

SENATE BILL 213

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SB 604/01 - EEA

2002 Regular Session
2r1712

By: **Senators Dyson, Blount, and Collins**
Introduced and read first time: January 18, 2002
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Charter School Act of 2002**

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 county boards to develop a certain
10 policy; establishing a certain liaison for the Program; and generally relating to
11 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 (2001 Replacement Volume)

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

20 **Article - Education**

21 **TITLE 9. MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.**

22 9-101.

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

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

1 9-102.

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

3 (1) IS NONSECTARIAN IN ALL ITS PROGRAMS, POLICIES, AND
4 OPERATIONS;

5 (2) IS A SCHOOL TO WHICH PARENTS CHOOSE TO SEND THEIR
6 CHILDREN;

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

10 (4) IS A NEW PUBLIC SCHOOL OR A CONVERSION OF AN EXISTING
11 PUBLIC SCHOOL;

12 (5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY
13 EDUCATION OR BOTH;

14 (6) OPERATES IN PURSUIT OF A SPECIFIC SET OF EDUCATIONAL
15 OBJECTIVES;

16 (7) IS TUITION-FREE;

17 (8) IS SUBJECT TO FEDERAL AND STATE LAWS PROHIBITING
18 DISCRIMINATION;

19 (9) IS IN COMPLIANCE WITH ALL APPLICABLE HEALTH AND SAFETY
20 LAWS; AND

21 (10) IS CREATED IN ACCORDANCE WITH THIS TITLE AND THE
22 APPROPRIATE COUNTY BOARD POLICY.

23 9-103.

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

26 (B) THE SECONDARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING
27 OF CHARTERS SHALL BE THE STATE BOARD ACTING IN ITS APPEAL REVIEW
28 CAPACITY.

29 (C) THE STATE BOARD MAY CREATE ADDITIONAL PUBLIC CHARTERING
30 AUTHORITIES.

31 9-104.

32 (A) (1) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL
33 BE SUBMITTED TO THE COUNTY BOARD OF THE COUNTY IN WHICH THE CHARTER
34 SCHOOL WILL BE LOCATED.

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

3 (I) THE STAFF OF A PUBLIC SCHOOL;

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

6 (III) A NONPROFIT ENTITY;

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

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

10 (3) A COUNTY BOARD MAY NOT GRANT A CHARTER UNDER THIS TITLE
11 TO:

12 (I) A PRIVATE SCHOOL;

13 (II) A PAROCHIAL SCHOOL; OR

14 (III) A HOME SCHOOL.

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

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

20 9-105.

21 A MEMBER OF THE PROFESSIONAL STAFF OF A PUBLIC CHARTER SCHOOL
22 SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

23 9-106.

24 (A) EACH COUNTY BOARD SHALL DEVELOP A PUBLIC CHARTER SCHOOL
25 POLICY AND SUBMIT IT TO THE STATE BOARD.

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
29 effect October 1, 2002.