

**CONTRACT BETWEEN THE
DISTRICT OF COLUMBIA BOARD OF EDUCATION
AND THE TRUSTEES OF THE
MARY MCLEOD BETHUNE DAY ACADEMY PUBLIC CHARTER SCHOOL**

The District of Columbia Board of Education (Board) herewith grants a charter for the establishment of the Mary McLeod Bethune Day Academy Public Charter School (School), effective January 21, 2004. Such charter shall remain in force for a period of fifteen years through June 30, 2019, pursuant to the D. C. School Reform Act of 1995, as amended (School Reform Act), and pending availability of funding, unless revoked by the Board pursuant to provisions of the School Reform Act. Such charter may be renewed by the Board upon submission of an appropriate application for renewal by the Board of Trustees (Trustees) of the School and appropriate review and action by the Board, pursuant to Section 2212 of the School Reform Act. The Board shall review the School once every 5 years, beginning on the date that is 5 years after the date on which the charter is granted or renewed, to determine whether the charter should be revoked for the reasons described in Section 2213(a)(1)(B) in accordance with the procedures for such revocation established under Section 2213(c) of the School Reform Act.

The contract and the approved application for the School, properly amended and submitted as required by the Board, shall constitute a legal and binding agreement between the Trustees and the Board.

SECTION I: GENERAL

- A. The School shall comply with all terms and provisions of its charter and subsequent amendments approved by the Board, provisions of the School Reform Act, and pertinent federal and District statutes.
- B. Should the School seek to revise its charter, the School shall prepare a petition for approval of the revision(s) and submit the petition to the Board. The provisions of the School Reform Act, Section 2203 (c)(10) shall apply to such a petition for revision(s) in the same manner as such provisions apply to a petition to establish a public charter school.
- C. Should the School determine the need to make a material change in the terms of the charter, the Trustees shall prepare a petition for approval of a revision and submit the petition to the Board as outlined in B above.
- D. Reports submitted to the Board shall be approved by the Trustees and shall bear the signature of the Chairperson of the Trustees.

SECTION II: FOCUS OF THE MARY MCLEOD BETHUNE PUBLIC CHARTER SCHOOL

The mission of the Mary McLeod Bethune Public Charter School is to provide pre-kindergarten through 8th grade students with a challenging academic program in a supportive learning environment to prepare them for academic success and positive social development. The curriculum will be standards based as required by the District of Columbia Board of Education. Positive experiences will be provided in which every child gains a sense of accomplishment regardless of his/her background. The purpose of education at Mary McLeod Bethune Day Academy Public Charter School is to provide students with learning experiences which lead to basic academic skill development, understanding, and techniques necessary for them to become productive members of our society. A special program focus will be a half-day language immersion program for primary grade students in Pre-kindergarten and first and second grade students.

- A. The School will enroll up to the following number of students in the indicated grades as approved by the Board. The School understands that should the enrollment exceed the approved number, without Board approval of a revision of the School's charter, the School shall not expect to receive funds for the education of students above the approved enrollment number.

Pre-School to Eighth Grade

Year 1	PreK, K, 1, 2,3,4	SY 2004-2005	124 Students
Year 2	PreK, K, 1, 2 ,3, 4 ,5	SY 2005-2006	166 Students
Year 3	PreK, K, 1, 2, 3, 4, 5, 6	SY 2006-2007	208 Students
Year 4	PreK, K, 1, 2, 3, 4 , 5,6, 7	SY 2007-2008	270 Students
Year 5	PreK, K, 1, 2, 3, 4, 5, 6, 7, 8	SY 2008-2009	314 Students

- B. The Mary McLeod Bethune Day Academy Public Charter School will serve 500 students by the end of year five in grades pre-kindergarten through eight. The first year school membership will be 120 students and each consecutive year the school will enroll an additional 95 students, and by the end of the fifth year the school will have a total of 500 students.

SECTION III: BOARD OF TRUSTEES

- A. The School shall be governed by a Board of Trustees in a manner consistent with the School Reform Act and provisions of the charter. (School Reform Act, Section 2204(c)(6).
- B. The Trustees of the School shall be established pursuant to Section 2205 of the School Reform Act. The first (interim Board of Trustees has been established and shall exercise all the powers and shall be subject to all of the duties of a Board of Trustees.

