

# HOUSE BILL 1081

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By: **Delegates Bates, Aumann, Elliott, Hough, Kipke, McDonough, and W. Miller**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public Schools – Petitions for Intervention**

3 FOR the purpose of authorizing certain parents and legal guardians of students  
4 attending public schools that are subject to corrective action and are not making  
5 adequate yearly progress to petition county boards of education to implement  
6 certain interventions; requiring county boards to notify the State  
7 Superintendent of Schools and the State Board of Education on receipt and of  
8 final disposition of certain petitions; requiring county boards to make certain  
9 determinations in a certain manner within a certain time frame; requiring  
10 county boards to designate interventions other than the options requested by  
11 certain petitions under certain circumstances; requiring county boards to notify  
12 the State Superintendent and the State Board that certain interventions have  
13 substantial promise of enabling certain schools to make adequate yearly  
14 progress; requiring certain students to have the option of receiving a certain  
15 scholarship in a certain amount for a certain time period; requiring certain  
16 funds to be calculated in a certain manner; requiring certain counties to include  
17 certain students in their full-time equivalent enrollment; requiring the State  
18 Board to adopt certain regulations; prohibiting the expansion of certain  
19 regulatory authority regarding certain private schools; defining certain terms;  
20 and generally relating to authorizing parents of students attending public  
21 schools that are subject to corrective action to petition county boards of  
22 education for an intervention.

23 BY adding to

24 Article – Education

25 Section 9A–101 through 9A–107 to be under the new title “Title 9A. Parent  
26 Empowerment and Choice”

27 Annotated Code of Maryland

28 (2008 Replacement Volume and 2010 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Education**

4 **TITLE 9A. PARENT EMPOWERMENT AND CHOICE.**

5 **9A-101.**

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

8 (B) “CHARTER MANAGEMENT ORGANIZATION” MEANS A NONPROFIT  
9 ORGANIZATION THAT OPERATES OR MANAGES CHARTER SCHOOLS BY  
10 CENTRALIZING OR SHARING SPECIFIED FUNCTIONS AND RESOURCES AMONG  
11 SCHOOLS.

12 (C) “EDUCATIONAL CHOICE MODEL” MEANS A MODEL IN WHICH A  
13 COUNTY BOARD IMPLEMENTS A SCHOLARSHIP PROGRAM AS DESCRIBED IN §  
14 9A-106.

15 (D) “EDUCATION MANAGEMENT ORGANIZATION” MEANS A FOR-PROFIT  
16 OR NONPROFIT ORGANIZATION THAT PROVIDES COMPREHENSIVE SCHOOL  
17 OPERATION SERVICES TO A COUNTY BOARD.

18 (E) “INTERVENTION” MEANS:

19 (1) AN EDUCATIONAL CHOICE MODEL;

20 (2) A RESTART MODEL; OR

21 (3) A SCHOOL CLOSURE MODEL.

22 (F) “RESTART MODEL” MEANS A MODEL IN WHICH A COUNTY BOARD:

23 (1) CONVERTS A SCHOOL OR CLOSES AND REOPENS A SCHOOL  
24 UNDER A CHARTER SCHOOL OPERATOR, A CHARTER MANAGEMENT  
25 ORGANIZATION, OR AN EDUCATION MANAGEMENT ORGANIZATION THAT HAS  
26 BEEN SELECTED THROUGH A RIGOROUS REVIEW PROCESS; AND

27 (2) ENROLLS ANY FORMER STUDENT WHO WISHES TO ATTEND  
28 THE SCHOOL.

1           **(G) (1) “SCHOOL CLOSURE MODEL” MEANS A MODEL IN WHICH A**  
2 **COUNTY BOARD CLOSES A SCHOOL AND ENROLLS THE STUDENTS WHO**  
3 **ATTENDED THE SCHOOL IN OTHER SCHOOLS IN THE COUNTY SCHOOL SYSTEM**  
4 **THAT ARE HIGHER ACHIEVING AND ARE WITHIN REASONABLE PROXIMITY TO**  
5 **THE CLOSED SCHOOL, INCLUDING CHARTER SCHOOLS OR NEW SCHOOLS FOR**  
6 **WHICH ACHIEVEMENT DATA IS NOT YET AVAILABLE.**

7           **(2) IF A SCHOOL THAT MEETS THE REQUIREMENTS OF**  
8 **PARAGRAPH (1) OF THIS SUBSECTION DOES NOT EXIST, THE COUNTY BOARD**  
9 **SHALL IMPLEMENT THE EDUCATIONAL CHOICE MODEL.**

