

Maine Charter School Commission

Request for Proposal and Charter School Application
FOR SCHOOL OPENING 2017

Question and Answer

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Clarifying Question RFP 2017

Residential Set-up

Q. What happens if a student is asked to leave and re-enter the following year?

Answer:

A student cannot be asked to leave. If a student were expelled the school would follow the procedure outlined in 20A §1001 8-A, 9-A, 9-B, 9-C, 9D

“8-A. Due process standards for expulsion proceedings. Following a proper investigation of a student's behavior, a school board that intends to consider expulsion shall ensure proceedings include the following due process provisions. A. Before a hearing on the expulsion, the superintendent shall: (1) Provide written notice to the parents and the student of: (a) The date, time and location of the hearing; (b) A description of the incident or incidents that occasioned the expulsion hearing; (c) The student's and parents' right to review the school records prior to the hearing; (d) A description of the hearing process; and (e) An explanation of the consequences of an expulsion; and (2) Invite the parents and student to a meeting prior to the expulsion hearing to discuss the procedures of the hearing.

9-A. Students expelled or suspended under the requirements of the federal Gun-Free Schools Act. The school boards shall adopt a policy for expelling a student who is determined to have brought a firearm, as defined in 18 United States Code, Section 921, to school or to have possessed a firearm at school and for referring the matter to the appropriate local law enforcement agency. A. A student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection must be expelled from school for a period of not less than one year, except that the school board may authorize the superintendent to modify the requirement for expulsion of a student on a case-by-case basis. A decision to change the placement of a student with a disability must be made in accordance with the federal Individuals With Disabilities Education Act, 20 United States Code, Section 1400 et seq. [2009, c. 614, §1 (AMD).] B. Nothing in this subsection prevents a school board from: (1) Offering instructional activities related to firearms or from allowing a firearm to be brought to school for instructional activities sanctioned by the school board and for which the school board has adopted appropriate safeguards to ensure student safety; or (2) Providing educational services in an alternative setting to a student who has been expelled. [2009, c. 614, §1 (AMD).] C. In accordance with the proper investigation and due process provisions required in subsection 9, a principal may suspend

immediately for good cause a student who is determined to have brought a firearm to school or to have possessed a firearm at school under this subsection. [2009, c. 614, §1 (AMD).] [2009, c. 614, §1 (AMD) .] 9-B. Disciplinary sanctions for children with disabilities. They retain the authority to sanction a child with a disability as defined in section 7001, subsection 1-A for misconduct that violates school rules. Notwithstanding the duties of school administrative units as described in section 7202, the school board may authorize the superintendent, principal or assistant principal to enforce this subsection by allowing the superintendent, principal or assistant principal to suspend a child with a disability up to a maximum of 10 days individually or cumulatively for infractions of school rules. When a child with a disability is suspended for 10 days or less individually or cumulatively within a school year for a violation of school rules, the school board is not required to provide a tutor, transportation or any other aspect of the student's special education program. Discipline of children with disabilities must be consistent with the requirements of the federal Individuals with Disabilities Education Act, 20 United States Code, Section 1415(k). [2005, c. 662, Pt. A, §6 (AMD) .] 9-C. Reentry for students after expulsion. Upon making a decision to expel a student in accordance with procedures set forth in subsections 8-A and 9, a school board may exercise one of the following options in expelling a student: A. The school board may expel the student for a specific period of time not to exceed the total number of instructional days approved by the school board for the current school year; or [2011, c. 614, §5 (NEW).] B. The school board may expel the student for an unspecified period of time and authorize the superintendent to provide the expelled student with a reentry plan that specifies the conditions that must be met in order for the student to be readmitted to school after the expulsion. If a school board authorizes the superintendent to provide the expelled student with a reentry plan, the school board shall ensure that the student who has been expelled is provided with a reentry plan in accordance with this paragraph. (1) The reentry plan must be developed by the superintendent or the superintendent's designee in consultation with the student and the student's parents to provide guidance that helps the student understand what the student must do to establish satisfactory evidence that the behavior that resulted in the expulsion will not likely recur. (2) The superintendent or the superintendent's designee shall send a certified letter, return receipt requested, or hand deliver a letter to the parents of the expelled student giving notice of the date, time and location of a meeting to develop a reentry plan for the student. (3) If the student and the student's parents do not attend the meeting under subparagraph (2), the reentry plan must be developed by school staff. (4) The reentry plan must be provided to the parents and the student in writing. (5) The superintendent shall designate a school employee to review the student's progress with the reentry plan at intervals of one month, 3 months and 6 months after the meeting and at other times as determined necessary by the designated school employee. (6) The reentry plan may require the student to take reasonable measures determined by the superintendent to be helpful to establish the student's readiness to return to school. Professional services determined to be necessary by the superintendent must be provided at the expense of the student and the student's parents. (7) The superintendent may, as appropriate, notify an individualized education program team for a child with a disability who has been expelled by a school board. (8) The superintendent shall annually report data on the number of students who are expelled from school and the number of students who are readmitted to school after expulsion to the commissioner's consultant on truancy, dropouts and alternative education under section 5151. [2011, c. 614, §5 (NEW).] [2011, c. 614, §5 (NEW) .] 9-D. Professional services after expulsion for a child with a disability. Nothing in subsection 9- C may be interpreted to require payment from the parents of an expelled student for professional services determined by the superintendent to be necessary to establish the

