

HOUSE BILL 526

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SB 761/99 - EEA

2000 Regular Session
0lr0568
CF 0lr0569

By: **Delegates Leopold, Rawlings, Kach, Cadden, Greenip, Marriott,
Flanagan, Rosso, and Cryor**

Introduced and read first time: February 7, 2000

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Charter School Act of 2000**

3 FOR the purpose of requiring the transfer of certain educational funds to public
4 charter schools; establishing certain public school chartering authorities;
5 authorizing the public school chartering authorities to grant charters for public
6 charter schools to certain sponsoring agencies; prohibiting the granting of
7 charters to certain educational agencies; requiring certain public charter schools
8 to give preference to certain students; requiring the county boards of education
9 and the State to designate certain funds for students who attend public charter
10 schools; establishing certain rights and responsibilities for certain employees at
11 public charter schools; requiring the Department of Education to conduct
12 certain assessments of public charter schools; requiring public charter schools to
13 submit certain reports; establishing certain rules governing students at public
14 charter schools; requiring the Department to adopt certain regulations;
15 requiring the Department to make a certain report by a certain date; providing
16 for the termination of this Act; and generally relating to the establishment of a
17 pilot program that will give certain children educational opportunities under
18 certain circumstances.

19 BY repealing and reenacting, without amendments,
20 Article - Education
21 Section 1-101(d), (f), and (l)
22 Annotated Code of Maryland
23 (1999 Replacement Volume)

24 BY adding to
25 Article - Education
26 Section 9-101 through 9-118, inclusive, to be under the new title "Title 9. Public
27 Charter School Program"
28 Annotated Code of Maryland
29 (1999 Replacement Volume)

1 Preamble

2 WHEREAS, The concept of publicly chartered schools offers an exciting
3 opportunity for the State of Maryland to offer its children an alternative to the
4 traditional public schools; and

5 WHEREAS, Publicly chartered schools operate within the umbrella of the public
6 school system, are funded with public moneys, and are accountable for the same
7 performance standards as traditional public schools, while operating independently of
8 the local boards of education; and

9 WHEREAS, Many publicly chartered schools in the 37 states, Puerto Rico, and
10 the District of Columbia, where publicly chartered schools have been embraced, have
11 been successful in improving the education of at-risk and other special needs
12 students; and

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

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

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

22 **Article - Education**

23 1-101.

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

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

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

28 TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

29 9-101.

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

31 (B) "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC SCHOOL THAT:

32 (1) IS CREATED IN ACCORDANCE WITH § 9-103 OF THIS SUBTITLE;

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

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

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

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

9 (6) (I) IS NONSECTARIAN IN ITS PROGRAMS, ADMISSIONS POLICIES,
10 EMPLOYMENT PRACTICES, AND ALL OTHER OPERATIONS; AND

11 (II) IS NOT AFFILIATED WITH A SECTARIAN SCHOOL OR RELIGIOUS
12 INSTITUTION.

13 (C) (1) "PUBLIC SCHOOL CHARTERING AUTHORITY" MEANS AN AGENCY
14 AUTHORIZED TO ESTABLISH PUBLIC CHARTER SCHOOLS.

15 (2) "PUBLIC SCHOOL CHARTERING AUTHORITY" MEANS A COUNTY
16 BOARD OF EDUCATION IN THE STATE.

17 (D) "SPONSORING ENTITY" MEANS:

18 (1) THE STAFF OF A PUBLIC SCHOOL;

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

21 (3) A NONPROFIT ENTITY;

22 (4) ANY COMBINATION OF THE STAFF OF A PUBLIC SCHOOL, THE
23 PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE PUBLIC SCHOOLS IN A
24 COUNTY, AND A NONPROFIT ENTITY; OR

25 (5) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.

26 9-102.

27 (A) THE GENERAL ASSEMBLY FINDS THAT:

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

30 (I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

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

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

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

6 (1) INCREASE THE EDUCATIONAL CHOICES AVAILABLE TO PARENTS
7 AND STUDENTS;

8 (2) CAN CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS;
9 AND

10 (3) CAN BE VEHICLES FOR EDUCATIONAL RESEARCH AND
11 DEVELOPMENT.

12 9-103.

13 A PUBLIC SCHOOL CHARTERING AUTHORITY:

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

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

18 (3) MAY REVOKE A CHARTER GRANTED UNDER THIS TITLE OR PLACE A
19 PUBLIC CHARTER SCHOOL ON PROBATIONARY STATUS; AND

20 (4) MAY NOT GRANT A CHARTER UNDER THIS TITLE TO:

21 (I) A PRIVATE SCHOOL;

22 (II) A PAROCHIAL SCHOOL; OR

23 (III) A HOME SCHOOL.

