
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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 26, 2000

CHAPTER _____

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 FOR the purpose of authorizing the county boards of education to be the public
20 chartering authorities for public charter schools in the State; establishing the
21 rights and duties of the county boards as public chartering authorities;
22 enumerating the entities that may or may not apply for a charter; permitting
23 existing public schools to convert to public charter schools under certain
24 conditions; requiring the county boards to establish an application process for
25 charter schools; specifying certain application requirements; establishing
26 certain procedures for applicants; establishing an appeals process for applicants

1 who have been denied a charter; requiring certain charter agreements between
 2 the public charter schools and the county boards; establishing certain rights and
 3 duties of public charter schools; establishing an admissions policy for public
 4 charter schools; prohibiting the charging of tuition and certain fees at public
 5 charter schools; establishing certain requirements for construction and
 6 development of facilities for public charter schools; authorizing public charter
 7 schools to request certain waivers under certain circumstances; requiring the
 8 county boards to provide certain funding for public charter schools; authorizing
 9 negotiations between the public charter schools and the county boards
 10 concerning certain funding; requiring public charter schools and the parents of
 11 students at the schools to provide for transportation of the students attending
 12 the schools; authorizing negotiations between the public charter schools and the
 13 county boards concerning transportation; specifying certain rights for employees
 14 of public charter schools; establishing a general grievance and appeals process
 15 for certain persons; requiring the county boards to grant initial charters for
 16 public charter schools for up to a certain number of years; providing that the
 17 county boards may renew charters for subsequent periods for up to a certain
 18 number of years; requiring a certain review for renewal of a charter; requiring
 19 annual assessments of public charter schools; requiring dissemination of certain
 20 reports by charter schools; establishing the conditions for revocation of the
 21 charters, as well as an appeals process; permitting county boards to recover
 22 certain property from former public charter schools; specifying the rights of
 23 students at public charter schools; authorizing the county boards to recover
 24 certain unspent funds from public charter schools; authorizing the State Board,
 25 in consultation with the county boards, to adopt regulations pertaining to public
 26 charter schools; requiring the State Board to submit an evaluation and report
 27 concerning public charter schools by a certain date; and generally relating to the
 28 establishment of public charter schools in the State.

29 BY repealing and reenacting, without amendments,
 30 Article - Education
 31 Section 1-101(d), (e), (f), and (l)
 32 Annotated Code of Maryland
 33 (1999 Replacement Volume)

34 BY adding to
 35 Article - Education
 36 Section 9-101 through ~~9-118~~ 9-121, inclusive, to be under the new title "Title 9.
 37 Public Charter School Program"
 38 Annotated Code of Maryland
 39 (1999 Replacement Volume)

40 **Preamble**

41 ~~WHEREAS, The concept of publicly chartered schools offers an exciting~~
 42 ~~opportunity for the State of Maryland to offer its children an alternative to the~~
 43 ~~traditional public schools; and~~

1 ~~WHEREAS, Publicly chartered schools operate within the umbrella of the public~~
 2 ~~school system, are funded with public moneys, and are accountable for the same~~
 3 ~~performance standards as traditional public schools, while operating independently of~~
 4 ~~the local boards of education; and~~

5 ~~WHEREAS, Many publicly chartered schools in the 37 states, Puerto Rico, and~~
 6 ~~the District of Columbia, where publicly chartered schools have been embraced, have~~
 7 ~~been successful in improving the education of at risk and other special needs~~
 8 ~~students; and~~

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

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

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

18 **Article - Education**

19 1-101.

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

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

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

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

27 TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

28 ~~9-101.~~

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

30 ~~(B) "PUBLIC CHARTER SCHOOL" MEANS A PUBLIC SCHOOL THAT:~~

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

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

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

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

5 (5) ~~PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY~~
6 ~~EDUCATION, OR BOTH; AND~~

7 (6) (†) ~~IS NONSECTARIAN IN ITS PROGRAMS, ADMISSIONS POLICIES,~~
8 ~~EMPLOYMENT PRACTICES, AND ALL OTHER OPERATIONS; AND~~

9 (II) ~~IS NOT AFFILIATED WITH A SECTARIAN SCHOOL OR RELIGIOUS~~
10 ~~INSTITUTION.~~

11 (C) (1) ~~"PUBLIC SCHOOL CHARTERING AUTHORITY" MEANS AN AGENCY~~
12 ~~AUTHORIZED TO ESTABLISH PUBLIC CHARTER SCHOOLS.~~

13 (2) ~~"PUBLIC SCHOOL CHARTERING AUTHORITY" MEANS A COUNTY~~
14 ~~BOARD OF EDUCATION IN THE STATE.~~

15 (D) "SPONSORING ENTITY" MEANS:

16 (1) ~~THE STAFF OF A PUBLIC SCHOOL;~~

17 (2) ~~THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE~~
18 ~~PUBLIC SCHOOLS IN THE COUNTY;~~

19 (3) ~~A NONPROFIT ENTITY;~~

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

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

24 9-101.