Interim Board of Trustees

Rita Epps
Linda Cole McKay
Rose Pope
Alice Williams
Pamela Cole
Valerie Smith

- C. The Trustees shall be elected or selected pursuant to Section 2205 of the School Reform Act on the earliest practicable date, but not later than 30 days after classes at the School have commenced.
- D. The Trustees shall be fiduciaries of the School and shall set overall policy for the School. The Trustees may make final decisions on matters related to the operation of the School consistent with its charter, the School Reform Act, and other applicable laws.

- E. The Trustees are held accountable, as fiduciaries of the School, to and by the Board of Education for ensuring that the School provides a sound educational program, ensures the health and safety of students, employees, and guests of the School, and adheres to all provisions of its charter and pertinent District and federal regulations.
- F. The Trustees shall ensure that their fiduciary responsibilities are not compromised by the appointment of Trustees to salaried positions in the School, the roles and functions of which may contribute to a conflict of interest. Exceptions may be in the election/selection of a teacher/staff representative to serve as a Trustee and/or the Executive Director who shall be a non-voting member.
- G. The Trustees recognize the Board as the eligible chartering authority with legal responsibility for:
 - 1. monitoring the operations of the School;
 - 2. ensuring that the School complies with applicable laws and the provisions of its charter; and
 - 3. monitoring the progress of the School in meeting student academic achievement expectations specified in the charter.
- H. The Board as the eligible chartering authority may require the School to produce any book, record, paper, or document, if the Board determines that such production is necessary for the Board to carry out its functions under the School Reform Act.
- I. The name, address, telephone number and a resume of each member of the Trustees shall be submitted to the Board within five days of establishment of the Trustees, and such information shall be updated within five days of any change in the membership of the Trustees or in the directory information.

SECTION IV: ARTICLES OF INCORPORATION

The Trustees have filed with the District of Columbia Government the Articles of Incorporation of the Mary McLeod Bethune Day Public Charter School. The Certificate of Incorporation was issued on October 29, 2004.

A public charter school shall be nonsectarian and shall not be affiliated with a sectarian school or religious institution. A public charter school shall be organized under the District of Columbia Nonprofit Act (D. C. Code, Sec. 29-501 et. seq.). (School Reform Act, Section 2204(c)(15) and (16)).

The incorporators of the Mary McLeod Bethune Day Public Charter School are:

Incorporators

Linda McKay
Pamela Cole
Azura Mason

The registered agent is:

Registered Agent

Brenda Walker

SECTION V: EDUCATIONAL PROGRAM

- A. The School shall implement an educational program that provides students with the knowledge, proficiency, and skills needed to become nationally and internationally competitive students and educated individuals in the 21st century; and to perform competitively on any District-wide assessments. (School Reform Act, Section 2203(3)).
- B. Not later than August 31, 2004, the School shall submit the content and performance standards by grade level/instructional level for student achievement and advancement. The School's comprehensive curricula shall be available for Board review not later than August 31, 2004.
- C. The School shall monitor and report student progress on at least a quarterly basis and shall provide the necessary services to support students' academic success and overall development.
- D. The School shall achieve both the academic and nonacademic goals outlined in its charter.
- E. The School, for the purposes of Part B of the Individuals With Disabilities Act (IDEA) and the Rehabilitation Act of 1973, has elected to be treated as a Local Education Agency and shall ensure the full delivery of special education and related services in accordance with each identified student's Individualized Education Plan (IEP).
- F. The school shall develop and submit to the Board, not later than July 31, 2004 a plan for the delivery of special education services from point of referral and assessment through the delivery of special education and related services.

SECTION VI: STUDENT ASSESSMENT

- A. Students enrolled in the School shall, to the extent possible, participate in any District-wide assessments (such as the Stanford 9 Achievement test or other standardized test(s)) administered by the District of Columbia Public School System.
- B. The District-wide assessments shall be administered, at a minimum, on the grade levels which the Superintendent of the D.C. Public Schools establishes promotion gates.
- C. The school shall administer the District-wide assessments in a manner and during a time frame that permits comparisons between individual District of Columbia public schools and public charter schools; and individual students attending such schools. Inasmuch as the spring administration of the D. C. Public School System's standardized assessment (currently Stanford 9) is a secured assessment, the School agrees to participate with the public school system in the administration of such.
- D. Not later than July 31, 2004, the school shall submit a description of the manner in which the School will conduct any District-wide assessments.

