

HOUSE BILL 29

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HB 526/00 - W&M

2001 Regular Session
11r0238

(PRE-FILED)

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

Requested: June 26, 2000

Introduced and read first time: January 10, 2001

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Charter School Act of 2001**

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 enumerating the entities that may or may not apply for a charter; permitting
7 existing public schools to convert to public charter schools under certain
8 circumstances; requiring the county boards to establish an application process
9 for charter schools; specifying certain application requirements; establishing
10 certain procedures for applicants; establishing an appeals process for applicants
11 who have been denied a charter; requiring certain charter agreements between
12 the public charter schools and the county boards; establishing certain rights and
13 duties of public charter schools; establishing an admissions policy for public
14 charter schools; prohibiting the charging of tuition and certain fees at public
15 charter schools; establishing certain requirements for construction and
16 development of facilities for public charter schools; authorizing the State Board
17 of Education or the county boards of education to grant public charter schools
18 certain waivers under certain circumstances; requiring the county boards to
19 provide certain funding for public charter schools; authorizing negotiations
20 between the public charter schools and the county boards concerning certain
21 funding; requiring public charter schools and the parents of students at the
22 schools to provide for transportation of the students attending the schools;
23 authorizing negotiations between the public charter schools and the county
24 boards concerning transportation; requiring a member of the professional staff
25 to hold a certain certification; specifying certain rights for employees of public
26 charter schools; establishing a general grievance and appeals process for certain
27 persons; requiring the county boards to grant initial charters for public charter
28 schools for up to a certain number of years; providing that the county boards
29 may renew charters for subsequent periods for up to a certain number of years;
30 requiring a certain review for renewal of a charter; requiring annual
31 assessments of public charter schools; requiring dissemination of certain reports
32 by charter schools; establishing the conditions for revocation of the charters, as
33 well as an appeals process; permitting county boards to recover certain property

1 from former public charter schools; specifying the rights of students at public
2 charter schools; authorizing the county boards to recover certain unspent funds
3 from public charter schools; authorizing the State Board, in consultation with
4 the county boards, to adopt regulations pertaining to public charter schools;
5 defining a certain term; requiring the State Board to submit an evaluation and
6 report concerning public charter schools by a certain date; and generally
7 relating to the establishment of public charter schools in the State.

8 BY repealing and reenacting, without amendments,
9 Article - Education
10 Section 1-101(d), (e), (f), and (l)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2000 Supplement)

13 BY adding to
14 Article - Education
15 Section 9-101 through 9-121, inclusive, to be under the new title "Title 9. Public
16 Charter School Program"
17 Annotated Code of Maryland
18 (1999 Replacement Volume and 2000 Supplement)

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

21 **Article - Education**

22 1-101.

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

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

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

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

30 TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

31 9-101.

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

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

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 APPLICANT AND THE AUTHORIZED PUBLIC CHARTERING
6 AGENCY AGREE;

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

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

12 9-102.

13 (A) THE GENERAL ASSEMBLY FINDS THAT:

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

16 (I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

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

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

22 (B) THE GENERAL ASSEMBLY FURTHER FINDS THAT PUBLIC CHARTER
23 SCHOOLS:

24 (1) INCREASE THE EDUCATIONAL CHOICES AVAILABLE TO PARENTS
25 AND STUDENTS;

26 (2) CAN CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS;
27 AND

28 (3) CAN BE VEHICLES FOR EDUCATIONAL RESEARCH AND
29 DEVELOPMENT.

30 9-103.

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

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

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

3 (2) SHALL MAKE AVAILABLE FOR DISSEMINATION INFORMATION
4 CONCERNING THE ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC
5 CHARTER SCHOOLS IN THE COUNTY; AND

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

8 9-104.

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

11 (1) THE STAFF OF A PUBLIC SCHOOL;

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

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

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

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

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

21 (1) A PRIVATE SCHOOL;

22 (2) A PAROCHIAL SCHOOL; OR

23 (3) A HOME SCHOOL.

24 9-105.

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

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

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

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

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

7 9-106.

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

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

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

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

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

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

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

19 (II) THE METHOD OF APPOINTMENT OR ELECTION OF THE
20 MEMBERS;

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

22 (I) THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE
23 SCHOOL; AND

24 (II) THE PROPOSED CURRICULUM OF THE SCHOOL;

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

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

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

29 (9) A DESCRIPTION OF STAFF RESPONSIBILITIES;

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

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

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

4 9-107.

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

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

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

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

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

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

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

21 (F) 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 9-108.