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

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

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

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

31 (4) HAS A SPECIFIC ACADEMIC FOCUS AND SET OF EDUCATIONAL
32 GOALS ON WHICH THE APPLICANT AND THE AUTHORIZED PUBLIC CHARTERING
33 AGENCY AGREE;

1 (5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY
2 EDUCATION, OR BOTH; AND

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

6 9-102.

7 (A) THE GENERAL ASSEMBLY FINDS THAT:

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

10 (I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

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

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

16 (B) THE GENERAL ASSEMBLY FURTHER FINDS THAT PUBLIC CHARTER
17 SCHOOLS:

18 (1) INCREASE THE EDUCATIONAL CHOICES AVAILABLE TO PARENTS
19 AND STUDENTS;

20 (2) CAN CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS;
21 AND

22 (3) CAN BE VEHICLES FOR EDUCATIONAL RESEARCH AND
23 DEVELOPMENT.

24 ~~9-103.~~

25 ~~A PUBLIC SCHOOL CHARTERING AUTHORITY:~~

26 ~~(1) MAY GRANT CHARTERS THAT ESTABLISH PUBLIC CHARTER~~
27 ~~SCHOOLS;~~

28 ~~(2) SHALL DISSEMINATE INFORMATION CONCERNING THE~~
29 ~~ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC CHARTER SCHOOLS;~~

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

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

33 ~~(i) A PRIVATE SCHOOL;~~

1 (II) A PAROCHIAL SCHOOL; OR

2 (III) A HOME SCHOOL.

3 9-104.

4 (A) ~~THE PUBLIC SCHOOL CHARTERING AUTHORITIES TOGETHER SHALL~~
5 ~~DEVELOP AN APPLICATION PROCESS FOR A SPONSORING ENTITY TO FOLLOW WHEN~~
6 ~~APPLYING FOR A CHARTER TO ESTABLISH A PUBLIC CHARTER SCHOOL.~~

7 (B) ~~THE APPLICATION FOR A CHARTER SHALL INCLUDE:~~

8 (1) ~~THE IDENTITY OF THE SPONSORING AUTHORITY;~~

9 (2) ~~THE PROPOSED NAME OF THE SCHOOL, WHICH SHALL CONTAIN THE~~
10 ~~WORDS "PUBLIC CHARTER SCHOOL";~~

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

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

15 (I) ~~THE QUALIFICATIONS FOR MEMBERS OF THE BOARD; AND~~

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

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

19 (I) ~~THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE~~
20 ~~SCHOOLS; AND~~

21 (II) ~~THE PROPOSED CURRICULUM OF THE SCHOOL;~~

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

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

25 (8) ~~THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;~~

26 (9) ~~A DESCRIPTION OF STAFF RESPONSIBILITIES;~~

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

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

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

3 9-105.

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

7 (B) (1) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL REVIEW THE
8 APPLICATION AND RENDER A DECISION WITHIN 120 DAYS OF RECEIPT OF THE
9 APPLICATION.

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

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

14 (C) IF THE PUBLIC SCHOOL CHARTERING AUTHORITY DENIES AN
15 APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL, THE PUBLIC SCHOOL
16 CHARTERING AUTHORITY SHALL INCLUDE WITH THE DENIAL THE REASONS FOR
17 THE DENIAL.

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

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

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

25 9-106.

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

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

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

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

1 ~~9-107.~~

2 (A) ~~A CHARTER THAT IS GRANTED BY A PUBLIC SCHOOL CHARTERING~~
3 ~~AUTHORITY TO A PUBLIC CHARTER SCHOOL CONSTITUTES A CONTRACT BETWEEN~~
4 ~~THE SCHOOL AND THE CHARTERING AUTHORITY.~~

5 (B) ~~THE CHARTER SHALL INCLUDE ALL AGREEMENTS BETWEEN THE PUBLIC~~
6 ~~CHARTER SCHOOL AND THE PUBLIC SCHOOL CHARTERING AUTHORITY, INCLUDING:~~

