

BY: Economic and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 116
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Education - Public Charter Schools" and substitute "Educational Opportunity and Family Investment Program Act of 1999".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 19 on page 2, inclusive, and substitute:

"FOR the purpose of establishing a children's educational opportunity program as an educational component of the Family Investment Program; requiring the Secretary of Human Resources to assist the State Department of Education to establish a pilot program that will allow children of families in the Family Investment Program to attend public charter schools under certain circumstances; requiring the transfer of certain educational funds to public charter schools; authorizing the establishment of public charter schools; authorizing the State Department of Education to grant charters for public charter schools to certain sponsoring agencies; prohibiting the granting of charters to certain educational agencies; requiring public charter schools to give preference to certain students; requiring the county boards of education and the State to designate certain funds for students who attend public charter schools; establishing certain rights and responsibilities for certain employees at public charter schools; requiring the Department of Education to conduct certain assessments of public charter schools; requiring public charter schools to submit certain reports; establishing certain rules governing students at public charter schools; requiring the Department to adopt certain regulations; requiring the Department to make a certain report by a certain date; providing for the termination of this Act; and generally relating to the establishment of a pilot program that will give certain children educational alternatives under certain circumstances."

On page 2, strike in their entirety lines 20 through 30, inclusive, and substitute:

(Over)

“BY repealing and reenacting, without amendments,
Article 88A - Department of Human Resources
Section 1A(a) and 44A(d)
Annotated Code of Maryland
(1998 Replacement Volume)

BY repealing and reenacting, with amendments,
Article 88A - Department of Human Resources
Section 45 and 47
Annotated Code of Maryland
(1998 Replacement Volume)

BY repealing and reenacting, without amendments,
Article - Education
Section 1-101(d), (f), and (l)
Annotated Code of Maryland
(1997 Replacement Volume and 1998 Supplement)

BY repealing and reenacting, with amendments,
Article - Education
Section 5-208
Annotated Code of Maryland
(1997 Replacement Volume and 1998 Supplement)

BY adding to
Article - Education
Section 9-101 through 9-112, inclusive, to be under the new title “Title 9. Public Charter
School Program”
Annotated Code of Maryland
(1997 Replacement Volume and 1998 Supplement)

Preamble

WHEREAS, In 1995 the Maryland General Assembly recognized the need to enact an

innovative welfare reform measure that would help its 227,887 welfare participants on the path to self-sufficiency; and

WHEREAS, Since the enactment of the Welfare Reform Pilot Program of 1995 and subsequent measures that have evolved into a program called the Family Investment Program, the State of Maryland has enabled 131,832 individuals to begin on the path to self-sufficiency; and

WHEREAS, The Family Investment Program's 57.8% reduction in welfare rolls has been based in large part on its ability to provide for the many needs of its participants, including transportation, child care, medical care, and cash assistance; and

WHEREAS, Fully two-thirds of all of the Family Investment Program's participants are children whose basic need of a quality education is paramount to any other; and

WHEREAS, Many of the Family Investment Program's children are attending schools which are performing at a level that cannot meet their needs and prepare them for the challenges of the future; and

WHEREAS, In keeping with the innovative nature of the Family Investment Program, the concept of publicly chartered schools offers an exciting opportunity for the State of Maryland to offer its children an alternative to the traditional public schools; and

WHEREAS, Publicly chartered schools operate within the umbrella of the public school system, are funded with public moneys, and are accountable for the same performance standards as a traditional public school but are operated independent of the local boards of education; and

WHEREAS, Many publicly chartered schools in the 34 states and the District of Columbia, where publicly chartered schools have been embraced, have been successful in improving the education of at-risk and other special needs students; and

WHEREAS, In Chapter 720 of the 1998 Laws of Maryland, the Maryland General Assembly acknowledged the potential of publicly chartered schools to foster teacher creativity and enrich educational opportunities for a wide range of economic and cultural groups; and

(Over)

WHEREAS, Chapter 720 of the 1998 Laws of Maryland also found that the establishment of a public charter school program is in the best interest of the students of this State; now, therefore,;

and on pages 2 through 21, strike in their entirety the lines beginning with line 33 on page 2 through line 24 on page 21, inclusive, and substitute:

“Article 88A - Department of Human Resources

1A.