student's readiness to return to school if: A. The student is a child with a disability who has been determined to be eligible for a free, appropriate public education in accordance with 34 Code of Federal Regulations, Section 300.530, Paragraph (d); or [2011, c. 614, §6 (NEW).] B. The school administrative unit did not have knowledge that the student was a child with a disability prior to taking disciplinary measures against the student and, based on a subsequent evaluation, the student is determined to be a child with a disability who is eligible for a free, appropriate public education in accordance with 34 Code of Federal Regulations, Section 300.534, Paragraph (d). [2011, c. 614, §6 (NEW).]”

For Reenrollment the school will follow 20-A Ch. 112 §2404

“1. Eligibility. Any student residing in the State is eligible to apply to a public charter school.

[2011, c. 414, §5 (NEW) .]

2. Enrollment. A public charter school shall enroll students in accordance with this subsection.

A. Public charter school organizers shall include all segments of the populations served by the existing noncharter public schools in their area in their recruitment efforts. [2011, c. 414, §5 (NEW).]

B. A public charter school shall enroll all students who wish to attend the school, unless the number of students exceeds the enrollment capacity of a program, class, grade level or building. [2011, c. 414, §5 (NEW).]

C. Except as provided in paragraphs H and I, if capacity is insufficient to enroll all students who wish to attend the school, the public charter school shall select students through a random selection process. A list maintained to fill potential vacancies may be carried over to the succeeding year. [2011, c. 414, §5 (NEW).]

D. For a school administrative unit with an enrollment of 500 or fewer students, a public charter school, unless authorized by a school administrative unit, may not enroll more than 5% of a school administrative unit's noncharter public school students per grade level in each of the first 3 years of the public charter school's operation. [2011, c. 414, §5 (NEW).]

E. For a school administrative unit with an enrollment of more than 500 students, a public charter school, unless authorized by a school administrative unit, may not enroll more than 10% of a school administrative unit's noncharter public school students per grade level in each of the first 3 years of the public charter school's operation. [2011, c. 414, §5 (NEW).]

F. A public charter school may limit enrollment to pupils within a given age group or grade level and may be organized around a special emphasis, theme or concept as stated in the school's application for a charter contract pursuant to section 2407. [2011, c. 414, §5 (NEW).]

G. Any noncharter public school converting partially or entirely to a public charter school shall adopt and maintain a policy that gives enrollment preference to pupils who reside within the former attendance area of that noncharter public school. [2011, c. 414, §5 (NEW).]

H. A public charter school shall give enrollment preference to pupils enrolled in the public charter school the previous school year and to siblings of pupils already enrolled in the public charter school. [2011, c. 414, §5 (NEW).]

I. A public charter school may give enrollment preference to children of a public charter school's founders, governing board members and full-time employees, as long as they constitute no more than 10% of the school's total student population. [2011, c. 414, §5 (NEW).]

J. A public charter school may enroll students from outside the State if space is available. [2011, c. 414, §5 (NEW).]
[2011, c. 414, §5 (NEW) .]