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

9 (2) ~~MATTERS RELATING TO THE OPERATION OF THE SCHOOL,~~
10 ~~INCLUDING BUDGETING, CURRICULUM, THE ACQUISITION OF REAL PROPERTY, THE~~
11 ~~RECEIPT AND DISBURSEMENT OF FUNDS, DEBT POLICIES, AND THE SOLICITATION~~
12 ~~OF GIFTS AND GRANTS; AND~~

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

16 (4) ~~ASSESSMENTS REQUIRED BY THE STATE FOR OTHER PUBLIC~~
17 ~~SCHOOLS; AND~~

18 (4) ~~OTHER ASSESSMENTS THAT ARE MUTUALLY AGREEABLE TO~~
19 ~~THE PUBLIC SCHOOL CHARTERING AUTHORITY AND THE SCHOOL.~~

20 (C) ~~A PUBLIC CHARTER SCHOOL AND A PUBLIC SCHOOL CHARTERING~~
21 ~~AUTHORITY MAY AMEND THE TERMS OF THE CONTRACT ONLY BY WRITTEN MUTUAL~~
22 ~~AGREEMENT.~~

23 ~~9-108.~~

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

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

26 (2) ~~THE PROVISIONS OF LAW GOVERNING THE TRADITIONAL PUBLIC~~
27 ~~SCHOOLS.~~

28 (B) ~~A PUBLIC CHARTER SCHOOL SHALL BE ACCOUNTABLE TO THE~~
29 ~~SPONSORING ENTITY, THE PUBLIC SCHOOL CHARTERING AUTHORITY, AND THE~~
30 ~~DEPARTMENT.~~

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

32 (1) ~~NECESSARY TO FULFILL THE CHARTER; AND~~

33 (2) ~~CONSISTENT WITH THIS TITLE AND THE REQUIREMENTS OF THE~~
34 ~~PUBLIC SCHOOL CHARTERING AUTHORITY AND THE DEPARTMENT.~~

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

3 ~~9-109.~~

4 ~~(A) THE LOCAL BOARD SHALL DETERMINE THE MAXIMUM NUMBER OF~~
5 ~~PUBLIC CHARTER SCHOOLS IN EACH COUNTY.~~

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

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

11 ~~(II) ATTEND RECONSTITUTION ELIGIBLE SCHOOLS.~~

12 ~~(2) THE LOCAL BOARD SHALL ESTABLISH A PROCEDURE FOR THE~~
13 ~~SELECTION OF STUDENTS TO ATTEND THE SCHOOL BY THE USE OF A LOTTERY IF~~
14 ~~MORE STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE~~
15 ~~SPACES AVAILABLE.~~

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

18 ~~(D) AN EXISTING TRADITIONAL PUBLIC SCHOOL OR A SPONSORING ENTITY,~~
19 ~~ON BEHALF OF AN EXISTING TRADITIONAL PUBLIC SCHOOL, MAY APPLY TO~~
20 ~~CONVERT THE SCHOOL TO A PUBLIC CHARTER SCHOOL IF:~~

21 ~~(1) AT LEAST TWO THIRDS OF THE STAFF OF THE TRADITIONAL PUBLIC~~
22 ~~SCHOOL AND AT LEAST TWO THIRDS OF THE PARENTS OR GUARDIANS OF STUDENTS~~
23 ~~WHO ATTEND THE TRADITIONAL PUBLIC SCHOOL SIGN A PETITION REQUESTING~~
24 ~~CONVERSION;~~

25 ~~(2) THE PETITION CALLS FOR AN ELECTION BY SECRET BALLOT TO~~
26 ~~DETERMINE IF THE TRADITIONAL PUBLIC SCHOOL SHOULD BECOME A PUBLIC~~
27 ~~CHARTER SCHOOL;~~

28 ~~(3) AN ELECTION IS HELD AND THE RESULTS OF THE ELECTION~~
29 ~~INDICATE THAT AT LEAST TWO THIRDS OF THE STAFF AND AT LEAST TWO THIRDS~~
30 ~~OF THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE TRADITIONAL~~
31 ~~PUBLIC SCHOOL SUPPORT THE CONVERSION OF THE TRADITIONAL PUBLIC SCHOOL~~
32 ~~TO A PUBLIC CHARTER SCHOOL; OR~~

33 ~~(4) THE TRADITIONAL PUBLIC SCHOOL HAS BEEN DETERMINED BY THE~~
34 ~~LOCAL BOARD TO BE UNDERPERFORMING, RELATIVE TO OTHER SCHOOLS IN THE~~
35 ~~LOCAL SCHOOL DISTRICT.~~