(a) The Family Investment Administration is established within the Department of Human Resources. All of the powers, duties, and responsibilities provided for the Social Services Administration in the following programs are transferred to the Family Investment Administration: the Family Investment Program and related cash benefit programs; public assistance to adults; emergency assistance; food stamps; and medical assistance eligibility determinations. References to the "Social Services Administration", "State Department", or "State Administration" in the laws of this State that concern these programs are deemed to mean the Family Investment Administration.

44A.

(d) "FIP" means Family Investment Program.

45.

(A) The primary purpose of this subtitle is to support family efforts to achieve and maintain self-sufficiency through services and financial aid geared to individual family needs.

(B) IT IS AN IMPORTANT LONG-TERM GOAL OF THE FAMILY INVESTMENT PROGRAM TO PRODUCE A FUTURE GENERATION OF ADULTS WHO ARE ECONOMICALLY INDEPENDENT AND CONTRIBUTING MEMBERS OF SOCIETY.

(C) IT IS THE INTENT OF THE FAMILY INVESTMENT PROGRAM TO ACHIEVE THIS GOAL BY IMPROVING THE EDUCATION OF THE PRESENT GENERATION OF ECONOMICALLY DEPRIVED AND AT-RISK CHILDREN.

47.

(a) In providing assistance under this subtitle, the Department may contract with charitable organizations, private organizations, religious organizations, THE STATE DEPARTMENT OF EDUCATION, COUNTY BOARDS OF EDUCATION, and institutions of higher education.

(b) Except as provided in subsection (c) of this section, a religious organization may participate in the Family Investment Program on the same basis as any other nongovernmental entity.

(c) An individual may not be required to accept assistance from a religious organization if acceptance would violate the individual's bona fide religious beliefs and practices.

(d) (1) The Maryland Higher Education Commission, in cooperation with the Department, shall:

(i) Identify and promote at institutions of higher education efforts to provide assistance to FIP recipients; and

(ii) Coordinate efforts among institutions of higher education to encourage and identify student volunteers to help provide to FIP recipients educational and employment-related services, such as literacy training, resume writing, and job interviewing skills.

(2) An institution of higher education shall:

(i) Meet with the local department about developing services for FIP recipients in the jurisdiction in which the institution is located;

(ii) Advise the local department of the services available for FIP recipients; and

(iii) By September 15 of each year, provide to the Maryland Higher Education Commission, a report on efforts to encourage and identify student volunteers and identify services

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provided under the provisions of this subsection.

(3) By December 1 of each year, the Maryland Higher Education Commission shall submit a report, subject to § 2-1246 of the State Government Article, to the Joint Committee on Welfare Reform regarding the services provided under the provisions of this subsection.

(E) (1) THE SECRETARY SHALL COOPERATE WITH AND PROVIDE ASSISTANCE AS NEEDED TO THE STATE DEPARTMENT OF EDUCATION AND THE PUBLIC SCHOOL CHARTERING AUTHORITIES FOR A PILOT PROGRAM FOR STUDENTS FROM FAMILIES WHO PARTICIPATE IN THE FAMILY INVESTMENT PROGRAM.

(2) UNDER THE PILOT PROGRAM, A CHILD OF A FAMILY PARTICIPATING IN THE FIP WHO ATTENDS A TRADITIONAL PUBLIC SCHOOL MAY ATTEND A PUBLIC CHARTER SCHOOL ESTABLISHED UNDER TITLE 9 OF THE EDUCATION ARTICLE IF THE SCHOOL THAT THE CHILD IS CURRENTLY ATTENDING HAS SCORED AT OR BELOW 24 PERCENT ON THE MARYLAND SCHOOL PERFORMANCE PROGRAM COMPOSITE INDEX WITHIN THE PAST YEAR.

