

BY: Committee on Ways and Means

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

AMENDMENT NO. 1

On page 1, strike beginning with “establishing” in line 6 down through “Committee;” in line 8; in line 21, after “schools;” insert “authorizing negotiations between the public charter school and the county board concerning certain funding;”; and strike beginning with “requiring” in line 26 down through “schools;” in line 27.

On page 2, strike beginning with “requiring” in line 7 down through “program;” in line 8; and in line 19, strike “9-122” and substitute “9-121”.

AMENDMENT NO. 2

On pages 4 and 5, strike in their entirety the lines beginning with line 12 on page 4 through line 5 on page 5.

On page 5 in lines 6 and 22, and on page 6 in line 1, strike “9-105.”, “9-106.”, and “9-107.”, respectively, and substitute “9-104.”, “9-105.”, and “9-106.”, respectively.

AMENDMENT NO. 3

On page 5, after line 22, insert:

“(A) A COUNTY BOARD SHALL DETERMINE WHETHER TO ALLOW EXISTING PUBLIC SCHOOLS LOCATED IN THE COUNTY TO APPLY TO CONVERT TO A PUBLIC CHARTER SCHOOL.

“(B) SUBJECT TO SUBSECTION (A) OF THIS SECTION, “;

and in lines 25, 26, and 30, in each instance, strike “60%” and substitute “TWO-THIRDS”.

(Over)

AMENDMENT NO. 4

On pages 7 through 15, strike in their entirety the lines beginning with line 1 on page 7 through line 23 on page 15, inclusive, and substitute:

“9-107.

(A) A COMPLETED APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL BE SUBMITTED TO THE COUNTY BOARD OF THE COUNTY IN WHICH THE CHARTER SCHOOL WILL BE LOCATED AT LEAST 425 DAYS BEFORE THE DATE ON WHICH THE APPLICANT WISHES TO OPEN THE SCHOOL.

(B) (1) THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER A DECISION WITHIN 120 DAYS OF RECEIPT OF THE APPLICATION.

(2) THE COUNTY BOARD MAY DELAY RENDERING A DECISION FOR AN ADDITIONAL 60 DAYS FOR CAUSE.

(3) THE COUNTY BOARD MAY USE THE SERVICES OF AN OUTSIDE AGENCY IN THE EVALUATION OF THE APPLICATION.

(C) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL, THE COUNTY BOARD SHALL INCLUDE WITH THE DENIAL THE REASONS FOR THE DENIAL.

(D) IF THE APPLICATION IS DENIED, THE APPLICANT MAY APPEAL THE DECISION TO THE STATE BOARD.

(E) THE DECISION OF THE STATE BOARD IS FINAL.

(F) AN APPLICANT THAT IS DENIED A CHARTER MAY REAPPLY FOR A CHARTER AFTER 1 YEAR FROM THE DECISION OF:

(1) THE COUNTY BOARD; OR

(2) THE STATE BOARD, IF THE DENIAL WAS APPEALED TO THE STATE BOARD.

9-108.

(A) (1) THE STATE BOARD MAY GRANT A WAIVER TO A PUBLIC CHARTER SCHOOL FROM SPECIFIC STATE EDUCATION REGULATIONS AND REQUIREMENTS.

(2) THE COUNTY BOARD MAY GRANT A WAIVER TO A PUBLIC CHARTER SCHOOL FROM SPECIFIC LOCAL EDUCATION REGULATIONS AND REQUIREMENTS.

(B) A PUBLIC CHARTER SCHOOL MAY BE GRANTED A WAIVER UNDER SUBSECTION (A) OF THIS SECTION IF THE SCHOOL DEMONSTRATES THAT A WAIVER WILL ADVANCE THE EDUCATIONAL GOALS AND OBJECTIVES OF THE SCHOOL.

(C) THE STATE BOARD OR A COUNTY BOARD MAY NOT WAIVE A REGULATION OR REQUIREMENT PERTAINING TO THE CIVIL RIGHTS OR THE HEALTH AND SAFETY OF A STUDENT.

