AN ACT concerning Education – Public Schools – Parent Empowerment

FOR the purpose of authorizing certain parents and legal guardians of students attending public schools that are not meeting State accountability goals to petition county boards of education to implement certain interventions; requiring county boards to notify the State Superintendent of Schools and the State Board of Education on receipt of certain petitions and of the final dispositions regarding the petitions; requiring county boards to make certain determinations in a certain manner within a certain time frame; requiring county boards to designate interventions other than the options requested by certain petitions under certain circumstances; requiring county boards to notify the State Superintendent and the State Board that certain interventions have substantial promise of enabling certain schools to meet State accountability goals; requiring the State Board to adopt certain regulations; defining certain terms; and generally relating to authorizing parents of students attending public schools that are not meeting State accountability goals to petition county boards of education for an intervention.

BY adding to Article – Education Section 9.5–101 through 9.5–106 to be under the new title “Title 9.5. Parent Empowerment and Choice” Annotated Code of Maryland (2008 Replacement Volume and 2012 Supplement)

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

Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
TITLE 9.5. PARENT EMPOWERMENT AND CHOICE.

9.5–101.

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

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

(C) “EDUCATION MANAGEMENT ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT PROVIDES COMPREHENSIVE SCHOOL OPERATION SERVICES TO A COUNTY BOARD.

(D) “INTERVENTION” MEANS:

(1) A RESTART MODEL; OR

(2) A SCHOOL CLOSURE MODEL.

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

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

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

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

9.5–102.
(A) This section applies to any public school that, after one full school year, continues to fail to meet State accountability goals.

(B) Except as otherwise provided in this title, if more than 50% of the parents or legal guardians of students attending a public school, or a combination of more than 50% of the parents or legal guardians of students attending the school and the elementary or middle schools that normally matriculate into the middle or high school, sign a petition requesting the county board to implement an intervention, the county board shall implement the intervention requested by the parents or legal guardians.

9.5–103.

A county board shall notify the State Superintendent and the State Board:

(1) On receipt of a petition received under § 9.5–102 of this title; and

(2) Of its final disposition regarding the petition.

9.5–104.

(A) Within 60 days after receipt of a petition under § 9.5–102 of this title, the county board shall make a determination, in writing, regarding disposition of the petition.

(B) (1) Subject to paragraph (2) of this subsection, within 180 days after the county board’s determination regarding disposition of a petition, the county board shall implement the intervention requested by the petition.

(2) If the county board determines that it cannot implement the intervention requested by a petition, following a public hearing conducted as part of a regularly scheduled meeting of the county board regarding the petition, the county board shall, in writing:

(i) Make a finding stating the reason the county board cannot implement the intervention requested by the petition; and
(II) Designate another intervention the county board shall implement in the subsequent school year consistent with the requirements specified in:

1. Federal regulations and guidelines for schools subject to restructuring under § 1116(b)(8) of the federal Elementary and Secondary Education Act; and

2. Regulations adopted by the State Board under § 9.5–106 of this title.

9.5–105.

If the county board indicates that it shall implement a different intervention from the intervention requested by the petition in accordance with § 9.5–104(b) of this title, the county board shall notify the State Superintendent and the State Board that the intervention selected has been determined by the county board to have substantial promise of enabling the school to meet State accountability goals.

9.5–106.

(A) The State Board shall adopt regulations to implement the provisions of this title.

(B) The regulations adopted under subsection (A) of this section shall establish procedures for a county board to certify that a petition has satisfied all requirements established by law and regulation relating to the petition, including whether the signatures contained in the petition are sufficient to satisfy the requirements of § 9.5–102(b) of this title.

Section 2. And be it further enacted, That this Act shall take effect October 1, 2013.