

HOUSE BILL 999

Unofficial Copy
F1

1998 Regular Session
(8lr1073)

ENROLLED BILL

-- Ways and Means/Economic and Environmental Affairs --

Introduced by **Delegates Leopold, Rawlings, C. Mitchell, Brinkley,
Rzepkowski, Mossburg, Morgan, M. Burns, Flanagan, McKee, Schade,
Cadden, La Vay, Cryor, and ~~Marriott~~ Marriott, and Greenip**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Task Force on Public Charter Schools**

3 FOR the purpose of establishing a ~~Public Charter School Program; providing~~
4 ~~requirements and criteria for the establishment of a public charter school;~~
5 ~~specifying the procedures under which a county board of education may grant a~~
6 ~~charter for the creation of a public charter school; providing for the creation,~~
7 ~~operation, governance, and personnel policies of a public charter school;~~
8 ~~providing for certain admissions guidelines for public charter schools;~~
9 ~~authorizing the State Board of Education and a county board to exempt a public~~
10 ~~charter school from certain regulatory provisions; providing for certain funding~~
11 ~~from a county board; providing for certain transportation of students; providing~~
12 ~~for resolution of complaints against a charter school; requiring a county board to~~
13 ~~assess and review charter schools in a certain manner; requiring charter schools~~
14 ~~to prepare an annual report; requiring the State Board of Education to evaluate~~
15 ~~the Public Charter School Program and prepare a report to the General~~

1 ~~Assembly in a certain manner; authorizing a county board to revoke a charter~~
 2 ~~under certain circumstances; and generally relating to the creation of a Public~~
 3 ~~Charter School Program Task Force on Public Charter Schools; providing for the~~
 4 ~~membership, chairman, duties, and staffing of the Task Force; requiring the~~
 5 ~~Task Force to report to the Governor and the General Assembly on its findings~~
 6 ~~and recommended legislation by a certain date; providing for the termination of~~
 7 ~~this Act; and generally relating to the Task Force on Public Charter Schools.~~

8 ~~BY adding to~~
 9 ~~Article—Education~~
 10 ~~Section 9-101 through 9-118, inclusive, to be under the new title "Title 9. Public~~
 11 ~~Charter School Program"~~
 12 ~~Annotated Code of Maryland~~
 13 ~~(1997 Replacement Volume and 1997 Supplement)~~

14 Preamble

15 WHEREAS, The federal government has appropriated \$80 million in Fiscal Year
 16 1998 to support the implementation and start-up costs for approved public charter
 17 schools; and

18 WHEREAS, Studies have shown that charter schools ~~are not elitist enclaves,~~
 19 ~~but rather~~ serve a wide range of economic and cultural groups; and

20 WHEREAS, If properly developed, structured, and funded, charter schools have
 21 the potential to foster teacher creativity and enrich educational opportunities for
 22 many students; and

23 WHEREAS, The General Assembly finds that the establishment of a public
 24 charter school program is in the best interest of the students of this State; ~~now, and~~
 25 ~~therefore,~~

26 WHEREAS, The Report of the Public Charter School Study Group to the State
 27 Board of Education supports the position that a charter school should be eligible for
 28 local, State, and federal funds; and

29 WHEREAS, The Maryland State Department of Education's Guidelines for Use
 30 by Local School Systems in Considering Charter School Applications states that
 31 public charter schools should not be viewed as a threat to traditional public education
 32 or public school funding; now, therefore,

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

35 (a) There is a Task Force on Public Charter Schools.

36 (b) The Task Force consists of the following members:

- 1 (1) two members of the House of Delegates, appointed by the Speaker of
 2 the House;
- 3 (2) two members of the Senate of Maryland, appointed by the President
 4 of the Senate;
- 5 (3) the following members appointed by the Governor:
- 6 (i) the Superintendent of Public Schools or the Superintendent's
 7 designee;
- 8 (ii) one member of the State Board of Education;
- 9 (iii) one representative from the Maryland State Teachers
 10 Association;
- 11 (iv) one member of the American Federation of Teachers - Maryland;
- 12 ~~(iv)~~ (v) one member of a local board of education;
- 13 ~~(v)~~ (vi) one local superintendent of schools;
- 14 ~~(vi)~~ (vii) a principal of an established Maryland charter school; and
- 15 ~~(vii)~~ (viii) a parent of a Maryland public charter school student.
- 16 (c) The Governor shall designate one of the members as Chairman of the Task
 17 Force.
- 18 (d) The Department of Legislative Services shall provide staff support for the
 19 Task Force.
- 20 (e) The Task Force shall:
- 21 (1) review House Bill 999, as originally introduced in the 1998 Session of
 22 the General Assembly, and other states' statutes relating to public charter schools;
- 23 (2) recommend legislation for consideration by the General Assembly
 24 during the 1999 Session that encompasses the findings of the Task Force and ensures
 25 that Maryland public charter schools will qualify and be competitive for federal
 26 assistance; and
- 27 (3) report its findings and recommended legislation to the Governor and,
 28 in accordance with § 2-1246 of the State Government Article, the General Assembly
 29 by December 1, 1998.