3. Discrimination prohibited. A public charter school may not discriminate on the basis of race, ethnicity, national origin, religion, gender, sexual orientation, income level, disabling condition, proficiency in the English language or academic or athletic ability, except that nothing in this subsection may be construed to limit the formation of a public charter school that is dedicated to focusing education services on at-risk pupils, students with disabilities and students who pose such severe disciplinary problems that they warrant a specific education program.”

and Maine DOE Rule Chapter 140 §3.2

- A. “Declaration of student intent. A charter school shall require a written declaration of intent to enroll in the charter school in the upcoming school year from each student who wishes to enroll in the charter school, including students who have an enrollment preference. The written declaration must be signed by the student’s parent, guardian or legal guardian and submitted to the charter school within the deadline established by the charter school. The charter school must set the deadline so that sufficient time is allowed to conduct a lottery within the time frame set forth in this rule if the number of declarations of intent to enroll exceeds the number of seats available in a grade, level or division of the charter school. The declaration of student intent may request only such information as is needed to determine which grade, level or division of the school the student wishes to enter, whether the student is eligible for a preference, and the identity of the student’s resident school administrative unit (SAU).
- B. **Enrollment commitments when declarations do not exceed openings.** If the number of students submitting declarations of intent by the submission deadline is smaller than the number of openings in any grade, level or division of the school, the charter school shall notify each student and his or her parent, guardian or legal guardian of the right to enroll in the upcoming school year, and shall seek a written commitment to enroll signed by the student and the parent, guardian or legal guardian. The charter school may enroll students to fill remaining openings, on a rolling basis or by other means specified in the charter application or contract, once all students who filed a declaration of intent prior to the deadline have been offered the opportunity to enroll or commit to enroll.
- C. **Random selection process.** If the number of students submitting a declaration of intent to enroll exceeds the number of openings in a school, grade, level or division, the charter school must notify students with preferences of their right to enroll and then shall conduct a random selection process to fill remaining openings.
- (1) The selection process must be conducted not later than April 1st, unless the authorizer, for compelling reasons, sets a different date. For purposes of this section, the term “compelling reasons” includes, but is not limited to, the need for a date later than April 1st in the first year of implementation of the charter school law and the need for

flexibility for at-risk students and their families. Any date set by an authorizer under this subparagraph (1) must be designed to ensure that students will have an equal opportunity to seek enrollment in the school and that information is provided to each student's resident SAU in as timely a manner as possible.

- (2) The selection must be conducted in public and must be designed to ensure that each student has an equal chance of being selected for enrollment. If the process is a lottery involving drawing of names or other objects to make a selection, a disinterested party must perform the drawing of names or objects.
- (3) Reasonable public notice must be given at least one week prior to the lottery or other selection process.
- (4) The names of students and the order in which they were selected must be recorded. All names must be placed in the order of selection, and any names that exceed the enrollment limit for a grade, level or division of the charter school must be placed on a waiting list for that grade, level or division. The charter school shall use eligible students on the waiting list to fill any openings that occur in the grade, level or division during the school year for which names were selected. If all students on the waiting list have been offered enrollment, the charter school may enroll students on a rolling basis, or such other basis as may be set forth in the charter application or charter contract.
- (5) If the number of students selected for enrollment from any school administrative unit exceeds the applicable 5% or 10% limit set forth in Title 20-A, section 2404, subsection 2, paragraphs D and E, the excess names must be moved from the enrollment list to the top of the waiting list, in the order selected. If an opening occurs after the initial selection process, a student placed on a waiting list under this subparagraph may be selected for enrollment from the waiting list only if the student's enrollment is within the 5% or 10% limit; otherwise, the student's name remains on the waiting list. For purposes of the 5% and 10% limits, the charter school shall use enrollment figures for a school administrative unit (SAU) as determined by the most recent October subsidizable pupil count, excluding students who are attending any charter school on the date of the October pupil count.

- D. **Commitment to enroll.** Within 14 days of being notified of the right to enroll in a charter school, each student must submit to the charter school a written form committing to enroll in the charter school in the upcoming school year, signed by the student's parent, guardian or legal guardian. The commitment to enroll form must authorize the resident SAU to release to the charter school the student's unique identifier number in the state's student information system.
- E. **Student information form.** After a student files a commitment to enroll form, a charter school may require the student to complete a form to gather information about a student's interests, abilities and experiences. Information on the form may be used in discussions with a student or parent regarding enrollment in the charter school, but may not be used to prevent or discourage a student from enrolling. A charter school may encourage potential enrollees or their parents to attend informational meetings or interviews, but may not require such attendance as a condition of enrollment or continued enrollment. A charter school may not condition enrollment on the results of any test of ability or achievement."