SECTION VII: TUITION, FEES AND PAYMENTS

- A. Pursuant to the School Reform Act, Section 2204(c)(2), the School, with the exception of nonresident students, shall not impose fees or otherwise require payment for participation in any program, educational offering, or activity that:
 - 1. enrolls students in any grade from preschool through grade 12; and

2. is funded in whole or part through annual local appropriations.
- B. The School may impose fees or otherwise require payment, at rates established by the Trustees, for any program, educational offering, or activity not described in 1 or 2 above, or for field trips or similar activities.
- C. The School shall apply the nonresident tuition rates established by the District of Columbia Public School System for the enrollment of nonresident students. (School Reform Act, Section 2206(e)).

SECTION VIII: ACCOUNTABILITY

- A. The School shall develop a local school accountability plan with measurable performance targets for at least a five-year period. Such plan shall include baseline data and indicators of incremental gains on at least an annual basis for each management goal area and for the academic and nonacademic goals and objectives established for the student population. The accountability plan shall be submitted within ninety (90) days of the execution of the contract between the Board and Trustees, with the specific targets for student achievement to be appended upon the acquisition of baseline data from the initial academic assessment of students.
- B. The Board shall conduct a monitoring site visit to the School not less than once in each academic quarter during the school's first year of operation and not less than once in each academic semester in subsequent years for the purpose of fulfilling its oversight responsibilities pursuant to Section 2211 of the School Reform Act.
- C. Following receipt of the Board's monitoring report, the School shall develop a plan for corrective action as needed.

SECTION IX: FACILITY

- A. On February 2, 2004, the School submitted a copy of a lease agreement with the District of Columbia for the Ward Memorial AME Church, 253 42nd Street, N.E., Washington, D.C. 20019.
 - (1) The leased premises are the entire building known as Ward Memorial AME Church located at 253 42nd Street, N.E., Washington, D.C. 20019.
 - (2) The lease agreement is for a term of 5 months commencing on the 8th day of January and fully ending at midnight on June 30, 2004.
- B. The identified site and documentation of acquisition of such shall become a material element in the school's charter, and should the school elect to relocate to a different site, the school shall, prior to such relocation, submit the documentation outlined in A above to the Board.

SECTION X: PERSONNEL

- A. The School shall ensure the following prior to the first day on which an employee or volunteer is scheduled to report for duty/work.
 1. a police clearance report; and

2. results of a tuberculin skin test or chest x-ray.
- B. The aforementioned reports shall be made available to the Board during its monitoring visits.
- C. In cases in which the report revealed criminal activity by a person to be hired or accepted as a volunteer, a copy of the report shall be submitted to the Board within 24 hours of receipt by the School.
- D.

SECTION XI: DISTRICT OF COLUMBIA PUBLIC SCHOOL SYSTEM SERVICES

The School shall identify services needed from the District of Columbia Public School System in the following school year not later than May 31st and initiate negotiations with the superintendent of Schools for services and compensation for such services with a goal toward achieving mutual agreement and a signed contract not later than June 30th.

SECTION XII: ACCREDITATION AND LICENSURE

Accreditation

- A. The School shall initiate the accreditation process not later than forty-five days following the opening of the School and shall provide to the Board copies of official documentation that such process has begun, reports of progress from the accrediting body, and immediate notification of any barriers to full accreditation or any potential for loss of full accreditation once achieved.
- B. The School shall obtain accreditation at the earliest possible date allowable by the accreditation association, but not later than five (5) years of the initial date of establishment.