(3) THE STATE AND THE COUNTY BOARD SHALL TRANSFER THE FUNDS DESIGNATED FOR A CHILD AT THE TRADITIONAL PUBLIC SCHOOL THAT THE CHILD HAS BEEN ATTENDING TO THE PUBLIC CHARTER SCHOOL TO WHICH THE CHILD TRANSFERS.

[(e)] (F) An organization funded under the Family Investment Program may not discriminate on the basis of religion, religious belief, or refusal to participate in a religious practice with respect to any individual's receipt of service under the Program.

[(f)] (G) The Department of Human Resources shall provide all persons receiving benefits under the Family Investment Program with clear and timely notice of their rights under § 104(e) of P.L. 104-193 (1996).

Article - Education

1-101.

(d) "County board" means the board of education of a county and includes the New Baltimore City Board of School Commissioners.

(f) "Department" means the State Department of Education.

(l) "State Board" means the State Board of Education.

5-208.

(a) (1) In this section the following words have the meanings indicated.

(2) "Data-based areas" means those areas identified by the State Board through the Maryland School Performance Program for which information is to be tracked for each school, each school system, and the State.

(3) "FAMILY INVESTMENT PROGRAM" MEANS THE BENEFIT PROGRAM UNDER THE FAMILY INVESTMENT ADMINISTRATION, AS ESTABLISHED UNDER ARTICLE 88A, § 1A OF THE CODE, THAT IS DESIGNED TO SUPPORT FAMILY EFFORTS TO ACHIEVE AND MAINTAIN SELF-SUFFICIENCY THROUGH SERVICES AND FINANCIAL AID THAT ARE GEARED TO INDIVIDUAL FAMILY NEEDS.

[(3)] (4) "Maryland School Performance Program" means a performance based education accountability program that focuses on accountability through school improvement in the public schools.

[(4)] (5) "Recipient school" means a public school that receives a recognition award under this section.

(b) (1) It is the intent of this section to reward a school that shows substantial improvement towards meeting standards established by the State Board for the data-based areas of the Maryland School Performance Program.

[(c) (1)] (2) (I) To the extent that funds are provided in the State budget, the State Superintendent annually shall distribute recognition awards to elementary and middle schools that

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show substantial improvement towards meeting standards of the Maryland School Performance Program.

[(2)] (II) The State Board shall establish guidelines for the determination of eligibility for and distribution of awards under [paragraph (1) of this subsection] SUBPARAGRAPH (I) OF THIS PARAGRAPH.

[(d) (1)] (3) (I) The school improvement team of a recipient school shall determine how the award shall be used subject to the following conditions:

[(i)] 1. Recognition funds are in addition to and may not supplant federal, State, and local funds regularly appropriated for use by the school;

[(ii)] 2. Recognition funds may not be used for staff bonuses or differential pay increases; and

[(iii)] 3. Recognition funds shall be expended in accordance with policies and procedures of the school system where the recipient school is located.

[(2)] (II) The principal of a recipient school shall file with the local school superintendent a report indicating the amount of the award and the uses for which it was expended.

(C) (1) THERE IS A PILOT PROGRAM TO PROVIDE EDUCATIONAL OPPORTUNITIES FOR CHILDREN FROM LOW INCOME FAMILIES.

(2) UNDER THIS PROGRAM, THE DEPARTMENT SHALL PROVIDE AN EDUCATIONAL ALTERNATIVE TO A CHILD FROM A FAMILY PARTICIPATING IN THE FAMILY INVESTMENT PROGRAM.

(3) A CHILD OF A FAMILY PARTICIPATING IN THE FAMILY INVESTMENT PROGRAM WHO ATTENDS A TRADITIONAL PUBLIC SCHOOL MAY ATTEND A PUBLIC CHARTER SCHOOL ESTABLISHED UNDER TITLE 9 OF THIS ARTICLE FOR ELEMENTARY OR SECONDARY EDUCATION IF THE SCHOOL THAT THE CHILD IS CURRENTLY ATTENDING HAS SCORED AT OR BELOW 24 PERCENT ON THE

MARYLAND SCHOOL PERFORMANCE PROGRAM COMPOSITE INDEX WITHIN THE PAST YEAR.

