

SENATE BILL 604

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2001 Regular Session
11r1713

By: **Senators Blount, Hollinger, McCabe, Collins, Conway, Dyson, Forehand, Frosh, Green, Hoffman, Kelley, Lawlah, Middleton, Sfikas, Stone, and Van Hollen Van Hollen, Harris, and Jacobs**

Introduced and read first time: February 2, 2001
Assigned to: Economic and Environmental Affairs

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 14, 2001

CHAPTER _____

1 AN ACT concerning

2 **Public Charter School Act of 2001**

3 FOR the purpose of establishing the Maryland Public Charter School Program;
4 adding a certain definition; establishing certain authority in certain boards;
5 specifying certain charter school application requirements; prohibiting a county
6 board from granting a charter to certain schools; requiring a county board to
7 review an application to establish a charter school and render a decision within
8 a certain time period; establishing a certain appeals process; establishing a
9 certain certification requirement; requiring ~~school districts~~ county boards to
10 develop a certain policy; establishing a certain liaison for the Program; and
11 generally relating to the Maryland Public Charter School Program.

12 BY adding to
13 Article - Education
14 Section 9-101 through 9-106, inclusive, to be under the new title "Title 9.
15 Maryland Public Charter School Program"
16 Annotated Code of Maryland
17 (1999 Replacement Volume and 2000 Supplement)

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

1

Article - Education

2

TITLE 9. MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

3 9-101.

4 (A) THERE IS A MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

5 (B) THE GENERAL PURPOSE OF THE PROGRAM IS TO ESTABLISH AN
6 ALTERNATIVE MEANS WITHIN THE EXISTING PUBLIC SCHOOL SYSTEM IN ORDER TO
7 PROVIDE INNOVATIVE LEARNING OPPORTUNITIES AND CREATIVE EDUCATIONAL
8 APPROACHES TO IMPROVE THE EDUCATION OF STUDENTS.

9 9-102.

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

11 (1) IS NONSECTARIAN IN ALL ITS PROGRAMS, POLICIES, AND
12 OPERATIONS;

13 (2) IS A SCHOOL TO WHICH PARENTS CHOOSE TO SEND THEIR
14 CHILDREN;

15 (3) IS OPEN TO ALL STUDENTS ON A SPACE-AVAILABLE BASIS AND
16 ADMITS STUDENTS ON A LOTTERY BASIS IF MORE STUDENTS APPLY THAN CAN BE
17 ACCOMMODATED;

18 (4) IS A NEW PUBLIC SCHOOL OR A CONVERSION OF AN EXISTING
19 PUBLIC SCHOOL ~~AND IS OPERATED UNDER PUBLIC DIRECTION AND SUPERVISION;~~

20 (5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY
21 EDUCATION OR BOTH;

22 (6) OPERATES IN PURSUIT OF A SPECIFIC SET OF EDUCATIONAL
23 OBJECTIVES;

24 (7) IS TUITION-FREE;

25 (8) IS SUBJECT TO FEDERAL AND STATE LAWS PROHIBITING
26 DISCRIMINATION;

27 (9) IS IN COMPLIANCE WITH ALL APPLICABLE HEALTH AND SAFETY
28 LAWS; AND

29 (10) IS CREATED IN ACCORDANCE WITH THIS TITLE AND THE
30 APPROPRIATE ~~SCHOOL DISTRICT~~ COUNTY BOARD POLICY.

31 9-103.

32 (A) THE PRIMARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING OF
33 CHARTERS SHALL BE THE COUNTY BOARDS OF EDUCATION.

1 (B) THE SECONDARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING
2 OF CHARTERS SHALL BE THE STATE BOARD ACTING IN ITS APPEAL REVIEW
3 CAPACITY.

4 (C) THE STATE BOARD MAY CREATE ADDITIONAL PUBLIC CHARTERING
5 AUTHORITIES.

6 9-104.

7 (A) (1) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL
8 BE SUBMITTED TO THE COUNTY BOARD OF THE COUNTY IN WHICH THE CHARTER
9 SCHOOL WILL BE LOCATED.

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

12 (I) THE STAFF OF A PUBLIC SCHOOL;

13 (II) A PARENT OR GUARDIAN OF A STUDENT WHO ATTENDS A
14 PUBLIC SCHOOL IN THE COUNTY;

15 (III) A NONPROFIT ENTITY;

16 (IV) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

17 (V) ANY COMBINATION OF PERSONS SPECIFIED IN ITEMS (I)
18 THROUGH (IV) OF THIS PARAGRAPH.

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

21 (I) A PRIVATE SCHOOL;

22 (II) A PAROCHIAL SCHOOL; OR

23 (III) A HOME SCHOOL.

24 (4) THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER
25 A DECISION WITHIN 120 DAYS OF RECEIPT OF THE APPLICATION.

26 (B) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC
27 CHARTER SCHOOL, THE APPLICANT MAY APPEAL THE DECISION TO THE STATE
28 BOARD, IN ACCORDANCE WITH § 4-205 OF THIS ARTICLE.

29 9-105.

30 A MEMBER OF THE PROFESSIONAL STAFF OF A PUBLIC CHARTER SCHOOL
31 SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

1 9-106.

2 (A) EACH ~~SCHOOL DISTRICT~~ COUNTY BOARD SHALL DEVELOP A PUBLIC
3 CHARTER SCHOOL POLICY AND SUBMIT IT TO THE STATE BOARD.

4 (B) THE DEPARTMENT SHALL DESIGNATE A STAFF PERSON TO FUNCTION AS
5 A LIAISON TO THE MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2001.