1 ~~9-110.~~

2 ~~THE FACILITY THAT CONTAINS A PUBLIC CHARTER SCHOOL:~~

3 ~~(1) SHALL CONFORM TO THE REGULATIONS FOR TRADITIONAL PUBLIC~~
4 ~~SCHOOL FACILITIES; AND~~

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

6 ~~9-111.~~

7 ~~(A) (1) A COUNTY BOARD SHALL PAY DIRECTLY TO A PUBLIC CHARTER~~
8 ~~SCHOOL FOR EACH STUDENT FROM THE COUNTY ENROLLED IN THE SCHOOL AN~~
9 ~~AMOUNT THAT IS THE EQUIVALENT OF THE AMOUNT THAT THE COUNTY BOARD~~
10 ~~WOULD PAY FOR THE EDUCATION OF THE STUDENT AT A TRADITIONAL PUBLIC~~
11 ~~SCHOOL IN THE COUNTY AS DETERMINED BY THE DEPARTMENT.~~

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

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 TRADITIONAL PUBLIC SCHOOLS IN THE COUNTY RECEIVE THESE FUNDS.~~

18 ~~9-112.~~

19 ~~(A) AN EMPLOYEE OF THE COUNTY BOARD WHO WORKS AT A PUBLIC~~
20 ~~CHARTER SCHOOL:~~

21 ~~(1) SHALL REMAIN A MEMBER OF THE APPROPRIATE EMPLOYEE~~
22 ~~BARGAINING UNIT; AND~~

23 ~~(2) SHALL RECEIVE AT LEAST THE SAME SALARY AND BENEFITS OF AN~~
24 ~~EMPLOYEE AT A TRADITIONAL PUBLIC SCHOOL SUBJECT TO THE NEGOTIATION OF~~
25 ~~THE RELEVANT COLLECTIVE BARGAINING AGREEMENT AS PROVIDED FOR IN THE~~
26 ~~COLLECTIVE BARGAINING PROVISIONS OF TITLE 6, SUBTITLES 4 AND 5 OF THE~~
27 ~~EDUCATION ARTICLE.~~

28 ~~(B) BECAUSE OF THE UNIQUE NATURE OF A PUBLIC CHARTER SCHOOL, IF~~
29 ~~THE ADMINISTRATION OF A PUBLIC CHARTER SCHOOL DETERMINES THAT THE~~
30 ~~SKILLS AND PERFORMANCE OF A CERTIFICATED EMPLOYEE ARE NOT SUITABLE FOR~~
31 ~~THE PUBLIC CHARTER SCHOOL OR IF THE CERTIFICATED EMPLOYEE REQUESTS A~~
32 ~~TRANSFER, THE COUNTY BOARD:~~

33 ~~(1) MAY TRANSFER THE CERTIFICATED EMPLOYEE DURING THE~~
34 ~~SCHOOL YEAR TO A COMPARABLE ASSIGNMENT IN THE COUNTY PUBLIC SCHOOL~~
35 ~~SYSTEM FOR WHICH THE EMPLOYEE IS QUALIFIED, IF THE TRANSFER DOES NOT~~
36 ~~DISRUPT THE OPERATIONS OF THE PUBLIC CHARTER SCHOOL OR THE COUNTY~~
37 ~~PUBLIC SCHOOL SYSTEM; AND~~

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

4 (C) ~~A CERTIFICATED EMPLOYEE WHO IS TRANSFERRED FROM A PUBLIC~~
5 ~~CHARTER SCHOOL UNDER SUBSECTION (B) OF THIS SECTION IS NOT SUBJECT TO~~
6 ~~ANY FORM OF DISCIPLINARY ACTION BY THE COUNTY BOARD AS A RESULT OF THE~~
7 ~~TRANSFER FROM THE PUBLIC CHARTER SCHOOL.~~

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

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

12 ~~9-113.~~

13 (A) ~~THE DEPARTMENT SHALL CONDUCT AN ANNUAL ASSESSMENT OF EACH~~
14 ~~PUBLIC CHARTER SCHOOL TO DETERMINE IF THE SCHOOL IS MEETING THE GOALS~~
15 ~~OF THE CHARTER, INCLUDING AN ASSESSMENT OF THE ACHIEVEMENT OF THE~~
16 ~~STUDENTS ATTENDING THE PUBLIC CHARTER SCHOOL.~~