(4) A CHILD FROM A FAMILY PARTICIPATING IN THE FAMILY INVESTMENT PROGRAM WHO ATTENDS A PUBLIC CHARTER SCHOOL MAY REMAIN IN THAT SCHOOL IF THE FAMILY IS NO LONGER ELIGIBLE FOR THE FAMILY INVESTMENT PROGRAM.

TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

9-101.

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

(B) "FAMILY INVESTMENT PROGRAM" MEANS THE BENEFIT PROGRAM UNDER THE FAMILY INVESTMENT ADMINISTRATION, AS ESTABLISHED UNDER ARTICLE 88A, § 1A OF THE CODE, THAT IS DESIGNED TO SUPPORT FAMILY EFFORTS TO ACHIEVE AND MAINTAIN SELF-SUFFICIENCY THROUGH SERVICES AND FINANCIAL AID THAT ARE GEARED TO INDIVIDUAL FAMILY NEEDS.

(C) (1) "PUBLIC SCHOOL CHARTERING AUTHORITY" MEANS AN AGENCY THAT MAY ESTABLISH A PUBLIC CHARTER SCHOOL.

(2) "PUBLIC SCHOOL CHARTERING AUTHORITY" INCLUDES A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE AND A COUNTY BOARD.

(D) "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC SCHOOL THAT:

(1) IS CREATED IN ACCORDANCE WITH § 9-103 OF THIS TITLE AUTHORIZING THE GRANTING OF CHARTERS TO SCHOOLS;

(2) IS DEVELOPED AS A NEW PUBLIC SCHOOL OR IS ADAPTED FROM AN EXISTING PUBLIC SCHOOL UNDER THIS TITLE;

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(3) IS OPERATED UNDER PUBLIC SUPERVISION AND DIRECTION;

(4) HAS A SPECIFIC ACADEMIC FOCUS AND SET OF EDUCATIONAL GOALS ON WHICH THE SPONSORING ENTITY, THE PUBLIC SCHOOL CHARTERING AUTHORITY, AND THE DEPARTMENT AGREE;

(5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY EDUCATION, OR BOTH; AND

(6) IS NONSECTARIAN IN ITS PROGRAMS, ADMISSIONS POLICIES, EMPLOYMENT PRACTICES, AND ALL OTHER OPERATIONS AND IS NOT AFFILIATED WITH A SECTARIAN SCHOOL OR RELIGIOUS INSTITUTION.

(E) "SPONSORING ENTITY" MAY INCLUDE:

(1) THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE PUBLIC SCHOOLS IN THE COUNTY;

(2) A PARENT-TEACHER ASSOCIATION; OR

(3) A NONPROFIT ENTITY.

9-102.

(A) THE GENERAL ASSEMBLY FINDS THAT:

(1) PUBLIC CHARTER SCHOOLS, AS PART OF THE PROGRAM OF PUBLIC EDUCATION OFFERED IN THE STATE, CAN:

(I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

(II) SERVE AS A MODEL FOR THE IMPLEMENTATION OF NEW EDUCATIONAL APPROACHES; AND

(2) THESE INNOVATIVE LEARNING OPPORTUNITIES AND NEW EDUCATIONAL APPROACHES CAN LEAD TO IMPROVEMENT IN THE EDUCATION OF STUDENTS, ESPECIALLY STUDENTS WHO ARE CONSIDERED AT-RISK BECAUSE OF THE LEVEL OF POVERTY IN THE HOME.

(B) THE GENERAL ASSEMBLY FURTHER FINDS THAT PUBLIC CHARTER SCHOOLS:

(1) CAN CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS;
AND

(2) CAN BE VEHICLES FOR EDUCATIONAL RESEARCH AND DEVELOPMENT.

9-103.

A PUBLIC SCHOOL CHARTERING AUTHORITY:

(1) MAY GRANT CHARTERS THAT ESTABLISH PUBLIC CHARTER SCHOOLS; AND

(2) SHALL DISSEMINATE INFORMATION CONCERNING THE ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC CHARTER SCHOOLS.

9-104.

