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Vay, Cryor, and ~~Marriott~~ Marriott, and Greenip**

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House action: Adopted  
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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  
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 Task Force on Public Charter Schools; providing for the  
19 membership, chairman, duties, and staffing of the Task Force; requiring the  
20 Task Force to report to the Governor and the General Assembly on its findings  
21 and recommended legislation by a certain date; providing for the termination of  
22 this Act; and generally relating to the Task Force on Public Charter Schools.

23 ~~BY adding to~~  
24 ~~Article Education~~  
25 ~~Section 9-101 through 9-118, inclusive, to be under the new title "Title 9. Public~~

1 Charter School Program"  
 2 Annotated Code of Maryland  
 3 (1997 Replacement Volume and 1997 Supplement)

4 Preamble

5 WHEREAS, The federal government has appropriated \$80 million in Fiscal Year  
 6 1998 to support the implementation and start-up costs for approved public charter  
 7 schools; and

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

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

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

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

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

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

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

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

27 (1) two members of the House of Delegates, appointed by the Speaker of  
 28 the House;

29 (2) two members of the Senate of Maryland, appointed by the President  
 30 of the Senate;

31 (3) the following members appointed by the Governor:

32 (i) the Superintendent of Public Schools or the Superintendent's  
 33 designee;

34 (ii) one member of the State Board of Education;

- 1 (iii) one representative from the Maryland State Teachers  
2 Association;
- 3 (iv) one member of a local board of education;
- 4 (v) one local superintendent of schools;
- 5 (vi) a principal of an established Maryland charter school; and
- 6 (vii) a parent of a Maryland public charter school student.

7 (c) The Governor shall designate one of the members as Chairman of the Task  
8 Force.

9 (d) The Department of Legislative Services shall provide staff support for the  
10 Task Force.

11 (e) The Task Force shall:

12 (1) review House Bill 999, as originally introduced in the 1998 Session of  
13 the General Assembly, and other states' statutes relating to public charter schools;

14 (2) recommend legislation for consideration by the General Assembly  
15 during the 1999 Session that encompasses the findings of the Task Force and ensures  
16 that Maryland public charter schools will qualify and be competitive for federal  
17 assistance; and

18 (3) report its findings and recommended legislation to the Governor and,  
19 in accordance with § 2-1246 of the State Government Article, the General Assembly  
20 by December 1, 1998.

21 **Article—Education**

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

23 ~~9-101.~~

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

26 ~~9-102.~~

27 ~~(A) THE GENERAL ASSEMBLY FINDS THAT THE ESTABLISHMENT OF PUBLIC~~  
28 ~~CHARTER SCHOOLS AS PART OF THE STATE'S PROGRAM OF PUBLIC EDUCATION CAN~~  
29 ~~ASSIST IN PROMOTING COMPREHENSIVE EDUCATIONAL REFORM BY PROVIDING A~~  
30 ~~MECHANISM FOR THE IMPLEMENTATION OF A VARIETY OF EDUCATIONAL~~  
31 ~~APPROACHES THAT MAY NOT BE AVAILABLE IN THE TRADITIONAL PUBLIC SCHOOL~~  
32 ~~CLASSROOM.~~

1     ~~(B) PUBLIC CHARTER SCHOOLS OFFER THE POTENTIAL TO IMPROVE PUPIL~~  
2 ~~LEARNING, INCREASE THE EDUCATIONAL CHOICES AVAILABLE FOR PARENTS AND~~  
3 ~~STUDENTS, ENCOURAGE THE USE OF DIFFERENT AND INNOVATIVE LEARNING~~  
4 ~~METHODS, ESTABLISH A NEW FORM OF ACCOUNTABILITY FOR SCHOOL, REQUIRE~~  
5 ~~THE MEASUREMENT OF LEARNING OUTCOMES, MAKE THE SCHOOL THE UNIT FOR~~  
6 ~~EDUCATIONAL IMPROVEMENT, AND ESTABLISH NEW PROFESSIONAL~~  
7 ~~OPPORTUNITIES FOR TEACHERS.~~

