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By: **Delegates Leopold, Rawlings, Cadden, McKee, Owings, Flanagan,  
Marriott, Greenip, Dewberry, Boschert, Fulton, Kittleman, Bozman,  
Rzepkowski, Kach, Brinkley, Rosso, Amedori, Elliott, Bartlett, and  
Cryor**

Introduced and read first time: January 25, 1999

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Charter Schools**

3 FOR the purpose of authorizing the county boards of education to be the public  
4 chartering authorities for public charter schools in the State; establishing the  
5 rights and duties of the county boards as public chartering authorities;  
6 establishing a State Public Charter School Advisory Committee; specifying the  
7 membership and duties of the Advisory Committee; providing for a chairperson;  
8 providing for staggered terms of office for members of the Advisory Committee;  
9 enumerating the entities that may or may not apply for a charter; permitting  
10 existing public schools to convert to public charter schools under certain  
11 conditions; requiring the county boards to establish an application process for  
12 charter schools; specifying certain application requirements; establishing  
13 certain procedures for applicants; establishing an appeals process for applicants  
14 who have been denied a charter; requiring certain charter agreements between  
15 the public charter schools and the county boards; establishing certain rights and  
16 duties of public charter schools; establishing an admissions policy for public  
17 charter schools; prohibiting the charging of tuition and certain fees at public  
18 charter schools; establishing certain requirements for construction and  
19 development of facilities for public charter schools; authorizing public charter  
20 schools to request certain waivers under certain circumstances; requiring the  
21 county boards to provide certain funding for public charter schools; requiring  
22 public charter schools and the parents of students at the schools to provide for  
23 transportation of the students attending the schools; authorizing negotiations  
24 between the public charter schools and the county boards concerning  
25 transportation; specifying certain rights for employees of public charter schools;  
26 requiring, with an exception, certification for professional employees at public  
27 charter schools; establishing a general grievance and appeals process for certain  
28 persons; requiring the county boards to grant initial charters for public charter  
29 schools for up to a certain number of years; providing that the county boards  
30 may renew charters for subsequent periods for up to a certain number of years;  
31 requiring a certain review for renewal of a charter; requiring annual  
32 assessments of public charter schools; requiring dissemination of certain reports

1 by charter schools; establishing the conditions for revocation of the charters, as  
2 well as an appeals process; permitting county boards to recover certain property  
3 from former public charter schools; specifying the rights of students at public  
4 charter schools; authorizing the county boards to recover certain unspent funds  
5 from public charter schools; authorizing the State Board, in consultation with  
6 the county boards, to adopt regulations pertaining to public charter schools;  
7 requiring each county board to determine the number of public charter schools  
8 in the county in the first year of the public charter schools program; requiring  
9 the State Board to submit an evaluation and report concerning public charter  
10 schools by a certain date; and generally relating to the establishment of public  
11 charter schools in the State.

12 BY repealing and reenacting, without amendments,  
13 Article - Education  
14 Section 1-101(d), (e), (f), and (l)  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume and 1998 Supplement)

17 BY adding to  
18 Article - Education  
19 Section 9-101 through 9-122, inclusive, to be under the new title "Title 9. Public  
20 Charter School Program"  
21 Annotated Code of Maryland  
22 (1997 Replacement Volume and 1998 Supplement)

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

25 **Article - Education**

26 1-101.

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

29 (e) "County superintendent" means the county superintendent of schools of a  
30 county and includes the Chief Executive Officer of the New Baltimore City Board of  
31 School Commissioners.

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

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

1 TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

2 9-101.

3 IN THIS TITLE, "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC SCHOOL THAT:

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

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

8 (3) IS OPERATED UNDER PUBLIC SUPERVISION AND DIRECTION;

9 (4) HAS A SPECIFIC ACADEMIC FOCUS AND SET OF EDUCATIONAL  
10 GOALS ON WHICH THE APPLICANT AND THE AUTHORIZED PUBLIC CHARTERING  
11 AGENCY AGREE;

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

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

17 9-102.

