

HOUSE BILL 999

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1998 Regular Session
8r1073

By: **Delegates Leopold, Rawlings, C. Mitchell, Brinkley, Rzepkowski,
Mossburg, Morgan, M. Burns, Flanagan, McKee, Schade, Cadden, La
Vay, Cryor, and Marriott**

Introduced and read first time: February 13, 1998

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **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
16 Assembly in a certain manner; authorizing a county board to revoke a charter
17 under certain circumstances; and generally relating to the creation of a Public
18 Charter School Program.

19 BY adding to
20 Article - Education
21 Section 9-101 through 9-118, inclusive, to be under the new title "Title 9. Public
22 Charter School Program"
23 Annotated Code of Maryland
24 (1997 Replacement Volume and 1997 Supplement)

25 Preamble

26 WHEREAS, The federal government has appropriated \$80 million in Fiscal Year
27 1998 to support the implementation and start-up costs for approved public charter
28 schools; and

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

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

6 WHEREAS, The General Assembly finds that the establishment of a public
7 charter school program is in the best interest of the students of this State; now,
8 therefore,

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

11 **Article - Education**

12 **TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.**

13 9-101.

14 IN THIS TITLE, "CHARTER" MEANS THE AUTHORIZATION GRANTED BY A
15 COUNTY BOARD TO OPERATE A PUBLIC CHARTER SCHOOL.

16 9-102.

17 (A) THE GENERAL ASSEMBLY FINDS THAT THE ESTABLISHMENT OF PUBLIC
18 CHARTER SCHOOLS AS PART OF THE STATE'S PROGRAM OF PUBLIC EDUCATION CAN
19 ASSIST IN PROMOTING COMPREHENSIVE EDUCATIONAL REFORM BY PROVIDING A
20 MECHANISM FOR THE IMPLEMENTATION OF A VARIETY OF EDUCATIONAL
21 APPROACHES THAT MAY NOT BE AVAILABLE IN THE TRADITIONAL PUBLIC SCHOOL
22 CLASSROOM.

23 (B) PUBLIC CHARTER SCHOOLS OFFER THE POTENTIAL TO IMPROVE PUPIL
24 LEARNING, INCREASE THE EDUCATIONAL CHOICES AVAILABLE FOR PARENTS AND
25 STUDENTS, ENCOURAGE THE USE OF DIFFERENT AND INNOVATIVE LEARNING
26 METHODS, ESTABLISH A NEW FORM OF ACCOUNTABILITY FOR SCHOOL, REQUIRE
27 THE MEASUREMENT OF LEARNING OUTCOMES, MAKE THE SCHOOL THE UNIT FOR
28 EDUCATIONAL IMPROVEMENT, AND ESTABLISH NEW PROFESSIONAL
29 OPPORTUNITIES FOR TEACHERS.

30 9-103.

31 (A) (1) A COUNTY BOARD MAY GRANT A CHARTER TO OPERATE A PUBLIC
32 CHARTER SCHOOL AS PROVIDED IN THIS TITLE.

33 (2) A CHARTER GRANTED UNDER THIS TITLE SHALL BE VALID FOR AN
34 INITIAL 4-YEAR PERIOD AND MAY BE RENEWED BY THE COUNTY BOARD FOR
35 SUBSEQUENT PERIODS OF 5 YEARS.

36 (B) A PUBLIC CHARTER SCHOOL SHALL BE:

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

2 (2) MANAGED BY ITS BOARD OF TRUSTEES.

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

6 9-104.

7 (A) A PUBLIC CHARTER SCHOOL MAY BE ESTABLISHED BY:

8 (1) (I) TEACHING STAFF MEMBERS;

9 (II) PARENTS OF CHILDREN ATTENDING THE SCHOOLS OF THE
10 COUNTY; OR

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

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

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

16 (B) (1) IF A PUBLIC CHARTER SCHOOL IS ESTABLISHED BY A PRIVATE
17 ENTITY, REPRESENTATIVES OF THE PRIVATE ENTITY MAY NOT CONSTITUTE A
18 MAJORITY OF THE BOARD OF TRUSTEES OF THE SCHOOL, AND THE CHARTER SHALL
19 SPECIFY THE EXTENT TO WHICH THE PRIVATE ENTITY MAY BE INVOLVED IN THE
20 OPERATION OF THE SCHOOL.

