

SENATE BILL 213

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SB 604/01 - EEA

2002 Regular Session  
2r1712

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By: **Senators Dyson, Blount, and Collins** ~~Collins~~, **Hollinger, Frosh, Harris,**  
**Mooney, and Schrader**

Introduced and read first time: January 18, 2002  
Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 13, 2002

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CHAPTER \_\_\_\_\_

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:

1

**Article - Education**

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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;

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 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 (C) 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 COUNTY BOARD SHALL DEVELOP A PUBLIC CHARTER SCHOOL  
3 POLICY AND SUBMIT IT TO THE STATE BOARD.

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

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