18 (A) THE GENERAL ASSEMBLY FINDS THAT:

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

21 (I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

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

24 (2) THESE INNOVATIVE LEARNING OPPORTUNITIES AND NEW  
25 EDUCATIONAL APPROACHES CAN LEAD TO IMPROVEMENT IN THE EDUCATION OF  
26 STUDENTS.

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

29 (1) INCREASE THE EDUCATIONAL CHOICES AVAILABLE TO PARENTS  
30 AND STUDENTS;

31 (2) CAN CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS;  
32 AND

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

3 9-103.

4 (A) THE PUBLIC CHARTERING AUTHORITY FOR THE ESTABLISHMENT OF  
5 PUBLIC CHARTER SCHOOLS IS THE COUNTY BOARD.

6 (B) AS THE PUBLIC CHARTERING AUTHORITY, A COUNTY BOARD:

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

9 (2) SHALL MAKE AVAILABLE FOR DISSEMINATION INFORMATION  
10 CONCERNING THE ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC  
11 CHARTER SCHOOLS IN THE COUNTY.

12 9-104.

13 (A) THERE IS A STATE PUBLIC CHARTER SCHOOL ADVISORY COMMITTEE.

14 (B) (1) THE ADVISORY COMMITTEE SHALL CONSIST OF THE FOLLOWING  
15 FIVE MEMBERS, APPOINTED BY THE GOVERNOR:

16 (I) A PARENT OF A CHILD OF SCHOOL AGE;

17 (II) A MEMBER OF A COUNTY BOARD;

18 (III) A CERTIFIED TEACHER WHO IS CURRENTLY EMPLOYED BY A  
19 COUNTY BOARD;

20 (IV) A FACULTY MEMBER OR AN ADMINISTRATIVE EMPLOYEE OF A  
21 PUBLIC INSTITUTION OF HIGHER EDUCATION; AND

22 (V) A MEMBER OF THE BUSINESS COMMUNITY.

23 (2) THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS AS  
24 CHAIRPERSON OF THE ADVISORY COMMITTEE.

25 (C) (1) THE TERM OF A MEMBER IS 5 YEARS.

26 (2) A MEMBER MAY SERVE A MAXIMUM OF TWO CONSECUTIVE TERMS.

27 (3) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE  
28 TERMS PROVIDED FOR MEMBERS OF THE COMMITTEE ON JULY 1, 1999.

29 (4) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A  
30 SUCCESSOR IS APPOINTED AND QUALIFIES.

1 (5) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES  
2 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND  
3 QUALIFIES.

4 (D) THE ADVISORY COMMITTEE SHALL CONSULT WITH THE STATE BOARD ON  
5 APPEALS MATTERS CONCERNING PUBLIC CHARTER SCHOOLS.

6 9-105.

7 (A) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE  
8 SUBMITTED TO A COUNTY BOARD BY:

9 (1) THE STAFF OF A PUBLIC SCHOOL;

10 (2) THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE  
11 PUBLIC SCHOOLS IN THE COUNTY;

12 (3) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

13 (4) ANY COMBINATION OF THE STAFF OF A PUBLIC SCHOOL, THE  
14 PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE PUBLIC SCHOOLS IN THE  
15 COUNTY, AND A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.

16 (B) AN APPLICANT MAY ENGAGE THE SERVICES OF A NONPROFIT  
17 CORPORATION IN THE ESTABLISHMENT OF A PUBLIC CHARTER SCHOOL.

18 (C) A COUNTY BOARD MAY NOT GRANT A CHARTER UNDER THIS TITLE TO:

19 (1) A PRIVATE SCHOOL;

20 (2) A PAROCHIAL SCHOOL; OR

21 (3) A HOME SCHOOL.

22 9-106.