10 **9A-102.**

11           **(A) THIS SECTION APPLIES TO ANY PUBLIC SCHOOL THAT, AFTER ONE**  
12 **FULL SCHOOL YEAR, IS SUBJECT TO CORRECTIVE ACTION IN ACCORDANCE WITH**  
13 **§ 1116(B) OF THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT**  
14 **AND CONTINUES TO FAIL TO MAKE ADEQUATE YEARLY PROGRESS.**

15           **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, IF MORE THAN**  
16 **50% OF THE PARENTS OR LEGAL GUARDIANS OF STUDENTS ATTENDING A**  
17 **PUBLIC SCHOOL, OR A COMBINATION OF MORE THAN 50% OF THE PARENTS OR**  
18 **LEGAL GUARDIANS OF STUDENTS ATTENDING THE SCHOOL AND THE**  
19 **ELEMENTARY OR MIDDLE SCHOOLS THAT NORMALLY MATRICULATE INTO THE**  
20 **MIDDLE OR HIGH SCHOOL, SIGN A PETITION REQUESTING THE COUNTY BOARD**  
21 **TO IMPLEMENT AN INTERVENTION, THE COUNTY BOARD SHALL IMPLEMENT THE**  
22 **INTERVENTION REQUESTED BY THE PARENTS OR LEGAL GUARDIANS.**

23 **9A-103.**

24           **A COUNTY BOARD SHALL NOTIFY THE STATE SUPERINTENDENT AND THE**  
25 **STATE BOARD:**

26           **(1) ON RECEIPT OF A PETITION RECEIVED UNDER § 9A-102 OF**  
27 **THIS TITLE; AND**

28           **(2) OF ITS FINAL DISPOSITION REGARDING THE PETITION.**

29 **9A-104.**

30           **(A) WITHIN 60 DAYS AFTER RECEIPT OF A PETITION UNDER § 9A-102**  
31 **OF THIS TITLE, THE COUNTY BOARD SHALL MAKE A DETERMINATION, IN**  
32 **WRITING, REGARDING DISPOSITION OF THE PETITION.**

1           **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITHIN**  
2 **180 DAYS AFTER THE COUNTY BOARD'S DETERMINATION REGARDING**  
3 **DISPOSITION OF A PETITION, THE COUNTY BOARD SHALL IMPLEMENT THE**  
4 **INTERVENTION REQUESTED BY THE PETITION.**

5           **(2) IF THE COUNTY BOARD DETERMINES THAT IT CANNOT**  
6 **IMPLEMENT THE INTERVENTION REQUESTED BY A PETITION, FOLLOWING A**  
7 **PUBLIC HEARING CONDUCTED AS PART OF A REGULARLY SCHEDULED MEETING**  
8 **OF THE COUNTY BOARD REGARDING THE PETITION, THE COUNTY BOARD SHALL,**  
9 **IN WRITING:**

10                   **(I) MAKE A FINDING STATING THE REASON THE COUNTY**  
11 **BOARD CANNOT IMPLEMENT THE INTERVENTION REQUESTED BY THE PETITION;**  
12 **AND**

13                   **(II) DESIGNATE ANOTHER INTERVENTION THE COUNTY**  
14 **BOARD SHALL IMPLEMENT IN THE SUBSEQUENT SCHOOL YEAR CONSISTENT**  
15 **WITH THE REQUIREMENTS SPECIFIED IN:**

16                           **1. FEDERAL REGULATIONS AND GUIDELINES FOR**  
17 **SCHOOLS SUBJECT TO RESTRUCTURING UNDER § 1116(B)(8) OF THE FEDERAL**  
18 **ELEMENTARY AND SECONDARY EDUCATION ACT; AND**

19                           **2. REGULATIONS ADOPTED BY THE STATE BOARD**  
20 **UNDER § 9A-107 OF THIS TITLE.**

21 **9A-105.**

22           **IF THE COUNTY BOARD INDICATES THAT IT SHALL IMPLEMENT A**  
23 **DIFFERENT INTERVENTION FROM THE INTERVENTION REQUESTED BY THE**  
24 **PETITION IN ACCORDANCE WITH § 9A-104(B) OF THIS TITLE, THE COUNTY**  
25 **BOARD SHALL NOTIFY THE STATE SUPERINTENDENT AND THE STATE BOARD**  
26 **THAT THE INTERVENTION SELECTED HAS BEEN DETERMINED BY THE COUNTY**  
27 **BOARD TO HAVE SUBSTANTIAL PROMISE OF ENABLING THE SCHOOL TO MAKE**  
28 **ADEQUATE YEARLY PROGRESS AS DEFINED IN THE FEDERALLY MANDATED**  
29 **STATE PLAN UNDER § 1111(B)(2) OF THE FEDERAL ELEMENTARY AND**  
30 **SECONDARY EDUCATION ACT.**

31 **9A-106.**

32           **(A) ANY STUDENT OF, OR A STUDENT WHO WOULD NORMALLY ATTEND,**  
33 **A SCHOOL PETITIONED FOR THE EDUCATIONAL CHOICE MODEL INTERVENTION**  
34 **SHALL HAVE THE OPTION TO RECEIVE A MONETARY SCHOLARSHIP TO COVER**

1 THE COST OF ATTENDANCE AT ANY PRIVATE SCHOOL OR OTHER PUBLIC  
2 SCHOOL OUTSIDE THE COUNTY IN WHICH THE STUDENT RESIDES.

