

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL NO. 213

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, after line 2, insert:

“FOR the purpose of authorizing the county boards of education to be the public chartering authorities for public charter schools in the State; establishing the rights and duties of the county boards as public chartering authorities; enumerating the entities that may or may not apply for a charter; permitting existing public schools to convert to public charter schools under certain circumstances; requiring the county boards to establish an application process for charter schools; specifying certain application requirements; establishing certain procedures for applicants; establishing an appeals process for applicants who have been denied a charter; authorizing the State Board to direct a county board to grant a charter under certain circumstances; requiring certain charter agreements between the public charter schools and the county boards; establishing certain rights and duties of public charter schools; establishing an admissions policy for public charter schools; prohibiting the charging of tuition and certain fees at public charter schools; establishing certain requirements for construction and development of facilities for public charter schools; authorizing the State Board of Education or the county boards of education to grant public charter schools certain waivers under certain circumstances; requiring the county boards to provide certain funding for public charter schools; authorizing negotiations between the public charter schools and the county boards concerning certain funding; requiring public charter schools and the parents of students at the schools to provide for transportation of the students attending the schools; authorizing negotiations between the public charter schools and the county boards concerning transportation; requiring a member of the professional staff to hold a certain certification; specifying certain rights for employees of public charter schools; establishing a general grievance and appeals process for certain persons; requiring the county boards to grant initial charters for public charter schools for up to a certain number of years; providing that the county boards may renew charters for subsequent periods

(Over)

for up to a certain number of years; requiring a certain review for renewal of a charter; requiring annual assessments of public charter schools; requiring dissemination of certain reports by charter schools; establishing the conditions for revocation of the charters, as well as an appeals process; permitting county boards to recover certain property from former public charter schools; specifying the rights of students at public charter schools; authorizing the county boards to recover certain unspent funds from public charter schools; authorizing the State Board, in consultation with the county boards, to adopt regulations pertaining to public charter schools; defining a certain term; requiring the State Board to submit an evaluation and report concerning public charter schools by a certain date; and generally relating to the establishment of public charter schools in the State.

BY repealing and reenacting, without amendments,

Article - Education
Section 1-101(d), (e), (f), and (l)
Annotated Code of Maryland
(2001 Replacement Volume)

BY adding to

Article - Education
Section 9-101 through 9-121, inclusive, to be under the new title "Title 9. Public Charter School Program"
Annotated Code of Maryland
(2001 Replacement Volume)

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

Article - Education

1-101.

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

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

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

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

TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

9-101.

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

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

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

(3) IS OPERATED UNDER COUNTY BOARD AND STATE BOARD SUPERVISION AND DIRECTION;

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

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

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

(Over)

9-102.

(A) THE GENERAL ASSEMBLY FINDS THAT:

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

(I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

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

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

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

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

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

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

9-103.

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

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

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

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

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

(4) SHALL PROVIDE INSTRUCTIONAL AND FISCAL SUPERVISION TO A PUBLIC CHARTER SCHOOL.

9-104.

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

(1) THE STAFF OF A PUBLIC SCHOOL;

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

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

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

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

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

(Over)

- (1) A PRIVATE SCHOOL;
- (2) A PAROCHIAL SCHOOL; OR
- (3) A HOME SCHOOL.

9-105.

(A) A COUNTY BOARD SHALL:

(1) DETERMINE WHETHER TO ALLOW EXISTING PUBLIC SCHOOLS LOCATED IN THE COUNTY TO APPLY TO CONVERT TO A PUBLIC CHARTER SCHOOL; AND

(2) ESTABLISH POLICIES AND REGULATIONS RELATING TO STUDENTS WHO ATTEND A PUBLIC SCHOOL BEING CONSIDERED FOR CONVERSION.

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

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

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

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

9-106

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

(B) THE APPLICATION FOR A CHARTER SHALL INCLUDE:

(1) THE IDENTITY OF THE APPLICANT OR APPLICANTS;

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

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

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

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

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

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

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

(II) THE PROPOSED CURRICULUM OF THE SCHOOL;

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

(Over)

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

(8) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;

(9) A DESCRIPTION OF STAFF RESPONSIBILITIES;

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

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

(12) THE ADMISSIONS POLICY; AND

(13) ANY OTHER INFORMATION THAT THE COUNTY BOARD OR THE STATE BOARD REQUIRES.

9-107.