17 (1) ~~WITHIN THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE~~
18 ~~SCHOOL AND ACCORDING TO THE SPECIFIC MEASURES USED BY THE SCHOOL;~~

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

21 (3) ~~ON ANY OTHER ASSESSMENTS MUTUALLY AGREED ON BY THE~~
22 ~~DEPARTMENT, THE PUBLIC SCHOOL CHARTERING AUTHORITY, THE SPONSORING~~
23 ~~ENTITY, AND THE PUBLIC CHARTER SCHOOL.~~

24 (B) ~~IN ORDER TO FACILITATE THE ANNUAL ASSESSMENT BY THE~~
25 ~~DEPARTMENT, A PUBLIC CHARTER SCHOOL AND THE PUBLIC SCHOOL CHARTERING~~
26 ~~AUTHORITY SHALL SUBMIT AN ANNUAL FISCAL REPORT AND STUDENT~~
27 ~~PERFORMANCE REPORT TO THE DEPARTMENT IN THE FORM PRESCRIBED BY THE~~
28 ~~DEPARTMENT NOT LATER THAN AUGUST 1 OF EACH YEAR.~~

29 (C) ~~THE PUBLIC SCHOOL CHARTERING AUTHORITY OF A PUBLIC CHARTER~~
30 ~~SCHOOL SHALL MAKE THE REPORT AVAILABLE TO THE PARENTS OR GUARDIANS OF~~
31 ~~STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL.~~

32 ~~9-114.~~

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

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

1 ~~9-115.~~

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

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

7 ~~9-116.~~

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

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

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

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

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

20 ~~9-117.~~

21 (A) ~~A COUNTY BOARD MAY NOT REQUIRE A STUDENT IN THE COUNTY TO~~
22 ~~ATTEND A PUBLIC CHARTER SCHOOL.~~

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

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

27 (2) ~~AT THE REQUEST OF THE PRINCIPAL OF A PUBLIC CHARTER~~
28 ~~SCHOOL, THE PUBLIC SCHOOL CHARTERING AUTHORITY FOR CAUSE MAY:~~

29 (I) ~~SUSPEND A STUDENT AT A PUBLIC CHARTER SCHOOL FOR A~~
30 ~~PERIOD OF MORE THAN 10 SCHOOL DAYS; OR~~

31 (II) ~~EXPEL THE STUDENT FROM THE PUBLIC CHARTER SCHOOL.~~

32 (3) ~~A STUDENT ENROLLED IN A PUBLIC CHARTER SCHOOL WHO HAS~~
33 ~~BEEN PLACED ON SUSPENSION FOR A PERIOD OF MORE THAN 10 SCHOOL DAYS OR~~
34 ~~HAS BEEN EXPELLED MAY ENROLL IN A TRADITIONAL PUBLIC SCHOOL IN THE~~
35 ~~COUNTY IN WHICH THE STUDENT RESIDES.~~

1 ~~(D) IF A STUDENT IS EXPELLED FROM A PUBLIC CHARTER SCHOOL, THE~~
 2 ~~REMAINING MONEY THAT WAS ALLOCATED FOR THE STUDENT FOR THE CURRENT~~
 3 ~~ACADEMIC YEAR SHALL REVERT TO THE COUNTY BOARD OF THE COUNTY IN WHICH~~
 4 ~~THE STUDENT RESIDES.~~

5 ~~9-118.~~

6 ~~(A) IN CONSULTATION WITH THE DEPARTMENT OF HUMAN RESOURCES, THE~~
 7 ~~PUBLIC SCHOOL CHARTERING AUTHORITIES, AND THE STATE BOARD, THE~~
 8 ~~DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT ALL PROVISIONS OF THIS~~
 9 ~~TITLE IN A MANNER THAT:~~

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

12 ~~(2) MAKES PUBLIC CHARTER SCHOOLS ACCESSIBLE FOR THE OTHER~~
 13 ~~CHILDREN IN THE STATE.~~

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

15 ~~(1) SHALL ADDRESS THE GOVERNANCE, CURRICULUM, AND ALL OTHER~~
 16 ~~MATTERS RELATING TO THE ESTABLISHMENT OF PUBLIC CHARTER SCHOOLS IN THE~~
 17 ~~STATE; AND~~

18 ~~(2) SHALL BE SUBJECT TO THE REVIEW OF THE JOINT COMMITTEE ON~~
 19 ~~ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW.~~

