelve, the cohort graduation rate exceeds that of the local school system for the All Students group, in the most recent year for which data is available.
5. The charter school is not identified for comprehensive school support and improvement, or targeted support and improvement, nor as a Priority or Focus school under the State’s accountability system.
6. The charter school has no significant compliance issues in serving students with disabilities as reported by the local board. The charter school has taken prompt and appropriate steps to address any shortcomings identified through monitoring activities.

B. Exemptions for Eligible Public Charter School

Pursuant to Maryland law §9-104.1 of the Education Article, the eligible public charter school may be exempt from the following if both the local Board as the chartering authority and the representative of the eligible public charter school mutually agree.

1. School Operations

- a) Textbook, instructional program, curriculum, professional development, and scheduling requirements;
- b) A requirement to establish a school community council;
- c) Except for Title I schools, a requirement to establish a school improvement plan;
- d) Except for schools with a school activity fund, a requirement to provide school activity fund disclosure statements; and
- e) Except for Prekindergarten classes, class size or staffing ratios.

2. Communication Process

The Board and the eligible public charter school may jointly develop and mutually agree to a communication process and supervision methodology that flows among the local board, the operator, and the administration of the eligible public charter school.

3. Staffing Process

- a) An eligible public charter school may not be assigned a principal without the written consent of the operator of the eligible public charter school. ¹
- b) Staff members shall be assigned or transferred to an eligible public charter school if the staff member expresses in writing that the staff member wants to work in that eligible public charter school and the eligible public charter school requests in writing that the staff member be assigned or transferred to the eligible public charter school, provided there is an existing vacancy. ²

C. Eligibility Implementation Process

The eligibility criteria presented by the State Board are for purposes of determining “eligibility” under Education Article § 9-104.1. The criteria does not replace existing renewal rubric of the local Board.

¹ The authority to hire and fire a principal remains with the Superintendent and the Board. (Education Article §4-103, *Annotated Code of Maryland* - Maryland State Department of Education, page 4, *Maryland Charter Schools – Eligibility for Exemptions from Local Policy §9-104.1*) However, the placement of the principal at an eligible public charter school must be a collaborative decision between the Superintendent and the charter school operator.

² Nothing in this section may be construed to take precedence over an agreement of a local bargaining unit in FCPS; a transfer authorized under this section shall take place as designated by the negotiated agreement. (Education Article §9-104.1(g)(2)(ii))

The Board may establish the timeline it wishes to consider eligibility and any exemptions of a public charter school, at its discretion. A charter school may not submit an application for exemption as an eligible public charter school more than one time during an existing charter contract.

Whenever the determination of eligibility takes place, any negotiated exemptions are considered as an addendum to the charter school contract and shall remain for the term of the charter contract.

D. Notification

The Board will annually provide to MSDE the following information: (1) requests by a public charter school to be determined “eligible”; (2) decisions of the Board; (3) data the Board used to make its determination; and (4) a description of any exemptions granted.

E. Eligibility Appeal

If the Board denies the public charter school request to be deemed “eligible,” the public charter school can appeal this decision to the Maryland State Board of Education.

440.17 Charter School Renewal Program Review

In accordance with Maryland law, a public charter school may be renewed provided that a program review demonstrates that the school has successfully fulfilled the terms of its contract.

1. Performance Analysis

In conducting a renewal program review, the Board of Education (Board) will focus its analysis on the school’s performance in the categories of:

- Education
- Finance
- Organization

2. Evaluation Scale

Specific indicators and standards will be analyzed and evaluated by the Board within the above-listed categories to determine a charter renewal decision. The evaluation findings will be indicated as one of the following:

- Meets the Standard
- Approaches the Standard
- Does Not Meet the Standard

3. Proposed Contract Changes

The Board will also review and consider information submitted by a charter school regarding its prospective plans concerning the proposed subsequent contract. The

charter school must present all requested modifications, adjustments, or amendments to its charter school agreement as part of the renewal program review.

- Criteria to be considered by the Board when making renewal determinations for existing charter schools will address focus areas, indicators, standards, and sources of evidence as outlined in the following chart*.

1. EDUCATIONAL PERFORMANCE			
Focus Area	Indicator	Standard/Criteria	Sources of Evidence
Federal Accountability	Federal/State recognized performance level requirements	The school has not been identified as a school in need of improvement or underperforming	Federal/State recognized performance level requirements
	AYP attainment	The school has met at least a Proficient performance level	
	Student group(s) attainment of AYP	The school has achieved its performance targets in identified student group(s)	
State & Local Accountability	Federal/State recognized achievement requirements	Students at the school demonstrate proficiency or progress towards meeting proficiency, in subjects tested (English/Language Arts, writing, mathematics and science)	Federal/State recognized data requirements
	Annual gains of students achieving in the bottom 25%	50% make one-year's worth of growth	Federal/State recognized data requirements
	% of students tested	The school is appropriately administering applicable state standardized tests to its students.	Federal/State recognized participation requirements
	Relative performance	The school's performance meets or exceeds the performance of schools with closely comparable student populations.	Federal/State recognized data requirements
	Comparative performance		
	Other Charter Agreement Indicators		
Mission-Specific Accountability	Achievement of school/mission-specific goals	The school is achieving, or making significant progress towards achieving, the school/mission-specific goals as defined in the school's contract.	As defined in the school's contract
Educational Program Implementation	Implementation of the mission	The school is implementing its mission as defined in the school's contract.	Federal/State recognized requirements for internally developed assessments, onsite evaluation
	Implementation of curriculum and instructional techniques	The school is successfully implementing curriculum and instructional techniques as defined in the school's contract.	
	Implementation of specialized instruction for students, particularly of those below grade level	The school implements demonstrably effective instructional techniques that support struggling students achieve grade level.	
	Data-driven decision making	The school competently uses qualitative and quantitative data to inform and guide instructional planning and practice aligned with College and Career Readiness Standards.	
	Implementation of exceptional education programs	The school provides quality services for exceptional students as defined in the school's contract and as required by applicable law.	
	Implementation of ELL program	The school provides quality services for English Language Learner students as defined in the school's contract and as required by applicable law.	