(A) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE SUBMITTED TO A PUBLIC SCHOOL CHARTERING AUTHORITY BY A SPONSORING ENTITY.

(B) A PUBLIC SCHOOL CHARTERING AUTHORITY MAY NOT GRANT A CHARTER UNDER THIS TITLE TO:

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(1) A PRIVATE SCHOOL;

(2) A PAROCHIAL SCHOOL; OR

(3) A HOME SCHOOL.

(C) THE NAME OF A PUBLIC CHARTER SCHOOL SHALL CONTAIN THE TERM "PUBLIC CHARTER SCHOOL".

(D) AN APPLICANT FOR A CHARTER WHO IS DENIED A CHARTER BY A PUBLIC SCHOOL CHARTERING AUTHORITY MAY APPEAL THAT DECISION TO THE STATE BOARD.

9-105.

(A) UNDER THE CHARTER, THE SPONSORING ENTITY OF A PUBLIC CHARTER SCHOOL SHALL ENTER INTO A WRITTEN PERFORMANCE AGREEMENT WITH THE PUBLIC SCHOOL CHARTERING AUTHORITY AND THE DEPARTMENT.

(B) THE PERFORMANCE AGREEMENT SHALL INCLUDE:

(1) A DESCRIPTION OF THE MEASURES USED TO DETERMINE THE ATTAINMENT OF THE EDUCATIONAL GOALS OF THE SCHOOL WITHIN THE ACADEMIC FOCUS OF THE SCHOOL; AND

(2) A COMMITMENT TO MEASURE STUDENT PERFORMANCE UNDER:

(I) THE SAME STATE ASSESSMENTS AS THOSE USED BY TRADITIONAL PUBLIC SCHOOLS; AND

(II) ANY OTHER ASSESSMENT MUTUALLY AGREEABLE TO THE PUBLIC SCHOOL CHARTERING AUTHORITY, THE DEPARTMENT, AND THE SPONSORING ENTITY FOR THE PUBLIC CHARTER SCHOOL.

9-106.

(A) A PUBLIC CHARTER SCHOOL SHALL OPERATE IN ACCORDANCE WITH:

(1) THE CHARTER GRANTED TO THE SCHOOL; AND

(2) THE PROVISIONS OF LAW GOVERNING THE TRADITIONAL PUBLIC SCHOOLS.

(B) A PUBLIC CHARTER SCHOOL SHALL BE ACCOUNTABLE TO THE SPONSORING ENTITY, THE PUBLIC SCHOOL CHARTERING AUTHORITY, AND THE DEPARTMENT.

(C) A PUBLIC CHARTER SCHOOL MAY HAVE ANY POWERS THAT ARE:

(1) NECESSARY TO FULFILL THE CHARTER; AND

(2) CONSISTENT WITH THIS TITLE AND THE REQUIREMENTS OF THE PUBLIC SCHOOL CHARTERING AUTHORITY AND THE DEPARTMENT.

9-107.

(A) WITHIN THE CONSTRAINTS OF THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE SCHOOL, A PUBLIC CHARTER SCHOOL SHALL:

(1) SEEK THE ENROLLMENT OF CHILDREN WHO ARE:

(I) FROM TRADITIONAL PUBLIC SCHOOLS THAT HAVE SCORED AT OR BELOW 24 PERCENT ON THE MARYLAND SCHOOL PERFORMANCE PROGRAM COMPOSITE INDEX WITHIN THE PAST YEAR; AND

(II) MEMBERS OF FAMILIES PARTICIPATING IN THE FAMILY INVESTMENT PROGRAM;

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(2) BE OPEN TO OTHER STUDENTS IN THE COUNTY IN WHICH THE SCHOOL IS LOCATED ON A SPACE-AVAILABLE BASIS; AND

(3) SELECT THE OTHER STUDENTS TO ATTEND THE SCHOOL BY THE USE OF A LOTTERY IF MORE STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE SPACES AVAILABLE.