20 ~~9-103.~~

21 ~~(A) THE PUBLIC CHARTERING AUTHORITY FOR THE ESTABLISHMENT OF~~
 22 ~~PUBLIC CHARTER SCHOOLS IS THE COUNTY BOARD.~~

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

24 ~~(1) MAY GRANT CHARTERS THAT ESTABLISH PUBLIC CHARTER~~
 25 ~~SCHOOLS;~~

26 ~~(2) SHALL MAKE AVAILABLE FOR DISSEMINATION INFORMATION~~
 27 ~~CONCERNING THE ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC~~
 28 ~~CHARTER SCHOOLS IN THE COUNTY; AND~~

29 ~~(3) MAY REVOKE A CHARTER GRANTED UNDER THIS TITLE OR PLACE A~~
 30 ~~CHARTER SCHOOL ON PROBATIONARY STATUS.~~

31 ~~9-104.~~

32 ~~(A) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE~~
 33 ~~SUBMITTED TO A COUNTY BOARD BY:~~

34 ~~(1) THE STAFF OF A PUBLIC SCHOOL;~~

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

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

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

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

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

10 (1) A PRIVATE SCHOOL;

11 (2) A PAROCHIAL SCHOOL; OR

12 (3) A HOME SCHOOL.

13 9-105.

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

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

19 (1) AT LEAST TWO-THIRDS OF THE STAFF OF THE EXISTING PUBLIC
20 SCHOOL AND AT LEAST TWO-THIRDS OF THE PARENTS OR GUARDIANS OF STUDENTS
21 WHO ATTEND THE EXISTING PUBLIC SCHOOL SIGN A PETITION REQUESTING
22 CONVERSION;

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

25 (3) AT LEAST TWO-THIRDS OF THE STAFF OF THE EXISTING PUBLIC
26 SCHOOL AND AT LEAST TWO-THIRDS OF THE PARENTS OR GUARDIANS OF STUDENTS
27 WHO ATTEND THE EXISTING PUBLIC SCHOOL VOTE TO SUPPORT THE CONVERSION
28 OF THE SCHOOL TO A PUBLIC CHARTER SCHOOL.

29 9-106.

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

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

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

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

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

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

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

8 (II) THE METHOD OF APPOINTMENT OR ELECTION OF THE
9 MEMBERS;

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

11 (I) THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE
12 SCHOOL; AND

13 (II) THE PROPOSED CURRICULUM OF THE SCHOOL;

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

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

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

18 (9) A DESCRIPTION OF STAFF RESPONSIBILITIES;

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

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

23 (12) ANY OTHER INFORMATION THAT THE COUNTY BOARD OR THE STATE
24 BOARD REQUIRES.

25 9-107.

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

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

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

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

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

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

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

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

11 (1) THE COUNTY BOARD; OR

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

14 9-108.

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

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

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

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

25 9-109.

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

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

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

33 (2) MATTERS RELATING TO THE OPERATION OF THE SCHOOL,
34 INCLUDING BUDGETING, CURRICULUM, THE ACQUISITION OF REAL PROPERTY, THE

1 RECEIPT AND DISBURSEMENT OF FUNDS, DEBT POLICIES, AND THE SOLICITATION
2 OF GIFTS AND GRANTS; AND

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

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

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

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

12 9-110.

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

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

19 9-111.

20 (A) A PUBLIC CHARTER SCHOOL SHALL:

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

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

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

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

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

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

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

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

3 9-112.

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

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

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

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

13 9-113.

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

16 (1) PART OF AN EXISTING PUBLIC SCHOOL BUILDING;

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

18 (3) ANY OTHER SUITABLE LOCATION.

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

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

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

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

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

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

1 9-114.

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

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

7 9-115.

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

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

13 9-116.

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

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

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

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

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

26 9-117.

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

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

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

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

3 9-118.

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

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

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

11 9-119.

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

15 (2) THE ANNUAL ASSESSMENT BY THE COUNTY BOARD SHALL BE BASED
16 ON THE MEASURES IDENTIFIED IN THE PERFORMANCE AGREEMENT UNDER §
17 9-109(B)(3) OF THIS TITLE.

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

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

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

27 9-120.

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

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

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

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

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

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

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

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

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

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

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

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

19 9-121.

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

22 SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1,
23 2003, based on information gathered from the county boards of education, the New
24 Board of School Commissioners of Baltimore City, members of the educational
25 community, and the public, the State Board of Education shall submit to the General
26 Assembly, in accordance with § 2-1246 of the State Government Article, a report on
27 and an evaluation of the public charter school program. The report shall include a
28 recommendation on the advisability of the continuation, modification, expansion, or
29 termination of the program.

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

