
By: **The Minority Leader (By Request - Administration) and Delegates**
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Boschert, Boteler, Boutin, Branch, Cryor, Dwyer, Elliott, Frank, Fulton,
Glassman, Hogan, Hutchins, Impallaria, Jennings, Kach, Krebs,
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O'Donnell, Parrott, Rzepkowski, Schisler, Shank, Smigiel, Sossi,
Stocksdale, Trueschler, Walkup, and Weldon

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Assigned to: Ways and Means

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 20, 2003

CHAPTER _____

1 AN ACT concerning

2 **Education - Public Charter School Act of 2003**

3 ~~FOR the purpose of establishing certain public school chartering authorities;~~
4 ~~establishing the rights and duties of the public school chartering authorities;~~
5 ~~enabling the public school chartering authorities to grant charters for public~~
6 ~~charter schools; establishing the entities that may or may not apply for a~~
7 ~~charter; establishing an application process for charter schools; permitting~~
8 ~~existing public schools to convert to public charter schools under certain~~
9 ~~circumstances; allowing for the establishment of new public charter schools;~~
10 ~~establishing an appeals process for applicants who have been denied a charter;~~
11 ~~requiring certain charter agreements between the public charter schools and the~~
12 ~~county boards; establishing certain rights and duties of public charter schools;~~
13 ~~establishing an admissions policy for public charter schools; prohibiting the~~
14 ~~charging of tuition and certain fees at public charter schools; authorizing the~~
15 ~~State Board or the county boards to grant public charter schools certain waivers~~
16 ~~under certain circumstances; requiring the State Board and the county boards to~~
17 ~~designate certain funds for students who attend public charter schools;~~
18 ~~requiring certain employees at public charter schools to possess appropriate~~
19 ~~Maryland certification or qualified alternative certification; requiring the~~
20 ~~Department of Education to conduct certain assessments of public charter~~
21 ~~schools; requiring public charter schools to submit certain reports; authorizing~~
22 ~~negotiations between the public charter schools and the county boards;~~

1 ~~guaranteeing certain rights for employees of public charter schools; establishing~~
2 ~~a general grievance and appeals process for certain persons; requiring the~~
3 ~~county boards to grant initial charters for up to a certain number of years;~~
4 ~~exempting public charter schools from certain local and State laws and~~
5 ~~regulations; providing that the county boards may renew charters for~~
6 ~~subsequent periods for up to a certain number of years; establishing the~~
7 ~~conditions for the revocation of the charters, as well as an appeals process;~~
8 ~~permitting county boards to recover certain property from former public charter~~
9 ~~schools; providing for certain transportation responsibilities, the length of school~~
10 ~~days, attendance, withdrawal and discipline of students, and complaint~~
11 ~~procedures relating to public charter schools; requiring the State Board to~~
12 ~~submit an evaluation and report concerning public charter schools by a certain~~
13 ~~date; defining certain terms; and generally relating to the establishment of~~
14 ~~public charter schools in the State.~~

15 FOR the purpose of authorizing the county boards of education to be the public
16 chartering authorities for public charter schools in the State; establishing the
17 rights and duties of the county boards as public chartering authorities;
18 specifying the entities that may or may not apply for a charter; authorizing
19 existing public schools to convert to public charter schools under certain
20 circumstances; requiring the county boards to establish an application process
21 for charter schools; establishing certain application requirements and certain
22 procedures for applicants; establishing an appeals process for applicants who
23 have been denied a charter; authorizing the State Board of Education to direct a
24 county board to grant a charter under certain circumstances; requiring certain
25 charter agreements between the public charter schools and the county boards;
26 establishing certain rights and duties of public charter schools; establishing an
27 admissions policy for public charter schools; prohibiting the charging of tuition
28 and certain fees at public charter schools; establishing certain requirements for
29 construction and development of facilities for public charter schools; authorizing
30 the State Board or the county boards to grant public charter schools certain
31 waivers under certain circumstances; requiring the county boards to provide
32 certain funding for public charter schools; authorizing negotiations between the
33 public charter schools and the county boards concerning certain funding;
34 requiring public charter schools and the parents of students at the schools to
35 provide for transportation of the students attending the schools; authorizing
36 negotiations between the public charter schools and the county boards
37 concerning the costs of transportation; requiring a member of the professional
38 staff to hold a certain certification; specifying certain rights for employees of
39 public charter schools; establishing a grievance and appeals process for certain
40 persons; requiring the county boards to grant initial charters for public charter
41 schools for up to a certain number of years; providing that the county boards
42 may renew charters for subsequent periods for up to a certain number of years;
43 requiring a certain review for renewal of a charter; requiring annual
44 assessments of public charter schools; requiring dissemination of certain reports
45 by charter schools; establishing the conditions for revocation of the charters, as
46 well as an appeals process; authorizing county boards to recover certain
47 property from former public charter schools; specifying the rights of students at
48 public charter schools; authorizing the county boards to recover certain unspent

1 funds from public charter schools; authorizing the State Board, in consultation
2 with the county boards, to adopt regulations relating to public charter schools;
3 defining a certain term; requiring the State Board to submit an evaluation and
4 report concerning public charter schools by a certain date; prohibiting a county
5 board from granting a charter to a public charter school under certain
6 circumstances; requiring a county board to ensure that the authorizing process
7 and the charter school operators are aware of and address certain matters
8 relating to special education; requiring the State Board of Education to provide
9 certain technical assistance to certain public charter schools; and generally
10 relating to the establishment of public charter schools in the State.

11 BY repealing and reenacting, without amendments,
12 Article - Education
13 Section 1-101(d), (e), (f), and (l)
14 Annotated Code of Maryland
15 (2001 Replacement Volume and 2002 Supplement)

16 BY adding to
17 Article - Education
18 Section 9-101 through ~~9-115~~ 9-122, inclusive, to be under the new title "Title 9.
19 Public Charter School Program"
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2002 Supplement)

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

24 **Article - Education**

25 1-101.

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

28 (e) (1) "County superintendent" means the county superintendent of schools
29 of a county.

30 (2) "County superintendent" includes the Chief Executive Officer of the
31 Baltimore City Board of School Commissioners and the Chief Executive Officer of the
32 New Prince George's County Board of Education.

