



Nancy S. Grasmick
State Superintendent of Schools

200 West Baltimore Street • Baltimore, MD 21201 • 410-767-0100 • 410-333-6442 TTY/TDD

TO: Members of the Maryland State Board of Education
FROM: Nancy S. Grasmick *Nancy*
DATE: June 22, 2010
SUBJECT: Charter School Policy

PURPOSE:

To develop and implement a charter school policy to provide further guidance and clarity to charter schools and their authorizers of their obligations as defined in the Maryland Charter School Program Law, Title 9, §101-110 of the Education Article of the Annotated Code of Maryland.

BACKGROUND:

The Maryland Public Charter School Program Law was adopted in 2003. The Law defines the general purpose of the program to establish an alternative means within our existing public school systems in order to provide innovative learning opportunities and creative educational approaches to improve the education of students in Maryland.

There are forty two charter schools in the State located in six (6) counties. While there has been a steady growth of charter schools in the seven (7) years since the passing of the law, there have been many challenges in establishing charter schools throughout the State to meet the interests and needs of Maryland families. Many of these challenges can be attributed to a need to provide additional guidance and clarity to support the effective implementation of the Maryland Charter School Law.

EXECUTIVE SUMMARY:

Maryland has submitted our completed federal application to compete for a Race to the Top award. In the application there is a section that must provide information about our charter school history and successes. Given the national feedback on our law, the Department feels that it is imperative that the State Board provide further guidance to help strengthen the Charter School Program. The implementation of this policy will help to accomplish this. A draft copy of this policy was included in our Race to the Top application to demonstrate Maryland's willingness to support the implementation of a quality Charter School Program.

ACTION:

This policy is for your consideration and adoption.

Attachments (2)



TITLE 9. MARYLAND PUBLIC CHARTER SCHOOL PROGRAM

Section

- 9-101. Maryland Public Charter School Program.
- 9-102. Public school charter, defined.
- 9-103. Public chartering authority.
- 9-104. Public charter school - Application.
- 9-105. Public charter school - Professional staff.
- 9-106. Public charter school - Obligations and waiver.
- 9-107. Responsibilities of public chartering authority.
- 9-108. Rights of employees of a public charter school.
- 9-109. Disbursement of funds.
- 9-110. Public charter school policy.

§ 9-101. Maryland Public Charter School Program.

(a) *Established.*- There is a Maryland Public Charter School Program.

(b) *Purpose.*- The general purpose of the Program is to establish an alternative means within the existing public school system in order to provide innovative learning opportunities and creative educational approaches to improve the education of students.

[2003, ch. 358.]

§ 9-102. Public school charter, defined.

In this title, "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;
- (8) Is subject to federal and State laws prohibiting discrimination;
- (9) Is in compliance with all applicable health and safety laws;
- (10) Is in compliance with § 9-107 of this title;
- (11) Operates under the supervision of the public chartering authority from which its charter is granted and in accordance with its charter and, except as provided in § 9-106 of this title, the provisions of law and regulation governing other public schools;
- (12) Requires students to be physically present on school premises for a period of time substantially similar to that which other public school students spend on school premises;

and

(13) Is created in accordance with this title and the appropriate county board policy.

[2003, ch. 358; 2004, ch. 25.]

§ 9-103. Public chartering authority.

(a) *Primary chartering authority.*- The primary public chartering authority for the granting of a charter shall be a county board of education.

(b) *Secondary chartering authority.*- The secondary public chartering authority for the granting of a charter shall be the State Board acting in its appeal review capacity or as the public chartering authority for a restructured school in accordance with § 9-104(a) of this title.

[2003, ch. 358; 2004, ch. 25.]

§ 9-104. Public charter school - Application.

(a) *In general.*-

(1) An application to establish a public charter school shall be submitted to the county board of the county in which the charter school will be located.

