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Rzepkowski, Kach, Brinkley, Rosso, Amedori, Elliott, Bartlett, and
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CHAPTER _____

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; authorizing
22 negotiations between the public charter school and the county board concerning
23 certain funding; requiring public charter schools and the parents of students at
24 the schools to provide for transportation of the students attending the schools;
25 authorizing negotiations between the public charter schools and the county

1 boards concerning transportation; specifying certain rights for employees of
 2 public charter schools; ~~requiring, with an exception, certification for professional~~
 3 ~~employees at public charter schools~~; establishing a general grievance and
 4 appeals process for certain persons; requiring the county boards to grant initial
 5 charters for public charter schools for up to a certain number of years; providing
 6 that the county boards may renew charters for subsequent periods for up to a
 7 certain number of years; requiring a certain review for renewal of a charter;
 8 requiring annual assessments of public charter schools; requiring dissemination
 9 of certain reports by charter schools; establishing the conditions for revocation of
 10 the charters, as well as an appeals process; permitting county boards to recover
 11 certain property from former public charter schools; specifying the rights of
 12 students at public charter schools; authorizing the county boards to recover
 13 certain unspent funds from public charter schools; authorizing the State Board,
 14 in consultation with the county boards, to adopt regulations pertaining to public
 15 charter schools; ~~requiring each county board to determine the number of public~~
 16 ~~charter schools in the county in the first year of the public charter schools~~
 17 ~~program~~; requiring the State Board to submit an evaluation and report
 18 concerning public charter schools by a certain date; and generally relating to the
 19 establishment of public charter schools in the State.

20 BY repealing and reenacting, without amendments,
 21 Article - Education
 22 Section 1-101(d), (e), (f), and (l)
 23 Annotated Code of Maryland
 24 (1997 Replacement Volume and 1998 Supplement)

25 BY adding to
 26 Article - Education
 27 Section 9-101 through ~~9-122~~ 9-121, inclusive, to be under the new title "Title 9.
 28 Public Charter School Program"
 29 Annotated Code of Maryland
 30 (1997 Replacement Volume and 1998 Supplement)

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

33 **Article - Education**

34 1-101.

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

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

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

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

2 TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

3 9-101.

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

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

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

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

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

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

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

18 9-102.

19 (A) THE GENERAL ASSEMBLY FINDS THAT:

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

22 (I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

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

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

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

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

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

12 (3) MAY REVOKE A CHARTER GRANTED UNDER THIS TITLE OR PLACE A
13 CHARTER SCHOOL ON PROBATIONARY STATUS.

14 ~~9-104.~~

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

16 ~~(B) (1) THE ADVISORY COMMITTEE SHALL CONSIST OF THE FOLLOWING~~
17 ~~FIVE MEMBERS, APPOINTED BY THE GOVERNOR:~~

18 (I) ~~A PARENT OF A CHILD OF SCHOOL AGE;~~

19 (II) ~~A MEMBER OF A COUNTY BOARD;~~

20 (III) ~~A CERTIFIED TEACHER WHO IS CURRENTLY EMPLOYED BY A~~
21 ~~COUNTY BOARD;~~

22 (IV) ~~A FACULTY MEMBER OR AN ADMINISTRATIVE EMPLOYEE OF A~~
23 ~~PUBLIC INSTITUTION OF HIGHER EDUCATION; AND~~

24 (V) ~~A MEMBER OF THE BUSINESS COMMUNITY.~~

25 (2) ~~THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS AS~~
26 ~~CHAIRPERSON OF THE ADVISORY COMMITTEE.~~

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

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

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

31 (4) ~~AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A~~
32 ~~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. 9-104.~~

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. 9-105.~~

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

26 (B) SUBJECT TO SUBSECTION (A) OF THIS SECTION, AN EXISTING PUBLIC
27 SCHOOL MAY APPLY TO CONVERT TO A PUBLIC CHARTER SCHOOL IF:

28 (1) AT LEAST ~~60%~~ TWO-THIRDS OF THE STAFF OF THE EXISTING PUBLIC
29 SCHOOL AND AT LEAST ~~60%~~ TWO-THIRDS OF THE PARENTS OR GUARDIANS OF
30 STUDENTS WHO ATTEND THE EXISTING PUBLIC SCHOOL SIGN A PETITION
31 REQUESTING CONVERSION;

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

1 (3) AT LEAST ~~60%~~ TWO-THIRDS OF THE ~~VOTING STAFF~~ STAFF OF THE
2 EXISTING PUBLIC SCHOOL AND AT LEAST ~~60%~~ TWO-THIRDS OF THE ~~VOTING~~ PARENTS
3 OR GUARDIANS OF STUDENTS WHO ATTEND THE EXISTING PUBLIC SCHOOL VOTE TO
4 SUPPORT THE CONVERSION OF THE SCHOOL TO A PUBLIC CHARTER SCHOOL.

