

SENATE BILL 761

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1999 Regular Session
9r2245

By: **Senators McCabe and Madden**

Introduced and read first time: March 1, 1999

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Family Investment Program Educational Opportunity Act of 1999**

3 FOR the purpose of establishing a children's educational opportunity program as an
4 educational component of the Family Investment Program; requiring the
5 Secretary of Human Resources to assist the State Department of Education to
6 establish a pilot program that will allow children of families in the Family
7 Investment Program to attend public charter schools under certain
8 circumstances; requiring the transfer of certain educational funds to public
9 charter schools; authorizing the establishment of public charter schools;
10 authorizing the State Department of Education to grant charters for public
11 charter schools to certain sponsoring agencies; prohibiting the granting of
12 charters to certain educational agencies; requiring public charter schools to give
13 preference to certain students; requiring the county boards of education and the
14 State to designate certain funds for students who attend public charter schools;
15 establishing certain rights and responsibilities for certain employees at public
16 charter schools; requiring the Department of Education to conduct certain
17 assessments of public charter schools; requiring public charter schools to submit
18 certain reports; establishing certain rules governing students at public charter
19 schools; requiring the Department to adopt certain regulations; requiring the
20 Department to make a certain report by a certain date; providing for the
21 termination of this Act; and generally relating to the establishment of a pilot
22 program that will give certain children educational alternatives under certain
23 circumstances.

24 BY repealing and reenacting, without amendments,
25 Article 88A - Department of Human Resources
26 Section 1A(a) and 44A(d)
27 Annotated Code of Maryland
28 (1998 Replacement Volume)

29 BY repealing and reenacting, with amendments,
30 Article 88A - Department of Human Resources
31 Section 45 and 47
32 Annotated Code of Maryland

1 (1998 Replacement Volume)

2 BY repealing and reenacting, without amendments,
3 Article - Education
4 Section 1-101(d), (f), and (l)
5 Annotated Code of Maryland
6 (1997 Replacement Volume and 1998 Supplement)

7 BY repealing and reenacting, with amendments,
8 Article - Education
9 Section 5-208
10 Annotated Code of Maryland
11 (1997 Replacement Volume and 1998 Supplement)

12 BY adding to
13 Article - Education
14 Section 9-101 through 9-112, inclusive, to be under the new title "Title 9. Public
15 Charter School Program"
16 Annotated Code of Maryland
17 (1997 Replacement Volume and 1998 Supplement)

18 Preamble

19 WHEREAS, In 1995 the Maryland General Assembly recognized the need to
20 enact an innovative welfare reform measure that would help its 227,887 welfare
21 participants on the path to self-sufficiency; and

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

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

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

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

36 WHEREAS, In keeping with the innovative nature of the Family Investment
37 Program, the concept of publicly chartered schools offers an exciting opportunity for

1 the State of Maryland to offer its children an alternative to the traditional public
2 schools; and

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

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

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

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

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

19 **Article 88A - Department of Human Resources**

20 1A.

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

30 44A.

31 (d) "FIP" means Family Investment Program.

32 45.

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

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

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

7 47.

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

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

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

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

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

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

26 (2) An institution of higher education shall:

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

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

31 (iii) By September 15 of each year, provide to the Maryland Higher
32 Education Commission, a report on efforts to encourage and identify student
33 volunteers and identify services provided under the provisions of this subsection.

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

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

5 (2) UNDER THE PILOT PROGRAM, A CHILD OF A FAMILY PARTICIPATING
6 IN THE FIP WHO ATTENDS A TRADITIONAL PUBLIC SCHOOL MAY ATTEND A PUBLIC
7 CHARTER SCHOOL ESTABLISHED UNDER TITLE 9 OF THE EDUCATION ARTICLE IF
8 THE SCHOOL THAT THE CHILD IS CURRENTLY ATTENDING HAS SCORED AT OR
9 BELOW THE 50TH PERCENTILE OF THE STATEWIDE AVERAGE SCORE ON THE
10 MARYLAND CRITERION REFERENCED TEST THAT IS PART OF THE MARYLAND
11 SCHOOL PERFORMANCE PROGRAM WITHIN THE PAST YEAR.

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

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

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

23 **Article - Education**

24 1-101.

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

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

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

29 5-208.

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

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

34 (3) "FAMILY INVESTMENT PROGRAM" MEANS THE BENEFIT PROGRAM
35 UNDER THE FAMILY INVESTMENT ADMINISTRATION, AS ESTABLISHED UNDER
36 ARTICLE 88A, § 1A OF THE CODE, THAT IS DESIGNED TO SUPPORT FAMILY EFFORTS

1 TO ACHIEVE AND MAINTAIN SELF-SUFFICIENCY THROUGH SERVICES AND
2 FINANCIAL AID THAT ARE GEARED TO INDIVIDUAL FAMILY NEEDS.

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

6 [(4)] (5) "Recipient school" means a public school that receives a
7 recognition award under this section.

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

11 [(c) (1)] (2) (I) To the extent that funds are provided in the State budget,
12 the State Superintendent annually shall distribute recognition awards to elementary
13 and middle schools that show substantial improvement towards meeting standards of
14 the Maryland School Performance Program.

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

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

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

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

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

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

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

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

34 (3) A CHILD OF A FAMILY PARTICIPATING IN THE FAMILY INVESTMENT
35 PROGRAM WHO ATTENDS A TRADITIONAL PUBLIC SCHOOL MAY ATTEND A PUBLIC
36 CHARTER SCHOOL ESTABLISHED UNDER TITLE 9 OF THIS ARTICLE FOR
37 ELEMENTARY OR SECONDARY EDUCATION IF THE SCHOOL THAT THE CHILD IS

1 CURRENTLY ATTENDING HAS SCORED AT OR BELOW THE 50TH PERCENTILE OF THE
2 STATEWIDE AVERAGE SCORE ON THE MARYLAND CRITERION REFERENCED TEST
3 THAT IS PART OF THE MARYLAND SCHOOL PERFORMANCE PROGRAM WITHIN THE
4 PAST YEAR.