23 AN EXISTING PUBLIC SCHOOL MAY APPLY TO CONVERT TO A PUBLIC CHARTER  
24 SCHOOL IF:

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

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

30 (3) AT LEAST 60% OF THE VOTING STAFF AND AT LEAST 60% OF THE  
31 VOTING PARENTS OR GUARDIANS SUPPORT THE CONVERSION OF THE SCHOOL TO A  
32 PUBLIC CHARTER SCHOOL.

1 9-107.

2 (A) A COUNTY BOARD SHALL DEVELOP AN APPLICATION PROCESS FOR  
3 PUBLIC CHARTER SCHOOLS IN THE COUNTY.

4 (B) THE APPLICATION FOR A CHARTER SHALL INCLUDE:

5 (1) THE IDENTITY OF THE APPLICANT OR APPLICANTS;

6 (2) THE PROPOSED NAME OF THE SCHOOL, WHICH SHALL CONTAIN THE  
7 TERM "PUBLIC CHARTER SCHOOL";

8 (3) TO THE EXTENT POSSIBLE, THE LOCATION AND A DESCRIPTION OF  
9 THE SCHOOL FACILITY;

10 (4) THE PROPOSED STRUCTURE OF THE GOVERNING BOARD OF THE  
11 SCHOOL, INCLUDING:

12 (I) THE QUALIFICATIONS FOR MEMBERS OF THE BOARD; AND

13 (II) THE METHOD OF APPOINTMENT OR ELECTION OF THE  
14 MEMBERS;

15 (5) WITH REGARD TO THE PURPOSE OF THE PUBLIC CHARTER SCHOOL:

16 (I) THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE  
17 SCHOOL; AND

18 (II) THE PROPOSED CURRICULUM OF THE SCHOOL;

19 (6) A DESCRIPTION OF AND JUSTIFICATION FOR ANY WAIVER OF STATE  
20 OR LOCAL REGULATIONS THAT THE SCHOOL INTENDS TO REQUEST;

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

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

23 (9) A DESCRIPTION OF STAFF RESPONSIBILITIES;

24 (10) A DESCRIPTION OF THE PROCEDURES TO BE IMPLEMENTED TO  
25 ENSURE SIGNIFICANT PARENT AND COMMUNITY INVOLVEMENT IN THE PLANNING  
26 AND THE OPERATION OF THE PUBLIC CHARTER SCHOOL;

27 (11) THE FINANCIAL PLAN FOR THE PUBLIC CHARTER SCHOOL; AND

28 (12) ANY OTHER INFORMATION THAT THE COUNTY BOARD OR THE STATE  
29 BOARD REQUIRES.

1 9-108.

2 (A) AN APPLICANT FOR A CHARTER TO ESTABLISH A PUBLIC CHARTER  
3 SCHOOL SHALL SUBMIT THE APPLICATION TO THE COUNTY BOARD OF THE COUNTY  
4 IN WHICH THE SCHOOL WILL BE LOCATED BY DECEMBER 1 OF THE SCHOOL YEAR  
5 PRECEDING THE SCHOOL YEAR IN WHICH THE APPLICANT WISHES TO OPEN THE  
6 SCHOOL.

7 (B) (1) THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER  
8 A DECISION WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION.

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

11 (C) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC  
12 CHARTER SCHOOL, THE COUNTY BOARD SHALL INCLUDE WITH THE DENIAL THE  
13 REASONS FOR THE DENIAL, INCLUDING ANY DEFICIENCIES IN THE APPLICATION.

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

16 (E) THE STATE BOARD SHALL CONSULT WITH THE STATE PUBLIC CHARTER  
17 SCHOOL ADVISORY COMMITTEE IN CONSIDERING THE APPEAL.

18 (F) THE DECISION OF THE STATE BOARD IS FINAL.

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

21 (1) THE COUNTY BOARD; OR

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

24 9-109.