5 ~~9-107; 9-106.~~

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

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

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

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

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

14 (4) THE PROPOSED STRUCTURE OF THE GOVERNING BOARD OF THE
15 SCHOOL, INCLUDING:

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

17 (II) THE METHOD OF APPOINTMENT OR ELECTION OF THE
18 MEMBERS;

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

20 (I) THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE
21 SCHOOL; AND

22 (II) THE PROPOSED CURRICULUM OF THE SCHOOL;

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

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

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

27 (9) A DESCRIPTION OF STAFF RESPONSIBILITIES;

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

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

1 (12) ANY OTHER INFORMATION THAT THE COUNTY BOARD OR THE STATE
2 BOARD REQUIRES.

3 ~~9-108.~~

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

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

11 (2) ~~THE COUNTY BOARD MAY USE THE SERVICES OF AN OUTSIDE
12 AGENCY IN THE EVALUATION OF THE APPLICATION.~~

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

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

18 (E) ~~THE STATE BOARD SHALL CONSULT WITH THE STATE PUBLIC CHARTER
19 SCHOOL ADVISORY COMMITTEE IN CONSIDERING THE APPEAL.~~

20 (F) ~~THE DECISION OF THE STATE BOARD IS FINAL.~~

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

23 (1) ~~THE COUNTY BOARD; OR~~

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

26 ~~9-109.~~

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

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

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

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

3 ~~(C) THE PERFORMANCE AGREEMENT SHALL INCLUDE:~~

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

7 ~~(2) A COMMITMENT TO MEASURE STUDENT PERFORMANCE UNDER:~~

8 ~~(I) THE SAME STATE ASSESSMENTS AS THOSE USED BY OTHER~~
9 ~~PUBLIC SCHOOLS; AND~~

10 ~~(II) ANY OTHER ASSESSMENT MUTUALLY AGREEABLE TO THE~~
11 ~~COUNTY BOARD AND TO THE PUBLIC CHARTER SCHOOL.~~

12 ~~9-110.~~

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

14 ~~(1) THE CHARTER GRANTED TO THE SCHOOL; AND~~

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

16 ~~(B) A PUBLIC CHARTER SCHOOL SHALL:~~

17 ~~(1) EXIST WITHIN THE SCHOOL DISTRICT THAT IS GOVERNED BY THE~~
18 ~~COUNTY BOARD THAT ISSUED THE CHARTER TO THE SCHOOL;~~

19 ~~(2) BE ACCOUNTABLE TO THE COUNTY BOARD; AND~~

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

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

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

31 ~~(D) A PUBLIC CHARTER SCHOOL MAY:~~

32 ~~(1) ACQUIRE REAL PROPERTY FROM PUBLIC OR PRIVATE SOURCES, BY~~
33 ~~PURCHASE, LEASE, LEASE WITH AN OPTION TO PURCHASE, OR GIFT, FOR USE AS A~~
34 ~~SCHOOL FACILITY;~~