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

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

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

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

(C) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A

PUBLIC CHARTER SCHOOL, THE COUNTY BOARD SHALL INCLUDE WITH THE DENIAL THE REASONS FOR THE DENIAL.

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

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

(F) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL AND THE STATE BOARD REVERSES THE DECISION, THE STATE BOARD MAY DIRECT THE COUNTY BOARD TO GRANT A CHARTER.

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

(1) THE COUNTY BOARD; OR

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

9-108.

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

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

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

(Over)

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

9-109.

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

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

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

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

(3) AUDIT REQUIREMENTS;

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

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

(II) OTHER ASSESSMENTS MUTUALLY AGREEABLE TO THE COUNTY BOARD AND THE SCHOOL; AND

(5) A DESCRIPTION OF INNOVATIVE LEARNING PROGRAMS TO BE

IMPLEMENTED AND THE EDUCATIONAL RESEARCH OPPORTUNITIES TO BE IMPLEMENTED.

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

9-110.

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

(B) A PUBLIC CHARTER SCHOOL SHALL OPERATE UNDER THE DIRECT SUPERVISION OF THE COUNTY BOARD IN ACCORDANCE WITH THE CHARTER GRANTED TO THE SCHOOL AND THE PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS IN THE COUNTY.

9-111.

(A) A PUBLIC CHARTER SCHOOL SHALL:

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

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

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

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

(2) IF AN EXISTING PUBLIC SCHOOL CONVERTS TO A PUBLIC

(Over)

CHARTER SCHOOL UNDER § 9-105 OF THIS TITLE, A STUDENT WITHIN THE SCHOOL ATTENDANCE AREA AS DETERMINED BY THE COUNTY BOARD; AND

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

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

(D) UNLESS APPROVED BY THE COUNTY BOARD, A PUBLIC CHARTER SCHOOL MAY NOT CHARGE TUITION OR OTHER FEES THAT ARE NOT CHARGED BY A PUBLIC SCHOOL IN THE COUNTY.

9-112.

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

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

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

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

9-113.

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

(1) PART OF AN EXISTING PUBLIC SCHOOL BUILDING;

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

OR

(3) ANY OTHER SUITABLE LOCATION.

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

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

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

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

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

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

9-114.

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

(Over)

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

9-115.

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

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

9-116.

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

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

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

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

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

9-117.

(A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS

VIOLATED A PROVISION OF THIS TITLE MAY FILE A COMPLAINT WITH THE PUBLIC CHARTER SCHOOL.

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

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

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

9-118.

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

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

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

9-119.

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

(2) THE ANNUAL ASSESSMENT BY THE COUNTY BOARD SHALL BE BASED ON THE MEASURES IDENTIFIED IN THE PERFORMANCE AGREEMENT UNDER §

(Over)

9-109(B)(3) OF THIS TITLE.

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

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

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

9-120.

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

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

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

(2) IF THE SCHOOL HAS MATERIALLY VIOLATED A CONDITION, STANDARD, OR PROCEDURE OF THE CHARTER;

(3) IF THE SCHOOL HAS VIOLATED ANY PROVISION OF THIS SUBTITLE, OF ANY REGULATION ADOPTED UNDER THIS SUBTITLE, OR OF ANY OTHER LAW THAT RELATES TO A PUBLIC CHARTER SCHOOL;

(4) IF THE SCHOOL FAILS TO MEET GENERALLY ACCEPTED

STANDARDS OF FISCAL MANAGEMENT;

(5) IF THE SCHOOL FAILS TO MEET THE STUDENT ACADEMIC PERFORMANCE REQUIREMENTS CONTAINED IN THE CHARTER;

(6) IF TWO-THIRDS OF THE FACULTY AND INSTRUCTIONAL SUPPORT PERSONNEL AT THE SCHOOL REQUEST THAT THE CHARTER BE REVOKED; OR

(7) FOR OTHER GOOD CAUSE SHOWN.

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

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

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

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

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

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

9-121.

IN CONSULTATION WITH THE COUNTY BOARDS, THE STATE BOARD SHALL

(Over)

ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1, 2005, based on information gathered from the county boards of education, the New Baltimore City Board of School Commissioners, members of the educational community, and the public, the State Board of Education shall submit to the General Assembly, in accordance with § 2-1246 of the State Government Article, a report on and an evaluation of the public charter school program. The report shall include a recommendation on the advisability of the continuation, modification, expansion, or termination of the program.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2002.”.

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 3 on page 1 through line 8 on page 4, inclusive.