

SENATE BILL 761

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F1

1999 Regular Session
9lr2245

By: **Senators McCabe and Madden**

Introduced and read first time: March 1, 1999

Assigned to: Rules

Re-referred to: Economic and Environmental Affairs and Finance, March 3, 1999

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 31, 1999

CHAPTER _____

1 AN ACT concerning

2 ~~**Family Investment Program Educational Opportunity Act of 1999**~~
3 **Educational Opportunity and Family Investment Program Act of 1999**

4 FOR the purpose of establishing a children's educational opportunity program as an
5 educational component of the Family Investment Program; requiring the
6 Secretary of Human Resources to assist the State Department of Education to
7 establish a pilot program that will allow children of families in the Family
8 Investment Program to attend public charter schools under certain
9 circumstances; requiring the transfer of certain educational funds to public
10 charter schools; authorizing the establishment of public charter schools;
11 authorizing the State Department of Education to grant charters for public
12 charter schools to certain sponsoring agencies; prohibiting the granting of
13 charters to certain educational agencies; requiring public charter schools to give
14 preference to certain students; requiring the county boards of education and the
15 State to designate certain funds for students who attend public charter schools;
16 establishing certain rights and responsibilities for certain employees at public
17 charter schools; requiring the Department of Education to conduct certain
18 assessments of public charter schools; requiring public charter schools to submit
19 certain reports; establishing certain rules governing students at public charter
20 schools; requiring the Department to adopt certain regulations; requiring the
21 Department to make a certain report by a certain date; providing for the
22 termination of this Act; and generally relating to the establishment of a pilot
23 program that will give certain children educational alternatives under certain
24 circumstances.

25 BY repealing and reenacting, without amendments,
26 Article 88A - Department of Human Resources

1 Section 1A(a) and 44A(d)
2 Annotated Code of Maryland
3 (1998 Replacement Volume)

4 BY repealing and reenacting, with amendments,
5 Article 88A - Department of Human Resources
6 Section 45 and 47
7 Annotated Code of Maryland
8 (1998 Replacement Volume)

9 BY repealing and reenacting, without amendments,
10 Article - Education
11 Section 1-101(d), (f), and (l)
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 1998 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Education
16 Section 5-208
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1998 Supplement)

19 BY adding to
20 Article - Education
21 Section 9-101 through 9-112, inclusive, to be under the new title "Title 9. Public
22 Charter School Program"
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 1998 Supplement)

25 Preamble

26 WHEREAS, In 1995 the Maryland General Assembly recognized the need to
27 enact an innovative welfare reform measure that would help its 227,887 welfare
28 participants on the path to self-sufficiency; and

29 WHEREAS, Since the enactment of the Welfare Reform Pilot Program of 1995
30 and subsequent measures that have evolved into a program called the Family
31 Investment Program, the State of Maryland has enabled 131,832 individuals to begin
32 on the path to self-sufficiency; and

33 WHEREAS, The Family Investment Program's 57.8% reduction in welfare rolls
34 has been based in large part on its ability to provide for the many needs of its
35 participants, including transportation, child care, medical care, and cash assistance;
36 and

1 WHEREAS, Fully two-thirds of all of the Family Investment Program's
2 participants are children whose basic need of a quality education is paramount to any
3 other; and

4 WHEREAS, Many of the Family Investment Program's children are attending
5 schools which are performing at a level that cannot meet their needs and prepare
6 them for the challenges of the future; and

7 WHEREAS, In keeping with the innovative nature of the Family Investment
8 Program, the concept of publicly chartered schools offers an exciting opportunity for
9 the State of Maryland to offer its children an alternative to the traditional public
10 schools; and

11 WHEREAS, Publicly chartered schools operate within the umbrella of the public
12 school system, are funded with public moneys, and are accountable for the same
13 performance standards as a traditional public school but are operated independent of
14 the local boards of education; and

15 WHEREAS, Many publicly chartered schools in the 34 states and the District of
16 Columbia, where publicly chartered schools have been embraced, have been
17 successful in improving the education of at-risk and other special needs students; and

18 WHEREAS, In Chapter 720 of the 1998 Laws of Maryland, the Maryland
19 General Assembly acknowledged the potential of publicly chartered schools to foster
20 teacher creativity and enrich educational opportunities for a wide range of economic
21 and cultural groups; and

22 WHEREAS, Chapter 720 of the 1998 Laws of Maryland also found that the
23 establishment of a public charter school program is in the best interest of the students
24 of this State; now, therefore,

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
26 MARYLAND, That the Laws of Maryland read as follows:

27 **Article 88A - Department of Human Resources**

28 1A.