25 (A) (1) A CHARTER THAT IS GRANTED BY A COUNTY BOARD TO A PUBLIC  
26 CHARTER SCHOOL SHALL CONSTITUTE A CONTRACT BETWEEN THE SCHOOL AND  
27 THE COUNTY BOARD.

28 (2) THE CHARTER SHALL INCLUDE ALL AGREEMENTS BETWEEN THE  
29 PUBLIC CHARTER SCHOOL AND THE COUNTY BOARD, INCLUDING ANY WAIVERS OF  
30 SPECIFIC RULES OR POLICIES FOR THE SCHOOL.

31 (3) THE PUBLIC CHARTER SCHOOL AND THE COUNTY BOARD MAY  
32 AMEND THE TERMS OF THE CONTRACT ONLY BY WRITTEN MUTUAL AGREEMENT.

33 (B) UNDER THE CHARTER, A PUBLIC CHARTER SCHOOL SHALL ENTER INTO A  
34 WRITTEN PERFORMANCE AGREEMENT WITH THE COUNTY BOARD.

35 (C) THE PERFORMANCE AGREEMENT SHALL INCLUDE:

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

4 (2) A COMMITMENT TO MEASURE STUDENT PERFORMANCE UNDER:

5 (I) THE SAME STATE ASSESSMENTS AS THOSE USED BY OTHER  
6 PUBLIC SCHOOLS; AND

7 (II) ANY OTHER ASSESSMENT MUTUALLY AGREEABLE TO THE  
8 COUNTY BOARD AND TO THE PUBLIC CHARTER SCHOOL.

9 9-110.

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

11 (1) THE CHARTER GRANTED TO THE SCHOOL; AND

12 (2) THE PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS.

13 (B) A PUBLIC CHARTER SCHOOL SHALL:

14 (1) EXIST WITHIN THE SCHOOL DISTRICT THAT IS GOVERNED BY THE  
15 COUNTY BOARD THAT ISSUED THE CHARTER TO THE SCHOOL;

16 (2) BE ACCOUNTABLE TO THE COUNTY BOARD; AND

17 (3) UNLESS THE COUNTY BOARD GRANTS A WAIVER, FOLLOW THE  
18 POLICIES OF THE COUNTY BOARD IN THE PROCUREMENT OF SERVICES, EQUIPMENT,  
19 OR SUPPLIES, AND IN ACTIVITIES THAT FULFILL THE EDUCATIONAL PROGRAM OF  
20 THE SCHOOL.

21 (C) (1) A PUBLIC CHARTER SCHOOL SHALL BE OPERATED BY A GOVERNING  
22 BOARD THAT IS ACCOUNTABLE TO THE COUNTY BOARD.

23 (2) SUBJECT TO THE CHARTER OF THE SCHOOL, THE POLICY OF THE  
24 COUNTY BOARD, AND THE PROVISIONS OF THIS TITLE, THE GOVERNING BOARD OF A  
25 PUBLIC CHARTER SCHOOL MAY DECIDE THE MATTERS THAT RELATE TO THE  
26 OPERATION OF THE SCHOOL, INCLUDING BUDGETING, CURRICULUM, AND  
27 OPERATING PROCEDURES.

28 (D) A PUBLIC CHARTER SCHOOL MAY:

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

32 (2) RECEIVE AND DISBURSE FUNDS FOR SCHOOL PURPOSES;



1 (3) INCUR A TEMPORARY DEBT IN ANTICIPATION OF THE RECEIPT OF  
2 FUNDS, IF THE CHARTER SCHOOL OBTAINS PRIOR APPROVAL FROM THE COUNTY  
3 BOARD;

4 (4) SOLICIT AND ACCEPT ANY GIFTS OR GRANTS FOR SCHOOL  
5 PURPOSES; AND

6 (5) HAVE ANY OTHER POWERS THAT ARE:

7 (I) NECESSARY TO FULFILL THE CHARTER; AND

8 (II) CONSISTENT WITH THIS TITLE AND THE REQUIREMENTS OF  
9 THE COUNTY BOARD AND THE STATE BOARD .

