

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL NO. 859
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Education -".

On pages 2 and 3, strike in their entirety the lines beginning with line 15 on page 2 through line 10 on page 3, inclusive, and substitute:

"FOR the purpose of establishing the Maryland Public Charter School Program; adding a certain definition; establishing certain authority in certain boards; specifying certain charter school application requirements; prohibiting a public chartering authority from granting a charter to certain schools; requiring a county board to review an application to establish a charter school and render a decision within a certain time period; establishing a certain appeals process; requiring the State Board of Education to render a certain decision within a certain time period; establishing a certain certification requirement; requiring a public charter school to comply with certain provisions of law; authorizing a public charter school to apply for a certain waiver; prohibiting the granting of a waiver from certain provisions of law; providing for certain bargaining rights for certain employees; providing for the negotiation of certain amendments to certain collective bargaining agreements; requiring a county board to disburse a certain amount of money to a public charter school; authorizing certain boards to give educational materials, supplies, furniture, and other equipment to a public charter school; requiring county boards to develop a certain policy; establishing a certain liaison for the Program; requiring the State Department of Education to create and disseminate to each local board of education a certain model public charter school policy by a certain date; requiring the State Board to submit a certain report on or before a certain date; defining certain terms; and generally relating to the Maryland Public Charter School Program."

On page 3, strike in their entirety lines 11 through 21, inclusive, and substitute:

(Over)

“BY repealing and reenacting, with amendments,

Article - Education

Section 6-401(e) and 6-501(g)

Annotated Code of Maryland

(2001 Replacement Volume and 2002 Supplement)

BY adding to

Article - Education

Section 9-101 through 9-109, inclusive, to be under the new title “Title 9. Maryland Public Charter School Program”

Annotated Code of Maryland

(2001 Replacement Volume and 2002 Supplement)”.

AMENDMENT NO. 2

On page 3, strike in their entirety lines 25 through 34, inclusive, and substitute:

“6-401.

(e) “Public school employer” means a county board of education [or], the Baltimore City Board of School Commissioners, OR A PUBLIC CHARTER SCHOOL, AS DEFINED IN TITLE 9 OF THIS ARTICLE.

6-501.

(g) (1) “Public school employer” means the county board in each county, OR A PUBLIC CHARTER SCHOOL, AS DEFINED IN TITLE 9 OF THIS ARTICLE.

(2) “Public school employer” includes the Baltimore City Board of School Commissioners.

TITLE 9. MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.

9-101.

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

(B) THE GENERAL PURPOSE OF THE PROGRAM IS TO ESTABLISH AN

ALTERNATIVE MEANS WITHIN THE EXISTING PUBLIC SCHOOL SYSTEM IN ORDER TO PROVIDE INNOVATIVE LEARNING OPPORTUNITIES AND CREATIVE EDUCATIONAL APPROACHES TO IMPROVE THE EDUCATION OF STUDENTS.

9-102.

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

- (1) IS NONSECTARIAN IN ALL ITS PROGRAMS, POLICIES, AND OPERATIONS;
- (2) IS A SCHOOL TO WHICH PARENTS CHOOSE TO SEND THEIR CHILDREN;
- (3) IS OPEN TO ALL STUDENTS ON A SPACE-AVAILABLE BASIS AND ADMITS STUDENTS ON A LOTTERY BASIS IF MORE STUDENTS APPLY THAN CAN BE ACCOMMODATED;
- (4) IS A NEW PUBLIC SCHOOL OR A CONVERSION OF AN EXISTING PUBLIC SCHOOL;
- (5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY EDUCATION OR BOTH;
- (6) OPERATES IN PURSUIT OF A SPECIFIC SET OF EDUCATIONAL OBJECTIVES;
- (7) IS TUITION-FREE;
- (8) IS SUBJECT TO FEDERAL AND STATE LAWS PROHIBITING DISCRIMINATION;
- (9) IS IN COMPLIANCE WITH ALL APPLICABLE HEALTH AND SAFETY

(Over)

LAWS:

(10) IS IN COMPLIANCE WITH THE REQUIREMENTS OF THE INDIVIDUALS WITH DISABILITIES ACT, 20 U.S.C. 1400 ET SEQ.;

(11) OPERATES UNDER THE SUPERVISION OF THE PUBLIC CHARTERING AUTHORITY FROM WHICH ITS CHARTER IS GRANTED AND IN ACCORDANCE WITH ITS CHARTER AND, EXCEPT AS PROVIDED IN § 9-106 OF THIS SUBTITLE, THE PROVISIONS OF LAW AND REGULATION GOVERNING OTHER PUBLIC SCHOOLS;

(12) REQUIRES STUDENTS TO BE PHYSICALLY PRESENT ON SCHOOL PREMISES FOR A PERIOD OF TIME SUBSTANTIALLY SIMILAR TO THAT WHICH OTHER PUBLIC SCHOOL STUDENTS SPEND ON SCHOOL PREMISES; AND

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

9-103.

(A) THE PRIMARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING OF A CHARTER SHALL BE A COUNTY BOARD OF EDUCATION.

(B) THE SECONDARY PUBLIC CHARTERING AUTHORITY FOR THE GRANTING OF A CHARTER SHALL BE THE STATE BOARD ACTING IN ITS APPEAL REVIEW CAPACITY.

9-104.

(A) (1) AN 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.