29 (a) The Family Investment Administration is established within the
30 Department of Human Resources. All of the powers, duties, and responsibilities
31 provided for the Social Services Administration in the following programs are
32 transferred to the Family Investment Administration: the Family Investment
33 Program and related cash benefit programs; public assistance to adults; emergency
34 assistance; food stamps; and medical assistance eligibility determinations. References
35 to the "Social Services Administration", "State Department", or "State
36 Administration" in the laws of this State that concern these programs are deemed to
37 mean the Family Investment Administration.

1 44A.

2 (d) "FIP" means Family Investment Program.

3 45.

4 (A) The primary purpose of this subtitle is to support family efforts to achieve
5 and maintain self-sufficiency through services and financial aid geared to individual
6 family needs.

7 (B) IT IS AN IMPORTANT LONG-TERM GOAL OF THE FAMILY INVESTMENT
8 PROGRAM TO PRODUCE A FUTURE GENERATION OF ADULTS WHO ARE
9 ECONOMICALLY INDEPENDENT AND CONTRIBUTING MEMBERS OF SOCIETY.

10 (C) IT IS THE INTENT OF THE FAMILY INVESTMENT PROGRAM TO ACHIEVE
11 THIS GOAL BY IMPROVING THE EDUCATION OF THE PRESENT GENERATION OF
12 ECONOMICALLY DEPRIVED AND AT-RISK CHILDREN.

13 47.

14 (a) In providing assistance under this subtitle, the Department may contract
15 with charitable organizations, private organizations, religious organizations, THE
16 STATE DEPARTMENT OF EDUCATION, COUNTY BOARDS OF EDUCATION, and
17 institutions of higher education.

18 (b) Except as provided in subsection (c) of this section, a religious organization
19 may participate in the Family Investment Program on the same basis as any other
20 nongovernmental entity.

21 (c) An individual may not be required to accept assistance from a religious
22 organization if acceptance would violate the individual's bona fide religious beliefs
23 and practices.

24 (d) (1) The Maryland Higher Education Commission, in cooperation with
25 the Department, shall:

26 (i) Identify and promote at institutions of higher education efforts
27 to provide assistance to FIP recipients; and

28 (ii) Coordinate efforts among institutions of higher education to
29 encourage and identify student volunteers to help provide to FIP recipients
30 educational and employment-related services, such as literacy training, resume
31 writing, and job interviewing skills.

32 (2) An institution of higher education shall:

33 (i) Meet with the local department about developing services for
34 FIP recipients in the jurisdiction in which the institution is located;

35 (ii) Advise the local department of the services available for FIP
36 recipients; and

1 (iii) By September 15 of each year, provide to the Maryland Higher
 2 Education Commission, a report on efforts to encourage and identify student
 3 volunteers and identify services provided under the provisions of this subsection.

4 (3) By December 1 of each year, the Maryland Higher Education
 5 Commission shall submit a report, subject to § 2-1246 of the State Government
 6 Article, to the Joint Committee on Welfare Reform regarding the services provided
 7 under the provisions of this subsection.

8 (E) (1) THE SECRETARY SHALL COOPERATE WITH AND PROVIDE
 9 ASSISTANCE AS NEEDED TO THE STATE DEPARTMENT OF EDUCATION AND THE
 10 PUBLIC SCHOOL CHARTERING AUTHORITIES FOR A PILOT PROGRAM FOR STUDENTS
 11 FROM FAMILIES WHO PARTICIPATE IN THE FAMILY INVESTMENT PROGRAM.

12 (2) UNDER THE PILOT PROGRAM, A CHILD OF A FAMILY PARTICIPATING
 13 IN THE FIP WHO ATTENDS A TRADITIONAL PUBLIC SCHOOL MAY ATTEND A PUBLIC
 14 CHARTER SCHOOL ESTABLISHED UNDER TITLE 9 OF THE EDUCATION ARTICLE IF
 15 THE SCHOOL THAT THE CHILD IS CURRENTLY ATTENDING HAS SCORED AT OR
 16 BELOW ~~THE 50TH PERCENTILE OF THE STATEWIDE AVERAGE SCORE ON THE~~
 17 ~~MARYLAND CRITERION REFERENCED TEST THAT IS PART OF 24 PERCENT ON THE~~
 18 MARYLAND SCHOOL PERFORMANCE PROGRAM COMPOSITE INDEX WITHIN THE PAST
 19 YEAR.

20 (3) THE STATE AND THE COUNTY BOARD SHALL TRANSFER THE FUNDS
 21 DESIGNATED FOR A CHILD AT THE TRADITIONAL PUBLIC SCHOOL THAT THE CHILD
 22 HAS BEEN ATTENDING TO THE PUBLIC CHARTER SCHOOL TO WHICH THE CHILD
 23 TRANSFERS.

24 [(e)] (F) An organization funded under the Family Investment Program may
 25 not discriminate on the basis of religion, religious belief, or refusal to participate in a
 26 religious practice with respect to any individual's receipt of service under the
 27 Program.

