

# SENATE BILL 174

F1, B5

3lr1511  
CF HB 146

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By: **Chair, Anne Arundel County Senators**  
Introduced and read first time: January 17, 2013  
Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public Charter Schools – Capital Improvement Requests**

3 FOR the purpose of making public charter schools eligible to receive State funds for  
4 school construction subject to certain requirements; requiring the public charter  
5 school to submit a certain request for a capital improvement project to the  
6 county board of education; requiring the county board to establish a deadline for  
7 request submission; requiring the county board to make a certain evaluation of  
8 the request; requiring the county board to provide the public charter school with  
9 certain notice by a certain date; requiring the county board to allow the public  
10 charter school to make certain corrections in a reasonable time; requiring the  
11 Interagency Committee on School Construction and the Board of Public Works  
12 to make a certain evaluation of the request; providing for the disbursement of  
13 State funds; prohibiting the disbursement of State funds until a certain  
14 agreement is made; authorizing the county board and the public charter school  
15 to enter into a certain agreement to use alternative financing methods; stating a  
16 certain intent of the General Assembly; and generally relating to the capital  
17 improvement projects of public charter schools.

18 BY adding to

19 Article – Education  
20 Section 9–113  
21 Annotated Code of Maryland  
22 (2008 Replacement Volume and 2012 Supplement)

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

25 **Article – Education**

26 **9–113.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(A) (1) A PUBLIC CHARTER SCHOOL IS ELIGIBLE TO RECEIVE STATE**  
2 **FUNDS FOR SCHOOL CONSTRUCTION PROVIDED UNDER TITLE 5, SUBTITLE 3 OF**  
3 **THIS ARTICLE.**

4           **(2) TO BE ELIGIBLE TO RECEIVE STATE FUNDS UNDER**  
5 **PARAGRAPH (1) OF THIS SUBSECTION, THE PUBLIC CHARTER SCHOOL IS**  
6 **SUBJECT TO ALL REQUIREMENTS IN STATE LAW AND AS ADOPTED IN**  
7 **REGULATION UNLESS OTHERWISE PROVIDED IN THIS SECTION.**

8           **(B) (1) IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THE**  
9 **STATE OR BY THE COUNTY BOARD, THE PUBLIC CHARTER SCHOOL SHALL**  
10 **SUBMIT TO THE COUNTY BOARD A CAPITAL IMPROVEMENT PROJECT REQUEST**  
11 **INCLUDING:**

12                   **(I) A DESCRIPTION OF THE REQUESTED CAPITAL**  
13 **IMPROVEMENT PROJECT;**

14                   **(II) AN ESTIMATED COST OF COMPLETING THE CAPITAL**  
15 **IMPROVEMENT PROJECT;**

16                   **(III) A CONSTRUCTION TIMELINE; AND**

17                   **(IV) EVIDENCE JUSTIFYING THE NEED FOR THE CAPITAL**  
18 **IMPROVEMENT PROJECT.**

19           **(2) THE COUNTY BOARD SHALL ESTABLISH A SUBMISSION**  
20 **DEADLINE FOR THE REQUEST.**

21           **(3) WHEN CONSIDERING WHETHER OR NOT TO INCLUDE THE**  
22 **PUBLIC CHARTER SCHOOL'S REQUEST IN THE LOCAL CAPITAL IMPROVEMENT**  
23 **PROGRAM, THE COUNTY BOARD SHALL EVALUATE THE NEED FOR THE PROJECT**  
24 **IN RELATION TO THE NEEDS OF OTHER PROJECTS WITHIN THE COUNTY.**

25           **(4) THE COUNTY BOARD SHALL:**

26                   **(I) PROVIDE WRITTEN NOTICE TO THE PUBLIC CHARTER**  
27 **SCHOOL AS TO WHETHER THE REQUEST WILL BE INCLUDED IN THE LOCAL**  
28 **CAPITAL IMPROVEMENT PROGRAM WITHIN 30 DAYS OF SUBMISSION OF THE**  
29 **REQUEST; AND**

30                   **(II) IF THE COUNTY BOARD DOES NOT INCLUDE THE**  
31 **REQUEST IN THE LOCAL CAPITAL IMPROVEMENT PROGRAM, THE COUNTY**

1 BOARD SHALL PROVIDE THE PUBLIC CHARTER SCHOOL WITH A REASONABLE  
2 OPPORTUNITY TO RESPOND TO AND CORRECT DEFICIENCIES IN THE REQUEST.

3 (C) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION AND  
4 THE BOARD OF PUBLIC WORKS SHALL APPLY THE SAME REVIEW AND  
5 APPROVAL CRITERIA TO THE PUBLIC CHARTER SCHOOL REQUEST THAT ARE  
6 USED FOR OTHER PUBLIC SCHOOL CONSTRUCTION PROJECTS.

7 (D) (1) STATE FUNDS ALLOCATED TO A PUBLIC CHARTER SCHOOL  
8 CAPITAL IMPROVEMENT PROJECT SHALL BE DISBURSED TO THE COUNTY  
9 BOARD.

10 (2) NO STATE FUNDS SHALL BE DISBURSED UNTIL THE PUBLIC  
11 CHARTER SCHOOL AND THE COUNTY BOARD HAVE AGREED TO A PROPERTY  
12 DISPOSAL PLAN AND FINANCING REIMBURSEMENT PLAN THAT INCLUDES  
13 CONTINGENCIES FOR THE FOLLOWING:

14 (I) THE PUBLIC CHARTER SCHOOL'S CHARTER IS REVOKED  
15 OR NOT RENEWED;

16 (II) THE PUBLIC CHARTER SCHOOL BECOMES INSOLVENT;

17 (III) THE PUBLIC CHARTER SCHOOL DISCONTINUES  
18 OPERATION; AND

19 (IV) ANY OTHER PROVISIONS THAT THE COUNTY BOARD AND  
20 THE PUBLIC CHARTER SCHOOL DETERMINE TO BE NECESSARY.

21 (E) A PUBLIC CHARTER SCHOOL AND THE COUNTY BOARD MAY ENTER  
22 INTO AN AGREEMENT AUTHORIZING THE PUBLIC CHARTER SCHOOL TO USE AN  
23 ALTERNATIVE FINANCING METHOD UNDER § 4-126 OF THIS ARTICLE TO FUND A  
24 CAPITAL IMPROVEMENT PROJECT.

25 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
26 General Assembly that each county board of education work with the public charter  
27 schools in its jurisdiction to ensure that the capital construction needs of the public  
28 charter schools are addressed.

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
30 June 1, 2013.