



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506
Procedure No.
September 1, 2016
Date

I. **PURPOSE:** To identify procedures for the request, receipt, evaluation, negotiation and award of applications to implement and operate a Public Charter School in Prince George’s County.

II. **DEFINITIONS:**

“Public Charter School” means a public school that has all of the following characteristics:

- A. Is nonsectarian in all its programs, policies, and operations;
- B. Is a school to which parents choose to send their children;
- C. Except as provided in §§ 9-102.1, 9-102.2, and 9-102.3 of the Education Article, 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;
- D. Is a newly established public school or a conversion of an existing public school;
- E. Provides a program of elementary or secondary education or both;
- F. Operates in pursuit of a specific set of educational objectives;
- G. Is tuition-free for all students who are eligible to attend any other Prince George’s County public school tuition-free;
- H. Is subject to federal and state laws prohibiting discrimination;
- I. Is in compliance with all applicable health and safety laws;
- J. Is in compliance with § 9-107 of the Education Article;
- K. 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 §§ 9-104.1 and 9-106 of the Education Article, the provisions of law and regulation governing other public schools;
- L. Requires students to be physically present on school premises for a period of time substantially similar to that which other Prince



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506
Procedure No.
September 1, 2016
Date

George’s County Public Schools students are required to spend on school premises; and

- M. Is created in accordance with state law and regulations, and is under the control of the Board of Education of Prince George’s County.

III. **BACKGROUND:**

During the 2003 and 2015 Sessions of the General Assembly, the legislature enacted the Maryland Public Charter School Act and the Public Charter School Improvement Act, respectively.. The purpose of the program is to establish an alternative means within the existing public school system to provide innovative learning opportunities and creative educational approaches to improve the education of students. Pursuant to Board of Education Policy 3506, the Board of Education directed the Chief Executive Officer to develop and implement an administrative procedure governing Public Charter Schools in Prince George’s County.

IV. **PROCEDURES:**

A. Charter School Application

1. An eligible applicant shall submit a letter of intent to apply to operate a Public Charter School in Prince George’s County. The applicant may contact the Charter School Office for application timeline and additional requirements at: www1.pgcps.org/charters.

2. A charter school application shall include:

- a. A plan to provide a rigorous program of instruction that includes an equivalent method for satisfying any requirements from which the Public Charter School Operator intends to seek a waiver under Section IV.C.3. of this procedure.

- b. A description of how a weighted lottery or the provision of guaranteed placement, if any, will be implemented under Administrative Procedure 3506.1.

3. The Charter School applicant shall complete the application in its entirety.



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506

Procedure No.

September 1, 2016

Date

- B. Eligible Charter School Application for Expanded Authority
1. “Eligible Public Charter School” under this section means a school that has been in existence for at least five (5) years and demonstrates to the Board of Education a history of :
 - a. Sound fiscal management; and
 - b. Student achievement that exceeds the average in Prince George’s County on statewide assessments and other measures developed by the State Board of Education.
 2. An Eligible Public Charter School may submit to the Board of Education an application for renewal of an existing charter contract, or an application for an addendum to an existing charter contract, that seeks exemptions from:
 - a. Textbook, instructional program, curriculum, professional development, and scheduling requirements;
 - b. A requirement to establish a school improvement plan, except for Title I schools;
 - c. A requirement to provide school activity fund disclosure statements, except for schools with a school activity fund; and
 - d. Class size or staffing ratios, except for prekindergarten classes.
 3. The application shall include a plan to provide a rigorous program of instruction that includes an equivalent method for satisfying any requirements from which the Eligible Public Charter School seeks a waiver. The Eligible Public Charter School and the Board of Education must mutually agree to an alternative means by which the Eligible Public Charter School will satisfy the intent of the Board’s Policies or Administrative Procedures from which the school seeks exemption.
 4. An Eligible Public Charter School may not submit an application under this Section more than one time during the duration of an existing charter contract.