(B) A PUBLIC CHARTER SCHOOL THAT IS DEVELOPED AS A NEW PUBLIC SCHOOL:

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

(2) SHALL GIVE PRIORITY IN ENROLLMENT TO:

(I) A CHILD FROM A FAMILY IN THE FAMILY INVESTMENT PROGRAM WHO IS CURRENTLY ATTENDING A TRADITIONAL PUBLIC SCHOOL THAT HAS SCORED AT OR BELOW 24 PERCENT ON THE MARYLAND SCHOOL PERFORMANCE PROGRAM COMPOSITE INDEX WITHIN THE PAST YEAR; AND

(II) A SIBLING OF A STUDENT WHO ATTENDS THE SCHOOL; AND

(3) SHALL ENROLL AT LEAST 70 PERCENT OF ITS STUDENTS FROM A FAMILY IN THE FAMILY INVESTMENT PROGRAM.

(C) A PUBLIC CHARTER SCHOOL MAY NOT CHARGE TUITION OR OTHER FEES THAT ARE NOT CHARGED AT TRADITIONAL PUBLIC SCHOOLS IN THE COUNTY IN WHICH IT IS LOCATED.

(D) (1) THE FACILITY THAT CONTAINS A PUBLIC CHARTER SCHOOL SHALL CONFORM TO THE REGULATIONS FOR TRADITIONAL PUBLIC SCHOOL FACILITIES.

(2) A WAIVER OF HEALTH OR SAFETY REGULATIONS FOR THE PUBLIC CHARTER SCHOOL FACILITY MAY NOT BE GRANTED.

(E) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, AN EXISTING PUBLIC SCHOOL OR A SPONSORING ENTITY MAY APPLY TO CONVERT THAT SCHOOL TO A PUBLIC CHARTER SCHOOL IF:

(1) AT LEAST 60 PERCENT OF THE STAFF OF THE EXISTING PUBLIC SCHOOL AND AT LEAST 60 PERCENT OF THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE EXISTING PUBLIC SCHOOL SIGN A PETITION REQUESTING CONVERSION;

(2) THE PETITION CALLS FOR AN ELECTION BY SECRET BALLOT TO DETERMINE IF THE SCHOOL SHOULD BECOME A PUBLIC CHARTER SCHOOL;

(3) AT LEAST 60 PERCENT OF THE STAFF AND AT LEAST 60 PERCENT OF THE PARENTS OR GUARDIANS SUPPORT THE CONVERSION OF THE SCHOOL TO A PUBLIC CHARTER SCHOOL; AND

(4) THE EXISTING PUBLIC SCHOOL HAS SCORED AT OR BELOW 24 PERCENT ON THE MARYLAND SCHOOL PERFORMANCE PROGRAM COMPOSITE INDEX.

(F) AFTER AN EXISTING PUBLIC SCHOOL IS CONVERTED TO A PUBLIC CHARTER SCHOOL, AND ITS EXISTING STUDENTS ARE ENROLLED, THAT SCHOOL SHALL GIVE PRIORITY IN ENROLLMENT TO A CHILD FROM A FAMILY IN THE FAMILY INVESTMENT PROGRAM IF SPACE IS AVAILABLE FOR THE ADDITIONAL STUDENTS.

9-108.

(A) (1) THE COUNTY BOARD SHALL PAY DIRECTLY TO THE PUBLIC CHARTER SCHOOL FOR EACH STUDENT ENROLLED IN THE SCHOOL AN AMOUNT THAT IS THE EQUIVALENT OF THE AMOUNT THAT THE COUNTY BOARD PAYS FOR THE EDUCATION OF THE SAME KIND OF STUDENT AT A PUBLIC SCHOOL IN THE COUNTY AS DETERMINED BY THE DEPARTMENT.

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(2) THIS AMOUNT INCLUDES THE STATE SHARE OF BASIC CURRENT EXPENSES.

(B) A PUBLIC CHARTER SCHOOL MAY RECEIVE COUNTY, STATE, AND FEDERAL FUNDS FOR EACH STUDENT ENROLLED IN THE SCHOOL IN THE SAME MANNER THAT THE OTHER PUBLIC SCHOOLS IN THE COUNTY RECEIVE THE SAME FUNDS FOR THE SAME KIND OF STUDENT.