1 ~~Article—Education~~2 ~~TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.~~3 ~~9-101.~~

4 ~~IN THIS TITLE, "CHARTER" MEANS THE AUTHORIZATION GRANTED BY A~~
5 ~~COUNTY BOARD TO OPERATE A PUBLIC CHARTER SCHOOL.~~

6 ~~9-102.~~

7 ~~(A) THE GENERAL ASSEMBLY FINDS THAT THE ESTABLISHMENT OF PUBLIC~~
8 ~~CHARTER SCHOOLS AS PART OF THE STATE'S PROGRAM OF PUBLIC EDUCATION CAN~~
9 ~~ASSIST IN PROMOTING COMPREHENSIVE EDUCATIONAL REFORM BY PROVIDING A~~
10 ~~MECHANISM FOR THE IMPLEMENTATION OF A VARIETY OF EDUCATIONAL~~
11 ~~APPROACHES THAT MAY NOT BE AVAILABLE IN THE TRADITIONAL PUBLIC SCHOOL~~
12 ~~CLASSROOM.~~

13 ~~(B) PUBLIC CHARTER SCHOOLS OFFER THE POTENTIAL TO IMPROVE PUPIL~~
14 ~~LEARNING, INCREASE THE EDUCATIONAL CHOICES AVAILABLE FOR PARENTS AND~~
15 ~~STUDENTS, ENCOURAGE THE USE OF DIFFERENT AND INNOVATIVE LEARNING~~
16 ~~METHODS, ESTABLISH A NEW FORM OF ACCOUNTABILITY FOR SCHOOL, REQUIRE~~
17 ~~THE MEASUREMENT OF LEARNING OUTCOMES, MAKE THE SCHOOL THE UNIT FOR~~
18 ~~EDUCATIONAL IMPROVEMENT, AND ESTABLISH NEW PROFESSIONAL~~
19 ~~OPPORTUNITIES FOR TEACHERS.~~

20 ~~9-103.~~

21 ~~(A) (1) A COUNTY BOARD MAY GRANT A CHARTER TO OPERATE A PUBLIC~~
22 ~~CHARTER SCHOOL AS PROVIDED IN THIS TITLE.~~

23 ~~(2) A CHARTER GRANTED UNDER THIS TITLE SHALL BE VALID FOR AN~~
24 ~~INITIAL 4 YEAR PERIOD AND MAY BE RENEWED BY THE COUNTY BOARD FOR~~
25 ~~SUBSEQUENT PERIODS OF 5 YEARS.~~

26 ~~(B) A PUBLIC CHARTER SCHOOL SHALL BE:~~

27 ~~(1) OPERATED INDEPENDENTLY OF THE COUNTY BOARD; AND~~

28 ~~(2) MANAGED BY ITS BOARD OF TRUSTEES.~~

29 ~~(C) A BOARD OF TRUSTEES, UPON RECEIVING A CHARTER FROM THE COUNTY~~
30 ~~BOARD, SHALL BE DEEMED TO BE PUBLIC AGENTS AUTHORIZED BY THE STATE~~
31 ~~BOARD TO SUPERVISE AND CONTROL THE PUBLIC CHARTER SCHOOL.~~

32 ~~9-104.~~

33 ~~(A) A PUBLIC CHARTER SCHOOL MAY BE ESTABLISHED BY:~~

34 ~~(1) (1) TEACHING STAFF MEMBERS;~~

1 (HI) PARENTS OF CHILDREN ATTENDING THE SCHOOLS OF THE
2 COUNTY; OR

3 (III) A COMBINATION OF TEACHING STAFF MEMBERS AND PARENTS;

4 (2) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

5 (3) A PRIVATE ENTITY LOCATED IN THE STATE, IN CONJUNCTION WITH
6 TEACHING STAFF MEMBERS AND PARENTS OF STUDENTS ATTENDING THE SCHOOLS
7 OF THE COUNTY.