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506
Procedure No.
September 1, 2016
Date

5. If the Eligible Public Charter School’s application is granted, the school:
 - a. Will not be assigned a principal without the written consent of the school’s Operator;
 - b. May have a staff member assigned or transferred to fill a vacancy, if the staff member expresses in writing a desire 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 there. Any transfer under this subsection shall take place as designated in the applicable negotiated agreement of the local bargaining unit for school system employees.
6. If the Board of Education determines that a Public Charter School is not an Eligible Public Charter School under this Section, the Public Charter School may appeal the decision to the State Board of Education in accordance with Education Article §4-205(c).

C. Charter School Approval

1. The Chief Executive Officer shall identify and recommend applications to the Board of Education for consideration to implement and operate a Public Charter School.
2. The Board of Education shall approve or reject all Charter Agreements recommended for consideration by the Chief Executive Officer.
3. The Board of Education may approve an application to operate a Public Charter School on a contingent basis if additional time is needed to determine:
 - a. the Charter School applicant’s ability to meet any timelines established by the Board of Education for securing a facility; or
 - b. final approval by the Board of Education



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506
Procedure No.
September 1, 2016
Date

regarding the suitability of the facility secured by the Charter School applicant.

- 4. If an application includes a description of the implementation of a weighted lottery that gives priority to students in a specific geographic attendance area, the Board of Education may approve or reject this provision separately from the application as a whole. The Board of Education’s decision is final and may not be appealed to the State Board of Education.
- 5. A Charter School applicant may appeal the Board of Education’s denial of an application to establish a Public Charter School to the State Board of Education in accordance with Education Article §4- 205(c),

D. General Public Charter School Requirements

- 1. A Public Charter School operating in Prince George’s County is under the control of the Board of Education of Prince George’s County.
- 2. A Public Charter School is subject to any federal, state, and local policies, regulations and statutes that affect traditional elementary and secondary public schools unless certain policies, procedures or regulations are waived in writing by the Board of Education of Prince George’s County or the State Board of Education.

3. Waivers

- a. Consistent with State law, waivers are prohibited in the following areas:
 - i. Audit requirements.
 - ii. 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.
 - iii. The health, safety, or civil rights of



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506

Procedure No.

September 1, 2016

Date

a student or an employee of the
Public Charter School.

- b. A Public Charter School may seek a waiver from policies enacted by the Board of Education or administrative procedures promulgated by the Chief Executive Officer. Any waiver request must identify the policy or administrative procedure title and number, justification for the request, and proposed alternative means of addressing the intent of the policy or administrative procedure. Any approved waiver is for the term of the current charter contract.
 - c. If the waiver request is denied, the Board of Education or Chief Executive Officer, as appropriate, shall provide the Public Charter School the reason for the denial in writing.
4. A Public Charter School shall meet current accountability provisions of local education authorities and state regulations and statutes. The Public Charter School must provide documentation to the Board of Education of Prince George's County regarding fiscal accountability and academic performance on recognized measures as agreed upon in the Charter Agreement.
 5. The Public Charter School shall comply with the Maryland School Assessment Program.
 6. A Public Charter School shall operate as approved under the Charter Agreement.
 7. The length of the charter agreement shall be as provided in the agreement and approved by the Board of Education.
 8. A Public Charter School application shall be submitted to the Chief Executive Officer or his/her designee for review and evaluation. The Chief Executive Officer may recommend the Public Charter School application to the Board of Education for consideration.
- E. Qualified Charter Applicants



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506
Procedure No.
September 1, 2016
Date