5 TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

6 9-101.

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

8 (B) "FAMILY INVESTMENT PROGRAM" MEANS THE BENEFIT PROGRAM UNDER
9 THE FAMILY INVESTMENT ADMINISTRATION, AS ESTABLISHED UNDER ARTICLE 88A,
10 § 1A OF THE CODE, THAT IS DESIGNED TO SUPPORT FAMILY EFFORTS TO ACHIEVE
11 AND MAINTAIN SELF-SUFFICIENCY THROUGH SERVICES AND FINANCIAL AID THAT
12 ARE GEARED TO INDIVIDUAL FAMILY NEEDS.

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

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

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

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

21 (2) IS DEVELOPED AS A NEW PUBLIC SCHOOL;

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

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

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

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

31 (E) "SPONSORING ENTITY" MAY INCLUDE:

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

34 (2) A PARENT-TEACHER ASSOCIATION; OR

1 (3) A NONPROFIT ENTITY.

2 9-102.

3 (A) THE GENERAL ASSEMBLY FINDS THAT:

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

6 (I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

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

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

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

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

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

19 9-103.

20 A PUBLIC SCHOOL CHARTERING AUTHORITY:

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

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

25 9-104.

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

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

31 (1) A PRIVATE SCHOOL;

32 (2) A PAROCHIAL SCHOOL; OR

1 (3) A HOME SCHOOL.

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

4 9-105.

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

8 (B) THE PERFORMANCE AGREEMENT SHALL INCLUDE:

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

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

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

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

18 9-106.

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

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

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

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

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

27 (1) NECESSARY TO FULFILL THE CHARTER; AND

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

30 9-107.

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

1 (1) SEEK THE ENROLLMENT OF CHILDREN WHO ARE:

2 (I) FROM TRADITIONAL PUBLIC SCHOOLS THAT HAVE SCORED AT
3 OR BELOW THE 50TH PERCENTILE OF THE STATEWIDE AVERAGE SCORE ON THE
4 MARYLAND CRITERION REFERENCED TEST THAT IS PART OF THE MARYLAND
5 SCHOOL PERFORMANCE PROGRAM WITHIN THE PAST YEAR; AND

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

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

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

13 (B) A PUBLIC CHARTER SCHOOL:

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

15 (2) SHALL GIVE PRIORITY IN ENROLLMENT TO:

16 (I) A CHILD FROM A FAMILY IN THE FAMILY INVESTMENT
17 PROGRAM WHO IS CURRENTLY ATTENDING A TRADITIONAL PUBLIC SCHOOL THAT
18 HAS SCORED AT OR BELOW THE 50TH PERCENTILE OF THE STATEWIDE AVERAGE
19 SCORE ON THE MARYLAND CRITERION REFERENCED TEST THAT IS PART OF THE
20 MARYLAND SCHOOL PERFORMANCE PROGRAM WITHIN THE PAST YEAR; AND

21 (II) A SIBLING OF A STUDENT WHO ATTENDS THE SCHOOL.

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

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

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

29 9-108.

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

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

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

5 9-109.

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

8 (1) MAY REMAIN A MEMBER OF THE APPROPRIATE EMPLOYEE
9 BARGAINING UNIT; AND

10 (2) SHALL RECEIVE THE SAME SALARY AND BENEFITS OF AN EMPLOYEE
11 AT A TRADITIONAL PUBLIC SCHOOL.

12 (B) BECAUSE OF THE UNIQUE NATURE OF A PUBLIC CHARTER SCHOOL, A
13 CERTIFICATED EMPLOYEE OF THE COUNTY BOARD MAY BE SUBJECT TO
14 TERMINATION FROM EMPLOYMENT AT THE SCHOOL BY THE ADMINISTRATION OF
15 THE SCHOOL WITHOUT THE APPEAL PROCESS THAT IS AVAILABLE TO CERTIFICATED
16 EMPLOYEES IN A TRADITIONAL PUBLIC SCHOOL.

17 (C) A CERTIFICATED EMPLOYEE WHOSE EMPLOYMENT AT A PUBLIC CHARTER
18 SCHOOL IS TERMINATED BECAUSE OF THE UNIQUE NATURE OF THE PUBLIC
19 CHARTER SCHOOL IS ELIGIBLE TO TRANSFER TO A TRADITIONAL PUBLIC SCHOOL IN
20 THE COUNTY WHEN THERE IS AN APPROPRIATE PROFESSIONAL POSITION
21 AVAILABLE.

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

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

26 9-110.

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

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

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

36 (3) THE ACHIEVEMENT OF THE STUDENTS AT THE SCHOOL ON ANY
37 OTHER ASSESSMENTS MUTUALLY AGREED ON BY THE DEPARTMENT, THE PUBLIC

1 SCHOOL CHARTERING AUTHORITY, THE SPONSORING ENTITY, AND THE PUBLIC
2 CHARTER SCHOOL.

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

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

11 9-111.

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

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

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

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

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

22 (II) EXPEL THE STUDENT FROM THE SCHOOL.

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

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

31 9-112.

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

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

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

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 1999. It shall remain effective for a period of 4 years and, at the end of June
15 30, 2003, with no further action required by the General Assembly, this Act shall be
16 abrogated and of no further force and effect.