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

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

26 (D) AN EXISTING PUBLIC SCHOOL IS ELIGIBLE TO BECOME A PUBLIC
27 CHARTER SCHOOL IF:

28 (1) AT LEAST 51% OF THE TEACHING STAFF OF THE EXISTING PUBLIC
29 SCHOOL SIGNS A PETITION IN SUPPORT OF THE SCHOOL BECOMING A PUBLIC
30 CHARTER SCHOOL; AND

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

1 9-105.

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

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

7 9-106.

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

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

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

11 (3) THE PROPOSED GOVERNANCE STRUCTURE OF THE PUBLIC CHARTER
12 SCHOOL, INCLUDING A LIST OF THE PROPOSED MEMBERS OF THE BOARD OF
13 TRUSTEES OF THE PUBLIC CHARTER SCHOOL OR A DESCRIPTION OF THE
14 QUALIFICATIONS AND METHOD FOR THE APPOINTMENT OR ELECTION OF MEMBERS
15 OF THE BOARD OF TRUSTEES;

16 (4) THE EDUCATIONAL GOALS OF THE PUBLIC CHARTER SCHOOL, THE
17 CURRICULUM TO BE OFFERED, AND THE METHODS OF ASSESSING WHETHER
18 STUDENTS ARE MEETING EDUCATIONAL GOALS;

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

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

22 (7) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;

23 (8) A DESCRIPTION OF STAFF RESPONSIBILITIES AND PROPOSED
24 QUALIFICATIONS OF TEACHING STAFF;

25 (9) A DESCRIPTION OF THE PROCEDURES TO BE IMPLEMENTED TO
26 ENSURE SIGNIFICANT PARENT INVOLVEMENT OF THE OPERATION OF THE SCHOOL;

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

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

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

1 (13) A DESCRIPTION OF AND JUSTIFICATION FOR ANY WAIVER OF STATE
2 OR LOCAL REGULATIONS WHICH THE PUBLIC CHARTER SCHOOL WILL REQUEST;
3 AND

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

5 9-107.

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

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

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

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

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

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

19 (6) INCUR TEMPORARY DEBTS IN ANTICIPATION OF THE RECEIPT OF
20 FUNDS;

21 (7) SOLICIT AND ACCEPT ANY GIFTS OR GRANTS FOR SCHOOL
22 PURPOSES; AND

23 (8) HAVE ANY OTHER POWERS NECESSARY TO FULFILL ITS CHARTER
24 AND WHICH ARE NOT INCONSISTENT WITH THIS TITLE OR THE REQUIREMENTS OF
25 THE COUNTY BOARD.

26 9-108.

27 (A) A PUBLIC CHARTER SCHOOL SHALL BE OPEN TO ALL STUDENTS ON A
28 SPACE-AVAILABLE BASIS AND MAY NOT DISCRIMINATE IN ITS ADMISSION POLICIES
29 OR PRACTICES ON THE BASIS OF INTELLECTUAL OR ATHLETIC ABILITY, MEASURES
30 OF ACHIEVEMENT OR APTITUDE, DISABILITY STATUS, PROFICIENCY IN THE ENGLISH
31 LANGUAGE, OR ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A COUNTY
32 BOARD.

33 (B) A PUBLIC CHARTER SCHOOL MAY:

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

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

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

5 9-109.

6 (A) (1) PREFERENCE FOR ENROLLMENT IN A PUBLIC CHARTER SCHOOL
7 SHALL BE GIVEN TO STUDENTS WHO RESIDE IN THE COUNTY IN WHICH THE PUBLIC
8 CHARTER SCHOOL IS LOCATED.

9 (2) SUBJECT TO THE OTHER PROVISIONS OF THIS SECTION, IF MORE
10 APPLICANTS ENROLL IN A PUBLIC CHARTER SCHOOL THAN THERE ARE SPACES
11 AVAILABLE, THE PUBLIC CHARTER SCHOOL SHALL SELECT STUDENTS TO ATTEND
12 USING A RANDOM SELECTION PROCESS.

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

14 (B) A PUBLIC CHARTER SCHOOL MAY GIVE ENROLLMENT PRIORITY TO A
15 SIBLING OF A STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL.

16 (C) (1) IF AVAILABLE SPACE PERMITS, A PUBLIC CHARTER SCHOOL MAY
17 ENROLL STUDENTS WHO DO NOT RESIDE IN THE COUNTY IN WHICH THE SCHOOL IS
18 LOCATED.