1. Public Charter School applications to convert from an existing public school to a Charter School may be submitted by:
 - a. The staff of a public school,
 - b. A parent or guardian of a student who attends a public school in Prince George’s County,
 - c. A nonsectarian nonprofit entity,
 - d. A nonsectarian institution of higher education in the state; or
 - e. Any combination of persons specified in items (a) through (d) of this paragraph. At least seventy-five percent (75%) of the school community (parents and staff) must support conversion to a charter school.
 2. Public Charter School applications for a newly established school may be submitted by:
 - a. The staff of a public school,
 - b. A parent or guardian of a student who attends a public school,
 - c. A nonsectarian nonprofit entity,
 - d. A nonsectarian institution of higher education in the state;
 - e. Any combination of persons specified in items (a) through (d) of this paragraph.
 3. The following entities may not be granted charters: private schools, parochial schools, home schools, or schools that operate fully online.
 4. The qualified applicant is responsible for the completion of the application and compliance with all laws, regulations, policies and procedures.
 5. Public Charter Schools report to the Board of Education of Prince George’s County from which its Charter Agreement is granted.
- F. Public Charter School Funding
1. There are no specific local funds available for ‘start-up’ costs associated with developing a Public Charter School. Start-up costs include acquisition of educational materials, supplies, furniture, and other equipment and non-teaching personnel



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506
Procedure No.
September 1, 2016
Date

costs that are associated with start-up of a new facility. The Public Charter School is responsible for securing the resources needed to fund such start-up costs in the initial year and each year thereafter.

2. The Prince George’s County Public Schools will provide to Public Charter Schools an amount of county, state and federal money that is commensurate with the amount provided to other public schools in Prince George’s County for ongoing classroom operations. Resources/funding levels may be modified as determined appropriate based on the approved Charter School programs and operations.
3. Prince George’s County Public Schools may also provide surplus educational materials, supplies, furniture and other equipment to a public charter school.
4. Public Charter Schools are public schools and may not charge tuition to residents of Prince George’s County. Prince George’s County Public Schools shall charge tuition to out-of-district students as per existing policy and regulations.

G. Student Enrollment

1. A Public Charter School is open to all students on a space available basis, with the exception of weighted lotteries and guaranteed placements provided under this procedure and Administrative Procedure 3506.1. No other criteria for acceptance into the Public Charter School shall be established.
2. Prior to accepting students, PGCPS shall establish an open enrollment period.
3. Unless a waiver is granted, a Public Charter School prior to accepting students shall follow the lottery system established by PGCPS, to be implemented in the event that the number of student applicants exceeds the number of students approved in the applicant’s enrollment. PGCPS reserves the right to oversee implementation of the lottery.
4. Public Charter School must fulfill the responsibilities related to children with disabilities. Public Charter Schools are open to all students on a non-discriminatory basis.
5. Public Charter Schools provide education to students through a program of elementary or secondary education, or both.
6. Public Charter Schools may offer extra-curricular and supplemental services as described in the educational program of the Charter Agreement.



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506
Procedure No.
September 1, 2016
Date

7. Transportation services may be an appropriate related service to students with disabilities under the Individuals with Disabilities Education Act (IDEA).

H. Costs

1. Beginning with the 2016-2017 school year, a Public Charter School must publish on its website a list of the estimated or actual costs required as part of the educational program, including, but not limited to:
 - a. Equipment, uniforms, supplies, technology and related expenses;
 - b. Transportation, if provided at a cost to families;
 - c. Before and after care, if provided at a cost to families; and
 - d. Other optional costs for extracurricular activities, such as arts, music and athletics.
2. The cost information must be posted or updated on the website by September 1 annually.

I. Technology

1. A public charter school shall provide a level of technology at least equal to that of the schools within the Prince George's County public school system.
2. A public charter school shall utilize existing PGCPS technologies for payroll, procurement/fixed asset management and student record keeping. In order to access these technologies, a Public Charter School shall become part of the PGCPS Wide Area Network (WAN) and the PGCPS domain.

J. Public Charter School Facilities

1. Public Charter School buildings must meet all federal, state and local facility, health and safety standards.
2. The building must be appropriate for the educational program being offered and must be accessible in accordance with the Americans with Disabilities Act (ADA).
3. If the Board of Education determines that a school site or building is no longer needed for school purposes, the Board shall inform all Public Charter Schools that the school site or



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506
Procedure No.
September 1, 2016
Date

building is available for occupation and use by a public charter school on terms determined by the Board.

- a. The Board shall establish a process to determine which public charter school may occupy and use an available site or building if more than one public charter school notifies the Board of an interest in utilizing the space.
- b. The Board may consider the utilization rate of surrounding school sites and buildings when authorizing a Public Charter School to occupy a school site or building.
- c. A Public Charter School that occupies or uses a school site or building under this section may not sell, dispose of, or otherwise transfer the school site or building.