8 (B) (1) IF A PUBLIC CHARTER SCHOOL IS ESTABLISHED BY A PRIVATE
9 ENTITY, REPRESENTATIVES OF THE PRIVATE ENTITY MAY NOT CONSTITUTE A
10 MAJORITY OF THE BOARD OF TRUSTEES OF THE SCHOOL, AND THE CHARTER SHALL
11 SPECIFY THE EXTENT TO WHICH THE PRIVATE ENTITY MAY BE INVOLVED IN THE
12 OPERATION OF THE SCHOOL.

13 (2) THE NAME OF THE PUBLIC CHARTER SCHOOL MAY NOT INCLUDE
14 THE NAME OR IDENTIFICATION OF THE PRIVATE ENTITY, AND THE PRIVATE ENTITY
15 MAY NOT REALIZE A PROFIT FROM ITS OPERATION OF A PUBLIC CHARTER SCHOOL.

16 (C) A PRIVATE OR PAROCHIAL SCHOOL IS NOT ELIGIBLE TO BECOME A PUBLIC
17 CHARTER SCHOOL.

18 (D) AN EXISTING PUBLIC SCHOOL IS ELIGIBLE TO BECOME A PUBLIC
19 CHARTER SCHOOL IF:

20 (1) AT LEAST 51% OF THE TEACHING STAFF OF THE EXISTING PUBLIC
21 SCHOOL SIGNS A PETITION IN SUPPORT OF THE SCHOOL BECOMING A PUBLIC
22 CHARTER SCHOOL; AND

23 (2) THE PARENTS OR GUARDIANS OF AT LEAST 51% OF THE STUDENTS
24 ATTENDING THE EXISTING PUBLIC SCHOOL SIGN A PETITION IN SUPPORT OF THE
25 SCHOOL BECOMING A PUBLIC CHARTER SCHOOL.

26 9-105.

27 (A) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL BE
28 SUBMITTED TO THE COUNTY BOARD DURING THE SCHOOL YEAR PRECEDING THE
29 SCHOOL YEAR IN WHICH THE PUBLIC CHARTER SCHOOL IS TO BE ESTABLISHED.

30 (B) THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER A
31 DECISION WITHIN 60 DAYS OF RECEIPT OF THE APPLICATION.

32 9-106.

33 AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL INCLUDE:

34 (1) THE IDENTITY OF THE CHARTER APPLICANT OR APPLICANTS;

35 (2) THE PROPOSED NAME OF THE PUBLIC CHARTER SCHOOL;

1 (3) ~~THE PROPOSED GOVERNANCE STRUCTURE OF THE PUBLIC CHARTER~~
2 ~~SCHOOL, INCLUDING A LIST OF THE PROPOSED MEMBERS OF THE BOARD OF~~
3 ~~TRUSTEES OF THE PUBLIC CHARTER SCHOOL OR A DESCRIPTION OF THE~~
4 ~~QUALIFICATIONS AND METHOD FOR THE APPOINTMENT OR ELECTION OF MEMBERS~~
5 ~~OF THE BOARD OF TRUSTEES;~~

6 (4) ~~THE EDUCATIONAL GOALS OF THE PUBLIC CHARTER SCHOOL, THE~~
7 ~~CURRICULUM TO BE OFFERED, AND THE METHODS OF ASSESSING WHETHER~~
8 ~~STUDENTS ARE MEETING EDUCATIONAL GOALS;~~

9 (5) ~~THE ADMISSION POLICY AND CRITERIA FOR EVALUATING THE~~
10 ~~ADMISSION OF STUDENTS, WHICH SHALL COMPLY WITH § 9-109 OF THIS TITLE;~~

11 (6) ~~THE AGE OR GRADE RANGE OF STUDENTS TO BE ENROLLED;~~

12 (7) ~~THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;~~

13 (8) ~~A DESCRIPTION OF STAFF RESPONSIBILITIES AND PROPOSED~~
14 ~~QUALIFICATIONS OF TEACHING STAFF;~~

15 (9) ~~A DESCRIPTION OF THE PROCEDURES TO BE IMPLEMENTED TO~~
16 ~~ENSURE SIGNIFICANT PARENT INVOLVEMENT OF THE OPERATION OF THE SCHOOL;~~

17 (10) ~~A DESCRIPTION OF, AND ADDRESS FOR, THE PHYSICAL FACILITY IN~~
18 ~~WHICH THE PUBLIC CHARTER SCHOOL WILL BE LOCATED;~~