28 [(f)] (G) The Department of Human Resources shall provide all persons
 29 receiving benefits under the Family Investment Program with clear and timely notice
 30 of their rights under § 104(e) of P.L. 104-193 (1996).

31 **Article - Education**

32 1-101.

33 (d) "County board" means the board of education of a county and includes the
 34 New Baltimore City Board of School Commissioners.

35 (f) "Department" means the State Department of Education.

36 (l) "State Board" means the State Board of Education.

1 5-208.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Data-based areas" means those areas identified by the State Board
4 through the Maryland School Performance Program for which information is to be
5 tracked for each school, each school system, and the State.

6 (3) "FAMILY INVESTMENT PROGRAM" MEANS THE BENEFIT PROGRAM
7 UNDER THE FAMILY INVESTMENT ADMINISTRATION, AS ESTABLISHED UNDER
8 ARTICLE 88A, § 1A OF THE CODE, THAT IS DESIGNED TO SUPPORT FAMILY EFFORTS
9 TO ACHIEVE AND MAINTAIN SELF-SUFFICIENCY THROUGH SERVICES AND
10 FINANCIAL AID THAT ARE GEARED TO INDIVIDUAL FAMILY NEEDS.

11 [(3)] (4) "Maryland School Performance Program" means a performance
12 based education accountability program that focuses on accountability through school
13 improvement in the public schools.

14 [(4)] (5) "Recipient school" means a public school that receives a
15 recognition award under this section.

16 (b) (1) It is the intent of this section to reward a school that shows
17 substantial improvement towards meeting standards established by the State Board
18 for the data-based areas of the Maryland School Performance Program.

19 [(c) (1)] (2) (I) To the extent that funds are provided in the State budget,
20 the State Superintendent annually shall distribute recognition awards to elementary
21 and middle schools that show substantial improvement towards meeting standards of
22 the Maryland School Performance Program.

23 [(2)] (II) The State Board shall establish guidelines for the
24 determination of eligibility for and distribution of awards under [paragraph (1) of
25 this subsection] SUBPARAGRAPH (I) OF THIS PARAGRAPH.

26 [(d) (1)] (3) (I) The school improvement team of a recipient school shall
27 determine how the award shall be used subject to the following conditions:

28 [(i)] 1. Recognition funds are in addition to and may not supplant
29 federal, State, and local funds regularly appropriated for use by the school;

30 [(ii)] 2. Recognition funds may not be used for staff bonuses or
31 differential pay increases; and

32 [(iii)] 3. Recognition funds shall be expended in accordance with
33 policies and procedures of the school system where the recipient school is located.

34 [(2)] (II) The principal of a recipient school shall file with the local school
35 superintendent a report indicating the amount of the award and the uses for which it
36 was expended.

1 (C) (1) THERE IS A PILOT PROGRAM TO PROVIDE EDUCATIONAL
2 OPPORTUNITIES FOR CHILDREN FROM LOW INCOME FAMILIES.

3 (2) UNDER THIS PROGRAM, THE DEPARTMENT SHALL PROVIDE AN
4 EDUCATIONAL ALTERNATIVE TO A CHILD FROM A FAMILY PARTICIPATING IN THE
5 FAMILY INVESTMENT PROGRAM.

6 (3) A CHILD OF A FAMILY PARTICIPATING IN THE FAMILY INVESTMENT
7 PROGRAM WHO ATTENDS A TRADITIONAL PUBLIC SCHOOL MAY ATTEND A PUBLIC
8 CHARTER SCHOOL ESTABLISHED UNDER TITLE 9 OF THIS ARTICLE FOR
9 ELEMENTARY OR SECONDARY EDUCATION IF THE SCHOOL THAT THE CHILD IS
10 CURRENTLY ATTENDING HAS SCORED AT OR BELOW ~~THE 50TH PERCENTILE OF THE~~
11 ~~STATEWIDE AVERAGE SCORE ON THE MARYLAND CRITERION REFERENCED TEST~~
12 ~~THAT IS PART OF~~ 24 PERCENT ON THE MARYLAND SCHOOL PERFORMANCE PROGRAM
13 COMPOSITE INDEX WITHIN THE PAST YEAR.

14 (4) A CHILD FROM A FAMILY PARTICIPATING IN THE FAMILY
15 INVESTMENT PROGRAM WHO ATTENDS A PUBLIC CHARTER SCHOOL MAY REMAIN IN
16 THAT SCHOOL IF THE FAMILY IS NO LONGER ELIGIBLE FOR THE FAMILY
17 INVESTMENT PROGRAM.

18 TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

19 9-101.