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

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

TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

~~9-101.~~

(A) ~~IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

(B) ~~"APPLICANT" MEANS A PERSON OR ENTITY THAT APPLIES FOR A CHARTER,
INCLUDING:~~

(1) ~~AN INDIVIDUAL OR GROUP OF INDIVIDUALS;~~

(2) ~~A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE;~~

(3) ~~AN EXISTING PUBLIC SCHOOL;~~

(4) ~~A NONPROFIT CORPORATION; OR~~

(5) ~~ANY COMBINATION OF PERSONS OR ENTITIES SPECIFIED IN ITEMS
(1) THROUGH (4) OF THIS PARAGRAPH.~~

(C) ~~"PUBLIC CHARTER SCHOOL" MEANS A PUBLIC ELEMENTARY OR
SECONDARY SCHOOL THAT:~~

(1) ~~IS CREATED IN ACCORDANCE WITH § 9-104 OF THIS SUBTITLE;~~

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

(3) ~~IS OPERATED UNDER PUBLIC SUPERVISION AND DIRECTION;~~

(4) ~~HAS A SET OF EDUCATIONAL GOALS ON WHICH THE APPLICANT AND
THE PUBLIC SCHOOL CHARTERING AUTHORITY AGREE;~~

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

(6) ~~IS NONSECTARIAN AND NONRELIGIOUS IN ITS EDUCATIONAL
PROGRAM, ADMISSIONS POLICIES, EMPLOYMENT POLICIES, AND OPERATIONS;~~

(7) ~~IS TUITION FREE;~~

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

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

(10) ~~IS EXEMPT FROM ALL PROVISIONS OF THIS ARTICLE, AND ALL LOCAL
SCHOOL DISTRICT LAWS OR REGULATIONS, EXCEPT AS SPECIFIED IN THIS TITLE,
ALTHOUGH IT MAY CHOOSE TO COMPLY WITH ONE OR MORE PROVISIONS;~~

1 (11) IS NOT EXEMPT FROM ANY FEDERAL LAWS OR REGULATIONS
2 APPLICABLE TO PUBLIC SCHOOLS IN THE STATE;

3 (12) MAY CONSIST OF A NEW SCHOOL OR ANY PORTION OF AN EXISTING
4 PUBLIC SCHOOL; AND

5 (13) MAY BE LOCATED IN PART OF AN EXISTING PUBLIC SCHOOL
6 BUILDING, IN A PRIVATE BUILDING, IN A PUBLIC BUILDING, OR ANY OTHER
7 SUITABLE LOCATION.

8 (D) "CHARTER" MEANS A CONTRACT BETWEEN AN APPLICANT AND A PUBLIC
9 SCHOOL CHARTERING AUTHORITY AND SHALL INCLUDE ALL AGREEMENTS
10 BETWEEN THE PUBLIC CHARTER SCHOOL AND THE PUBLIC SCHOOL CHARTERING
11 AUTHORITY THAT MAY BE AMENDED ONLY BY WRITTEN MUTUAL AGREEMENT,
12 INCLUDING:

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

17 (2) AUDIT REQUIREMENTS;

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

21 (I) STATE AND FEDERAL TESTING ASSESSMENTS REQUIRED FOR
22 OTHER PUBLIC SCHOOLS; AND

23 (II) OTHER ASSESSMENTS MUTUALLY AGREED TO BY THE PUBLIC
24 CHARTER SCHOOL AND THE PUBLIC SCHOOL CHARTERING AUTHORITY; AND

25 (4) A DESCRIPTION OF INNOVATIVE LEARNING PROGRAMS TO BE
26 IMPLEMENTED AND THE EDUCATIONAL RESEARCH OPPORTUNITIES TO BE
27 IMPLEMENTED.

28 (E) "PUBLIC SCHOOL CHARTERING AUTHORITY" MEANS ONE OF THE
29 FOLLOWING:

30 (1) THE STATE BOARD;

31 (2) A COUNTY BOARD OF THE COUNTY IN WHICH THE PROPOSED PUBLIC
32 CHARTER SCHOOL IS LOCATED;

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

34 (4) ANY OTHER ENTITY DESIGNATED BY THE STATE BOARD AS A PUBLIC
35 SCHOOL CHARTERING AUTHORITY.

1 ~~9-102.~~

2 ~~THE GENERAL ASSEMBLY FINDS THAT CHARTER SCHOOLS, AS PART OF THE~~
3 ~~PROGRAM OF PUBLIC EDUCATION OFFERED IN THE STATE CAN:~~

4 (1) ~~PROVIDE INNOVATIVE AND AUTONOMOUS LEARNING PROGRAMS;~~

5 (2) ~~OFFER PUBLIC SCHOOL STUDENTS APPROPRIATE AND INNOVATIVE~~
6 ~~CHOICES;~~

7 (3) ~~AFFORD VARIED OPPORTUNITIES FOR PROFESSIONAL EDUCATORS;~~

8 (4) ~~ALLOW PUBLIC SCHOOLS FREEDOM AND FLEXIBILITY IN EXCHANGE~~
9 ~~FOR EXCEPTIONAL LEVELS OF ACCOUNTABILITY; AND~~

10 (5) ~~PROVIDE PARENTS, STUDENTS, COMMUNITY MEMBERS, AND LOCAL~~
11 ~~ENTITIES WITH AN EXPANDED OPPORTUNITY FOR INVOLVEMENT IN THE PUBLIC~~
12 ~~SCHOOL SYSTEM.~~

13 ~~9-103.~~

14 (A) ~~A PUBLIC SCHOOL CHARTERING AUTHORITY:~~

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

17 (2) ~~SHALL DISSEMINATE INFORMATION CONCERNING THE~~
18 ~~ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC CHARTER SCHOOLS;~~

19 (3) ~~MAY NOT GRANT A CHARTER UNDER THIS TITLE TO:~~

20 (I) ~~A PRIVATE SCHOOL;~~

21 (II) ~~A PAROCHIAL SCHOOL; OR~~

22 (III) ~~A HOME SCHOOL; AND~~

23 (4) ~~MAY REVOKE A CHARTER GRANTED UNDER THIS TITLE OR PLACE A~~
24 ~~PUBLIC CHARTER SCHOOL ON PROBATIONARY STATUS AND ESTABLISH A DATE BY~~
25 ~~WHICH A REMEDIAL PLAN MUST BE IMPLEMENTED:~~