19 (11) ~~INFORMATION ON THE MANNER IN WHICH COMMUNITY GROUPS~~
20 ~~WILL BE INVOLVED IN THE PUBLIC CHARTER SCHOOL PLANNING PROCESS;~~

21 (12) ~~THE FINANCIAL PLAN FOR THE PUBLIC CHARTER SCHOOL AND THE~~
22 ~~PROVISIONS THAT WILL BE MADE FOR AUDITING THE SCHOOL IN ACCORDANCE~~
23 ~~WITH § 5-109 OF THIS ARTICLE;~~

24 (13) ~~A DESCRIPTION OF AND JUSTIFICATION FOR ANY WAIVER OF STATE~~
25 ~~OR LOCAL REGULATIONS WHICH THE PUBLIC CHARTER SCHOOL WILL REQUEST;~~
26 ~~AND~~

27 (14) ~~ANY OTHER INFORMATION THE COUNTY BOARD MAY REQUIRE.~~

28 ~~9-107.~~

29 ~~A PUBLIC CHARTER SCHOOL ESTABLISHED UNDER THIS TITLE SHALL BE A~~
30 ~~BODY CORPORATE AND POLITIC WITH ALL POWERS NECESSARY OR DESIRABLE FOR~~
31 ~~CARRYING OUT ITS CHARTER PROGRAM, INCLUDING THE POWER TO:~~

32 (1) ~~ADOPT A NAME AND CORPORATE SEAL; HOWEVER, THE NAME~~
33 ~~SELECTED SHALL INCLUDE THE WORDS "CHARTER SCHOOL";~~

34 (2) ~~SUE AND BE SUED, TO THE SAME EXTENT AND UPON THE SAME~~
35 ~~CONDITIONS THAT A PUBLIC ENTITY CAN BE SUED;~~

1 (3) ~~ACQUIRE REAL PROPERTY FROM PUBLIC OR PRIVATE SOURCES, BY~~
2 ~~PURCHASE, LEASE, LEASE WITH AN OPTION TO PURCHASE, OR BY GIFT, FOR USE AS~~
3 ~~A SCHOOL FACILITY;~~

4 (4) ~~RECEIVE AND DISBURSE FUNDS FOR SCHOOL PURPOSES;~~

5 (5) ~~MAKE CONTRACTS AND LEASES FOR THE PROCUREMENT OF~~
6 ~~SERVICES, EQUIPMENT, AND SUPPLIES;~~

7 (6) ~~INCUR TEMPORARY DEBTS IN ANTICIPATION OF THE RECEIPT OF~~
8 ~~FUNDS;~~

9 (7) ~~SOLICIT AND ACCEPT ANY GIFTS OR GRANTS FOR SCHOOL~~
10 ~~PURPOSES; AND~~

11 (8) ~~HAVE ANY OTHER POWERS NECESSARY TO FULFILL ITS CHARTER~~
12 ~~AND WHICH ARE NOT INCONSISTENT WITH THIS TITLE OR THE REQUIREMENTS OF~~
13 ~~THE COUNTY BOARD.~~

14 ~~9-108.~~

15 (A) ~~A PUBLIC CHARTER SCHOOL SHALL BE OPEN TO ALL STUDENTS ON A~~
16 ~~SPACE AVAILABLE BASIS AND MAY NOT DISCRIMINATE IN ITS ADMISSION POLICIES~~
17 ~~OR PRACTICES ON THE BASIS OF INTELLECTUAL OR ATHLETIC ABILITY, MEASURES~~
18 ~~OF ACHIEVEMENT OR APTITUDE, DISABILITY STATUS, PROFICIENCY IN THE ENGLISH~~
19 ~~LANGUAGE, OR ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A COUNTY~~
20 ~~BOARD.~~

21 (B) ~~A PUBLIC CHARTER SCHOOL MAY:~~

22 (1) ~~LIMIT ADMISSION TO A PARTICULAR GRADE LEVEL;~~

23 (2) ~~PROVIDE A SPECIFIC ACADEMIC FOCUS, SUCH AS MATHEMATICS,~~
24 ~~SCIENCE, OR THE ARTS; AND~~

25 (3) ~~ESTABLISH REASONABLE CRITERIA TO EVALUATE PROSPECTIVE~~
26 ~~STUDENTS, WHICH SHALL BE OUTLINED IN THE SCHOOL'S CHARTER.~~