20 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

21 (B) "FAMILY INVESTMENT PROGRAM" MEANS THE BENEFIT PROGRAM UNDER
22 THE FAMILY INVESTMENT ADMINISTRATION, AS ESTABLISHED UNDER ARTICLE 88A,
23 § 1A OF THE CODE, THAT IS DESIGNED TO SUPPORT FAMILY EFFORTS TO ACHIEVE
24 AND MAINTAIN SELF-SUFFICIENCY THROUGH SERVICES AND FINANCIAL AID THAT
25 ARE GEARED TO INDIVIDUAL FAMILY NEEDS.

26 (C) (1) "PUBLIC SCHOOL CHARTERING AUTHORITY" MEANS AN AGENCY
27 THAT MAY ESTABLISH A PUBLIC CHARTER SCHOOL.

28 (2) "PUBLIC SCHOOL CHARTERING AUTHORITY" INCLUDES A PUBLIC
29 INSTITUTION OF HIGHER EDUCATION IN THE STATE; AND A COUNTY ~~BOARD,~~ ~~AND~~
30 ~~THE STATE BOARD.~~

31 (D) "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC SCHOOL THAT:

32 (1) IS CREATED IN ACCORDANCE WITH § 9-103 OF THIS TITLE
33 AUTHORIZING THE GRANTING OF CHARTERS TO SCHOOLS;

34 (2) IS DEVELOPED AS A NEW PUBLIC SCHOOL OR IS ADAPTED FROM AN
35 EXISTING PUBLIC SCHOOL UNDER THIS TITLE;

36 (3) IS OPERATED UNDER PUBLIC SUPERVISION AND DIRECTION;

1 (4) HAS A SPECIFIC ACADEMIC FOCUS AND SET OF EDUCATIONAL
2 GOALS ON WHICH THE SPONSORING ENTITY, THE PUBLIC SCHOOL CHARTERING
3 AUTHORITY, AND THE DEPARTMENT AGREE;

4 (5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY
5 EDUCATION, OR BOTH; AND

6 (6) IS NONSECTARIAN IN ITS PROGRAMS, ADMISSIONS POLICIES,
7 EMPLOYMENT PRACTICES, AND ALL OTHER OPERATIONS AND IS NOT AFFILIATED
8 WITH A SECTARIAN SCHOOL OR RELIGIOUS INSTITUTION.

9 (E) "SPONSORING ENTITY" MAY INCLUDE:

10 (1) THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE
11 PUBLIC SCHOOLS IN THE COUNTY;

12 (2) A PARENT-TEACHER ASSOCIATION; OR

13 (3) A NONPROFIT ENTITY.

14 9-102.

15 (A) THE GENERAL ASSEMBLY FINDS THAT:

16 (1) PUBLIC CHARTER SCHOOLS, AS PART OF THE PROGRAM OF PUBLIC
17 EDUCATION OFFERED IN THE STATE, CAN:

18 (I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

19 (II) SERVE AS A MODEL FOR THE IMPLEMENTATION OF NEW
20 EDUCATIONAL APPROACHES; AND

21 (2) THESE INNOVATIVE LEARNING OPPORTUNITIES AND NEW
22 EDUCATIONAL APPROACHES CAN LEAD TO IMPROVEMENT IN THE EDUCATION OF
23 STUDENTS, ESPECIALLY STUDENTS WHO ARE CONSIDERED AT-RISK BECAUSE OF
24 THE LEVEL OF POVERTY IN THE HOME.

25 (B) THE GENERAL ASSEMBLY FURTHER FINDS THAT PUBLIC CHARTER
26 SCHOOLS:

27 (1) CAN CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS;
28 AND

29 (2) CAN BE VEHICLES FOR EDUCATIONAL RESEARCH AND
30 DEVELOPMENT.

1 9-103.

2 A PUBLIC SCHOOL CHARTERING AUTHORITY:

3 (1) MAY GRANT CHARTERS THAT ESTABLISH PUBLIC CHARTER
4 SCHOOLS; AND

5 (2) SHALL DISSEMINATE INFORMATION CONCERNING THE
6 ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC CHARTER SCHOOLS.

7 9-104.

8 (A) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE
9 SUBMITTED TO A PUBLIC SCHOOL CHARTERING AUTHORITY BY A SPONSORING
10 ENTITY.

11 (B) A PUBLIC SCHOOL CHARTERING AUTHORITY MAY NOT GRANT A CHARTER
12 UNDER THIS TITLE TO:

13 (1) A PRIVATE SCHOOL;

14 (2) A PAROCHIAL SCHOOL; OR

15 (3) A HOME SCHOOL.

16 (C) THE NAME OF A PUBLIC CHARTER SCHOOL SHALL CONTAIN THE TERM
17 "PUBLIC CHARTER SCHOOL".

18 (D) AN APPLICANT FOR A CHARTER WHO IS DENIED A CHARTER BY A PUBLIC
19 SCHOOL CHARTERING AUTHORITY MAY APPEAL THAT DECISION TO THE STATE
20 BOARD.