26 (I) ~~IF THE SCHOOL HAS NOT FULFILLED A CONDITION IMPOSED~~
27 ~~BY THE PUBLIC SCHOOL CHARTERING AUTHORITY IN CONNECTION WITH THE~~
28 ~~GRANTING OF THE CHARTER;~~

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

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

1 (IV) IF THE SCHOOL FAILS TO MEET GENERALLY ACCEPTED
2 STANDARDS OF FISCAL MANAGEMENT;

3 (V) IF THE SCHOOL FAILS TO MEET THE STUDENT ACADEMIC
4 PERFORMANCE REQUIREMENTS CONTAINED IN THE CHARTER; OR

5 (VI) IF TWO THIRDS OF THE FACULTY AND INSTRUCTIONAL
6 SUPPORT PERSONNEL AT THE SCHOOL REQUEST THAT THE CHARTER BE REVOKED.

7 (B) (1) IF THE REMEDIAL PLAN IS SUCCESSFUL, THE PUBLIC SCHOOL
8 CHARTERING AUTHORITY:

9 (I) MAY RENEW THE CHARTER FOR ANOTHER 5 YEAR PERIOD; OR

10 (II) REEVALUATE THE CHARTER AFTER AT LEAST 1 YEAR BUT NOT
11 MORE THAN 2 YEARS UNDER THE REMEDIAL PLAN, FOR RENEWAL FOR A 5 YEAR
12 PERIOD.

13 (2) IF THE REMEDIAL PLAN IS UNSUCCESSFUL, THE PUBLIC SCHOOL
14 CHARTERING AUTHORITY MAY REVOKE THE CHARTER, AFTER FIRST GIVING THE
15 CHARTER SCHOOL NOTICE IN WRITING 90 DAYS BEFORE REVOCATION.

16 (3) IF THE PUBLIC SCHOOL CHARTERING AUTHORITY REVOKES THE
17 CHARTER, THE REMAINING FUNDS ALLOCATED BY THE STATE BOARD OR COUNTY
18 BOARD FOR THE ENROLLED STUDENTS SHALL REVERT TO THE BOARD THAT
19 DISBURSED THE FUNDS TO THE PUBLIC CHARTER SCHOOL.

20 (4) (I) THE PUBLIC CHARTER SCHOOL MAY APPEAL IN WRITING THE
21 REVOCATION TO THE STATE BOARD WITHIN 30 DAYS OF THE PUBLIC SCHOOL
22 CHARTERING AUTHORITY'S DECISION, AND MUST SEND A COPY OF ITS APPEAL TO
23 THE PUBLIC SCHOOL CHARTERING AUTHORITY AT THE SAME TIME.

24 (II) ANY RESPONSE FROM THE PUBLIC SCHOOL CHARTERING
25 AUTHORITY SHALL BE SUBMITTED IN WRITING TO THE STATE BOARD WITHIN 15
26 DAYS AFTER NOTIFICATION OF THE APPEAL.

27 (III) THE STATE BOARD HAS 60 DAYS FROM THE TIME IT RECEIVES
28 THE APPLICANT'S APPEAL TO REJECT OR ACCEPT THE DECISION OF THE PUBLIC
29 SCHOOL CHARTERING AUTHORITY.

30 (C) AFTER THE FIRST 5 YEARS OF THE CHARTER, THE PUBLIC SCHOOL
31 CHARTERING AUTHORITY SHALL CONDUCT AN EVALUATION OF THE CHARTER BY
32 WHICH IT SHALL:

33 (1) APPROVE THE CHARTER FOR ANOTHER 5 YEAR PERIOD;

34 (2) PLACE THE PUBLIC CHARTER SCHOOL ON PROBATION IF ANY OF
35 THE CONDITIONS LISTED UNDER PARAGRAPH (A)(4) OF THIS SUBSECTION OCCUR; OR

1 (3) ~~REVOKE THE CHARTER AND DISSOLVE IT UNDER THE PROVISIONS~~
2 ~~OF LAW.~~

3 ~~(D) (1) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL BE~~
4 ~~RESPONSIBLE FOR OVERSIGHT OF THE PUBLIC CHARTER SCHOOL.~~

5 (2) ~~EACH PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL~~
6 ~~REPORT TO:~~

7 (I) ~~THE PUBLIC SCHOOL CHARTERING AUTHORITY; AND~~

8 (II) ~~EACH PARENT OR GUARDIAN OF THE PUBLIC CHARTER~~
9 ~~SCHOOL'S ENROLLED STUDENTS.~~

10 (3) ~~THE ANNUAL REPORT SHALL INCLUDE AT LEAST THE FOLLOWING~~
11 ~~COMPONENTS:~~

12 (I) ~~DISCUSSION OF PROGRESS MADE TOWARD THE ACHIEVEMENT~~
13 ~~OF THE GOALS SET FORTH IN THE CHARTER; AND~~

14 (II) ~~A FINANCIAL STATEMENT SETTING FORTH BY APPROPRIATE~~
15 ~~CATEGORIES EXPENDITURES FOR THE SCHOOL YEAR JUST ENDED.~~

16 ~~(E) THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY CONDUCT A~~
17 ~~FINANCIAL, PROGRAMMATIC, OR COMPLIANCE AUDIT OF A PUBLIC CHARTER~~
18 ~~SCHOOL.~~

19 ~~9-104.~~

20 ~~(A) A PUBLIC SCHOOL CHARTERING AUTHORITY SHALL PUBLISH AN~~
21 ~~APPLICATION PROCESS FOR AN APPLICANT TO FOLLOW WHEN APPLYING FOR A~~
22 ~~CHARTER TO ESTABLISH A PUBLIC CHARTER SCHOOL.~~

23 ~~(B) THE APPLICATION FOR A CHARTER SHALL INCLUDE:~~

24 (I) ~~IDENTIFICATION OF THE APPLICANT;~~

25 (2) ~~A STATEMENT DEFINING THE MISSION, ORGANIZATIONAL~~
26 ~~STRUCTURE, AND GOVERNANCE PLAN, INCLUDING THE FOLLOWING:~~