27 ~~9-109.~~

28 (A) (1) ~~PREFERENCE FOR ENROLLMENT IN A PUBLIC CHARTER SCHOOL~~
29 ~~SHALL BE GIVEN TO STUDENTS WHO RESIDE IN THE COUNTY IN WHICH THE PUBLIC~~
30 ~~CHARTER SCHOOL IS LOCATED.~~

31 (2) ~~SUBJECT TO THE OTHER PROVISIONS OF THIS SECTION, IF MORE~~
32 ~~APPLICANTS ENROLL IN A PUBLIC CHARTER SCHOOL THAN THERE ARE SPACES~~
33 ~~AVAILABLE, THE PUBLIC CHARTER SCHOOL SHALL SELECT STUDENTS TO ATTEND~~
34 ~~USING A RANDOM SELECTION PROCESS.~~

35 (3) ~~A PUBLIC CHARTER SCHOOL MAY NOT CHARGE TUITION.~~

1 ~~(B) A PUBLIC CHARTER SCHOOL MAY GIVE ENROLLMENT PRIORITY TO A~~
2 ~~SIBLING OF A STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL.~~

3 ~~(C) (1) IF AVAILABLE SPACE PERMITS, A PUBLIC CHARTER SCHOOL MAY~~
4 ~~ENROLL STUDENTS WHO DO NOT RESIDE IN THE COUNTY IN WHICH THE SCHOOL IS~~
5 ~~LOCATED.~~

6 ~~(2) THE TERMS AND CONDITIONS OF THE ENROLLMENT SHALL BE~~
7 ~~OUTLINED IN THE SCHOOL'S CHARTER.~~

8 ~~(D) THE ADMISSION POLICY OF A PUBLIC CHARTER SCHOOL, TO THE~~
9 ~~MAXIMUM EXTENT PRACTICABLE, SHALL SEEK THE ENROLLMENT OF A~~
10 ~~REPRESENTATIVE CROSS SECTION OF THE COMMUNITY'S SCHOOL AGE~~
11 ~~POPULATION, INCLUDING SUCH FACTORS AS RACIAL, ECONOMIC, AND ACADEMIC~~
12 ~~DIVERSITY.~~

13 ~~9-110.~~

14 ~~(A) A STUDENT MAY WITHDRAW FROM A PUBLIC CHARTER SCHOOL AT ANY~~
15 ~~TIME.~~

16 ~~(B) (1) A STUDENT MAY BE EXPELLED FROM A PUBLIC CHARTER SCHOOL~~
17 ~~BASED ON CRITERIA DETERMINED BY THE BOARD OF TRUSTEES, CONSISTENT WITH~~
18 ~~PROVISIONS OF THE SCHOOL'S CHARTER.~~

19 ~~(2) A DECISION TO EXPEL A STUDENT SHALL BE MADE BY THE~~
20 ~~PRINCIPAL OF THE PUBLIC CHARTER SCHOOL, IN CONSULTATION WITH THE~~
21 ~~STUDENT'S TEACHERS.~~

22 ~~9-111.~~

23 ~~(A) A PUBLIC CHARTER SCHOOL MAY BE LOCATED IN:~~

24 ~~(1) PART OF AN EXISTING PUBLIC SCHOOL BUILDING;~~

25 ~~(2) A PUBLIC BUILDING OTHER THAN AN EXISTING PUBLIC SCHOOL; OR~~

26 ~~(3) ANY OTHER SUITABLE LOCATION.~~

27 ~~(B) THE FACILITY SHALL BE EXEMPT FROM THE PUBLIC SCHOOL FACILITY~~
28 ~~REGULATIONS EXCEPT THOSE PERTAINING TO THE HEALTH OR SAFETY OF THE~~
29 ~~PUPILS.~~

30 ~~(C) A PUBLIC CHARTER SCHOOL MAY NOT CONSTRUCT A FACILITY WITH~~
31 ~~PUBLIC FUNDS.~~

32 ~~9-112.~~

33 ~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~
34 ~~PUBLIC CHARTER SCHOOL SHALL OPERATE IN ACCORDANCE WITH ITS CHARTER~~
35 ~~AND THE PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS.~~

1 (2) AT THE REQUEST OF THE BOARD OF TRUSTEES OF A PUBLIC
2 CHARTER SCHOOL, THE STATE BOARD MAY EXEMPT THE SCHOOL FROM STATE
3 EDUCATION REGULATIONS AND REQUIREMENTS, AND THE COUNTY BOARD MAY
4 EXEMPT THE SCHOOL FROM LOCAL EDUCATION REGULATIONS AND
5 REQUIREMENTS, IF THE BOARD OF TRUSTEES SATISFACTORILY DEMONSTRATES
6 THAT THE EXEMPTION WILL ADVANCE THE EDUCATIONAL GOALS AND OBJECTIVES
7 OF THE SCHOOL.