10 9-111.

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

13 (1) BE OPEN TO ALL STUDENTS IN THE COUNTY IN WHICH THE SCHOOL  
14 IS LOCATED ON A SPACE-AVAILABLE BASIS;

15 (2) SELECT STUDENTS TO ATTEND BY THE USE OF A LOTTERY IF MORE  
16 STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE SPACES  
17 AVAILABLE; AND

18 (3) SEEK THE ENROLLMENT OF A REPRESENTATIVE CROSS SECTION OF  
19 THE SCHOOL AGE POPULATION OF THE COMMUNITY, USING SUCH FACTORS AS  
20 RACIAL, ECONOMIC, AND ACADEMIC DIVERSITY.

21 (B) A PUBLIC CHARTER SCHOOL MAY:

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

23 (2) PROVIDE EDUCATIONAL SERVICES EXCLUSIVELY TO STUDENTS  
24 WHO:

25 (I) HAVE DISABILITIES;

26 (II) HAVE SEVERE DISCIPLINARY PROBLEMS THAT WARRANT A  
27 SPECIFICALLY DESIGNED EDUCATIONAL PROGRAM; OR

28 (III) ARE CONSIDERED AT RISK; AND

29 (3) GIVE PRIORITY IN ENROLLMENT TO A SIBLING OF A STUDENT WHO  
30 ATTENDS THE SCHOOL.

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

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

3 9-112.

4 UNLESS THE STATE BOARD GRANTS A WAIVER OF A SPECIFIC AUDITING  
5 REQUIREMENT BECAUSE OF THE ACADEMIC FOCUS, EDUCATIONAL GOALS, OR A  
6 UNIQUE CHARACTERISTIC OF THE SCHOOL, A PUBLIC CHARTER SCHOOL SHALL  
7 COMPLY WITH THE AUDITING REQUIREMENTS FOR PUBLIC SCHOOLS IN THE  
8 COUNTY.

9 9-113.

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

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

15 (B) (1) UNLESS THE COUNTY BOARD GRANTS A WAIVER TO A PUBLIC  
16 CHARTER SCHOOL, THE FACILITY THAT CONTAINS THE SCHOOL SHALL CONFORM TO  
17 THE REGULATIONS FOR PUBLIC SCHOOL FACILITIES.

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

20 (C) (1) A PUBLIC CHARTER SCHOOL MAY NOT CONSTRUCT A FACILITY WITH  
21 PUBLIC FUNDS.

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

25 (I) THE FACILITY IS OWNED BY THE COUNTY BOARD; AND

26 (II) THE COUNTY BOARD REQUESTS THE FUNDS FOR THE FACILITY  
27 AS PART OF THE PUBLIC SCHOOL CONSTRUCTION CAPITAL IMPROVEMENT PROGRAM  
28 REQUEST.

29 9-114.

30 (A) (1) BASED ON THE APPLICATION OF A PUBLIC CHARTER SCHOOL AND  
31 SUBJECT TO THE POWERS GRANTED TO THE GOVERNING BOARD OF THE PUBLIC  
32 CHARTER SCHOOL:

33 (I) THE STATE BOARD MAY GRANT A WAIVER TO THE SCHOOL  
34 FROM SPECIFIC STATE EDUCATION REGULATIONS AND REQUIREMENTS; AND

1 (II) THE COUNTY BOARD MAY GRANT A WAIVER TO THE SCHOOL  
2 FROM LOCAL EDUCATION REGULATIONS AND REQUIREMENTS.

3 (2) IN ORDER TO RECEIVE A WAIVER FOR THE PUBLIC CHARTER  
4 SCHOOL, THE GOVERNING BOARD OF THE SCHOOL MUST DEMONSTRATE THAT THE  
5 WAIVER WILL ADVANCE THE EDUCATIONAL GOALS AND OBJECTIVES OF THE  
6 SCHOOL.