K. Employees of a Public Charter School

- 1. Employees of a Public Charter School are employees of the Board of Education.
- 2. The terms and conditions of a negotiated agreement cover employees of a Public Charter School. If the Public Charter School operator desires a waiver or an amendment to negotiated benefits or working conditions for assigned staff, it must be negotiated through an agreement with the appropriate bargaining unit and approved by the Board of Education.
- 3. The professional staff of a Public Charter School must hold the appropriate Maryland certification.
- 4. All staff in Public Charter Schools must meet required state and local background checks.
- 5. Employees of a Public Charter School may be offered professional development services commensurate with other school employees unless otherwise indicated in the Charter Agreement.

L. Evaluation of Public Charter Schools

- 1. The Public Charter School shall be evaluated annually based on student achievement, established goals/objectives, fiscal management, and other criteria pursuant to its approved application



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506
Procedure No.
September 1, 2016
Date

and the terms and conditions of its charter.

2. The Public Charter School shall provide regular progress reports, as determined appropriate by the Chief Executive Officer, but at least annually, on student achievement, fiscal management, and other criteria pursuant to its approved application and the terms and conditions of its charter.

M. Revocation of a Charter

1. The Board of Education of Prince George’s County may place a Public Charter School on probationary status to allow the implementation of a remedial plan (including an acceptable timeline), pending a decision to revoke the school's charter.
2. The Board of Education of Prince George’s County may revoke a Public Charter School for one or more of the following reasons:
 - a. The Public Charter School has breached the charter contract.
 - b. The school has not fulfilled a condition imposed by the Board of Education in connection with the granting of the charter.
 - c. The school has failed to comply with the charter or provisions of federal, state, or local law.
 - d. The fiscal condition of the school is substantially deficient.
 - e. The academic achievement of the school is substantially deficient.
 - f. The facility can no longer support the needs of the educational program.
 - g. The continuation of the operation of the Public Charter School is contrary to the best interest of the public or the students of Prince George’s County Public Schools.
3. Upon revocation, personnel and students shall be reassigned pursuant to Board of Education of Prince George’s County policy, procedures, and negotiated agreements.
4. Upon revocation, resources provided by the school system shall remain under the control of the Board of Education of Prince George’s County, which reserves the right to implement control and operation of the Public Charter School on an immediate basis upon revocation.



ADMINISTRATIVE PROCEDURE

PUBLIC CHARTER SCHOOLS

3506
Procedure No.
September 1, 2016
Date

N. Reporting Requirements

1. The Public Charter School shall provide a written annual report to the Board of Education of Prince George’s County and Office of Charter and Contract School Support including:
 - a. Fiscal accountability,
 - b. Student performance,
 - c. Annual roster of governing board members, board training(s) and meeting dates,
 - d. Affidavits of Disclosures, Ethics and Conflict of Interest Statements of each board member; and
 - e. Any other matter required pursuant to the charter.
2. The Public Charter School shall comply with and provide information required to comply with financial, programmatic, or compliance audits consistent with federal, state, and local laws and procedures.
3. The Public Charter School shall be prepared to respond to all requests for written/oral reports.

V. **LEGAL AUTHORITY**: Maryland Code, Education Article, Title 9 – Maryland Public Charter School Program.

VI. **RELATED PROCEDURES**: Administrative Procedure 3506.1, Public Charter Schools – Lottery Process

VII. **MAINTENANCE AND UPDATE OF THESE PROCEDURES**: This Administrative Procedure originates with the Office of Charter and Contract School Support and will be updated, as needed.

VIII. **CANCELLATIONS AND SUPERSEDES**: This Administrative Procedure cancels and supersedes Administrative Procedure 3506, dated July 1, 2006.

IX. **EFFECTIVE DATE**: September 1, 2016.

Distribution: Lists 1, 2, 3, 4, 5, 6, 10, and 11