9-109.

(A) A CHARTER THAT IS GRANTED BY A COUNTY BOARD TO A PUBLIC CHARTER SCHOOL SHALL CONSTITUTE A CONTRACT BETWEEN THE SCHOOL AND THE COUNTY BOARD.

(B) THE CHARTER SHALL INCLUDE ALL AGREEMENTS BETWEEN THE PUBLIC CHARTER SCHOOL AND THE COUNTY BOARD, INCLUDING:

(1) ANY WAIVERS OF SPECIFIC STATE AND LOCAL EDUCATION REGULATIONS OR REQUIREMENTS GRANTED TO THE SCHOOL;

(2) MATTERS RELATING TO THE OPERATION OF THE SCHOOL, INCLUDING BUDGETING, CURRICULUM, THE ACQUISITION OF REAL PROPERTY, THE RECEIPT AND DISBURSEMENT OF FUNDS, DEBT POLICIES, AND THE SOLICITATION

(Over)

OF GIFTS AND GRANTS; AND

(3) A PERFORMANCE AGREEMENT REQUIRING THAT THE ACADEMIC ACHIEVEMENT OF THE STUDENTS ENROLLED AT A PUBLIC CHARTER SCHOOL BE MEASURED ACCORDING TO:

(I) STATE ASSESSMENTS REQUIRED BY THE STATE FOR OTHER PUBLIC SCHOOLS; AND

(II) OTHER ASSESSMENTS MUTUALLY AGREEABLE TO THE COUNTY BOARD AND THE SCHOOL.

(C) A PUBLIC CHARTER SCHOOL AND A COUNTY MAY AMEND THE TERMS OF THE CONTRACT ONLY BY WRITTEN MUTUAL AGREEMENT.

9-110.

(A) A PUBLIC CHARTER SCHOOL SHALL EXIST WITHIN THE SCHOOL DISTRICT THAT IS GOVERNED BY THE COUNTY BOARD THAT ISSUED THE CHARTER TO THE SCHOOL.

(B) A PUBLIC CHARTER SCHOOL SHALL OPERATE IN ACCORDANCE WITH THE CHARTER GRANTED TO THE SCHOOL AND THE PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS IN THE COUNTY.

9-111.

(A) A PUBLIC CHARTER SCHOOL SHALL:

(1) BE OPEN TO ALL STUDENTS IN THE COUNTY ON A SPACE AVAILABLE BASIS; AND

(2) SELECT STUDENTS TO ATTEND 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 SHALL GIVE PRIORITY IN ENROLLMENT TO:

(1) A SIBLING OF A STUDENT WHO ATTENDS THE SCHOOL;

(2) IF AN EXISTING PUBLIC SCHOOL CONVERTS TO A PUBLIC CHARTER SCHOOL UNDER § 9-105 OF THIS TITLE, A STUDENT WITHIN THE SCHOOL ATTENDANCE AREA AS DETERMINED BY THE COUNTY BOARD; AND

(3) IF A SCHOOL IS ESTABLISHED BY A PARENT OR GUARDIAN OF A CHILD WHO ATTENDS A PUBLIC SCHOOL IN THE COUNTY, THE CHILD OF THAT PARENT OR GUARDIAN.

(C) A PUBLIC CHARTER SCHOOL MAY NOT TAKE ANY ACTION THAT WOULD BE ILLEGAL IF THE ACTION WERE UNDERTAKEN BY A COUNTY BOARD.

(D) A PUBLIC CHARTER SCHOOL MAY NOT CHARGE TUITION OR OTHER FEES THAT ARE NOT CHARGED A PUBLIC SCHOOL IN THE COUNTY.

9-112.

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

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

(C) A STUDENT AT A PUBLIC CHARTER SCHOOL SHALL BE SUBJECT TO THE SAME DISCIPLINARY RULES AND REGULATIONS AS A STUDENT AT A PUBLIC SCHOOL.