21 9-105.

22 (A) UNDER THE CHARTER, THE SPONSORING ENTITY OF A PUBLIC CHARTER
23 SCHOOL SHALL ENTER INTO A WRITTEN PERFORMANCE AGREEMENT WITH THE
24 PUBLIC SCHOOL CHARTERING AUTHORITY AND THE DEPARTMENT.

25 (B) THE PERFORMANCE AGREEMENT SHALL INCLUDE:

26 (1) A DESCRIPTION OF THE MEASURES USED TO DETERMINE THE
27 ATTAINMENT OF THE EDUCATIONAL GOALS OF THE SCHOOL WITHIN THE ACADEMIC
28 FOCUS OF THE SCHOOL; AND

29 (2) A COMMITMENT TO MEASURE STUDENT PERFORMANCE UNDER:

30 (I) THE SAME STATE ASSESSMENTS AS THOSE USED BY
31 TRADITIONAL PUBLIC SCHOOLS; AND

1 (II) ANY OTHER ASSESSMENT MUTUALLY AGREEABLE TO THE
 2 PUBLIC SCHOOL CHARTERING AUTHORITY, THE DEPARTMENT, AND THE
 3 SPONSORING ENTITY FOR THE PUBLIC CHARTER SCHOOL.

4 9-106.

5 (A) A PUBLIC CHARTER SCHOOL SHALL OPERATE IN ACCORDANCE WITH:

6 (1) THE CHARTER GRANTED TO THE SCHOOL; AND

7 (2) THE PROVISIONS OF LAW GOVERNING THE TRADITIONAL PUBLIC
 8 SCHOOLS.

9 (B) A PUBLIC CHARTER SCHOOL SHALL BE ACCOUNTABLE TO THE
 10 SPONSORING ENTITY, THE PUBLIC SCHOOL CHARTERING AUTHORITY, AND THE
 11 DEPARTMENT.

12 (C) A PUBLIC CHARTER SCHOOL MAY HAVE ANY POWERS THAT ARE:

13 (1) NECESSARY TO FULFILL THE CHARTER; AND

14 (2) CONSISTENT WITH THIS TITLE AND THE REQUIREMENTS OF THE
 15 PUBLIC SCHOOL CHARTERING AUTHORITY AND THE DEPARTMENT.

16 9-107.

17 (A) WITHIN THE CONSTRAINTS OF THE ACADEMIC FOCUS AND EDUCATIONAL
 18 GOALS OF THE SCHOOL, A PUBLIC CHARTER SCHOOL SHALL:

19 (1) SEEK THE ENROLLMENT OF CHILDREN WHO ARE:

20 (I) FROM TRADITIONAL PUBLIC SCHOOLS THAT HAVE SCORED AT
 21 ~~OR BELOW THE 50TH PERCENTILE OF THE STATEWIDE AVERAGE SCORE ON THE~~
 22 ~~MARYLAND CRITERION REFERENCED TEST THAT IS PART OF 24 PERCENT ON THE~~
 23 ~~MARYLAND SCHOOL PERFORMANCE PROGRAM COMPOSITE INDEX~~ WITHIN THE PAST
 24 YEAR; AND

25 (II) MEMBERS OF FAMILIES PARTICIPATING IN THE FAMILY
 26 INVESTMENT PROGRAM;

27 (2) BE OPEN TO OTHER STUDENTS IN THE COUNTY IN WHICH THE
 28 SCHOOL IS LOCATED ON A SPACE-AVAILABLE BASIS; AND

29 (3) SELECT THE OTHER STUDENTS TO ATTEND THE SCHOOL BY THE USE
 30 OF A LOTTERY IF MORE STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN
 31 THERE ARE SPACES AVAILABLE.

32 (B) A PUBLIC CHARTER SCHOOL THAT IS DEVELOPED AS A NEW PUBLIC
 33 SCHOOL:

34 (1) MAY LIMIT ADMISSION TO A PARTICULAR GRADE LEVEL; ~~AND~~

1 (2) SHALL GIVE PRIORITY IN ENROLLMENT TO:

2 (I) A CHILD FROM A FAMILY IN THE FAMILY INVESTMENT
3 PROGRAM WHO IS CURRENTLY ATTENDING A TRADITIONAL PUBLIC SCHOOL THAT
4 HAS SCORED AT OR BELOW ~~THE 50TH PERCENTILE OF THE STATEWIDE AVERAGE~~
5 ~~SCORE ON THE MARYLAND CRITERION REFERENCED TEST THAT IS PART OF 24~~
6 PERCENT ON THE MARYLAND SCHOOL PERFORMANCE PROGRAM COMPOSITE INDEX
7 WITHIN THE PAST YEAR; AND

8 (II) A SIBLING OF A STUDENT WHO ATTENDS THE ~~SCHOOL.~~
9 SCHOOL; AND

10 (3) SHALL ENROLL AT LEAST 70 PERCENT OF ITS STUDENTS FROM A
11 FAMILY IN THE FAMILY INVESTMENT PROGRAM.