3 (B) (1) ANY STUDENT OF A SCHOOL PETITIONED FOR THE  
4 EDUCATIONAL CHOICE MODEL SHALL QUALIFY FOR AN ANNUAL SCHOLARSHIP  
5 TO ATTEND A PRIVATE SCHOOL IN AN AMOUNT EQUAL TO THE LESSER OF:

6 (I) 75% OF THE PETITIONED SCHOOL'S ANNUAL COST PER  
7 PUPIL, INCLUDING BOTH OPERATIONAL AND CAPITAL FACILITY COSTS; OR

8 (II) 75% OF THE DOLLAR AMOUNT THE COUNTY WOULD  
9 HAVE RECEIVED TO EDUCATE THE ELIGIBLE STUDENT FROM STATE AND LOCAL  
10 SOURCES HAD THE STUDENT ENROLLED IN A SCHOOL IN THE COUNTY.

11 (2) A STUDENT MAY NOT RECEIVE SCHOLARSHIP MONEY IN AN  
12 AMOUNT THAT IS MORE THAN THE COST OF TUITION AT THE PRIVATE SCHOOL  
13 OF ATTENDANCE.

14 (C) (1) ANY STUDENT OF A SCHOOL PETITIONED FOR INTERVENTION  
15 WHO SEEKS TO ENROLL IN A DIFFERENT PUBLIC SCHOOL SHALL QUALIFY FOR  
16 ANY PUBLIC SCHOOL WITHOUT ADDITIONAL COSTS.

17 (2) THE DOLLAR AMOUNT THE COUNTY OF THE PETITIONED  
18 SCHOOL WOULD HAVE RECEIVED TO EDUCATE THE CHILD FROM STATE AND  
19 LOCAL SOURCES HAD THE CHILD ENROLLED IN A SCHOOL IN THAT COUNTY  
20 SHALL BE FORWARDED TO THE COUNTY OF THE PUBLIC SCHOOL IN WHICH THE  
21 STUDENT ENROLLS.

22 (D) ANY FUNDS AVAILABLE TO A STUDENT ARE CALCULATED USING AN  
23 AVERAGE OF THE LAST 3 FISCAL YEARS AND RECALCULATED EACH YEAR.

24 (E) FUNDS SHALL BE MADE AVAILABLE TO EACH STUDENT UNTIL THE  
25 EARLIER OF:

26 (1) COMPLETION OF HIGH SCHOOL; OR

27 (2) THE STUDENT'S 21ST BIRTHDAY.

28 (F) A COUNTY SHALL INCLUDE A STUDENT ENROLLED AS A RESULT OF  
29 THE STUDENT RECEIVING A SCHOLARSHIP TO ATTEND SCHOOL IN THE COUNTY  
30 IN ITS FULL-TIME EQUIVALENT ENROLLMENT AS PROVIDED BY § 5-202(A)(6) OF  
31 THIS ARTICLE.

32 9A-107.

1           **(A) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT**  
2 **THE PROVISIONS OF THIS TITLE.**

3           **(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS**  
4 **SECTION SHALL ESTABLISH PROCEDURES FOR A COUNTY BOARD TO CERTIFY**  
5 **THAT A PETITION HAS SATISFIED ALL REQUIREMENTS ESTABLISHED BY LAW**  
6 **AND REGULATION RELATING TO THE PETITION, INCLUDING WHETHER THE**  
7 **SIGNATURES CONTAINED IN THE PETITION ARE SUFFICIENT TO SATISFY THE**  
8 **REQUIREMENTS OF § 9A-102(B) OF THIS TITLE.**

9           **(C) THE PROVISIONS OF THIS TITLE DO NOT EXPAND THE REGULATORY**  
10 **AUTHORITY OF THE STATE, THE STATE'S OFFICERS, OR ANY LOCAL SCHOOL**  
11 **SYSTEM TO IMPOSE ANY ADDITIONAL REGULATION OF PRIVATE SCHOOLS**  
12 **BEYOND THOSE REASONABLY NECESSARY TO ENFORCE THE REQUIREMENTS OF**  
13 **THIS TITLE.**

14           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 October 1, 2011.