8 ~~9-103.~~

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

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

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

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

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

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

20 ~~9-104.~~

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

22             ~~(I) (1) TEACHING STAFF MEMBERS;~~

23             ~~(II) PARENTS OF CHILDREN ATTENDING THE SCHOOLS OF THE~~  
24 ~~COUNTY; OR~~

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

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

27             ~~(3) A PRIVATE ENTITY LOCATED IN THE STATE, IN CONJUNCTION WITH~~  
28 ~~TEACHING STAFF MEMBERS AND PARENTS OF STUDENTS ATTENDING THE SCHOOLS~~  
29 ~~OF THE COUNTY.~~

30     ~~(B) (1) IF A PUBLIC CHARTER SCHOOL IS ESTABLISHED BY A PRIVATE~~  
31 ~~ENTITY, REPRESENTATIVES OF THE PRIVATE ENTITY MAY NOT CONSTITUTE A~~  
32 ~~MAJORITY OF THE BOARD OF TRUSTEES OF THE SCHOOL, AND THE CHARTER SHALL~~  
33 ~~SPECIFY THE EXTENT TO WHICH THE PRIVATE ENTITY MAY BE INVOLVED IN THE~~  
34 ~~OPERATION OF THE SCHOOL.~~

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

4           (C)     ~~A PRIVATE OR PAROCHIAL SCHOOL IS NOT ELIGIBLE TO BECOME A PUBLIC~~  
5 ~~CHARTER SCHOOL.~~

6           (D)     ~~AN EXISTING PUBLIC SCHOOL IS ELIGIBLE TO BECOME A PUBLIC~~  
7 ~~CHARTER SCHOOL IF:~~

8           (1)     ~~AT LEAST 51% OF THE TEACHING STAFF OF THE EXISTING PUBLIC~~  
9 ~~SCHOOL SIGNS A PETITION IN SUPPORT OF THE SCHOOL BECOMING A PUBLIC~~  
10 ~~CHARTER SCHOOL; AND~~

11           (2)     ~~THE PARENTS OR GUARDIANS OF AT LEAST 51% OF THE STUDENTS~~  
12 ~~ATTENDING THE EXISTING PUBLIC SCHOOL SIGN A PETITION IN SUPPORT OF THE~~  
13 ~~SCHOOL BECOMING A PUBLIC CHARTER SCHOOL.~~

14 9-105.

15           (A)     ~~AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL BE~~  
16 ~~SUBMITTED TO THE COUNTY BOARD DURING THE SCHOOL YEAR PRECEDING THE~~  
17 ~~SCHOOL YEAR IN WHICH THE PUBLIC CHARTER SCHOOL IS TO BE ESTABLISHED.~~

18           (B)     ~~THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER A~~  
19 ~~DECISION WITHIN 60 DAYS OF RECEIPT OF THE APPLICATION.~~

20 9-106.

21     ~~AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL INCLUDE:~~

22           (1)     ~~THE IDENTITY OF THE CHARTER APPLICANT OR APPLICANTS;~~

23           (2)     ~~THE PROPOSED NAME OF THE PUBLIC CHARTER SCHOOL;~~

24           (3)     ~~THE PROPOSED GOVERNANCE STRUCTURE OF THE PUBLIC CHARTER~~  
25 ~~SCHOOL, INCLUDING A LIST OF THE PROPOSED MEMBERS OF THE BOARD OF~~  
26 ~~TRUSTEES OF THE PUBLIC CHARTER SCHOOL OR A DESCRIPTION OF THE~~  
27 ~~QUALIFICATIONS AND METHOD FOR THE APPOINTMENT OR ELECTION OF MEMBERS~~  
28 ~~OF THE BOARD OF TRUSTEES;~~

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

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

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

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

1           (8)     A DESCRIPTION OF STAFF RESPONSIBILITIES AND PROPOSED  
2 QUALIFICATIONS OF TEACHING STAFF;

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

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

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

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

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

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

16 9-107.