19 (2) THE TERMS AND CONDITIONS OF THE ENROLLMENT SHALL BE
20 OUTLINED IN THE SCHOOL'S CHARTER.

21 (D) THE ADMISSION POLICY OF A PUBLIC CHARTER SCHOOL, TO THE
22 MAXIMUM EXTENT PRACTICABLE, SHALL SEEK THE ENROLLMENT OF A
23 REPRESENTATIVE CROSS-SECTION OF THE COMMUNITY'S SCHOOL AGE
24 POPULATION, INCLUDING SUCH FACTORS AS RACIAL, ECONOMIC, AND ACADEMIC
25 DIVERSITY.

26 9-110.

27 (A) A STUDENT MAY WITHDRAW FROM A PUBLIC CHARTER SCHOOL AT ANY
28 TIME.

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

32 (2) A DECISION TO EXPEL A STUDENT SHALL BE MADE BY THE
33 PRINCIPAL OF THE PUBLIC CHARTER SCHOOL, IN CONSULTATION WITH THE
34 STUDENT'S TEACHERS.

35 9-111.

36 (A) A PUBLIC CHARTER SCHOOL MAY BE LOCATED IN:

- 1 (1) PART OF AN EXISTING PUBLIC SCHOOL BUILDING;
- 2 (2) A PUBLIC BUILDING OTHER THAN AN EXISTING PUBLIC SCHOOL; OR
- 3 (3) ANY OTHER SUITABLE LOCATION.

4 (B) THE FACILITY SHALL BE EXEMPT FROM THE PUBLIC SCHOOL FACILITY
5 REGULATIONS EXCEPT THOSE PERTAINING TO THE HEALTH OR SAFETY OF THE
6 PUPILS.

7 (C) A PUBLIC CHARTER SCHOOL MAY NOT CONSTRUCT A FACILITY WITH
8 PUBLIC FUNDS.

9 9-112.

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

13 (2) AT THE REQUEST OF THE BOARD OF TRUSTEES OF A PUBLIC
14 CHARTER SCHOOL, THE STATE BOARD MAY EXEMPT THE SCHOOL FROM STATE
15 EDUCATION REGULATIONS AND REQUIREMENTS, AND THE COUNTY BOARD MAY
16 EXEMPT THE SCHOOL FROM LOCAL EDUCATION REGULATIONS AND
17 REQUIREMENTS, IF THE BOARD OF TRUSTEES SATISFACTORILY DEMONSTRATES
18 THAT THE EXEMPTION WILL ADVANCE THE EDUCATIONAL GOALS AND OBJECTIVES
19 OF THE SCHOOL.

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

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

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

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

31 9-113.

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

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

4 9-114.

5 (A) STUDENTS OF A PUBLIC CHARTER SCHOOL WHO RESIDE IN THE COUNTY
6 IN WHICH THE PUBLIC CHARTER SCHOOL IS LOCATED SHALL BE PROVIDED
7 TRANSPORTATION TO AND FROM THE PUBLIC CHARTER SCHOOL ON THE SAME
8 TERMS AND CONDITIONS AS TRANSPORTATION IS PROVIDED TO STUDENTS
9 ATTENDING OTHER PUBLIC SCHOOLS OF THE COUNTY.

10 (B) STUDENTS RESIDING IN OTHER COUNTIES MAY RECEIVE
11 TRANSPORTATION SERVICES PURSUANT TO REGULATIONS ADOPTED BY THE STATE
12 BOARD.

13 9-115.

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

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

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

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

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

27 (3) IN THE CASE OF OTHER PUBLIC CHARTER SCHOOLS, THE BOARD OF
28 TRUSTEES OF A PUBLIC CHARTER SCHOOL MAY EMPLOY, DISCHARGE, AND
29 CONTRACT WITH NECESSARY TEACHERS AND NONCERTIFICATED EMPLOYEES AS
30 PROVIDED IN THE SCHOOL'S CHARTER.

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

35 (5) A PUBLIC CHARTER SCHOOL MAY NOT SET A TEACHER SALARY
36 LOWER THAN THE MINIMUM TEACHER SALARY SPECIFIED PURSUANT TO § 6-302 OF
37 THIS ARTICLE NOR HIGHER THAN THE HIGHEST STEP IN THE SALARY GUIDE IN THE

1 COLLECTIVE BARGAINING AGREEMENT WHICH IS IN EFFECT IN THE COUNTY IN
2 WHICH THE CHARTER SCHOOL IS LOCATED.

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

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

8 (2) APPROVAL FOR A LEAVE OF ABSENCE MAY NOT BE UNREASONABLY
9 WITHHELD.