12 (C) A PUBLIC CHARTER SCHOOL MAY NOT CHARGE TUITION OR OTHER FEES
13 THAT ARE NOT CHARGED AT TRADITIONAL PUBLIC SCHOOLS IN THE COUNTY IN
14 WHICH IT IS LOCATED.

15 (D) (1) THE FACILITY THAT CONTAINS A PUBLIC CHARTER SCHOOL SHALL
16 CONFORM TO THE REGULATIONS FOR TRADITIONAL PUBLIC SCHOOL FACILITIES.

17 (2) A WAIVER OF HEALTH OR SAFETY REGULATIONS FOR THE PUBLIC
18 CHARTER SCHOOL FACILITY MAY NOT BE GRANTED.

19 (E) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS
20 SECTION, AN EXISTING PUBLIC SCHOOL OR A SPONSORING ENTITY MAY APPLY TO
21 CONVERT THAT SCHOOL TO A PUBLIC CHARTER SCHOOL IF:

22 (1) AT LEAST 60 PERCENT OF THE STAFF OF THE EXISTING PUBLIC
23 SCHOOL AND AT LEAST 60 PERCENT OF THE PARENTS OR GUARDIANS OF STUDENTS
24 WHO ATTEND THE EXISTING PUBLIC SCHOOL SIGN A PETITION REQUESTING
25 CONVERSION;

26 (2) THE PETITION CALLS FOR AN ELECTION BY SECRET BALLOT TO
27 DETERMINE IF THE SCHOOL SHOULD BECOME A PUBLIC CHARTER SCHOOL;

28 (3) AT LEAST 60 PERCENT OF THE STAFF AND AT LEAST 60 PERCENT OF
29 THE PARENTS OR GUARDIANS SUPPORT THE CONVERSION OF THE SCHOOL TO A
30 PUBLIC CHARTER SCHOOL; AND

31 (4) THE EXISTING PUBLIC SCHOOL HAS SCORED AT OR BELOW 24
32 PERCENT ON THE MARYLAND SCHOOL PERFORMANCE PROGRAM COMPOSITE INDEX.

33 (F) AFTER AN EXISTING PUBLIC SCHOOL IS CONVERTED TO A PUBLIC
34 CHARTER SCHOOL, AND ITS EXISTING STUDENTS ARE ENROLLED, THAT SCHOOL
35 SHALL GIVE PRIORITY IN ENROLLMENT TO A CHILD FROM A FAMILY IN THE FAMILY
36 INVESTMENT PROGRAM IF SPACE IS AVAILABLE FOR THE ADDITIONAL STUDENTS.

1 9-108.

2 (A) (1) THE COUNTY BOARD SHALL PAY DIRECTLY TO THE PUBLIC CHARTER
3 SCHOOL FOR EACH STUDENT ENROLLED IN THE SCHOOL AN AMOUNT THAT IS THE
4 EQUIVALENT OF THE AMOUNT THAT THE COUNTY BOARD PAYS FOR THE EDUCATION
5 OF THE SAME KIND OF STUDENT AT A PUBLIC SCHOOL IN THE COUNTY AS
6 DETERMINED BY THE DEPARTMENT.

7 (2) THIS AMOUNT INCLUDES THE STATE SHARE OF BASIC CURRENT
8 EXPENSES.

9 (B) A PUBLIC CHARTER SCHOOL MAY RECEIVE COUNTY, STATE, AND FEDERAL
10 FUNDS FOR EACH STUDENT ENROLLED IN THE SCHOOL IN THE SAME MANNER THAT
11 THE OTHER PUBLIC SCHOOLS IN THE COUNTY RECEIVE THE SAME FUNDS FOR THE
12 SAME KIND OF STUDENT.

13 9-109.

14 (A) AN EMPLOYEE OF THE COUNTY BOARD WHO WORKS AT A PUBLIC
15 CHARTER SCHOOL:

16 (1) ~~MAY~~ SHALL REMAIN A MEMBER OF THE APPROPRIATE EMPLOYEE
17 BARGAINING UNIT; AND

18 (2) SHALL RECEIVE AT LEAST THE SAME SALARY AND BENEFITS OF AN
19 EMPLOYEE AT A TRADITIONAL PUBLIC SCHOOL SUBJECT TO NEGOTIATION OF THE
20 RELEVANT COLLECTIVE BARGAINING AGREEMENT AS PROVIDED FOR IN THE
21 COLLECTIVE BARGAINING PROVISIONS OF TITLE 6, SUBTITLES 4 AND 5 OF THE
22 EDUCATION ARTICLE.

