

HOUSE BILL 131

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HB 29/01 - W&M

2002 Regular Session  
2lr0623  
CF 2lr0624

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

Introduced and read first time: January 15, 2002

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

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**Public Charter School Act of 2002**

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; authorizing the State Board to direct a county  
12 board to grant a charter under certain circumstances; requiring certain charter  
13 agreements between the public charter schools and the county boards;  
14 establishing certain rights and duties of public charter schools; establishing an  
15 admissions policy for public charter schools; prohibiting the charging of tuition  
16 and certain fees at public charter schools; establishing certain requirements for  
17 construction and development of facilities for public charter schools; authorizing  
18 the State Board of Education or the county boards of education to grant public  
19 charter schools certain waivers under certain circumstances; requiring the  
20 county boards to provide certain funding for public charter schools; authorizing  
21 negotiations between the public charter schools and the county boards  
22 concerning certain funding; requiring public charter schools and the parents of  
23 students at the schools to provide for transportation of the students attending  
24 the schools; authorizing negotiations between the public charter schools and the  
25 county boards concerning transportation; requiring a member of the  
26 professional staff to hold a certain certification; specifying certain rights for  
27 employees of public charter schools; establishing a general grievance and  
28 appeals process for certain persons; requiring the county boards to grant initial  
29 charters for public charter schools for up to a certain number of years; providing  
30 that the county boards may renew charters for subsequent periods for up to a  
31 certain number of years; requiring a certain review for renewal of a charter;  
32 requiring annual assessments of public charter schools; requiring dissemination  
33 of certain reports by charter schools; establishing the conditions for revocation of  
34 the charters, as well as an appeals process; permitting county boards to recover

1 certain property from former public charter schools; specifying the rights of  
 2 students at public charter schools; authorizing the county boards to recover  
 3 certain unspent funds from public charter schools; authorizing the State Board,  
 4 in consultation with the county boards, to adopt regulations pertaining to public  
 5 charter schools; defining a certain term; requiring the State Board to submit an  
 6 evaluation and report concerning public charter schools by a certain date; and  
 7 generally 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 (2001 Replacement Volume)

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 (2001 Replacement Volume)

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  
 33 IDENTIFIED BY THE STATE BOARD AS A RECONSTITUTION SCHOOL OR  
 34 RECONSTITUTION-ELIGIBLE SCHOOL ESTABLISHED UNDER TITLE 13A, SUBTITLE 01,  
 35 CHAPTER 04 OF THE CODE OF MARYLAND REGULATIONS, OR A CHALLENGE SCHOOL  
 36 UNDER § 5-204 OF THIS ARTICLE THAT:

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

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

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

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

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

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

15 9-102.

16 (A) THE GENERAL ASSEMBLY FINDS THAT:

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

19 (I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

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

22 (2) THESE INNOVATIVE LEARNING OPPORTUNITIES AND NEW  
23 EDUCATIONAL APPROACHES CAN LEAD TO IMPROVEMENT IN THE EDUCATION OF  
24 STUDENTS, PARTICULARLY AT-RISK STUDENTS IN LOW PERFORMING SCHOOLS.

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

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

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

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

1 9-103.

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

4 (B) A COUNTY BOARD:

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

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

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

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

14 9-104.

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

17 (1) THE STAFF OF A PUBLIC SCHOOL;

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

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

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

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

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

27 (1) A PRIVATE SCHOOL;

28 (2) A PAROCHIAL SCHOOL; OR

29 (3) A HOME SCHOOL.

30 9-105.

31 (A) A COUNTY BOARD SHALL:

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

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

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

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

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

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

19 9-106.

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

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

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

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

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

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

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

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

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

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

- 1 (II) THE PROPOSED CURRICULUM OF THE SCHOOL;
- 2 (6) A DESCRIPTION OF AND JUSTIFICATION FOR ANY WAIVER OF STATE  
3 OR LOCAL REGULATIONS THAT THE SCHOOL INTENDS TO REQUEST;
- 4 (7) THE AGE OR GRADE RANGE OF STUDENTS TO BE ENROLLED;
- 5 (8) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;
- 6 (9) A DESCRIPTION OF STAFF RESPONSIBILITIES;
- 7 (10) A DESCRIPTION OF THE PROCEDURES TO BE IMPLEMENTED TO  
8 ENSURE SIGNIFICANT PARENT AND COMMUNITY INVOLVEMENT IN THE PLANNING  
9 AND THE OPERATION OF THE PUBLIC CHARTER SCHOOL;
- 10 (11) THE FINANCIAL PLAN FOR THE PUBLIC CHARTER SCHOOL;
- 11 (12) THE ADMISSIONS POLICY; AND
- 12 (13) ANY OTHER INFORMATION THAT THE COUNTY BOARD OR THE STATE  
13 BOARD REQUIRES.

14 9-107.

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

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

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

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

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

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

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

31 (F) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC  
32 CHARTER SCHOOL AND THE STATE BOARD REVERSES THE DECISION, THE STATE  
33 BOARD SHALL GRANT A CHARTER.

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

3 (1) THE COUNTY BOARD; OR

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

6 9-108.

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

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

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

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

17 9-109.

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

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

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

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

29 (3) AUDIT REQUIREMENTS;

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

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

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

3 (5) A DESCRIPTION OF INNOVATIVE LEARNING PROGRAMS TO BE  
4 IMPLEMENTED AND THE EDUCATIONAL RESEARCH OPPORTUNITIES TO BE  
5 IMPLEMENTED.

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

8 9-110.

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

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

16 9-111.

17 (A) A PUBLIC CHARTER SCHOOL SHALL:

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

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

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

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

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

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

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

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



1 9-112.

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

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

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

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

11 9-113.

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

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

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

16 (3) ANY OTHER SUITABLE LOCATION.

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

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

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

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

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

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

31 9-114.

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

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

3 9-115.

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

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

9 9-116.

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

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

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

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

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

22 9-117.

23 (A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS  
24 VIOLATED A PROVISION OF THIS TITLE MAY FILE A COMPLAINT WITH THE PUBLIC  
25 CHARTER SCHOOL.

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

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

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

33 9-118.

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

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

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

6 9-119.

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

10 (2) THE ANNUAL ASSESSMENT BY THE COUNTY BOARD SHALL BE BASED  
11 ON THE MEASURES IDENTIFIED IN THE PERFORMANCE AGREEMENT UNDER §  
12 9-109(B)(3) OF THIS TITLE.

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

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

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

22 9-120.

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

25 (B) A COUNTY BOARD MAY REVOKE THE CHARTER OF A PUBLIC CHARTER  
26 SCHOOL:

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

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

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

34 (4) IF THE SCHOOL FAILS TO MEET GENERALLY ACCEPTED STANDARDS  
35 OF FISCAL MANAGEMENT;

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

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

5 (7) FOR OTHER GOOD CAUSE SHOWN.

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

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

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

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

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

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

20 9-121.

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

23 SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1,  
24 2005, based on information gathered from the county boards of education, the New  
25 Baltimore City Board of School Commissioners, members of the educational  
26 community, and the public, the State Board of Education shall submit to the General  
27 Assembly, in accordance with § 2-1246 of the State Government Article, a report on  
28 and an evaluation of the public charter school program. The report shall include a  
29 recommendation on the advisability of the continuation, modification, expansion, or  
30 termination of the program.

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