- 1 (2) ~~RECEIVE AND DISBURSE FUNDS FOR SCHOOL PURPOSES;~~
- 2 (3) ~~INCUR A TEMPORARY DEBT IN ANTICIPATION OF THE RECEIPT OF~~
3 ~~FUNDS, IF THE CHARTER SCHOOL OBTAINS PRIOR APPROVAL FROM THE COUNTY~~
4 ~~BOARD;~~
- 5 (4) ~~SOLICIT AND ACCEPT ANY GIFTS OR GRANTS FOR SCHOOL~~
6 ~~PURPOSES; AND~~
- 7 (5) ~~HAVE ANY OTHER POWERS THAT ARE:~~
- 8 (I) ~~NECESSARY TO FULFILL THE CHARTER; AND~~
- 9 (II) ~~CONSISTENT WITH THIS TITLE AND THE REQUIREMENTS OF~~
10 ~~THE COUNTY BOARD AND THE STATE BOARD.~~
- 11 ~~9-111.~~
- 12 (A) ~~WITHIN THE CONSTRAINTS OF THE ACADEMIC FOCUS AND EDUCATIONAL~~
13 ~~GOALS OF THE SCHOOL, A PUBLIC CHARTER SCHOOL SHALL:~~
- 14 (1) ~~BE OPEN TO ALL STUDENTS IN THE COUNTY IN WHICH THE SCHOOL~~
15 ~~IS LOCATED ON A SPACE AVAILABLE BASIS;~~
- 16 (2) ~~SELECT STUDENTS TO ATTEND BY THE USE OF A LOTTERY IF MORE~~
17 ~~STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE SPACES~~
18 ~~AVAILABLE; AND~~
- 19 (3) ~~SEEK THE ENROLLMENT OF A REPRESENTATIVE CROSS SECTION OF~~
20 ~~THE SCHOOL AGE POPULATION OF THE COMMUNITY, USING SUCH FACTORS AS~~
21 ~~RACIAL, ECONOMIC, AND ACADEMIC DIVERSITY.~~
- 22 (B) ~~A PUBLIC CHARTER SCHOOL MAY:~~
- 23 (1) ~~LIMIT ADMISSION TO A PARTICULAR GRADE LEVEL;~~
- 24 (2) ~~PROVIDE EDUCATIONAL SERVICES EXCLUSIVELY TO STUDENTS~~
25 ~~WHO:~~
- 26 (I) ~~HAVE DISABILITIES;~~
- 27 (II) ~~HAVE SEVERE DISCIPLINARY PROBLEMS THAT WARRANT A~~
28 ~~SPECIFICALLY DESIGNED EDUCATIONAL PROGRAM; OR~~
- 29 (III) ~~ARE CONSIDERED AT RISK; AND~~
- 30 (3) ~~GIVE PRIORITY IN ENROLLMENT TO A SIBLING OF A STUDENT WHO~~
31 ~~ATTENDS THE SCHOOL.~~
- 32 (C) ~~A PUBLIC CHARTER SCHOOL MAY NOT TAKE ANY ACTION THAT WOULD BE~~
33 ~~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 (H) ~~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 ~~9-12.~~

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 (1) ~~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.~~

24 ~~9-107.~~

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

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

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

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

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

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

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

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

6 (1) THE COUNTY BOARD; OR

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

9 9-108.

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

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

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

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

20 9-109.

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

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

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

28 (2) MATTERS RELATING TO THE OPERATION OF THE SCHOOL,
29 INCLUDING BUDGETING, CURRICULUM, THE ACQUISITION OF REAL PROPERTY, THE
30 RECEIPT AND DISBURSEMENT OF FUNDS, DEBT POLICIES, AND THE SOLICITATION
31 OF GIFTS AND GRANTS; AND

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

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

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

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

7 9-110.

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

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

14 9-111.

15 (A) A PUBLIC CHARTER SCHOOL SHALL:

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

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

21 (B) A PUBLIC CHARTER SCHOOL SHALL GIVE PRIORITY IN ENROLLMENT TO:

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

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

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

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

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

1 9-112.

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

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

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

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

11 9-113.

12 (A) SUBJECT TO THE APPROVAL OF THE COUNTY BOARD, A PUBLIC CHARTER
13 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) (1) UNLESS A WAIVER IS GRANTED TO A PUBLIC CHARTER SCHOOL
18 UNDER § 9-108 OF THIS TITLE, THE FACILITY THAT CONTAINS THE SCHOOL SHALL
19 CONFORM TO THE REGULATIONS FOR PUBLIC SCHOOL FACILITIES.

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

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

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

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

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

31 9-114.

32 (A) FOR A FISCAL YEAR, EACH STUDENT ENROLLED IN A CHARTER SCHOOL
33 SHALL RECEIVE THE PER PUPIL BASIC CURRENT EXPENSE FIGURE CALCULATED
34 UNDER § 5-202 OF THIS ARTICLE.

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

3 9-115.

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

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

9 9-116.

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

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

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

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

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

22 9-117.

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

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

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

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

33 9-118.

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

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

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

6 9-119.

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

10 (2) THE ANNUAL ASSESSMENT BY THE COUNTY BOARD SHALL BE BASED
11 ON THE MEASURES IDENTIFIED IN THE PERFORMANCE AGREEMENT UNDER §
12 9-109(B)(3) OF THIS TITLE.

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

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

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

22 9-120.

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

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

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

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

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

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

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

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

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

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

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

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

12 9-121.

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

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

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