23 ~~(B) BECAUSE OF THE UNIQUE NATURE OF A PUBLIC CHARTER SCHOOL, A~~
24 ~~CERTIFICATED EMPLOYEE OF THE COUNTY BOARD MAY BE SUBJECT TO~~
25 ~~TERMINATION FROM EMPLOYMENT AT THE SCHOOL BY THE ADMINISTRATION OF~~
26 ~~THE SCHOOL WITHOUT THE APPEAL PROCESS THAT IS AVAILABLE TO CERTIFICATED~~
27 ~~EMPLOYEES IN A TRADITIONAL PUBLIC SCHOOL.~~

28 (B) BECAUSE OF THE UNIQUE NATURE OF A PUBLIC CHARTER SCHOOL, IF
29 THE PUBLIC CHARTER SCHOOL ADMINISTRATION DETERMINES THAT THE SKILLS
30 AND PERFORMANCE OF A CERTIFICATED EMPLOYEE ARE NOT SUITABLE FOR THE
31 PUBLIC CHARTER SCHOOL OR THE CERTIFICATED EMPLOYEE REQUESTS A
32 TRANSFER, THE CERTIFICATED EMPLOYEE OF THE COUNTY BOARD:

33 (1) MAY BE TRANSFERRED DURING THE SCHOOL YEAR TO A
34 COMPARABLE ASSIGNMENT IN THE COUNTY PUBLIC SCHOOL SYSTEM FOR WHICH
35 THE EMPLOYEE IS QUALIFIED, IF THE TRANSFER DOES NOT DISRUPT THE
36 OPERATIONS OF THE PUBLIC CHARTER SCHOOL OR THE COUNTY PUBLIC SCHOOL
37 SYSTEM; AND

1 (2) SHALL IN ANY CASE BE TRANSFERRED TO A COMPARABLE
2 ASSIGNMENT IN THE COUNTY PUBLIC SCHOOL SYSTEM BEFORE THE BEGINNING OF
3 THE FOLLOWING SCHOOL YEAR.

4 (C) ~~A CERTIFICATED EMPLOYEE WHOSE EMPLOYMENT AT A PUBLIC CHARTER~~
5 ~~SCHOOL IS TERMINATED BECAUSE OF THE UNIQUE NATURE OF THE PUBLIC~~
6 ~~CHARTER SCHOOL IS ELIGIBLE TO TRANSFER TO A TRADITIONAL PUBLIC SCHOOL IN~~
7 ~~THE COUNTY WHEN THERE IS AN APPROPRIATE PROFESSIONAL POSITION~~
8 ~~AVAILABLE BECAUSE OF THE UNIQUE NATURE OF A PUBLIC CHARTER SCHOOL, A~~
9 CERTIFICATED EMPLOYEE WHO IS TRANSFERRED FROM A PUBLIC CHARTER SCHOOL
10 UNDER SUBSECTION (B) OF THIS SECTION MAY NOT BE SUBJECT TO ANY OTHER
11 FORM OF DISCIPLINARY ACTION BY THE COUNTY BOARD AS A RESULT OF THE
12 TRANSFER FROM THE PUBLIC CHARTER SCHOOL.

13 (D) A COUNTY BOARD MAY NOT REQUIRE AN EMPLOYEE OF THE BOARD TO
14 WORK AT A PUBLIC CHARTER SCHOOL.

15 (E) A MEMBER OF THE PROFESSIONAL STAFF OF A PUBLIC CHARTER SCHOOL
16 SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

17 9-110.

18 (A) THE DEPARTMENT SHALL CONDUCT AN ANNUAL ASSESSMENT OF A
19 PUBLIC CHARTER SCHOOL TO DETERMINE IF THE SCHOOL IS MEETING THE GOALS
20 OF THE CHARTER, INCLUDING AN ASSESSMENT OF:

21 (1) THE ACHIEVEMENT OF THE STUDENTS WHO ATTEND THE SCHOOL
22 WITHIN THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE SCHOOL AND
23 ACCORDING TO THE SPECIFIC MEASURES USED BY THE SCHOOL;

24 (2) THE ACHIEVEMENT OF THE STUDENTS AT THE SCHOOL ON THE
25 ASSESSMENTS REQUIRED BY THE STATE BOARD FOR STUDENTS WHO ATTEND
26 TRADITIONAL PUBLIC SCHOOLS IN THE STATE; AND

27 (3) THE ACHIEVEMENT OF THE STUDENTS AT THE SCHOOL ON ANY
28 OTHER ASSESSMENTS MUTUALLY AGREED ON BY THE DEPARTMENT, THE PUBLIC
29 SCHOOL CHARTERING AUTHORITY, THE SPONSORING ENTITY, AND THE PUBLIC
30 CHARTER SCHOOL.