(2) An application to establish a public charter school may be submitted to a county board by:

(i) The staff of a public school;

(ii) A parent or guardian of a student who attends a public school in the county;

(iii) A nonsectarian nonprofit entity;

(iv) A nonsectarian institution of higher education in the State; or

(v) Any combination of persons specified in items (i) through (iv) of this paragraph.

(3) A public chartering authority may not grant a charter under this title to:

(i) A private school;

(ii) A parochial school; or

(iii) A home school.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, the county board shall review the application and render a decision within 120 days of receipt of the application.

(ii) For a restructured school:

1. The county board shall review the application and render a decision within 30 days of receipt of the application;

2. The county board may apply to the State Board for an extension of up to 15 days from the time limit imposed under item 1 of this subparagraph;

3. If an extension is not granted, and 30 days have elapsed, the State Board may become a chartering authority; and

4. If an extension has been granted, and 45 days have elapsed, the State Board may

become a chartering authority.

(b) *Denial and appeal.*-

(1) If the county 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 this article.

(2) The State Board shall render a decision within 120 days of the filing of an appeal under this subsection.

(3) If the county board denies an application to establish a public charter school and the State Board reverses the decision, the State Board may direct the county board to grant a charter and shall mediate with the county board and the applicant to implement the charter.

[2003, ch. 358.]

§ 9-105. Public charter school - Professional staff.

A member of the professional staff of a public charter school shall hold the appropriate Maryland certification.

[2003, ch. 358.]

§ 9-106. Public charter school - Obligations and waiver.

(a) *In general.*- Subject to subsection (b) of this section, a public charter school shall comply with the provisions of law and regulation governing other public schools.

(b) *Waiver.*- Subject to subsection (c) of this section, a waiver of the requirements under subsection (a) of this section may be sought through an appeal to the State Board.

(c) *Waiver - Exceptions.*- A waiver may not be granted from provisions of law or regulation 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; or

(3) The health, safety, or civil rights of a student or an employee of the charter school.

[2003, ch. 358.]

§ 9-107. Responsibilities of public chartering authority.

(a) *Granting charters.*- A public chartering authority may not grant a charter to a public charter school whose operation would be inconsistent with any public policy initiative, court order, or federal improvement plan governing special education that is applicable to the State.

(b) *Authorizing process and application.*- A public chartering authority shall ensure that the authorizing process for a public charter school and the charter application address the roles and responsibilities of the county board and the applicants and operators of the public charter school with respect to children with disabilities.

(c) *Operators of 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 the school's responsibilities related to children with disabilities.

(d) *Technical assistance.*- The State Board 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.

[2003, ch. 358.]

§ 9-108. Rights of employees of a public charter school.

(a) *In general.*- Employees of a public charter school:

(1) Are public school employees, as defined in §§ 6-401(d) and 6-501(f) of this article;

(2) Are employees of a public school employer, as defined in §§ 6-401(e) and 6-501(g) of this article, in the county in which the public charter school is located; and

(3) Shall have the rights granted under Title 6, Subtitles 4 and 5 of this article.

(b) *Collective bargaining agreement.*- If a collective bargaining agreement under Title 6, Subtitle 4 or Subtitle 5 of this article is already in existence in the county where a public charter school is located, the employee organization and the public charter school may mutually agree to negotiate amendments to the existing agreement to address the needs of the particular public charter school.

[2003, ch. 358; 2004, ch. 25.]

§ 9-109. Disbursement of funds.

(a) *In general.*- A county board shall disburse to a public charter school an amount of county, State, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction.

(b) *Surplus.*- The State Board or the county board may give surplus educational materials, supplies, furniture, and other equipment to a public charter school.

[2003, ch. 358.]

§ 9-110. Public charter school policy.

(a) *In general.*-

(1) Each county board shall develop a public charter school policy and submit it to the State Board.

(2) The policy required under paragraph (1) of this subsection shall include guidelines and procedures regarding:

(i) Evaluation of public charter schools;

(ii) Revocation of a charter;

(iii) Reporting requirements; and

(iv) Financial, programmatic, or compliance audits of public charter schools.