10 (3) (I) EMPLOYEES ON A LEAVE OF ABSENCE AS PROVIDED IN THIS
11 SUBSECTION SHALL REMAIN IN, AND CONTINUE TO MAKE CONTRIBUTIONS TO,
12 THEIR RETIREMENT PLAN DURING THE TIME OF THE LEAVE AND SHALL BE
13 ENROLLED IN THE HEALTH BENEFITS PLAN OFFERED TO OTHER PUBLIC SCHOOL
14 TEACHERS IN THE COUNTY.

15 (II) THE PUBLIC CHARTER SCHOOL SHALL MAKE ANY REQUIRED
16 EMPLOYER'S CONTRIBUTION TO THE COUNTY'S HEALTH BENEFITS PLAN.

17 (E) AN EMPLOYEE ON A LEAVE OF ABSENCE AS PROVIDED IN SUBSECTION (D)
18 OF THIS SECTION MAY NOT ACCRUE TENURE IN THE PUBLIC SCHOOL SYSTEM BUT
19 SHALL RETAIN ANY TENURE AND SHALL CONTINUE TO ACCRUE SENIORITY IN THE
20 PUBLIC SCHOOL SYSTEM IF THE EMPLOYEE RETURNS TO THE REGULAR PUBLIC
21 SCHOOL WHEN THE LEAVE ENDS.

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

27 9-116.

28 (A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS
29 VIOLATED ANY PROVISION OF THIS TITLE MAY PRESENT A COMPLAINT WITH THE
30 BOARD OF TRUSTEES OF THE PUBLIC CHARTER SCHOOL.

31 (B) IF THE COMPLAINT IS NOT RESOLVED TO THE SATISFACTION OF THE
32 COMPLAINANT, THE COMPLAINANT MAY PRESENT THE COMPLAINT TO THE COUNTY
33 BOARD.

34 (C) THE BOARD OF TRUSTEES OF EACH PUBLIC CHARTER SCHOOL SHALL
35 ESTABLISH AN ADVISORY GRIEVANCE COMMITTEE COMPOSED OF PARENTS AND
36 TEACHERS TO MAKE NONBINDING RECOMMENDATIONS TO THE BOARD OF
37 TRUSTEES CONCERNING THE DISPOSITION OF COMPLAINTS.

1 9-117.

2 (A) (1) THE COUNTY BOARD SHALL ANNUALLY ASSESS WHETHER EACH
3 PUBLIC CHARTER SCHOOL IN THE COUNTY IS MEETING THE GOALS OF ITS CHARTER
4 AND SHALL CONDUCT A COMPREHENSIVE REVIEW PRIOR TO GRANTING A RENEWAL
5 OF THE CHARTER.

6 (2) THE COUNTY BOARD SHALL HAVE ACCESS TO THE RECORDS AND
7 FACILITIES OF THE PUBLIC CHARTER SCHOOL TO ENSURE THAT THE PUBLIC
8 CHARTER SCHOOL IS IN COMPLIANCE WITH ITS CHARTER AND THE PROVISIONS OF
9 LAW.

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

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

16 9-118.

17 (A) A COUNTY BOARD MAY REVOKE THE CHARTER OF A PUBLIC CHARTER
18 SCHOOL IF:

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

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

22 (3) THE FISCAL CONDITION OF THE SCHOOL IS SUBSTANTIALLY
23 DEFICIENT; OR

24 (4) THE ACADEMIC CONDITION OF THE SCHOOL IS SUBSTANTIALLY
25 DEFICIENT.

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

29 (C) A COUNTY BOARD SHALL DEVELOP PROCEDURES AND GUIDELINES FOR
30 THE REVOCATION AND RENEWAL OF SCHOOL CHARTERS.

31 SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1,
32 2002, and based on input from county boards, members of the educational community,
33 and the public, the State Board shall submit to the General Assembly, in accordance
34 with § 2-1246 of the State Government Article, a report on and an evaluation of the
35 Public Charter School Program. The report shall include a recommendation on the
36 advisability of the continuation, modification, expansion, or termination of the
37 Program.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 1998.