(D) IF A STUDENT IS EXPELLED FROM A PUBLIC CHARTER SCHOOL, THE REMAINING FUNDS ALLOCATED BY THE COUNTY BOARD FOR THE STUDENT FOR THE CURRENT ACADEMIC YEAR SHALL REVERT TO THE COUNTY BOARD.

(Over)

9-113.

(A) SUBJECT TO THE APPROVAL OF THE COUNTY BOARD, A PUBLIC CHARTER SCHOOL MAY BE LOCATED IN:

(1) PART OF AN EXISTING PUBLIC SCHOOL BUILDING;

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

(3) ANY OTHER SUITABLE LOCATION.

(B) (1) UNLESS A WAIVER IS GRANTED TO A PUBLIC CHARTER SCHOOL UNDER § 9-108 OF THIS TITLE, THE FACILITY THAT CONTAINS THE SCHOOL SHALL CONFORM TO THE REGULATIONS FOR PUBLIC SCHOOL FACILITIES.

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

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

(D) A PUBLIC CHARTER SCHOOL MAY NOT RECEIVE PUBLIC FUNDS FOR CAPITAL IMPROVEMENTS TO THE FACILITY IN WHICH THE SCHOOL IS LOCATED UNLESS:

(1) THE FACILITY IS OWNED BY THE COUNTY BOARD; AND

(2) THE COUNTY BOARD REQUESTS THE FUNDS FOR THE FACILITY AS PART OF ITS PUBLIC SCHOOL CONSTRUCTION CAPITAL IMPROVEMENT PROGRAM REQUEST.

9-114.

(A) FOR A FISCAL YEAR, EACH STUDENT ENROLLED IN A CHARTER SCHOOL

SHALL RECEIVE THE PER PUPIL BASIC CURRENT EXPENSE FIGURE CALCULATED UNDER § 5-202 OF THIS ARTICLE.

(B) A CHARTER SCHOOL MAY NEGOTIATE WITH THE COUNTY BOARD FOR ADDITIONAL FUNDING.

9-115.

(A) A PUBLIC CHARTER SCHOOL AND THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE SCHOOL SHALL BE RESPONSIBLE FOR THE TRANSPORTATION OF THE STUDENTS TO AND FROM THE SCHOOL.

(B) A PUBLIC CHARTER SCHOOL AND A COUNTY BOARD MAY NEGOTIATE THE TRANSPORTATION OF STUDENTS WHO ATTEND A PUBLIC CHARTER SCHOOL.

9-116.

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

(B) A CERTIFICATED OR NONCERTIFICATED EMPLOYEE OF A PUBLIC CHARTER SCHOOL SHALL BE DEEMED AN EMPLOYEE OF THE COUNTY AND SHALL RETAIN:

(1) THE OPTION OF JOINING OR REMAINING A MEMBER OF THE APPROPRIATE EMPLOYEE BARGAINING UNIT;

(2) ALL RIGHTS AND RESPONSIBILITIES THAT EXIST UNDER THE APPLICABLE COLLECTIVE BARGAINING CONTRACT BETWEEN THE COUNTY BOARD AND THE EMPLOYEE REPRESENTATIVE; AND

(3) ALL EMPLOYMENT RIGHTS UNDER COUNTY, STATE, AND FEDERAL LAW.

9-117.

(Over)

(A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS VIOLATED A PROVISION OF THIS TITLE MAY FILE A COMPLAINT WITH THE PUBLIC CHARTER SCHOOL.

(B) IF THE COMPLAINT IS NOT RESOLVED BY THE PUBLIC CHARTER SCHOOL TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY PRESENT THE COMPLAINT TO THE COUNTY BOARD.

(C) (1) THE COMPLAINANT MAY APPEAL THE DECISION OF THE COUNTY BOARD TO THE STATE BOARD AS PROVIDED IN § 4-205 OF THIS ARTICLE.

(2) THE DECISION OF THE STATE BOARD ON AN APPEAL UNDER PARAGRAPH (1) OF THIS SECTION IS FINAL.

9-118.