27 (I) ~~MISSION STATEMENT OF THE PROPOSED PUBLIC CHARTER~~
28 ~~SCHOOL;~~

29 (II) ~~CURRICULUM AND INSTRUCTIONAL METHODS;~~

30 (III) ~~METHODS OF PUPIL ASSESSMENT AND MOTIVATION;~~

31 (IV) ~~NAME OF THE SCHOOL, WHICH MUST INCLUDE THE PHRASE~~
32 ~~"PUBLIC CHARTER SCHOOL" IN ITS NAME;~~

33 (V) ~~ADMISSIONS POLICY;~~

1 (VI) SCOPE, SIZE, GRADE LEVEL, AND ENROLLMENT OF THE
2 PROPOSED PUBLIC CHARTER SCHOOL;

3 (VII) BYLAWS AND REGULATIONS OF THE PROPOSED PUBLIC
4 CHARTER SCHOOL, INCLUDING EMPLOYMENT CONTRACT FOR PROSPECTIVE
5 EMPLOYEES;

6 (VIII) THE STRUCTURE OF THE GOVERNING BOARD, INCLUDING:

7 1. THE QUALIFICATIONS FOR MEMBERS OF THE BOARD; AND

8 2. THE METHOD OF APPOINTMENT OR ELECTION OF THE
9 MEMBERS;

10 (IX) THE EFFECTIVE DATE OF THE PUBLIC CHARTER SCHOOL; AND

11 (X) THE SPECIFIED NUMBER OF SCHOOL DAYS AND HOURS OF
12 OPERATION.

13 (C) IF THE APPLICATION IS DENIED BY A PUBLIC SCHOOL CHARTERING
14 AUTHORITY UNDER § 9-101(E)(2) OR (E)(3), THE APPLICANT MAY APPEAL THE
15 DECISION TO THE STATE BOARD IN THE MANNER PROVIDED UNDER § 9-107 OF THIS
16 TITLE.

17 (D) IF APPROVED, A CHARTER GRANTED BY THE PUBLIC SCHOOL
18 CHARTERING AUTHORITY SHALL BE VALID FOR 5 YEARS.

19 (E) THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL DEVELOP
20 GUIDELINES AND RULES FOR THE RENEWAL OF A SCHOOL'S CHARTER, WHICH SHALL
21 INCLUDE AN EVALUATION OF:

22 (1) THE COSTS OF INSTRUCTION, ADMINISTRATION, AND
23 TRANSPORTATION INCURRED BY THE ENROLLMENT IN CHARTER SCHOOLS; AND

24 (2) THE EFFECT OF ENROLLMENT IN PUBLIC CHARTER SCHOOLS ON
25 SCHOOL DISTRICTS AND ON TEACHERS, STUDENTS, AND PARENTS IN THOSE
26 DISTRICTS.

27 (F) THE PUBLIC SCHOOL CHARTERING AUTHORITY'S GUIDELINES AND RULES
28 FOR RENEWAL OF A SCHOOL CHARTER MAY ALSO INCLUDE AN EVALUATION OF:

29 (1) STUDENT SCORES ON ASSESSMENT TESTS;

30 (2) STUDENT ATTENDANCE;

31 (3) STUDENT GRADES;

32 (4) INCIDENTS INVOLVING STUDENT DISCIPLINE;

33 (5) SOCIOECONOMIC DATA ON STUDENT FAMILIES;

1 (6) ~~PARENT SATISFACTION WITH THE CHARTER SCHOOL; AND~~

2 (7) ~~STUDENT SATISFACTION WITH THE CHARTER SCHOOL.~~

3 ~~9-105.~~

4 (A) ~~THERE SHALL BE NO LIMIT TO THE NUMBER OF PUBLIC CHARTER~~
5 ~~SCHOOLS THAT MAY BE ESTABLISHED IN THE STATE.~~

6 (B) ~~A PUBLIC SCHOOL CHARTERING AUTHORITY SHALL ADOPT REGULATIONS~~
7 ~~NECESSARY TO IMPLEMENT THIS SECTION, INCLUDING TIMELINES FOR CHARTER~~
8 ~~SCHOOL APPLICATION AND APPROVAL.~~

9 (C) (1) ~~THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL REVIEW THE~~
10 ~~APPLICATION AND RENDER A DECISION WITHIN 60 DAYS OF RECEIPT OF THE~~
11 ~~APPLICATION.~~

12 (2) ~~THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY DELAY~~
13 ~~RENDERING A DECISION FOR AN ADDITIONAL 60 DAYS FOR CAUSE.~~

14 (3) ~~THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY USE THE~~
15 ~~SERVICES OF A CONSULTANT IN THE EVALUATION OF THE APPLICATION.~~

16 (D) (1) ~~AN EXISTING PUBLIC SCHOOL MAY CONVERT TO A PUBLIC CHARTER~~
17 ~~SCHOOL.~~

18 (2) (I) ~~THE STATE BOARD OR THE COUNTY BOARD SHALL DETERMINE~~
19 ~~WHETHER TO ALLOW AN EXISTING PUBLIC SCHOOL TO CONVERT TO A PUBLIC~~
20 ~~CHARTER SCHOOL.~~

21 (II) ~~IF THE COUNTY BOARD IS THE PUBLIC SCHOOL CHARTERING~~
22 ~~AUTHORITY, THE COUNTY BOARD SHALL DETERMINE WHETHER TO ALLOW AN~~
23 ~~EXISTING PUBLIC SCHOOL TO CONVERT TO A PUBLIC CHARTER SCHOOL BY A~~
24 ~~MAJORITY VOTE OF THE COUNTY BOARD.~~