24 9-104.

25 (A) THE PUBLIC SCHOOL CHARTERING AUTHORITIES TOGETHER SHALL
26 DEVELOP AN APPLICATION PROCESS FOR A SPONSORING ENTITY TO FOLLOW WHEN
27 APPLYING FOR A CHARTER TO ESTABLISH A PUBLIC CHARTER SCHOOL.

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

29 (1) THE IDENTITY OF THE SPONSORING AUTHORITY;

30 (2) THE PROPOSED NAME OF THE SCHOOL, WHICH SHALL CONTAIN THE
31 WORDS "PUBLIC CHARTER SCHOOL";

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

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

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

6 (II) THE METHOD OF APPOINTMENT OR ELECTION OF THE
7 MEMBERS;

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

9 (I) THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE
10 SCHOOLS; AND

11 (II) THE PROPOSED CURRICULUM OF THE SCHOOL;

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

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

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

16 (9) A DESCRIPTION OF STAFF RESPONSIBILITIES;

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

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

21 (12) ANY OTHER INFORMATION THAT THE PUBLIC SCHOOL CHARTERING
22 AUTHORITY OR THE STATE BOARD REQUIRES.

23 9-105.

24 (A) THE LOCAL BOARD SHALL ADOPT REGULATIONS NECESSARY TO
25 IMPLEMENT THIS SECTION, INCLUDING TIMELINES FOR CHARTER SCHOOL
26 APPLICATION SUBMITTAL AND APPROVAL.

27 (B) (1) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL REVIEW THE
28 APPLICATION AND RENDER A DECISION WITHIN 120 DAYS OF RECEIPT OF THE
29 APPLICATION.

30 (2) THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY DELAY
31 RENDERING A DECISION FOR AN ADDITIONAL 60 DAYS FOR CAUSE.

32 (3) THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY USE THE
33 SERVICES OF AN OUTSIDE AGENCY IN THE EVALUATION OF THE APPLICATION.

1 (C) IF THE PUBLIC SCHOOL CHARTERING AUTHORITY DENIES AN
2 APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL, THE PUBLIC SCHOOL
3 CHARTERING AUTHORITY SHALL INCLUDE WITH THE DENIAL THE REASONS FOR
4 THE DENIAL.

5 (D) IF AN APPLICATION IS DENIED, THE SPONSORING ENTITY MAY APPEAL
6 THE DECISION TO THE STATE BOARD.

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

8 (F) A SPONSORING ENTITY WHOSE APPLICATION FOR A CHARTER IS DENIED
9 MAY REAPPLY FOR A CHARTER AFTER 1 YEAR FROM THE DECISION OF THE PUBLIC
10 SCHOOL CHARTERING AUTHORITY OR, IF THE DENIAL WAS APPEALED TO THE STATE
11 BOARD, THE STATE BOARD.

12 9-106.

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

15 (2) THE COUNTY BOARD OF THE COUNTY IN WHICH A PUBLIC CHARTER
16 SCHOOL IS LOCATED MAY GRANT A WAIVER TO THE PUBLIC CHARTER SCHOOL FROM
17 SPECIFIC LOCAL EDUCATION REGULATIONS AND REQUIREMENTS.

18 (B) A PUBLIC CHARTER SCHOOL MAY RECEIVE A WAIVER UNDER THIS
19 SECTION IF THE SCHOOL CAN DEMONSTRATE THAT THE WAIVER WILL ADVANCE THE
20 EDUCATIONAL GOALS AND OBJECTIVES OF THE SCHOOL.

21 (C) A PUBLIC CHARTER SCHOOL MAY NOT RECEIVE A WAIVER OF A
22 REGULATION OR REQUIREMENT PERTAINING TO THE CIVIL RIGHTS OR THE HEALTH
23 AND SAFETY OF A STUDENT.

24 9-107.

25 (A) A CHARTER THAT IS GRANTED BY A PUBLIC SCHOOL CHARTERING
26 AUTHORITY TO A PUBLIC CHARTER SCHOOL CONSTITUTES A CONTRACT BETWEEN
27 THE SCHOOL AND THE CHARTERING AUTHORITY.