"...An assurance that the proposed school will seek, obtain, and maintain accreditation from at least one of the following:

- (A) The Middle States Association of Colleges and Schools*
- (B) The Association of Independent Maryland Schools*
- (C) The Southern Association of Colleges and schools*
- (D) The Virginia Association of Independent Schools*
- (E) American Montessori Internationale*
- (F) The American Montessori Society*
- (G) The National Academy of Early Childhood Programs*
- (H) Any other accrediting body deemed appropriate by the eligible chartering authority that has granted the charter to the school."*

D. C. School Reform Act 2202(16)

SECTION XIII: REPORTING REQUIREMENTS

- A. **Census**

The School shall provide to the Board student enrollment data necessary for the Board to comply with Section 3 of Article II of the Act of February 4, 1925 (D. C. Code, sec. 31-404) (relating to census of minors. See the School Reform Act, Section 2204(c)(12)

B. Compulsory School Attendance

The School shall ensure adherence to provisions of D. C. Law 8-247, "District of Columbia Compulsory School Attendance Amendment Act of 1990," Section 4:

The principal or head teacher of each public, independent, private, or parochial school, and each teacher who gives private instruction, shall, in accordance with the rules adopted by the Board, pursuant to Title I of the APA, report to the Board the name, address, sex and date of birth of each minor who resides permanently or temporarily in the District who transfers between schools or who enrolls in or withdraws from his or her school.

C. Membership/Calculation of Number of Students

1. Not later than September 15th of each year, the School shall calculate and report to the Board, on a form to be provided by the Board, the following student membership information (School Reform Act, Section 2402).
 - (a) The number of students, including nonresident students and students with special needs, enrolled in each grade from prekindergarten through grade 12; and
 - (b) The amount of fees and tuition assessed and collected from the nonresident students described in a above.
2. Not later than March 15th of each year, the School shall submit to the Board a report of student membership in the same form and manner as described in Section 1 above. (School Reform Act, Section 2402)

D. Annual Report

The Trustees of the School shall submit to the Board, not later than July 15th of each year an annual report of progress for the academic year ending on June 30th of that year. The School is a twelve-month school; therefore, the annual report submitted on July 15th will be a partial report with the submission of the full report by October 15th. The contents of such report shall include, but may not be limited, to the following: (School Reform Act, 2204(c)(11).

1. a report on the extent to which the school is meeting its mission and goals as stated in charter, including a discussion of annual and incremental gains toward long-range objectives;
2. student performance on any district-wide assessments, including a discussion of pre-and post data comparisons as well as annual and longitudinal comparisons over the period of the charter;
3. grade advancement for students enrolled in the public charter school, including a discussion of annual and longitudinal comparisons over the period of the charter;
4. graduation rates, college admission, test scores, and college admission rates, if applicable, including a discussion of annual and longitudinal comparisons over the period of the charter;
5. types and amounts of parental involvement;

6. official student enrollment;
7. average daily attendance;
8. average daily membership;
9. a financial statement audited by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States. (Due on February 1st for the preceding fiscal year ending on September 30th.)
10. a report on school staff indicating the qualifications and responsibilities of such staff; and
11. a list of all donors and grantors that have contributed monetary or in-kind donations having a value equal to or exceeding \$500 during the year that is the subject of the report.

Data described in items 1 through 8 and 10 above shall not identify the individuals to whom the data pertain.

The annual report shall be organized with a table of contents and identified appendices, as needed.

The Trustees shall submit twenty copies of the annual report to the Board and shall make such report available for review by the community.

E. Financial Reports

The School shall provide to the Board on a monthly basis and in a manner prescribed by the Board a financial report of income and expenses for the month, effective beginning the end of the month on which the public charter school first receives funds in the name of the public charter school.

F. Annual Audits

The Trustees shall submit to the Board by February 1st (120 days following the end of the fiscal year on September 30th) of each year, audit reports for the preceding fiscal year as follows: (School Reform Act, Section 2202(6)(A)).

1. financial statement;
2. administrative operations; and
3. programmatic operations

The first financial audit is due by February 1st, 2006 for fiscal year 2005 ending on September 30, 2005.

SECTION XIV: FEES

Administrative Fee

By November 15th of each year, the School shall pay to the Board a fee in the amount of one-half of one percent of the annual budget of the school to cover the cost of undertaking the on-going administrative responsibilities of the eligible chartering authority. (School Reform Act, Section 2211(b)).

SECTION XV: CONTRACTING AUTHORITY

D.C School Reform Act of 1995, Section 2204(c)

(A) Notice Authority. Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school, with respect to any contract proposed to be awarded by the public charter school and having a value equal to or exceeding \$25,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 30 days prior to the award of the contract.