(A) A COUNTY BOARD SHALL DEVELOP PROCEDURES FOR THE RENEWAL OF A CHARTER GRANTED UNDER THIS TITLE.

(B) (1) A COUNTY BOARD SHALL GRANT AN INITIAL CHARTER FOR A PUBLIC CHARTER SCHOOL ESTABLISHED UNDER THIS TITLE FOR A PERIOD OF UP TO 4 YEARS.

(2) A COUNTY BOARD MAY RENEW A CHARTER FOR SUBSEQUENT PERIODS OF UP TO 5 YEARS.

9-119.

(A) (1) A COUNTY BOARD SHALL CONDUCT AN ANNUAL ASSESSMENT OF A PUBLIC CHARTER SCHOOL TO DETERMINE IF THE SCHOOL IS MEETING THE EDUCATIONAL GOALS ESTABLISHED UNDER ITS CHARTER.

(2) THE ANNUAL ASSESSMENT BY THE COUNTY BOARD SHALL BE

BASED ON THE MEASURES IDENTIFIED IN THE PERFORMANCE AGREEMENT UNDER § 9-109(B)(3) OF THIS TITLE.

(B) (1) TO FACILITATE THE ANNUAL ASSESSMENT UNDER SUBSECTION (A) OF THIS SECTION, A PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL FISCAL REPORT AND STUDENT PERFORMANCE REPORT TO THE COUNTY BOARD AT A TIME AND IN A FORM PRESCRIBED BY THE COUNTY BOARD.

(2) THE PUBLIC CHARTER SCHOOL SHALL MAKE THE REPORT AVAILABLE TO THE PARENTS OR GUARDIANS OF STUDENTS ENROLLED IN THE SCHOOL.

(C) A COUNTY BOARD SHALL HAVE ACCESS TO THE FACILITIES AND TO THE RECORDS OF A PUBLIC CHARTER SCHOOL CHARTERED BY THE COUNTY BOARD.

9-120.

(A) A COUNTY BOARD SHALL DEVELOP PROCEDURES FOR THE REVOCATION OF A CHARTER GRANTED UNDER THIS TITLE.

(B) A COUNTY BOARD MAY REVOKE THE CHARTER OF A PUBLIC CHARTER SCHOOL OR PLACE THE SCHOOL ON PROBATIONARY STATUS IF:

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

(2) THE SCHOOL HAS VIOLATED A PROVISION OF THE CHARTER;

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

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

(Over)

(C) (1) IF THE COUNTY BOARD PLACES A PUBLIC CHARTER SCHOOL ON PROBATIONARY STATUS, THE COUNTY BOARD SHALL ESTABLISH A DATE BY WHICH THE SCHOOL SHALL IMPLEMENT A REMEDIAL PLAN.

(2) IF THE COUNTY BOARD FINDS THAT THE SCHOOL HAS NOT IMPLEMENTED A SATISFACTORY REMEDIAL PLAN BY THE ESTABLISHED DATE, THE COUNTY BOARD MAY REVOKE THE CHARTER.

(D) A PUBLIC CHARTER SCHOOL MAY APPEAL THE REVOCATION OF THE CHARTER BY THE COUNTY BOARD TO THE STATE BOARD.

(E) (1) THE STATE BOARD SHALL RENDER ITS DECISION WITHIN 90 DAYS OF THE RECEIPT OF THE APPEAL.

(2) THE DECISION OF THE STATE BOARD IS FINAL.

(F) WHEN A CHARTER IS REVOKED, THE COUNTY BOARD MAY RECOVER THE PROPERTY OF THE PUBLIC CHARTER SCHOOL THAT IS OWNED OR PROVIDED BY THE COUNTY BOARD FOR OTHER PUBLIC SCHOOL PURPOSES.

9-121.

IN CONSULTATION WITH THE COUNTY BOARDS, THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1, 2003, based on information gathered from the county boards of education, the New Board of School Commissioners of Baltimore City, members of the educational community, and the public, the State Board of Education 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. The report shall include a recommendation on the advisability of the continuation, modification, expansion, or termination of the program.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1999.