28 (B) THE CHARTER SHALL INCLUDE ALL AGREEMENTS BETWEEN THE PUBLIC
29 CHARTER SCHOOL AND THE PUBLIC SCHOOL CHARTERING AUTHORITY, INCLUDING:

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

32 (2) MATTERS RELATING TO THE OPERATION OF THE SCHOOL,
33 INCLUDING BUDGETING, CURRICULUM, THE ACQUISITION OF REAL PROPERTY, THE
34 RECEIPT AND DISBURSEMENT OF FUNDS, DEBT POLICIES, AND THE SOLICITATION
35 OF GIFTS AND GRANTS; AND

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

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

6 (II) OTHER ASSESSMENTS THAT ARE MUTUALLY AGREEABLE TO
7 THE PUBLIC SCHOOL CHARTERING AUTHORITY AND THE SCHOOL.

8 (C) A PUBLIC CHARTER SCHOOL AND A PUBLIC SCHOOL CHARTERING
9 AUTHORITY MAY AMEND THE TERMS OF THE CONTRACT ONLY BY WRITTEN MUTUAL
10 AGREEMENT.

11 9-108.

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

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

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

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

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

20 (1) NECESSARY TO FULFILL THE CHARTER; AND

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

23 (D) A PUBLIC CHARTER SCHOOL MAY NOT CHARGE TUITION OR OTHER FEES
24 THAT ARE NOT CHARGED BY A TRADITIONAL PUBLIC SCHOOL.

25 9-109.

26 (A) THE LOCAL BOARD SHALL DETERMINE THE MAXIMUM NUMBER OF
27 PUBLIC CHARTER SCHOOLS IN EACH COUNTY.

28 (B) (1) THERE SHALL BE AT LEAST TWO PUBLIC CHARTER SCHOOLS IN
29 EACH COUNTY THAT GIVE PRIORITY IN ENROLLMENT TO CHILDREN WHO:

30 (I) ATTEND TRADITIONAL PUBLIC SCHOOLS THAT HAVE BEEN
31 DETERMINED BY THE LOCAL BOARD TO BE UNDERPERFORMING AND WHO REQUEST
32 TO TRANSFER TO A CHARTER SCHOOL IN THE LOCAL SCHOOL DISTRICT; OR

33 (II) ATTEND RECONSTITUTION-ELIGIBLE SCHOOLS.

1 (2) THE LOCAL BOARD SHALL ESTABLISH A PROCEDURE FOR THE
2 SELECTION OF STUDENTS TO ATTEND THE SCHOOL BY THE USE OF A LOTTERY IF
3 MORE STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE
4 SPACES AVAILABLE.

5 (C) A PUBLIC CHARTER SCHOOL THAT IS DEVELOPED AS A NEW PUBLIC
6 SCHOOL MAY LIMIT ADMISSION TO A PARTICULAR GRADE LEVEL.

7 (D) AN EXISTING TRADITIONAL PUBLIC SCHOOL OR A SPONSORING ENTITY,
8 ON BEHALF OF AN EXISTING TRADITIONAL PUBLIC SCHOOL, MAY APPLY TO
9 CONVERT THE SCHOOL TO A PUBLIC CHARTER SCHOOL IF:

10 (1) AT LEAST TWO-THIRDS OF THE STAFF OF THE TRADITIONAL PUBLIC
11 SCHOOL AND AT LEAST TWO-THIRDS OF THE PARENTS OR GUARDIANS OF STUDENTS
12 WHO ATTEND THE TRADITIONAL PUBLIC SCHOOL SIGN A PETITION REQUESTING
13 CONVERSION;

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

17 (3) AN ELECTION IS HELD AND THE RESULTS OF THE ELECTION
18 INDICATE THAT AT LEAST TWO-THIRDS OF THE STAFF AND AT LEAST TWO-THIRDS
19 OF THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE TRADITIONAL
20 PUBLIC SCHOOL SUPPORT THE CONVERSION OF THE TRADITIONAL PUBLIC SCHOOL
21 TO A PUBLIC CHARTER SCHOOL; OR

22 (4) THE TRADITIONAL PUBLIC SCHOOL HAS BEEN DETERMINED BY THE
23 LOCAL BOARD TO BE UNDERPERFORMING, RELATIVE TO OTHER SCHOOLS IN THE
24 LOCAL SCHOOL DISTRICT.

25 9-110.

26 THE FACILITY THAT CONTAINS A PUBLIC CHARTER SCHOOL:

27 (1) SHALL CONFORM TO THE REGULATIONS FOR TRADITIONAL PUBLIC
28 SCHOOL FACILITIES; AND

29 (2) MAY NOT RECEIVE A WAIVER OF HEALTH OR SAFETY REGULATIONS.