7 (B) THE STATE BOARD OR A COUNTY BOARD MAY NOT WAIVE A REGULATION  
8 PERTAINING TO CIVIL RIGHTS OR THE HEALTH AND SAFETY OF STUDENTS.

9 9-115.

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

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

19 9-116.

20 (A) THE GOVERNING BOARD OF A PUBLIC CHARTER SCHOOL AND THE  
21 PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE SCHOOL ARE  
22 RESPONSIBLE FOR THE TRANSPORTATION OF THE STUDENTS TO AND FROM THE  
23 SCHOOL.

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

27 9-117.

28 (A) CERTIFICATED AND NONCERTIFICATED EMPLOYEES OF A PUBLIC  
29 CHARTER SCHOOL SHALL REMAIN EMPLOYEES OF THE COUNTY.

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

32 (1) REMAIN A MEMBER OF THE APPROPRIATE EMPLOYEE BARGAINING  
33 UNIT;

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

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

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

5 (D) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS  
6 SUBSECTION, A MEMBER OF THE PROFESSIONAL STAFF OF A CHARTER SCHOOL  
7 SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

8 (2) ON REQUEST OF THE GOVERNING BOARD OF A PUBLIC CHARTER  
9 SCHOOL, THE STATE BOARD MAY WAIVE THE CERTIFICATION REQUIREMENTS FOR  
10 AN INDIVIDUAL MEMBER OF THE PROFESSIONAL STAFF.

11 9-118.

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

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

18 (C) IF THE COMPLAINT IS NOT RESOLVED BY THE COUNTY BOARD TO THE  
19 SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY APPEAL THE  
20 DECISION OF THE COUNTY BOARD TO THE STATE BOARD AS PROVIDED IN § 4-205 OF  
21 THIS ARTICLE.

22 (D) (1) THE STATE BOARD SHALL CONSULT WITH THE STATE PUBLIC  
23 CHARTER SCHOOL ADVISORY COMMITTEE IN CONSIDERING THE APPEAL.

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

25 9-119.

26 (A) A COUNTY BOARD:

27 (1) SHALL GRANT AN INITIAL CHARTER FOR A PUBLIC CHARTER  
28 SCHOOL UNDER THIS TITLE FOR A PERIOD OF UP TO 4 YEARS;

29 (2) SHALL CONDUCT A COMPREHENSIVE REVIEW PRIOR TO GRANTING A  
30 RENEWAL OF THE CHARTER; AND

31 (3) MAY RENEW THE CHARTER FOR SUBSEQUENT PERIODS OF UP TO 5  
32 YEARS.

33 (B) A COUNTY BOARD SHALL HAVE ACCESS TO THE FACILITIES AND TO THE  
34 RECORDS OF A PUBLIC CHARTER SCHOOL FOR WHICH THE COUNTY BOARD IS THE  
35 PUBLIC CHARTERING AUTHORITY.

1 (C) (1) THE COUNTY BOARD SHALL CONDUCT AN ANNUAL ASSESSMENT OF  
2 A PUBLIC CHARTER SCHOOL TO DETERMINE IF THE SCHOOL IS MEETING THE GOALS  
3 OF THE CHARTER, INCLUDING AN ASSESSMENT OF:

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

7 (II) THE ACHIEVEMENT OF THE STUDENTS AT THE SCHOOL ON THE  
8 ASSESSMENTS REQUIRED BY THE STATE BOARD FOR STUDENTS WHO ATTEND  
9 OTHER PUBLIC SCHOOLS IN THE STATE; AND

10 (III) THE ACHIEVEMENT OF THE STUDENTS AT THE SCHOOL ON ANY  
11 OTHER ASSESSMENTS MUTUALLY AGREED ON BY THE COUNTY BOARD AND THE  
12 PUBLIC CHARTER SCHOOL.