8 (3) THE STATE BOARD OR A COUNTY BOARD MAY NOT EXEMPT A PUBLIC
9 CHARTER SCHOOL FROM REGULATIONS PERTAINING TO ASSESSMENT, TESTING,
10 CIVIL RIGHTS, OR STUDENT HEALTH AND SAFETY.

11 (B) (1) A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH THE PROVISIONS
12 OF § 8-404 OF THIS ARTICLE CONCERNING THE PROVISION OF SERVICES TO
13 STUDENTS WITH DISABILITIES.

14 (2) THE COUNTY BOARD SHALL PAY THE EDUCATIONAL EXPENSES OF
15 ANY STUDENT WHO IS FOUND BECAUSE OF A HANDICAPPING CONDITION TO
16 REQUIRE AN EDUCATIONAL PLACEMENT OUTSIDE THE PUBLIC CHARTER SCHOOL.

17 (C) A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH APPLICABLE STATE
18 AND FEDERAL ANTIDISCRIMINATION LAWS.

19 9-113.

20 (A) THE COUNTY BOARD SHALL PAY DIRECTLY TO THE PUBLIC CHARTER
21 SCHOOL, FOR EACH STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL WHO
22 RESIDES IN THE COUNTY, AN AMOUNT NOT LESS THAN 90% NOR MORE THAN 100% OF
23 THE PER PUPIL OPERATING COSTS FOR EDUCATING THE SAME KIND OF STUDENT IN
24 THE EXISTING PUBLIC SCHOOLS OF THE COUNTY.

25 (B) A PUBLIC CHARTER SCHOOL SHALL BE ELIGIBLE FOR COUNTY, STATE,
26 AND FEDERAL FUNDS IN THE SAME MANNER AS CALCULATED FOR LIKE KIND
27 STUDENTS OF REGULAR PUBLIC SCHOOLS IN THE COUNTY.

28 9-114.

29 (A) STUDENTS OF A PUBLIC CHARTER SCHOOL WHO RESIDE IN THE COUNTY
30 IN WHICH THE PUBLIC CHARTER SCHOOL IS LOCATED SHALL BE PROVIDED
31 TRANSPORTATION TO AND FROM THE PUBLIC CHARTER SCHOOL ON THE SAME
32 TERMS AND CONDITIONS AS TRANSPORTATION IS PROVIDED TO STUDENTS
33 ATTENDING OTHER PUBLIC SCHOOLS OF THE COUNTY.

34 (B) STUDENTS RESIDING IN OTHER COUNTIES MAY RECEIVE
35 TRANSPORTATION SERVICES PURSUANT TO REGULATIONS ADOPTED BY THE STATE
36 BOARD.

37 9-115.

38 (A) THE BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL:

1 (1) MAY DECIDE MATTERS RELATING TO THE OPERATIONS OF THE
2 SCHOOL, INCLUDING BUDGETING, CURRICULUM, AND OPERATING PROCEDURES,
3 SUBJECT TO THE SCHOOL'S CHARTER; AND

4 (2) SHALL PROVIDE FOR APPROPRIATE INSURANCE AGAINST ANY LOSS
5 OR DAMAGE TO ITS PROPERTY OR ANY LIABILITY RESULTING FROM THE USE OF ITS
6 PROPERTY OR FROM THE ACTS OR OMISSIONS OF ITS OFFICERS AND EMPLOYEES.

7 (B) (1) A PUBLIC CHARTER SCHOOL AND ITS EMPLOYEES SHALL BE
8 SUBJECT TO THE PROVISIONS OF TITLE 6 OF THIS ARTICLE.

9 (2) IF AN EXISTING PUBLIC SCHOOL BECOMES A PUBLIC CHARTER
10 SCHOOL PURSUANT TO § 9-105 OF THIS TITLE, THE SCHOOL EMPLOYEES OF THE
11 PUBLIC CHARTER SCHOOL SHALL BE DEEMED TO BE MEMBERS OF THE BARGAINING
12 UNIT IN WHICH THEY WERE INCLUDED IN THE EXISTING PUBLIC SCHOOL.