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

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

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

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

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

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

30           (6)     INCUR TEMPORARY DEBTS IN ANTICIPATION OF THE RECEIPT OF  
31 FUNDS;

32           (7)     SOLICIT AND ACCEPT ANY GIFTS OR GRANTS FOR SCHOOL  
33 PURPOSES; AND

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

4 9-108.

5     (A)     A PUBLIC CHARTER SCHOOL SHALL BE OPEN TO ALL STUDENTS ON A  
6 SPACE AVAILABLE BASIS AND MAY NOT DISCRIMINATE IN ITS ADMISSION POLICIES  
7 OR PRACTICES ON THE BASIS OF INTELLECTUAL OR ATHLETIC ABILITY, MEASURES  
8 OF ACHIEVEMENT OR APTITUDE, DISABILITY STATUS, PROFICIENCY IN THE ENGLISH  
9 LANGUAGE, OR ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A COUNTY  
10 BOARD.

11     (B)     A PUBLIC CHARTER SCHOOL MAY:

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

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

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

17 9-109.

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

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

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

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

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

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

33     (D)     THE ADMISSION POLICY OF A PUBLIC CHARTER SCHOOL, TO THE  
34 MAXIMUM EXTENT PRACTICABLE, SHALL SEEK THE ENROLLMENT OF A  
35 REPRESENTATIVE CROSS SECTION OF THE COMMUNITY'S SCHOOL AGE

~~1 POPULATION, INCLUDING SUCH FACTORS AS RACIAL, ECONOMIC, AND ACADEMIC  
2 DIVERSITY.~~

~~3 9-110.~~

~~4 (A) A STUDENT MAY WITHDRAW FROM A PUBLIC CHARTER SCHOOL AT ANY  
5 TIME.~~

~~6 (B) (1) A STUDENT MAY BE EXPELLED FROM A PUBLIC CHARTER SCHOOL  
7 BASED ON CRITERIA DETERMINED BY THE BOARD OF TRUSTEES, CONSISTENT WITH  
8 PROVISIONS OF THE SCHOOL'S CHARTER.~~

~~9 (2) A DECISION TO EXPEL A STUDENT SHALL BE MADE BY THE  
10 PRINCIPAL OF THE PUBLIC CHARTER SCHOOL, IN CONSULTATION WITH THE  
11 STUDENT'S TEACHERS.~~

~~12 9-111.~~

~~13 (A) A PUBLIC CHARTER SCHOOL MAY BE LOCATED IN:~~

~~14 (1) PART OF AN EXISTING PUBLIC SCHOOL BUILDING;~~

~~15 (2) A PUBLIC BUILDING OTHER THAN AN EXISTING PUBLIC SCHOOL; OR~~

~~16 (3) ANY OTHER SUITABLE LOCATION.~~

~~17 (B) THE FACILITY SHALL BE EXEMPT FROM THE PUBLIC SCHOOL FACILITY  
18 REGULATIONS EXCEPT THOSE PERTAINING TO THE HEALTH OR SAFETY OF THE  
19 PUPILS.~~

~~20 (C) A PUBLIC CHARTER SCHOOL MAY NOT CONSTRUCT A FACILITY WITH  
21 PUBLIC FUNDS.~~

~~22 9-112.~~

~~23 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A  
24 PUBLIC CHARTER SCHOOL SHALL OPERATE IN ACCORDANCE WITH ITS CHARTER  
25 AND THE PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS.~~

~~26 (2) AT THE REQUEST OF THE BOARD OF TRUSTEES OF A PUBLIC  
27 CHARTER SCHOOL, THE STATE BOARD MAY EXEMPT THE SCHOOL FROM STATE  
28 EDUCATION REGULATIONS AND REQUIREMENTS, AND THE COUNTY BOARD MAY  
29 EXEMPT THE SCHOOL FROM LOCAL EDUCATION REGULATIONS AND  
30 REQUIREMENTS, IF THE BOARD OF TRUSTEES SATISFACTORILY DEMONSTRATES  
31 THAT THE EXEMPTION WILL ADVANCE THE EDUCATIONAL GOALS AND OBJECTIVES  
32 OF THE SCHOOL.~~

~~33 (3) THE STATE BOARD OR A COUNTY BOARD MAY NOT EXEMPT A PUBLIC  
34 CHARTER SCHOOL FROM REGULATIONS PERTAINING TO ASSESSMENT, TESTING,  
35 CIVIL RIGHTS, OR STUDENT HEALTH AND SAFETY.~~



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

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

7 ~~(C) A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH APPLICABLE STATE~~  
8 ~~AND FEDERAL ANTIDISCRIMINATION LAWS.~~

9 9-113.