13 (2) IN ORDER TO FACILITATE THE ANNUAL ASSESSMENT BY THE  
14 COUNTY BOARD, A PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL FISCAL  
15 REPORT AND STUDENT PERFORMANCE REPORT TO THE COUNTY BOARD NOT LATER  
16 THAN AUGUST 1 IN THE FORM PRESCRIBED BY THE COUNTY BOARD.

17 (3) THE GOVERNING BOARD OF A PUBLIC CHARTER SCHOOL SHALL  
18 MAKE THE REPORT AVAILABLE TO THE PARENTS OR GUARDIANS OF STUDENTS  
19 ENROLLED IN THE PUBLIC CHARTER SCHOOL.

20 9-120.

21 (A) A COUNTY BOARD SHALL DEVELOP PROCEDURES FOR THE RENEWAL AND  
22 THE REVOCATION OF A SCHOOL CHARTER.

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

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

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

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

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

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

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

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

6 (E) (1) THE STATE BOARD SHALL CONSULT WITH THE STATE PUBLIC  
7 CHARTER SCHOOL ADVISORY COMMITTEE IN RENDERING A DECISION ON THE  
8 APPEAL.

9 (2) THE STATE BOARD SHALL RENDER THE DECISION WITHIN 90 DAYS  
10 OF THE RECEIPT OF THE APPEAL.

11 (3) THE DECISION OF THE STATE BOARD IS FINAL.

12 (F) WHEN A CHARTER IS REVOKED, THE COUNTY BOARD MAY RECOVER THE  
13 PERSONAL PROPERTY OF THE PUBLIC CHARTER SCHOOL THAT IS OWNED OR  
14 PROVIDED BY THE COUNTY BOARD AND USE IT FOR OTHER PUBLIC SCHOOL  
15 PURPOSES.

16 9-121.

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

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

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

23 (2) AT THE REQUEST OF THE PRINCIPAL OF A PUBLIC CHARTER  
24 SCHOOL, A COUNTY SUPERINTENDENT FOR CAUSE MAY:

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

27 (II) EXPEL THE STUDENT FROM THE SCHOOL.

28 (3) A STUDENT AT A PUBLIC CHARTER SCHOOL WHO HAS BEEN PLACED  
29 ON SUSPENSION FOR A PERIOD OF MORE THAN 10 SCHOOL DAYS OR HAS BEEN  
30 EXPELLED SHALL HAVE ACCESS TO THE SAME APPEALS PROCESS THAT EXISTS FOR  
31 STUDENTS AT OTHER PUBLIC SCHOOLS IN THE COUNTY.

32 (D) IF A STUDENT IS EXPELLED FROM A PUBLIC CHARTER SCHOOL, THE  
33 REMAINING MONEY THAT WAS ALLOCATED BY THE COUNTY BOARD FOR THE  
34 STUDENT FOR THE CURRENT ACADEMIC YEAR SHALL REVERT TO THE COUNTY  
35 BOARD.

1 9-122.

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

4 SECTION 2. AND BE IT FURTHER ENACTED, That each county board of  
5 education and the New Board of School Commissioners of Baltimore City shall  
6 determine the number of charters granted to applicants for the establishment of  
7 public charter schools in each respective county and in Baltimore City during the first  
8 year of the program.

9 SECTION 3. AND BE IT FURTHER ENACTED, That not later than October 1,  
10 2003, based on information gathered from the county boards of education, the New  
11 Board of School Commissioners of Baltimore City, members of the educational  
12 community, and the public, the State Board of Education shall submit to the General  
13 Assembly, in accordance with § 2-1246 of the State Government Article, a report on  
14 and an evaluation of the public charter school program. The report shall include a  
15 recommendation on the advisability of the continuation, modification, expansion, or  
16 termination of the program.

17 SECTION 4. AND BE IT FURTHER ENACTED, That the terms of the initial  
18 members of the State Public Charter School Advisory Committee shall expire as  
19 follows:

20 (1) two members in 2002; and

21 (2) three members in 2004.

22 SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 July 1, 1999.