9-109.

(A) AN EMPLOYEE OF THE COUNTY BOARD WHO WORKS AT A PUBLIC CHARTER SCHOOL:

(1) SHALL REMAIN A MEMBER OF THE APPROPRIATE EMPLOYEE BARGAINING UNIT; AND

(2) SHALL RECEIVE AT LEAST THE SAME SALARY AND BENEFITS OF AN EMPLOYEE AT A TRADITIONAL PUBLIC SCHOOL SUBJECT TO NEGOTIATION OF THE RELEVANT COLLECTIVE BARGAINING AGREEMENT AS PROVIDED FOR IN THE COLLECTIVE BARGAINING PROVISIONS OF TITLE 6, SUBTITLES 4 AND 5 OF THE EDUCATION ARTICLE.

(B) BECAUSE OF THE UNIQUE NATURE OF A PUBLIC CHARTER SCHOOL, IF THE PUBLIC CHARTER SCHOOL ADMINISTRATION DETERMINES THAT THE SKILLS AND PERFORMANCE OF A CERTIFICATED EMPLOYEE ARE NOT SUITABLE FOR THE PUBLIC CHARTER SCHOOL OR THE CERTIFICATED EMPLOYEE REQUESTS A TRANSFER, THE CERTIFICATED EMPLOYEE OF THE COUNTY BOARD:

(1) MAY BE TRANSFERRED DURING THE SCHOOL YEAR TO A COMPARABLE ASSIGNMENT IN THE COUNTY PUBLIC SCHOOL SYSTEM FOR WHICH THE EMPLOYEE IS QUALIFIED, IF THE TRANSFER DOES NOT DISRUPT THE OPERATIONS OF THE PUBLIC CHARTER SCHOOL OR THE COUNTY PUBLIC SCHOOL SYSTEM; AND

(2) SHALL IN ANY CASE BE TRANSFERRED TO A COMPARABLE ASSIGNMENT IN THE COUNTY PUBLIC SCHOOL SYSTEM BEFORE THE BEGINNING OF THE FOLLOWING SCHOOL YEAR.

(C) BECAUSE OF THE UNIQUE NATURE OF A PUBLIC CHARTER SCHOOL, A CERTIFICATED EMPLOYEE WHO IS TRANSFERRED FROM A PUBLIC CHARTER SCHOOL UNDER SUBSECTION (B) OF THIS SECTION MAY NOT BE SUBJECT TO ANY OTHER FORM OF DISCIPLINARY ACTION BY THE COUNTY BOARD AS A RESULT OF THE TRANSFER FROM THE PUBLIC CHARTER SCHOOL.

(D) A COUNTY BOARD MAY NOT REQUIRE AN EMPLOYEE OF THE BOARD TO WORK AT A PUBLIC CHARTER SCHOOL.

(E) A MEMBER OF THE PROFESSIONAL STAFF OF A PUBLIC CHARTER SCHOOL SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

9-110.

(A) THE DEPARTMENT SHALL CONDUCT AN ANNUAL ASSESSMENT OF A PUBLIC CHARTER SCHOOL TO DETERMINE IF THE SCHOOL IS MEETING THE GOALS OF THE CHARTER, INCLUDING AN ASSESSMENT OF:

(1) THE ACHIEVEMENT OF THE STUDENTS WHO ATTEND THE SCHOOL WITHIN THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE SCHOOL AND ACCORDING TO THE SPECIFIC MEASURES USED BY THE SCHOOL;

(2) THE ACHIEVEMENT OF THE STUDENTS AT THE SCHOOL ON THE ASSESSMENTS REQUIRED BY THE STATE BOARD FOR STUDENTS WHO ATTEND TRADITIONAL PUBLIC SCHOOLS IN THE STATE; AND

(3) THE ACHIEVEMENT OF THE STUDENTS AT THE SCHOOL ON ANY OTHER ASSESSMENTS MUTUALLY AGREED ON BY THE DEPARTMENT, THE PUBLIC SCHOOL CHARTERING AUTHORITY, THE SPONSORING ENTITY, AND THE PUBLIC

(Over)

CHARTER SCHOOL.