(b) *Contact person.*- The Department shall designate a staff person to function as a contact person for the Maryland Public Charter School Program.

[2003, ch. 358.]

Maryland State Board of Education
POLICY
THE CHARTER SCHOOL PROGRAM

BACKGROUND:

The Maryland Public Charter School Program was adopted into law by Maryland's General Assembly in 2003 through Title 9, §101-110 of the Education Article of the Code of Maryland. The general purpose of the program, as defined by law, is to establish an alternative means within the existing public school system in order to provide innovative learning opportunities and creative educational approaches to improve the education of students.

INTENT:

This policy is established to clearly define the obligations of charter schools and their authorizers. The State Board of Education recognizes that providing flexibility and autonomy in exchange for innovation, educational reform and high accountability is a key component of the Charter School concept.

PURPOSE:

Consistent with the intent of federal legislation and the Maryland Charter School Program law, this State Board declares that the purposes of the State's public charter schools are to:

- Allow, through chartering, freedom and flexibility in exchange for exceptional levels of results-driven accountability;
- Improve student learning by creating high-quality public schools with high standards for student performance;
- Increase high-quality educational opportunities within the public education system for all Maryland students and their families;
- Provide parents, community members, and other non-profit entities with expanded opportunities for involvement in the design, development and management of public school models within the public education system.

I. To achieve these purposes, the State Board encourages each County Board to:

- A. Adopt charter school policies and regulations acknowledging the purpose of charter schools and what differentiates them from other public schools. These policies will express a commitment to providing increased flexibilities which will enable charter schools to implement innovations in exchange for higher levels of accountability;
- B. Adopt charter school policies that include guidelines related to the application process, the process of performance contracting, the process for how charter school operators will be informed of requirements pertaining to children with disabilities, and how commensurate funds will be disbursed to charter schools;
- C. Provide flexibility when applying the school system procedures to the charter school, particularly those that could impede or alter a charter school's ability to design and implement innovative practices in school operations, educational program and school governance and address those flexibilities in the performance contracting process;

- D. Negotiate flexibilities in collective bargaining agreements that allow implementation of charter school innovations;
- E. Provide transparency in the application process by posting their most recent application, along with the description of their review process and assessment rubric on their website thereby making it available to charter school developers and the public;
- F. Adopt and implement a performance contract that contains the following:
 - 1. Roles and responsibilities of both parties (County Board and Charter School Operator),
 - a. performance standards that the charter school must meet or exceed,
 - b. an evaluation process of public charter schools that includes the use of financial, program and compliance audits,
 - 2. A renewal and revocation process,
 - 3. Descriptions of waivers and flexibilities provided to the charter school.

II. To achieve the purposes set forth here, the State Board encourages charter schools to:

- A. Commit to high levels of accountability that include:
 - 1. increased academic growth for all students; and
 - 2. effective school operations.
- B. Create new professional opportunities for teachers, school administrators, and other school personnel that allows them to actively participate in the development of their schools;
- C. Encourage the use of innovative, high-quality models of effective teaching, governing, scheduling, or other aspects of schooling that meet a variety of student needs;
- D. Engage the school community in the development of programs and provide opportunities for involvement through active participation and partnerships;
- E. Support the replication of successful public charter schools.

III. To achieve the purposes set forth here, the State Board directs MSDE to:

- A. Provide training to County School Boards, Superintendents, Local School System Charter School Liaisons, and Charter School Developers, Operators, Governing Boards and Leaders to ensure an understanding of how to implement the Maryland Charter School Law and this policy to achieve the purpose and intent of the Charter School Program goals;
- B. Provide technical assistance in problem solving issues that may impede the implementation of this policy; and
- C. Assist MSDE staff in understanding the unique nature of charter schools in the public education system in Maryland and ensure that these differences are recognized and taken into consideration in the development and design of program procedures and initiatives.