13 (3) IN THE CASE OF OTHER PUBLIC CHARTER SCHOOLS, THE BOARD OF
14 TRUSTEES OF A PUBLIC CHARTER SCHOOL MAY EMPLOY, DISCHARGE, AND
15 CONTRACT WITH NECESSARY TEACHERS AND NONCERTIFICATED EMPLOYEES AS
16 PROVIDED IN THE SCHOOL'S CHARTER.

17 (4) THE BOARD OF TRUSTEES MAY CHOOSE WHETHER OR NOT TO OFFER
18 THE TERMS OF ANY COLLECTIVE BARGAINING AGREEMENT ALREADY ESTABLISHED
19 BY THE COUNTY BOARD FOR ITS EMPLOYEES, BUT THE BOARD OF TRUSTEES SHALL
20 ADOPT ANY HEALTH AND SAFETY PROVISIONS OF THE AGREEMENT.

21 (5) A PUBLIC CHARTER SCHOOL MAY NOT SET A TEACHER SALARY
22 LOWER THAN THE MINIMUM TEACHER SALARY SPECIFIED PURSUANT TO § 6-302 OF
23 THIS ARTICLE NOR HIGHER THAN THE HIGHEST STEP IN THE SALARY GUIDE IN THE
24 COLLECTIVE BARGAINING AGREEMENT WHICH IS IN EFFECT IN THE COUNTY IN
25 WHICH THE CHARTER SCHOOL IS LOCATED.

26 (C) ALL CLASSROOM TEACHERS AND PROFESSIONAL SUPPORT STAFF SHALL
27 HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

28 (D) (1) A PUBLIC SCHOOL EMPLOYEE, WHETHER TENURED OR
29 NONTENURED, MAY REQUEST A LEAVE OF ABSENCE OF UP TO 3 YEARS FROM THE
30 COUNTY BOARD IN ORDER TO WORK IN A PUBLIC CHARTER SCHOOL.

31 (2) APPROVAL FOR A LEAVE OF ABSENCE MAY NOT BE UNREASONABLY
32 WITHHELD.

33 (3) (F) EMPLOYEES ON A LEAVE OF ABSENCE AS PROVIDED IN THIS
34 SUBSECTION SHALL REMAIN IN, AND CONTINUE TO MAKE CONTRIBUTIONS TO,
35 THEIR RETIREMENT PLAN DURING THE TIME OF THE LEAVE AND SHALL BE
36 ENROLLED IN THE HEALTH BENEFITS PLAN OFFERED TO OTHER PUBLIC SCHOOL
37 TEACHERS IN THE COUNTY.

38 (H) THE PUBLIC CHARTER SCHOOL SHALL MAKE ANY REQUIRED
39 EMPLOYER'S CONTRIBUTION TO THE COUNTY'S HEALTH BENEFITS PLAN.

1 ~~(E) AN EMPLOYEE ON A LEAVE OF ABSENCE AS PROVIDED IN SUBSECTION (D)~~
2 ~~OF THIS SECTION MAY NOT ACCRUE TENURE IN THE PUBLIC SCHOOL SYSTEM BUT~~
3 ~~SHALL RETAIN ANY TENURE AND SHALL CONTINUE TO ACCRUE SENIORITY IN THE~~
4 ~~PUBLIC SCHOOL SYSTEM IF THE EMPLOYEE RETURNS TO THE REGULAR PUBLIC~~
5 ~~SCHOOL WHEN THE LEAVE ENDS.~~

6 ~~(F) AN EMPLOYEE ON A LEAVE OF ABSENCE AS PROVIDED IN SUBSECTION (D)~~
7 ~~OF THIS SECTION WHO LEAVES OR IS DISMISSED FROM EMPLOYMENT AT A PUBLIC~~
8 ~~CHARTER SCHOOL WITHIN 3 YEARS SHALL HAVE THE RIGHT TO RETURN TO THE~~
9 ~~EMPLOYEE'S FORMER POSITION IN THE COUNTY PUBLIC SCHOOL SYSTEM IF THE~~
10 ~~EMPLOYEE IS OTHERWISE ELIGIBLE FOR EMPLOYMENT.~~

11 ~~9-116.~~

12 ~~(A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS~~
13 ~~VIOLATED ANY PROVISION OF THIS TITLE MAY PRESENT A COMPLAINT WITH THE~~
14 ~~BOARD OF TRUSTEES OF THE PUBLIC CHARTER SCHOOL.~~