30 9-111.

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

1 (2) THE AMOUNT PAID BY A COUNTY BOARD UNDER PARAGRAPH (1) OF
2 THIS SUBSECTION SHALL INCLUDE THE STATE SHARE OF BASIC CURRENT
3 EXPENSES.

4 (B) A PUBLIC CHARTER SCHOOL MAY RECEIVE COUNTY, STATE, AND FEDERAL
5 FUNDS FOR EACH STUDENT ENROLLED IN THE SCHOOL IN THE SAME MANNER THAT
6 THE TRADITIONAL PUBLIC SCHOOLS IN THE COUNTY RECEIVE THESE FUNDS.

7 9-112.

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

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

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

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

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

27 (2) IN ANY CASE, SHALL TRANSFER THE CERTIFICATED EMPLOYEE TO A
28 COMPARABLE ASSIGNMENT IN THE COUNTY PUBLIC SCHOOL SYSTEM BEFORE THE
29 BEGINNING OF THE FOLLOWING SCHOOL YEAR.

30 (C) A CERTIFICATED EMPLOYEE WHO IS TRANSFERRED FROM A PUBLIC
31 CHARTER SCHOOL UNDER SUBSECTION (B) OF THIS SECTION IS NOT SUBJECT TO
32 ANY FORM OF DISCIPLINARY ACTION BY THE COUNTY BOARD AS A RESULT OF THE
33 TRANSFER FROM THE PUBLIC CHARTER SCHOOL.

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

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

1 9-113.

2 (A) THE DEPARTMENT SHALL CONDUCT AN ANNUAL ASSESSMENT OF EACH
3 PUBLIC CHARTER SCHOOL TO DETERMINE IF THE SCHOOL IS MEETING THE GOALS
4 OF THE CHARTER, INCLUDING AN ASSESSMENT OF THE ACHIEVEMENT OF THE
5 STUDENTS ATTENDING THE PUBLIC CHARTER SCHOOL:

6 (1) WITHIN THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE
7 SCHOOL AND ACCORDING TO THE SPECIFIC MEASURES USED BY THE SCHOOL;

8 (2) ON THE ASSESSMENTS REQUIRED BY THE STATE BOARD FOR
9 STUDENTS WHO ATTEND TRADITIONAL PUBLIC SCHOOLS IN THE STATE; AND

10 (3) ON ANY OTHER ASSESSMENTS MUTUALLY AGREED ON BY THE
11 DEPARTMENT, THE PUBLIC SCHOOL CHARTERING AUTHORITY, THE SPONSORING
12 ENTITY, AND THE PUBLIC CHARTER SCHOOL.

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

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

21 9-114.

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

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

27 9-115.

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

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

33 9-116.

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

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

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

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

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

11 9-117.

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 PUBLIC CHARTER SCHOOL.

23 (3) A STUDENT ENROLLED IN A PUBLIC CHARTER SCHOOL WHO HAS
24 BEEN PLACED ON SUSPENSION FOR A PERIOD OF MORE THAN 10 SCHOOL DAYS OR
25 HAS BEEN EXPELLED MAY ENROLL IN A TRADITIONAL PUBLIC SCHOOL IN THE
26 COUNTY IN 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 9-118.

32 (A) IN CONSULTATION WITH THE DEPARTMENT OF HUMAN RESOURCES, THE
33 PUBLIC SCHOOL CHARTERING AUTHORITIES, AND THE STATE BOARD, THE
34 DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT ALL PROVISIONS OF THIS
35 TITLE IN A MANNER THAT:

1 (1) INSURES THAT CHILDREN FROM FAMILIES IN THE FAMILY
2 INVESTMENT PROGRAM HAVE FULL ACCESS TO PUBLIC CHARTER SCHOOLS; AND

3 (2) MAKES PUBLIC CHARTER SCHOOLS ACCESSIBLE FOR THE OTHER
4 CHILDREN IN THE STATE.

5 (B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION:

6 (1) SHALL ADDRESS THE GOVERNANCE, CURRICULUM, AND ALL OTHER
7 MATTERS RELATING TO THE ESTABLISHMENT OF PUBLIC CHARTER SCHOOLS IN THE
8 STATE; AND

9 (2) SHALL BE SUBJECT TO THE REVIEW OF THE JOINT COMMITTEE ON
10 ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.

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

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 July 1, 2000.