*Adapted from National Association of Charter School Authorizers

2. FINANCIAL PERFORMANCE			
Focus Area	Indicator	Standard	Sources of Evidence
Financial Management	Demonstration of professional competence and sound systems in managing the schools financial operations	The school implements an effective system of internal controls over revenues, expenses, and fixed assets, and exercises good business practices.	Annual budgets, financial reports, annual financial audits, financial corrective action plans, onsite evaluation
	Adherence to generally accepted accounting principles	The school adheres to generally accepted accounting principles.	
	Financial reporting requirements	The school submits timely and accurate financial information adhering to its financial reporting requirements as defined in the school's contract.	
Financial Viability	Budgeting	The school maintains balanced budgets and a positive cash flow.	Annual budgets, financial reports, annual financial audits, onsite evaluation
	Financial obligations	The school's financial obligations are in good standing.	
	Long-term financial performance	The school has a sound and sustainable long-term financial plan.	
3. ORGANIZATIONAL PERFORMANCE			
Focus Area	Indicator	Standard	Sources of Evidence
Student Enrollment and Conduct	Student enrollment trends	The school's actual enrollment is consistent with its projections.	Student enrollment reports, onsite evaluation
	Racial/ethnic composition of the student body	The racial/ethnic composition of the school's student body is reflective of the community it serves or other public schools in Frederick County.	
	Enrollment procedures	The school implements enrollment procedures as defined in the school's contract and in compliance with applicable law.	
	School environment	The school maintains a safe and secure environment.	Discipline reporting; onsite evaluation
	Health and safety	The school complies with applicable health and safety laws.	Fire and health inspections, fire drill reports, evacuation plans, onsite evaluation
Facilities	Facility compliance	The school's facilities comply with applicable laws and codes.	Occupancy permits, health, safety and fire reports, onsite evaluation
Governance, Staff and Parents	Governance structure	The school implements the governance structure as defined in the school's contract.	Governing board meeting agendas and minutes, onsite evaluation
	Compliance with Maryland and federal laws	The school complies with relevant Maryland and federal laws.	
	Qualifications of instructional staff	The school employs instructional staff that meet Maryland state and federal qualifications	Staffing reports, onsite evaluation
	Parental Involvement	The school is effectively involving parents in its programs as defined in the school's contract.	Onsite evaluation, parental surveys

5. Charter School Renewal Timeline

Action	Date
Charter school is notified of the charter renewal process and submits a letter of intent to apply for renewal.	January 1 in the year prior to the expiration of a school's contract
Charter school annual performance review.	February 1
Charter school submits letter of intent to apply for charter renewal.	March 1
Charter school liaison provides the charter school with the renewal process forms, which the charter school must complete, including the supporting data as a condition for renewal consideration.	May 1
The charter school submits the information requested for renewal consideration.	September 1
Request is evaluated by the Superintendent.	September 1- November 15
The charter school is notified in writing of the recommendation for renewal or revocation by the Superintendent.	December 1
Local board renders a decision regarding the charter school renewal.	BOE meeting in December

440.18 Probation/Revocation Procedures

Probation/revocation decisions shall be based on the following criteria.

1. Probation

- 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:
- The school has not fulfilled a condition imposed by the Board in connection with the granting of the charter.
 - The school has violated any provisions of the charter, Board policy or state law.
 - The fiscal condition of the school is substantially deficient.
 - The academic condition of the school is substantially deficient.
 - The facility can no longer support the needs of the educational program.
 - The continuation of the operation of the public charter school is not in the best interest of the public or of the students of Frederick County.

2. Probation/Revocation Process

If a charter school is being recommended for probation/revocation of its charter, the following procedures shall apply:

- a. The Superintendent or designee shall provide the charter school governing board with:
- Written notification and description of the basis for probation/revocation.
 - Instructions for correcting the deficiency or failure that is the basis for probation/revocation, which may include a request for a corrective action plan.
 - A specified reasonable period of time not to exceed ninety (90) days during which the charter school governing board may remedy the problem to avoid the revocation action.
- b. 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.
- c. The charter school governing board may appeal such recommendations in accordance with Board policy and Maryland law.

3. Exceptions

If the basis for revocation involves immediate threat to the health, safety, or educational welfare of the students enrolled at the charter school, the Board reserves the right to immediately suspend operation and revoke the charter.

4. 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:

- a. Notification and plan for communication
- b. Transfer of student records
- c. Administration of personnel action
- d. The fulfillment of contractual obligations and outstanding liabilities
- e. Liquidation of assets
- f. Final reporting requirements (i.e., budget and audit requirements)
- g. Final enrollment count
- h. Transition of students and staff
- i. Transition of services as they pertain to special education students

5. Revocation Follow Up

Upon revocation, current FCPS personnel and students of the charter school may be placed in other FCPS schools as stipulated by Maryland law and Board policy.

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

NOTE: Cross Reference Title 9, Education Article, *Annotated Code of Maryland*