(B) IN ORDER TO FACILITATE THE ANNUAL ASSESSMENT BY THE DEPARTMENT, A PUBLIC CHARTER SCHOOL AND THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL SUBMIT AN ANNUAL FISCAL REPORT AND STUDENT PERFORMANCE REPORT TO THE DEPARTMENT NOT LATER THAN AUGUST 1 IN THE FORM PRESCRIBED BY THE DEPARTMENT.

(C) THE PUBLIC SCHOOL CHARTERING AUTHORITY OF A PUBLIC CHARTER SCHOOL SHALL MAKE THE REPORT AVAILABLE TO THE PARENTS OR GUARDIANS OF STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL.

9-111.

(A) A COUNTY BOARD MAY NOT REQUIRE A STUDENT IN THE COUNTY TO ATTEND A PUBLIC CHARTER SCHOOL.

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

(C) (1) THE PRINCIPAL OF A PUBLIC CHARTER SCHOOL MAY SUSPEND A STUDENT AT THE SCHOOL FOR CAUSE FOR NOT MORE THAN 10 SCHOOL DAYS.

(2) AT THE REQUEST OF THE PRINCIPAL OF A PUBLIC CHARTER SCHOOL, THE PUBLIC SCHOOL CHARTERING AUTHORITY FOR CAUSE MAY:

(I) SUSPEND A STUDENT AT A PUBLIC CHARTER SCHOOL FOR A PERIOD OF MORE THAN 10 SCHOOL DAYS; OR

(II) EXPEL THE STUDENT FROM THE SCHOOL.

(3) A STUDENT AT A PUBLIC CHARTER SCHOOL WHO HAS BEEN PLACED ON SUSPENSION FOR A PERIOD OF MORE THAN 10 SCHOOL DAYS OR HAS BEEN EXPELLED MAY ENROLL AT A TRADITIONAL PUBLIC SCHOOL IN THE COUNTY IN

WHICH THE STUDENT RESIDES.

(D) IF A STUDENT IS EXPELLED FROM A PUBLIC CHARTER SCHOOL, THE REMAINING MONEY THAT WAS ALLOCATED FOR THE STUDENT FOR THE CURRENT ACADEMIC YEAR SHALL REVERT TO THE COUNTY BOARD OF THE COUNTY IN WHICH THE STUDENT RESIDES.

9-112.

(A) (1) IN CONSULTATION WITH THE PUBLIC SCHOOL CHARTERING AUTHORITIES AND THE STATE BOARD, THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT ALL PROVISIONS OF THIS TITLE IN A MANNER THAT ASSURES THAT CHILDREN FROM FAMILIES IN THE FAMILY INVESTMENT PROGRAM HAVE FULL ACCESS TO PUBLIC CHARTER SCHOOLS.

(2) THE REGULATIONS SHALL ADDRESS THE GOVERNANCE, CURRICULUM, AND ALL OTHER MATTERS RELATING TO THE ESTABLISHMENT OF PUBLIC CHARTER SCHOOLS IN THE STATE.

(3) THE REGULATIONS SHALL BE SUBJECT TO THE REVIEW OF THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.

(B) (1) NOT LATER THAN JUNE 30, 2003, THE DEPARTMENT, BASED ON INFORMATION GATHERED FROM THE PUBLIC SCHOOL CHARTERING AUTHORITIES, THE SPONSORING ENTITIES, THE PUBLIC CHARTER SCHOOLS, MEMBERS OF THE EDUCATIONAL COMMUNITY, AND THE PUBLIC, SHALL SUBMIT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, A REPORT ON AND AN EVALUATION OF THE PUBLIC CHARTER SCHOOL PROGRAM.

(2) THE REPORT SHALL INCLUDE A RECOMMENDATION ON THE ADVISABILITY OF THE CONTINUATION, MODIFICATION, EXPANSION, OR TERMINATION OF THE PROGRAM.

(Over)

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1999. It shall remain effective for a period of 4 years and, at the end of June 30, 2003, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.”.