31 (B) IN ORDER TO FACILITATE THE ANNUAL ASSESSMENT BY THE
32 DEPARTMENT, A PUBLIC CHARTER SCHOOL AND THE PUBLIC SCHOOL CHARTERING
33 AUTHORITY SHALL SUBMIT AN ANNUAL FISCAL REPORT AND STUDENT
34 PERFORMANCE REPORT TO THE DEPARTMENT NOT LATER THAN AUGUST 1 IN THE
35 FORM PRESCRIBED BY THE DEPARTMENT.

36 (C) THE PUBLIC SCHOOL CHARTERING AUTHORITY OF A PUBLIC CHARTER
37 SCHOOL SHALL MAKE THE REPORT AVAILABLE TO THE PARENTS OR GUARDIANS OF
38 STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL.

1 9-111.

2 (A) A COUNTY BOARD MAY NOT REQUIRE A STUDENT IN THE COUNTY TO
3 ATTEND A PUBLIC CHARTER SCHOOL.

4 (B) A STUDENT MAY WITHDRAW FROM A PUBLIC CHARTER SCHOOL AT ANY
5 TIME.

6 (C) (1) THE PRINCIPAL OF A PUBLIC CHARTER SCHOOL MAY SUSPEND A
7 STUDENT AT THE SCHOOL FOR CAUSE FOR NOT MORE THAN 10 SCHOOL DAYS.

8 (2) AT THE REQUEST OF THE PRINCIPAL OF A PUBLIC CHARTER
9 SCHOOL, THE PUBLIC SCHOOL CHARTERING AUTHORITY FOR CAUSE MAY:

10 (I) SUSPEND A STUDENT AT A PUBLIC CHARTER SCHOOL FOR A
11 PERIOD OF MORE THAN 10 SCHOOL DAYS; OR

12 (II) EXPEL THE STUDENT FROM THE SCHOOL.

13 (3) A STUDENT AT A PUBLIC CHARTER SCHOOL WHO HAS BEEN PLACED
14 ON SUSPENSION FOR A PERIOD OF MORE THAN 10 SCHOOL DAYS OR HAS BEEN
15 EXPELLED MAY ENROLL AT A TRADITIONAL PUBLIC SCHOOL IN THE COUNTY IN
16 WHICH THE STUDENT RESIDES.

17 (D) IF A STUDENT IS EXPELLED FROM A PUBLIC CHARTER SCHOOL, THE
18 REMAINING MONEY THAT WAS ALLOCATED FOR THE STUDENT FOR THE CURRENT
19 ACADEMIC YEAR SHALL REVERT TO THE COUNTY BOARD OF THE COUNTY IN WHICH
20 THE STUDENT RESIDES.

21 9-112.

22 (A) (1) IN CONSULTATION WITH THE PUBLIC SCHOOL CHARTERING
23 AUTHORITIES AND THE STATE BOARD, THE DEPARTMENT SHALL ADOPT
24 REGULATIONS TO IMPLEMENT ALL PROVISIONS OF THIS TITLE IN A MANNER THAT
25 ASSURES THAT CHILDREN FROM FAMILIES IN THE FAMILY INVESTMENT PROGRAM
26 HAVE FULL ACCESS TO PUBLIC CHARTER SCHOOLS.

27 (2) THE REGULATIONS SHALL ADDRESS THE GOVERNANCE,
28 CURRICULUM, AND ALL OTHER MATTERS RELATING TO THE ESTABLISHMENT OF
29 PUBLIC CHARTER SCHOOLS IN THE STATE.

30 (3) THE REGULATIONS SHALL BE SUBJECT TO THE REVIEW OF THE
31 JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.

32 (B) (1) NOT LATER THAN JUNE 30, 2003, THE DEPARTMENT, BASED ON
33 INFORMATION GATHERED FROM THE PUBLIC SCHOOL CHARTERING AUTHORITIES,
34 THE SPONSORING ENTITIES, THE PUBLIC CHARTER SCHOOLS, MEMBERS OF THE
35 EDUCATIONAL COMMUNITY, AND THE PUBLIC, SHALL SUBMIT TO THE GENERAL
36 ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A
37 REPORT ON AND AN EVALUATION OF THE PUBLIC CHARTER SCHOOL PROGRAM.

1 (2) THE REPORT SHALL INCLUDE A RECOMMENDATION ON THE
2 ADVISABILITY OF THE CONTINUATION, MODIFICATION, EXPANSION, OR
3 TERMINATION OF THE PROGRAM.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 1999. It shall remain effective for a period of 4 years and, at the end of June
6 30, 2003, with no further action required by the General Assembly, this Act shall be
7 abrogated and of no further force and effect.