25 (III) ~~IF THE STATE BOARD OR AN ENTITY DESIGNATED BY THE~~
26 ~~STATE BOARD IS THE PUBLIC SCHOOL CHARTERING AUTHORITY, THE APPLICANT~~
27 ~~REQUESTING THE CONVERSION OF AN EXISTING PUBLIC SCHOOL TO A PUBLIC~~
28 ~~CHARTER SCHOOL MUST PROVIDE THE STATE BOARD OR DESIGNATED ENTITY WITH~~
29 ~~A PETITION REQUESTING CONVERSION SIGNED BY A MAJORITY OF THE FACULTY OR~~
30 ~~INSTRUCTIONAL STAFF OF THE EXISTING PUBLIC SCHOOL AND A MAJORITY OF THE~~
31 ~~PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE EXISTING PUBLIC~~
32 ~~SCHOOL.~~

33 (3) ~~AN EMPLOYEE OF A PUBLIC SCHOOL CONVERTED TO A PUBLIC~~
34 ~~CHARTER SCHOOL WHO IS NOT EMPLOYED BY THE PUBLIC CHARTER SCHOOL SHALL~~
35 ~~BE ACCORDED THE RIGHTS AVAILABLE TO THE EMPLOYEE UNDER THE PROVISIONS~~
36 ~~OF A COLLECTIVE BARGAINING AGREEMENT AND SHALL, TO THE EXTENT~~
37 ~~PERMISSIBLE UNDER A COLLECTIVE BARGAINING AGREEMENT, BE GIVEN~~
38 ~~PREFERENCE IN FILLING POSITIONS IN THE SCHOOL DISTRICT.~~

1 (4) ~~AN EMPLOYEE OF A PUBLIC SCHOOL CONVERTED TO PUBLIC~~
2 ~~CHARTER SCHOOL STATUS WHO IS EMPLOYED BY THE PUBLIC CHARTER SCHOOL~~
3 ~~SHALL NOT REMAIN PART OF ANY COLLECTIVE BARGAINING UNIT THAT~~
4 ~~REPRESENTED EMPLOYEES OF THE SCHOOL WHILE STILL PART OF THE SCHOOL~~
5 ~~DISTRICT.~~

6 (5) ~~AN EMPLOYEE OF THE COUNTY BOARD WHO WORKS AT A PUBLIC~~
7 ~~CHARTER SCHOOL MAY CHOOSE TO RECEIVE THE SAME BENEFITS OF AN EMPLOYEE~~
8 ~~AT A TRADITIONAL PUBLIC SCHOOL INCLUDING:~~

9 (I) ~~RETIREMENT BENEFITS;~~

10 (II) ~~HEALTH CARE BENEFITS; AND~~

11 (III) ~~ANY OTHER BENEFITS MANDATED BY THE PUBLIC SCHOOL~~
12 ~~CHARTERING AUTHORITY.~~

13 (6) (I) ~~ANY TEACHER EMPLOYED BY THE COUNTY BOARD MAY~~
14 ~~CHOOSE TO BE AN EMPLOYEE OF A PUBLIC CHARTER SCHOOL AND SHALL HAVE THE~~
15 ~~OPTION TO ORGANIZE A COLLECTIVE BARGAINING UNIT.~~

16 (II) ~~A BARGAINING UNIT AT A PUBLIC CHARTER SCHOOL SHALL BE~~
17 ~~SEPARATE FROM OTHER BARGAINING UNITS.~~

18 (III) ~~A PUBLIC CHARTER SCHOOL TEACHER MAY NOT BE A MEMBER~~
19 ~~OF MORE THAN ONE BARGAINING UNIT.~~

20 (IV) ~~A TEACHER IN A PUBLIC CHARTER SCHOOL SHALL WITHDRAW~~
21 ~~FROM ANY BARGAINING UNIT WITH WHICH THAT TEACHER MAY HAVE BEEN~~
22 ~~PREVIOUSLY AFFILIATED.~~

23 (7) ~~A CHARTER SCHOOL EMPLOYEE IN AN INSTRUCTIONAL POSITION~~
24 ~~SHALL POSSESS:~~

25 (I) ~~APPROPRIATE MARYLAND CERTIFICATION; OR~~

26 (II) ~~QUALIFIED ALTERNATIVE CERTIFICATION.~~

27 (8) ~~THE STATE BOARD SHALL ESTABLISH A QUALIFIED ALTERNATIVE~~
28 ~~CERTIFICATION PROGRAM WHICH INCLUDES:~~

29 (I) ~~ALTERNATIVE REQUIREMENTS OF CERTIFICATION AVAILABLE~~
30 ~~FOR CANDIDATES AT ANY GRADE LEVEL AND IN ALL DISCIPLINES; AND~~

31 (II) ~~ALLOWING A CANDIDATE, UNDER THE SUPERVISION OF A~~
32 ~~MENTOR TEACHER, TO COMMENCE EMPLOYMENT AS A TEACHER HOLDING A~~
33 ~~LIMITED STANDARD OF CERTIFICATION.~~

1 ~~9-106.~~

2 (A) ~~IF THE SCHOOL CAN DEMONSTRATE THAT THE WAIVER WILL ADVANCE~~
3 ~~THE EDUCATIONAL GOALS AND OBJECTIVES OF THE SCHOOL, A PUBLIC CHARTER~~
4 ~~SCHOOL SHALL RECEIVE A WAIVER OF:~~

5 (1) ~~ANY OTHER STATE LAW OR REGULATION PERTAINING TO PUBLIC~~
6 ~~EDUCATION NOT CONTAINED IN THIS ARTICLE; OR~~

7 (2) ~~ANY LOCAL LAW OR REGULATION PERTAINING TO PUBLIC~~
8 ~~EDUCATION.~~

9 (B) ~~A PUBLIC CHARTER SCHOOL MAY NOT RECEIVE A WAIVER OF A~~
10 ~~REGULATION OR REQUIREMENT PERTAINING TO THE CIVIL RIGHTS OR THE HEALTH~~
11 ~~AND SAFETY OF A STUDENT OR EMPLOYEE.~~

12 ~~9-107.~~

13 (A) (1) ~~THE COUNTY BOARD SHALL RECEIVE AND REVIEW ALL~~
14 ~~APPLICATIONS FOR A PUBLIC CHARTER SCHOOL IN ITS COUNTY.~~

15 (2) ~~IF THE CHARTER IS DENIED, THE PUBLIC SCHOOL CHARTERING~~
16 ~~AUTHORITY SHALL PROVIDE IN WRITING THE REASONS FOR THE DENIAL.~~