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

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

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

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

4 9-109.

5 (A) A CHARTER THAT IS GRANTED BY A COUNTY BOARD TO A PUBLIC
6 CHARTER SCHOOL SHALL CONSTITUTE A CONTRACT BETWEEN THE SCHOOL AND
7 THE COUNTY BOARD.

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

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

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

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

19 (I) STATE ASSESSMENTS REQUIRED BY THE STATE FOR OTHER
20 PUBLIC SCHOOLS; AND

21 (II) OTHER ASSESSMENTS MUTUALLY AGREEABLE TO THE COUNTY
22 BOARD AND THE SCHOOL.

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

25 9-110.

26 (A) A PUBLIC CHARTER SCHOOL SHALL EXIST WITHIN THE SCHOOL DISTRICT
27 THAT IS GOVERNED BY THE COUNTY BOARD THAT ISSUED THE CHARTER TO THE
28 SCHOOL.

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

32 9-111.

33 (A) A PUBLIC CHARTER SCHOOL SHALL:

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

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

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

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

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

9 (3) IF A SCHOOL IS ESTABLISHED BY A PARENT OR GUARDIAN OF A
10 CHILD WHO ATTENDS A PUBLIC SCHOOL IN THE COUNTY, THE CHILD OF THAT
11 PARENT OR GUARDIAN.

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

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

16 9-112.

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

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

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

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

26 9-113.

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

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

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

31 (3) ANY OTHER SUITABLE LOCATION.

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

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

3 (C) A PUBLIC CHARTER SCHOOL MAY NOT CONSTRUCT A FACILITY WITH
4 PUBLIC FUNDS.

5 (D) A PUBLIC CHARTER SCHOOL MAY NOT RECEIVE PUBLIC FUNDS FOR
6 CAPITAL IMPROVEMENTS TO THE FACILITY IN WHICH THE SCHOOL IS LOCATED
7 UNLESS:

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

9 (2) THE COUNTY BOARD REQUESTS THE FUNDS FOR THE FACILITY AS
10 PART OF ITS PUBLIC SCHOOL CONSTRUCTION CAPITAL IMPROVEMENT PROGRAM
11 REQUEST.

12 9-114.

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

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

18 9-115.

19 (A) A PUBLIC CHARTER SCHOOL AND THE PARENTS OR GUARDIANS OF
20 STUDENTS WHO ATTEND THE SCHOOL SHALL BE RESPONSIBLE FOR THE
21 TRANSPORTATION OF THE STUDENTS TO AND FROM THE SCHOOL.

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

24 9-116.

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

27 (B) A CERTIFICATED OR NONCERTIFICATED EMPLOYEE OF A PUBLIC
28 CHARTER SCHOOL SHALL BE DEEMED AN EMPLOYEE OF THE COUNTY AND SHALL
29 RETAIN:

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

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

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

3 9-117.

4 (A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS
5 VIOLATED A PROVISION OF THIS TITLE MAY FILE A COMPLAINT WITH THE PUBLIC
6 CHARTER SCHOOL.

7 (B) IF THE COMPLAINT IS NOT RESOLVED BY THE PUBLIC CHARTER SCHOOL
8 TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY PRESENT
9 THE COMPLAINT TO THE COUNTY BOARD.

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

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

14 9-118.

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

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

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

22 9-119.

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

26 (2) THE ANNUAL ASSESSMENT BY THE COUNTY BOARD SHALL BE BASED
27 ON THE MEASURES IDENTIFIED IN THE PERFORMANCE AGREEMENT UNDER §
28 9-109(B)(3) OF THIS TITLE.

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

33 (2) THE PUBLIC CHARTER SCHOOL SHALL MAKE THE REPORT
34 AVAILABLE TO THE PARENTS OR GUARDIANS OF STUDENTS ENROLLED IN THE
35 SCHOOL.

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

3 9-120.

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

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

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

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

11 (3) THE FISCAL CONDITION OF THE SCHOOL IS SUBSTANTIALLY
12 DEFICIENT; OR

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

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

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

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

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

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

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

29 9-121.

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1,
33 2004, based on information gathered from the county boards of education, the New
34 Baltimore City Board of School Commissioners, members of the educational
35 community, and the public, the State Board of Education shall submit to the General

1 Assembly, in accordance with § 2-1246 of the State Government Article, a report on
2 and an evaluation of the public charter school program. The report shall include a
3 recommendation on the advisability of the continuation, modification, expansion, or
4 termination of the program.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 July 1, 2001.