(2) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL

MAY BE SUBMITTED TO A COUNTY BOARD BY:

(I) THE STAFF OF A PUBLIC SCHOOL;

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

(III) A NONSECTARIAN NONPROFIT ENTITY;

(IV) A NONSECTARIAN INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

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

(3) A PUBLIC CHARTERING AUTHORITY MAY NOT GRANT A CHARTER UNDER THIS TITLE TO:

(I) A PRIVATE SCHOOL;

(II) A PAROCHIAL SCHOOL; OR

(III) A HOME SCHOOL.

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

(B) (1) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL, THE APPLICANT MAY APPEAL THE DECISION TO THE STATE BOARD, IN ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE.

(2) THE STATE BOARD SHALL RENDER A DECISION WITHIN 120 DAYS OF THE FILING OF AN APPEAL UNDER THIS SUBSECTION.

(Over)

9-105.

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

9-106.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH THE PROVISIONS OF LAW AND REGULATION GOVERNING OTHER PUBLIC SCHOOLS.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A WAIVER OF THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION MAY BE SOUGHT THROUGH AN APPEAL TO THE STATE BOARD.

(C) A WAIVER MAY NOT BE GRANTED FROM PROVISIONS OF LAW OR REGULATION RELATING TO:

(1) AUDIT REQUIREMENTS;

(2) THE MEASUREMENT OF STUDENT ACADEMIC ACHIEVEMENT, INCLUDING ALL ASSESSMENTS REQUIRED FOR OTHER PUBLIC SCHOOLS AND OTHER ASSESSMENTS MUTUALLY AGREED UPON BY THE PUBLIC CHARTERING AUTHORITY AND THE SCHOOL; OR

(3) THE HEALTH, SAFETY, OR CIVIL RIGHTS OF A STUDENT OR AN EMPLOYEE OF THE CHARTER SCHOOL.

9-107.

(A) EMPLOYEES OF A PUBLIC CHARTER SCHOOL:

(1) ARE PUBLIC SCHOOL EMPLOYEES, AS DEFINED IN §§ 6-401(D) AND 6-501(F) OF THIS ARTICLE;

(2) ARE EMPLOYEES OF A PUBLIC SCHOOL EMPLOYER, AS DEFINED IN §§ 6-401(E) AND 6-501(G) OF THIS ARTICLE, IN THE COUNTY IN WHICH THE PUBLIC CHARTER SCHOOL IS LOCATED; AND

(3) SHALL HAVE THE RIGHTS GRANTED UNDER TITLE 6, SUBTITLES 4 AND 5 OF THIS ARTICLE.

(B) IF A COLLECTIVE BARGAINING AGREEMENT UNDER TITLE 6, SUBTITLE 4 OR 5 OF THIS ARTICLE IS ALREADY IN EXISTENCE IN THE COUNTY WHERE A PUBLIC CHARTER SCHOOL IS LOCATED, THE EMPLOYEE ORGANIZATION AND THE PUBLIC CHARTER SCHOOL MAY MUTUALLY AGREE TO NEGOTIATE AMENDMENTS TO THE EXISTING AGREEMENT TO ADDRESS THE NEEDS OF THE PARTICULAR PUBLIC CHARTER SCHOOL.

9-108.

(A) A COUNTY BOARD SHALL DISBURSE TO A PUBLIC CHARTER SCHOOL AN AMOUNT OF COUNTY, STATE, AND FEDERAL MONEY FOR ELEMENTARY, MIDDLE, AND SECONDARY STUDENTS THAT IS COMMENSURATE WITH THE AMOUNT DISBURSED TO OTHER PUBLIC SCHOOLS IN THE LOCAL JURISDICTION.

(B) THE STATE BOARD OR THE COUNTY BOARD MAY GIVE SURPLUS EDUCATIONAL MATERIALS, SUPPLIES, FURNITURE, AND OTHER EQUIPMENT TO A PUBLIC CHARTER SCHOOL.

9-109.

(A) (1) EACH COUNTY BOARD SHALL DEVELOP A PUBLIC CHARTER SCHOOL POLICY AND SUBMIT IT TO THE STATE BOARD.

(2) THE POLICY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE GUIDELINES AND PROCEDURES REGARDING:

(Over)

(I) EVALUATION OF PUBLIC CHARTER SCHOOLS;

(II) REVOCAION OF A CHARTER;

(III) REPORTING REQUIREMENTS; AND

(IV) FINANCIAL, PROGRAMMATIC, OR COMPLIANCE AUDITS OF PUBLIC CHARTER SCHOOLS.

(B) THE DEPARTMENT SHALL DESIGNATE A STAFF PERSON TO FUNCTION AS A CONTACT PERSON FOR THE MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.”.

AMENDMENT NO. 3

On pages 16 through 27, strike in their entirety the lines beginning with line 24 on page 16 through line 2 on page 27, inclusive, and substitute:

“SECTION 2. AND BE IT FURTHER ENACTED, That the State Department of Education shall create and disseminate to each local board of education model public charter school policy language which can be used to create a public charter school policy as required by this Act. Each local board of education shall submit its public charter school policy to the State Board of Education by November 1, 2003.

SECTION 3. AND BE IT FURTHER ENACTED, That on or before October 1, 2006, based on information gathered from each local board of education, the Board of School Commissioners of Baltimore City, 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 including an evaluation of the public charter school program. The report shall address the advisability of the continuation, modification, expansion, or termination of the program.”.

On page 27, in line 3, strike “3.” and substitute “4.”.