17 (3) (4) ~~IF THE PUBLIC SCHOOL CHARTERING AUTHORITY IS THE~~
18 ~~COUNTY BOARD, A PUBLIC INSTITUTION OF HIGHER EDUCATION OR AN ENTITY~~
19 ~~DESIGNATED BY THE STATE BOARD, THE APPLICANT MAY APPEAL THE DENIAL OF~~
20 ~~THE APPLICATION OR THE IMPOSITION OF UNREASONABLE REQUIREMENTS OR~~
21 ~~CONDITIONS TO THE STATE BOARD NO LATER THAN 30 CALENDAR DAYS AFTER THE~~
22 ~~RECEIPT OF THE PUBLIC SCHOOL CHARTERING AUTHORITY'S DECISION.~~

23 (4) ~~IN ADDITION TO THE REQUIREMENTS CONTAINED IN THIS~~
24 ~~TITLE, THE STATE BOARD MAY ESTABLISH REGULATIONS DEFINING THE APPEAL~~
25 ~~PROCESS CONSISTENT WITH THIS TITLE.~~

26 (4) ~~ANY RESPONSE FROM THE PUBLIC SCHOOL CHARTERING~~
27 ~~AUTHORITY SHALL BE SUBMITTED IN WRITING TO THE STATE BOARD WITHIN 15~~
28 ~~DAYS AFTER NOTIFICATION OF THE APPEAL.~~

29 (5) ~~THE STATE BOARD HAS 60 DAYS FROM THE TIME IT RECEIVES THE~~
30 ~~APPLICANT'S APPEAL TO REJECT OR ACCEPT THE DECISION OF THE PUBLIC SCHOOL~~
31 ~~CHARTERING AUTHORITY.~~

32 (6) ~~THE STATE BOARD'S DECISION TO APPROVE OR DENY THE~~
33 ~~APPLICATION IS FINAL AND BINDING, EXCEPT AS PROVIDED FOR IN PARAGRAPH (9)~~
34 ~~OF THIS SUBSECTION.~~

35 (7) ~~IF THE PUBLIC SCHOOL CHARTERING AUTHORITY DENIES AN~~
36 ~~APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL AND THE STATE BOARD~~

1 ~~REVERSES THE DECISION, THE STATE BOARD SHALL BE THE PUBLIC SCHOOL~~
 2 ~~CHARTERING AUTHORITY.~~

3 (8) ~~IF THE STATE BOARD IS THE PUBLIC SCHOOL CHARTERING~~
 4 ~~AUTHORITY, ITS DECISION ON THE APPLICATION FOR A CHARTER IS FINAL AND~~
 5 ~~BINDING, EXCEPT AS PROVIDED FOR IN PARAGRAPH (9) OF THIS SUBSECTION.~~

6 (9) ~~AN APPLICANT THAT IS DENIED A CHARTER MAY REAPPLY FOR A~~
 7 ~~CHARTER TO ANY PUBLIC SCHOOL CHARTERING AUTHORITY AFTER 1 YEAR FROM~~
 8 ~~THE DECISION OF:~~

9 (I) ~~THE COUNTY BOARD;~~

10 (II) ~~THE STATE BOARD;~~

11 (III) ~~A PUBLIC INSTITUTION OF HIGHER EDUCATION; OR~~

12 (IV) ~~AN ENTITY DESIGNATED BY THE STATE BOARD.~~

13 ~~9-108.~~

14 (A) (1) ~~A PUBLIC CHARTER SCHOOL IS AN INDEPENDENT LEGAL ENTITY~~
 15 ~~THAT IS RESPONSIBLE FOR THE MANAGEMENT AND OPERATION OF ITS FISCAL~~
 16 ~~AFFAIRS INCLUDING, BUT NOT LIMITED TO, THE PREPARATION OF ITS OWN BUDGET.~~

17 (2) ~~THE PUBLIC CHARTER SCHOOL HAS COMPLETE FISCAL CONTROL~~
 18 ~~OVER THE FUNDS RECEIVED BY THE PUBLIC CHARTER SCHOOL.~~

19 (B) ~~A PUBLIC CHARTER SCHOOL CAN:~~

20 (1) ~~SUE AND BE SUED IN ITS OWN NAME, AND ITS EMPLOYEES SHALL~~
 21 ~~ENJOY THE SAME IMMUNITIES AS EMPLOYEES AND OFFICERS OF PUBLIC SCHOOL~~
 22 ~~DISTRICTS AND OTHER PUBLIC SCHOOLS;~~

23 (2) ~~ACQUIRE REAL AND PERSONAL PROPERTY OR AN INTEREST IN REAL~~
 24 ~~AND PERSONAL PROPERTY BY PURCHASE, GIFT, GRANT, DEVISE, OR BEQUEST;~~

25 (3) ~~MANAGE THE IMPLEMENTATION OF ITS APPROVED EDUCATION~~
 26 ~~PROGRAM;~~

27 (4) ~~RECEIVE AND DISBURSE FUNDS FOR PUBLIC CHARTER SCHOOL~~
 28 ~~PURPOSES; AND~~

29 (5) ~~HIRE, MANAGE, AND TERMINATE ANY SCHOOL EMPLOYEE IN~~
 30 ~~ACCORDANCE WITH THE TERMS OF ITS PERSONNEL POLICIES OR ANY COLLECTIVE~~
 31 ~~BARGAINING AGREEMENT IT NEGOTIATES WITH ITS EMPLOYEES.~~

32 ~~9-109.~~

33 (A) (1) ~~A PUBLIC CHARTER SCHOOL MAY CHOOSE TO SPECIALIZE IN~~
 34 ~~PROVIDING SERVICES TO CHILDREN WHO ATTEND PUBLIC SCHOOLS THAT HAVE~~

1 ~~BEEN DETERMINED BY THE COUNTY BOARD TO BE UNDERPERFORMING AND WHO~~
2 ~~REQUEST TO TRANSFER TO A PUBLIC CHARTER SCHOOL IN THE LOCAL SCHOOL~~
3 ~~DISTRICT.~~