10 ~~(A) THE COUNTY BOARD SHALL PAY DIRECTLY TO THE PUBLIC CHARTER~~  
11 ~~SCHOOL, FOR EACH STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL WHO~~  
12 ~~RESIDES IN THE COUNTY, AN AMOUNT NOT LESS THAN 90% NOR MORE THAN 100% OF~~  
13 ~~THE PER PUPIL OPERATING COSTS FOR EDUCATING THE SAME KIND OF STUDENT IN~~  
14 ~~THE EXISTING PUBLIC SCHOOLS OF THE COUNTY.~~

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

18 9-114.

19 ~~(A) STUDENTS OF A PUBLIC CHARTER SCHOOL WHO RESIDE IN THE COUNTY~~  
20 ~~IN WHICH THE PUBLIC CHARTER SCHOOL IS LOCATED SHALL BE PROVIDED~~  
21 ~~TRANSPORTATION TO AND FROM THE PUBLIC CHARTER SCHOOL ON THE SAME~~  
22 ~~TERMS AND CONDITIONS AS TRANSPORTATION IS PROVIDED TO STUDENTS~~  
23 ~~ATTENDING OTHER PUBLIC SCHOOLS OF THE COUNTY.~~

24 ~~(B) STUDENTS RESIDING IN OTHER COUNTIES MAY RECEIVE~~  
25 ~~TRANSPORTATION SERVICES PURSUANT TO REGULATIONS ADOPTED BY THE STATE~~  
26 ~~BOARD.~~

27 9-115.

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

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

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

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

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

5           (3)     IN THE CASE OF OTHER PUBLIC CHARTER SCHOOLS, THE BOARD OF  
6 TRUSTEES OF A PUBLIC CHARTER SCHOOL MAY EMPLOY, DISCHARGE, AND  
7 CONTRACT WITH NECESSARY TEACHERS AND NONCERTIFICATED EMPLOYEES AS  
8 PROVIDED IN THE SCHOOL'S CHARTER.

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

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

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

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

23                 (2)     APPROVAL FOR A LEAVE OF ABSENCE MAY NOT BE UNREASONABLY  
24 WITHHELD.

25                 (3)     (1)     EMPLOYEES ON A LEAVE OF ABSENCE AS PROVIDED IN THIS  
26 SUBSECTION SHALL REMAIN IN, AND CONTINUE TO MAKE CONTRIBUTIONS TO,  
27 THEIR RETIREMENT PLAN DURING THE TIME OF THE LEAVE AND SHALL BE  
28 ENROLLED IN THE HEALTH BENEFITS PLAN OFFERED TO OTHER PUBLIC SCHOOL  
29 TEACHERS IN THE COUNTY.

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

32          (E)     AN EMPLOYEE ON A LEAVE OF ABSENCE AS PROVIDED IN SUBSECTION (D)  
33 OF THIS SECTION MAY NOT ACCRUE TENURE IN THE PUBLIC SCHOOL SYSTEM BUT  
34 SHALL RETAIN ANY TENURE AND SHALL CONTINUE TO ACCRUE SENIORITY IN THE  
35 PUBLIC SCHOOL SYSTEM IF THE EMPLOYEE RETURNS TO THE REGULAR PUBLIC  
36 SCHOOL WHEN THE LEAVE ENDS.