15 ~~(B) IF THE COMPLAINT IS NOT RESOLVED TO THE SATISFACTION OF THE~~
16 ~~COMPLAINANT, THE COMPLAINANT MAY PRESENT THE COMPLAINT TO THE COUNTY~~
17 ~~BOARD.~~

18 ~~(C) THE BOARD OF TRUSTEES OF EACH PUBLIC CHARTER SCHOOL SHALL~~
19 ~~ESTABLISH AN ADVISORY GRIEVANCE COMMITTEE COMPOSED OF PARENTS AND~~
20 ~~TEACHERS TO MAKE NONBINDING RECOMMENDATIONS TO THE BOARD OF~~
21 ~~TRUSTEES CONCERNING THE DISPOSITION OF COMPLAINTS.~~

22 ~~9-117.~~

23 ~~(A) (1) THE COUNTY BOARD SHALL ANNUALLY ASSESS WHETHER EACH~~
24 ~~PUBLIC CHARTER SCHOOL IN THE COUNTY IS MEETING THE GOALS OF ITS CHARTER~~
25 ~~AND SHALL CONDUCT A COMPREHENSIVE REVIEW PRIOR TO GRANTING A RENEWAL~~
26 ~~OF THE CHARTER.~~

27 ~~(2) THE COUNTY BOARD SHALL HAVE ACCESS TO THE RECORDS AND~~
28 ~~FACILITIES OF THE PUBLIC CHARTER SCHOOL TO ENSURE THAT THE PUBLIC~~
29 ~~CHARTER SCHOOL IS IN COMPLIANCE WITH ITS CHARTER AND THE PROVISIONS OF~~
30 ~~LAW.~~

31 ~~(B) (1) IN ORDER TO FACILITATE THE COUNTY BOARD'S REVIEW, EACH~~
32 ~~PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL FISCAL AND STUDENT~~
33 ~~PERFORMANCE REPORT TO THE COUNTY BOARD, NOT LATER THAN AUGUST 1, IN THE~~
34 ~~FORM PRESCRIBED BY THE COUNTY BOARD.~~

35 ~~(2) THE REPORT SHALL ALSO BE MADE AVAILABLE TO THE PARENT OR~~
36 ~~GUARDIAN OF ANY STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL.~~

1 ~~9-118.~~

2 (A) ~~A COUNTY BOARD MAY REVOKE THE CHARTER OF A PUBLIC CHARTER~~
3 ~~SCHOOL IF:~~

4 (1) ~~THE SCHOOL HAS NOT FULFILLED ANY CONDITION IMPOSED BY THE~~
5 ~~COUNTY BOARD IN CONNECTION WITH THE GRANTING OF THE CHARTER;~~

6 (2) ~~THE SCHOOL HAS VIOLATED ANY PROVISIONS OF THE CHARTER;~~

7 (3) ~~THE FISCAL CONDITION OF THE SCHOOL IS SUBSTANTIALLY~~
8 ~~DEFICIENT; OR~~

9 (4) ~~THE ACADEMIC CONDITION OF THE SCHOOL IS SUBSTANTIALLY~~
10 ~~DEFICIENT.~~

11 (B) ~~THE COUNTY BOARD MAY PLACE A PUBLIC CHARTER SCHOOL ON~~
12 ~~PROBATIONARY STATUS TO ALLOW THE IMPLEMENTATION OF A REMEDIAL PLAN,~~
13 ~~PENDING A DECISION TO REVOKE THE SCHOOL'S CHARTER.~~

14 (C) ~~A COUNTY BOARD SHALL DEVELOP PROCEDURES AND GUIDELINES FOR~~
15 ~~THE REVOCATION AND RENEWAL OF SCHOOL CHARTERS.~~

16 ~~SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1,~~
17 ~~2002, and based on input from county boards, members of the educational community,~~
18 ~~and the public, the State Board shall submit to the General Assembly, in accordance~~
19 ~~with § 2-1246 of the State Government Article, a report on and an evaluation of the~~
20 ~~Public Charter School Program. The report shall include a recommendation on the~~
21 ~~advisability of the continuation, modification, expansion, or termination of the~~
22 ~~Program.~~

23 ~~SECTION 3. 2. AND BE IT FURTHER ENACTED, That this Act shall take~~
24 ~~effect July 1, 1998. It shall remain effective for a period of 6 months and, at the end of~~
25 ~~December 31, 1998, with no further action required by the General Assembly, this Act~~
26 ~~shall be abrogated and of no further force and effect.~~