(B) Submission to the Authority:

- (i) **Deadline for Submission.** - With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the names of the contractor who is awarded the contract, and the rationale for the award of the contract.
- (ii) **Effective Date of Contract.—**
 - (I) **In General.** - Subject to subclause (II), a contract described in subparagraph A shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified for the contract whichever is later.
 - (II) **Exception.** - A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

SECTION XVI: APPLICATION FOR CHARTER RENEWAL

Should the Trustees desire to renew the charter, the Trustees shall file an application to renew the charter with the Board not later than 120 days or earlier than 365 days before the expiration of the charter. The application shall contain the following:

(School Reform Act, Section 2212)

- A. A report on the progress of the School in achieving the goals, student achievement expectations, and other terms of the approved charter; and
- B. All audited financial statements of the public charter school for the preceding 4 years.

SECTION XVII: ANNUAL PAYMENTS

The Board and the Trustees understand that pursuant to current law (D.C. School Reform Act), the following shall apply with respect to the disbursement of public charter school funds by the Mayor of the District of Columbia:

(A). INITIAL PAYMENT. – In General, Except as provided in clause (ii), not later than October 15 of each year, the Mayor shall transfer, by electronic funds, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to Section 2401(b) of the School Reform Act to a bank designated by such school.

(ii) REDUCTION IN CASE OF NEW SCHOOL. – In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 75 percent of the amount of the payment under subsection (b).

(B) FINAL PAYMENT ((i) Except as provided in clause (ii), and not later than May 1 of each year, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) ADJUSTMENT FOR ENROLLMENT. – Not later than March 15 of each year, if the enrollment number of a public charter school has changed from the number reported to the Mayor and the Board of Education, as required under Section 2402(a), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled in such school in excess of such enrollment number, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of such school below such enrollment number.

(iii) REDUCTION IN CASE OF NEW SCHOOL. – In the case of a public charter school that has received a payment under subsection (b) in the fiscal year immediately preceding the fiscal year in which a transfer under clause (i) is made, the amount transferred to the school under clause (i) shall be reduced by an amount equal to 25 percent of the amount of the payment under subsection (b).

(b) PAYMENTS TO NEW SCHOOLS. – (3)(A) IN GENERAL. – Not later than June 1, 1998, and not later than June 1 of each year thereafter, the Chief Financial Officer of the District of Columbia shall pay from the New Charter School Fund, to each public charter school described in paragraph (5) an amount equal to 25 percent of the amount yielded by multiplying the uniform dollar amount used in the formula established under section 2401(b) to the total anticipated enrollment as set forth in the petition to establish the public charter school.

Additionally, the D.C. School Reform Act provides: (31-2853.41)

Payment. – Notwithstanding paragraph (2) of this subsection, the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the amount of the annual payment under paragraph (1) of this subsection to increase the amount of such payment if a District of Columbia public school or a public charter school serves a high number of students—

- (i) *with special needs;*
- (ii) *who do not meet minimum literacy standards; or*
- (iii) *to whom the school provides room and board in a residential setting.*

SECTION XVIII: REVOCATION

A. Charter or Law Violation: Failure to Meet Goals (School Reform Act, Section 2213)

1. In general, subject to paragraph 2, the Board, as an eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the Board determines that the school. –
 - (A) committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter, including violations relating to the education of children with disabilities; or

(B) failed to meet the goals and student academic achievement expectations as set forth in the charter.

2. SPECIAL RULE – an eligible chartering authority may not revoke a charter under paragraph (1)(B) except pursuant to a determination made through a review conducted under section 2212(a)(3)(B).

B. Fiscal Mismanagement (School Reform Act, Section 2213)

The Board, as the eligible chartering authority shall revoke the charter of a school to which it has granted a charter if the Board determines that the school. —

1. has engaged in a pattern of nonadherence to generally accepted accounting principles;
2. has engaged in a pattern of fiscal mismanagement; or
3. is no longer economically viable.

C. Revocation procedures shall adhere to the School Reform Act, Section 2213.

Signed this 28th day of June 2004

**District of Columbia Board of Education
Trustees of Mary McLeod Bethune Day
Public Charter School**

President

Chairperson