37          (F)     AN EMPLOYEE ON A LEAVE OF ABSENCE AS PROVIDED IN SUBSECTION (D)  
38 OF THIS SECTION WHO LEAVES OR IS DISMISSED FROM EMPLOYMENT AT A PUBLIC  
39 CHARTER SCHOOL WITHIN 3 YEARS SHALL HAVE THE RIGHT TO RETURN TO THE

~~1 EMPLOYEE'S FORMER POSITION IN THE COUNTY PUBLIC SCHOOL SYSTEM IF THE  
2 EMPLOYEE IS OTHERWISE ELIGIBLE FOR EMPLOYMENT.~~

~~3 9-116.~~

~~4 (A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS  
5 VIOLATED ANY PROVISION OF THIS TITLE MAY PRESENT A COMPLAINT WITH THE  
6 BOARD OF TRUSTEES OF THE PUBLIC CHARTER SCHOOL.~~

~~7 (B) IF THE COMPLAINT IS NOT RESOLVED TO THE SATISFACTION OF THE  
8 COMPLAINANT, THE COMPLAINANT MAY PRESENT THE COMPLAINT TO THE COUNTY  
9 BOARD.~~

~~10 (C) THE BOARD OF TRUSTEES OF EACH PUBLIC CHARTER SCHOOL SHALL  
11 ESTABLISH AN ADVISORY GRIEVANCE COMMITTEE COMPOSED OF PARENTS AND  
12 TEACHERS TO MAKE NONBINDING RECOMMENDATIONS TO THE BOARD OF  
13 TRUSTEES CONCERNING THE DISPOSITION OF COMPLAINTS.~~

~~14 9-117.~~

~~15 (A) (1) THE COUNTY BOARD SHALL ANNUALLY ASSESS WHETHER EACH  
16 PUBLIC CHARTER SCHOOL IN THE COUNTY IS MEETING THE GOALS OF ITS CHARTER  
17 AND SHALL CONDUCT A COMPREHENSIVE REVIEW PRIOR TO GRANTING A RENEWAL  
18 OF THE CHARTER.~~

~~19 (2) THE COUNTY BOARD SHALL HAVE ACCESS TO THE RECORDS AND  
20 FACILITIES OF THE PUBLIC CHARTER SCHOOL TO ENSURE THAT THE PUBLIC  
21 CHARTER SCHOOL IS IN COMPLIANCE WITH ITS CHARTER AND THE PROVISIONS OF  
22 LAW.~~

~~23 (B) (1) IN ORDER TO FACILITATE THE COUNTY BOARD'S REVIEW, EACH  
24 PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL FISCAL AND STUDENT  
25 PERFORMANCE REPORT TO THE COUNTY BOARD, NOT LATER THAN AUGUST 1, IN THE  
26 FORM PRESCRIBED BY THE COUNTY BOARD.~~

~~27 (2) THE REPORT SHALL ALSO BE MADE AVAILABLE TO THE PARENT OR  
28 GUARDIAN OF ANY STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL.~~

~~29 9-118.~~

~~30 (A) A COUNTY BOARD MAY REVOKE THE CHARTER OF A PUBLIC CHARTER  
31 SCHOOL IF:~~

~~32 (1) THE SCHOOL HAS NOT FULFILLED ANY CONDITION IMPOSED BY THE  
33 COUNTY BOARD IN CONNECTION WITH THE GRANTING OF THE CHARTER;~~

~~34 (2) THE SCHOOL HAS VIOLATED ANY PROVISIONS OF THE CHARTER;~~

~~35 (3) THE FISCAL CONDITION OF THE SCHOOL IS SUBSTANTIALLY  
36 DEFICIENT; OR~~

1           (4)     ~~THE ACADEMIC CONDITION OF THE SCHOOL IS SUBSTANTIALLY~~  
2 ~~DEFICIENT.~~

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

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

8           ~~SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1,~~  
9 ~~2002, and based on input from county boards, members of the educational community,~~  
10 ~~and the public, the State Board shall submit to the General Assembly, in accordance~~  
11 ~~with § 2-1246 of the State Government Article, a report on and an evaluation of the~~  
12 ~~Public Charter School Program. The report shall include a recommendation on the~~  
13 ~~advisability of the continuation, modification, expansion, or termination of the~~  
14 ~~Program.~~

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