4 (2) ~~THE PUBLIC SCHOOL CHARTERING AUTHORITY SHALL ESTABLISH A~~
5 ~~PROCEDURE FOR THE SELECTION OF STUDENTS TO ATTEND THE SCHOOL BY THE~~
6 ~~USE OF A LOTTERY OR ANY OTHER PROCESS DEEMED APPROPRIATE IF MORE~~
7 ~~STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE SPACES~~
8 ~~AVAILABLE.~~

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

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

11 (2) ~~IF AN EXISTING PUBLIC SCHOOL CONVERTS TO A PUBLIC CHARTER~~
12 ~~SCHOOL UNDER § 9-105 OF THIS TITLE, A STUDENT WITHIN THE SCHOOL~~
13 ~~ATTENDANCE AREA AS IT IS DETERMINED BY THE COUNTY BOARD; AND~~

14 (3) ~~IF THE SCHOOL IS ESTABLISHED IN WHOLE OR IN PART BY A PARENT~~
15 ~~OR GUARDIAN OF A CHILD WHO ATTENDS A PUBLIC SCHOOL IN THE COUNTY, THE~~
16 ~~CHILD OF THAT PARENT OR GUARDIAN.~~

17 9-110.

18 (A) ~~THE STATE BOARD OR A COUNTY BOARD MAY:~~

19 (1) ~~LEASE OR SELL PROPERTY TO A PUBLIC CHARTER SCHOOL; OR~~

20 (2) ~~LEASE SPACE WITHIN AN EXISTING PUBLIC SCHOOL FOR THE USE~~
21 ~~BY THE PUBLIC CHARTER SCHOOL.~~

22 (B) ~~A PUBLIC CHARTER SCHOOL MAY OBTAIN, LEASE, OR BUY PROPERTY FOR~~
23 ~~THE SCHOOL.~~

24 (C) ~~THE FACILITY THAT CONTAINS A PUBLIC CHARTER SCHOOL:~~

25 (1) ~~SHALL CONFORM TO THE REGULATIONS FOR PUBLIC SCHOOL~~
26 ~~FACILITIES, UNLESS A WAIVER IS GRANTED BY THE STATE BOARD OR THE COUNTY~~
27 ~~BOARD; BUT~~

28 (2) ~~MAY NOT RECEIVE A WAIVER OF HEALTH OR SAFETY REGULATIONS.~~

29 9-111.

30 (A) (1) ~~A COUNTY BOARD SHALL FUND STUDENTS ENROLLED IN A PUBLIC~~
31 ~~CHARTER SCHOOL, REGARDLESS OF THE SPONSORSHIP, AT THE SAME RATE AS~~
32 ~~STUDENTS ENROLLED IN OTHER PUBLIC SCHOOLS IN THE SCHOOL DISTRICT.~~

33 (2) ~~THE AMOUNT PAID BY A COUNTY BOARD UNDER PARAGRAPH (1) OF~~
34 ~~THIS SUBSECTION SHALL INCLUDE THE STATE SHARE OF BASIC CURRENT~~
35 ~~EXPENSES, CALCULATED IN ACCORDANCE WITH § 5-202 OF THIS ARTICLE.~~

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

3 (B) THE STATE BOARD OR THE COUNTY BOARD MAY MAKE A GRANT TO A
4 PUBLIC CHARTER SCHOOL TO PAY FOR THE START UP COSTS OF ACQUIRING
5 EDUCATIONAL MATERIALS AND SUPPLIES, TEXTBOOKS, FURNITURE, AND OTHER
6 EQUIPMENT NEEDED DURING THE INITIAL TERM.

7 (C) (1) A PUBLIC CHARTER SCHOOL SHALL RECEIVE COUNTY, STATE, AND
8 FEDERAL FUNDS FOR EACH STUDENT ENROLLED IN THE SCHOOL IN THE SAME
9 MANNER THAT THE OTHER PUBLIC SCHOOLS IN THE COUNTY RECEIVE THESE
10 FUNDS.

11 (2) STATE AND FEDERAL FUNDS SHALL BE DISBURSED DIRECTLY TO
12 THE PUBLIC CHARTER SCHOOL.

13 9-112.

14 THE SCHOOL DISTRICT:

15 (1) SHALL BE RESPONSIBLE FOR THE TRANSPORTATION OF THE
16 STUDENTS TO AND FROM THE SCHOOL; OR

17 (2) SHALL PROVIDE PAYMENT EQUAL TO THE AVERAGE COST PER
18 STUDENT FOR TRANSPORTATION.

19 9-113.

20 (A) A PUBLIC CHARTER SCHOOL MAY PROVIDE A SCHOOL DAY THAT IS
21 LONGER THAN THE SCHOOL DAY IN OTHER PUBLIC SCHOOLS WITHIN THE DISTRICT.

22 (B) A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH THE MINIMUM
23 REQUIREMENTS SET FORTH IN § 7-103 OF THIS ARTICLE FOR THE SCHOOL
24 CALENDAR.

25 9-114.

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

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

30 (C) (1) A PRINCIPAL OF A PUBLIC CHARTER SCHOOL MAY SUSPEND A
31 STUDENT AT THE SCHOOL FOR CAUSE FOR NOT MORE THAN 10 CONSECUTIVE
32 SCHOOL DAYS.

33 (2) AT THE REQUEST OF THE PRINCIPAL OF A PUBLIC CHARTER
34 SCHOOL, THE PUBLIC SCHOOL CHARTERING AUTHORITY MAY FOR CAUSE:

1 (4) ~~SUSPEND A STUDENT AT A PUBLIC CHARTER SCHOOL FOR A~~
2 ~~PERIOD OF MORE THAN 10 CONSECUTIVE DAYS; OR~~

3 (H) ~~EXPEL THE STUDENT FROM THE PUBLIC CHARTER SCHOOL.~~

4 (3) ~~A STUDENT ENROLLED IN A PUBLIC CHARTER SCHOOL WHO HAS~~
5 ~~BEEN PLACED ON SUSPENSION FOR A PERIOD OF MORE THAN 10 CONSECUTIVE~~
6 ~~SCHOOL DAYS OR HAS BEEN EXPELLED MAY ENROLL IN A PUBLIC SCHOOL IN THE~~
7 ~~COUNTY IN WHICH THE STUDENT RESIDES.~~

8 (4) ~~IF A STUDENT IS EXPELLED FROM A PUBLIC CHARTER SCHOOL, THE~~
9 ~~REMAINING FUNDS ALLOCATED BY THE STATE BOARD OR THE COUNTY BOARD FOR~~
10 ~~THE STUDENT FOR THE CURRENT ACADEMIC YEAR SHALL REVERT TO THE BOARD~~
11 ~~THAT DISBURSED THE FUNDS TO THE PUBLIC CHARTER SCHOOL.~~

12 ~~9-115.~~

13 (A) ~~A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS~~
14 ~~VIOLATED A PROVISION OF THIS TITLE MAY FILE A COMPLAINT WITH THE PUBLIC~~
15 ~~CHARTER SCHOOL.~~

16 (B) ~~IF THE COMPLAINT IS NOT RESOLVED BY THE PUBLIC CHARTER SCHOOL~~
17 ~~TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY PRESENT~~
18 ~~THE COMPLAINT TO THE PUBLIC SCHOOL CHARTERING AUTHORITY.~~

19 (C) (1) ~~IF DISSATISFIED WITH THE PUBLIC SCHOOL CHARTERING~~
20 ~~AUTHORITY DECISION, THE COMPLAINANT MAY APPEAL THE DECISION OF THE~~
21 ~~PUBLIC SCHOOL CHARTERING AUTHORITY TO THE STATE BOARD.~~

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

24 TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

25 ~~9-101.~~

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

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

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

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

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

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

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

6 9-102.

7 (A) THE GENERAL ASSEMBLY FINDS THAT:

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

10 (I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

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

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

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

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

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

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

24 9-103.

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

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

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

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

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

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

3 9-104.

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

6 (1) THE STAFF OF A PUBLIC SCHOOL;

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

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

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

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

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

16 (1) A PRIVATE SCHOOL;

17 (2) A PAROCHIAL SCHOOL; OR

18 (3) A HOME SCHOOL.

19 9-105.

20 (A) A COUNTY BOARD SHALL:

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

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

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

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

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

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

8 9-106.

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

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

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

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

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

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

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

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

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

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

25 (II) THE PROPOSED CURRICULUM OF THE SCHOOL;

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

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

29 (8) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;

30 (9) A DESCRIPTION OF STAFF RESPONSIBILITIES;

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

- 1 (11) THE FINANCIAL PLAN FOR THE PUBLIC CHARTER SCHOOL;
2 (12) THE ADMISSIONS POLICY; AND
3 (13) ANY OTHER INFORMATION THAT THE COUNTY BOARD OR THE STATE
4 BOARD REQUIRES.

5 9-107.

6 (A) A COUNTY BOARD MAY NOT GRANT A CHARTER TO A PUBLIC CHARTER
7 SCHOOL WHOSE OPERATION WOULD BE INCONSISTENT WITH ANY PUBLIC POLICY
8 INITIATIVE, COURT ORDER, OR FEDERAL IMPROVEMENT PLAN GOVERNING SPECIAL
9 EDUCATION THAT IS APPLICABLE TO THE STATE.

10 (B) A COUNTY BOARD SHALL ENSURE THAT THE AUTHORIZING PROCESS FOR
11 A PUBLIC CHARTER SCHOOL AND THE CHARTER APPLICATION ADDRESS THE ROLES
12 AND RESPONSIBILITIES OF THE COUNTY BOARD AND THE APPLICANTS AND
13 OPERATORS OF THE PUBLIC CHARTER SCHOOL WITH RESPECT TO CHILDREN WITH
14 DISABILITIES.

15 (C) THE COUNTY BOARD SHALL ENSURE THAT, PRIOR TO OPENING A PUBLIC
16 CHARTER SCHOOL, THE OPERATORS OF THE SCHOOL ARE AWARE OF THE HUMAN,
17 FISCAL, AND ORGANIZATIONAL CAPACITY NEEDED TO FULFILL THE SCHOOL'S
18 RESPONSIBILITIES RELATED TO CHILDREN WITH DISABILITIES.

19 (D) THE STATE BOARD SHALL PROVIDE TECHNICAL ASSISTANCE TO THE
20 OPERATORS OF A PUBLIC CHARTER SCHOOL TO HELP THE SCHOOL MEET THE
21 REQUIREMENTS OF FEDERAL AND STATE LAWS, INCLUDING 20 U.S.C. § 1400, ET SEQ.
22 AND § 504 OF THE REHABILITATION ACT OF 1973, 29 U.S.C. § 794.

23 9-108.

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

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

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

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

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

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

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

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

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

9 (1) THE COUNTY BOARD; OR

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

12 9-109.

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

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

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

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

23 9-110.

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

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

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

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

35 (3) AUDIT REQUIREMENTS;

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

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

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

8 (5) A DESCRIPTION OF INNOVATIVE LEARNING PROGRAMS TO BE
9 IMPLEMENTED AND THE EDUCATIONAL RESEARCH OPPORTUNITIES TO BE
10 IMPLEMENTED.

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

13 9-111.

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

17 (B) A PUBLIC CHARTER SCHOOL SHALL OPERATE UNDER:

18 (1) THE DIRECT SUPERVISION OF THE COUNTY BOARD IN ACCORDANCE
19 WITH THE CHARTER GRANTED TO THE SCHOOL; AND

20 (2) THE PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS IN
21 THE COUNTY.

22 9-112.

23 (A) A PUBLIC CHARTER SCHOOL SHALL:

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

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

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

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

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

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

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

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

9 9-113.

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

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

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

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

19 9-114.

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

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

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

24 (3) ANY OTHER SUITABLE LOCATION.

25 (B) (1) UNLESS A WAIVER IS GRANTED TO A PUBLIC CHARTER SCHOOL
26 UNDER § 9-109 OF THIS TITLE, THE FACILITY THAT CONTAINS THE SCHOOL SHALL
27 CONFORM TO THE REGULATIONS FOR PUBLIC SCHOOL FACILITIES.

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

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

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

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

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

5 9-115.

6 (A) FOR A FISCAL YEAR, A PUBLIC CHARTER SCHOOL SHALL RECEIVE, FOR
7 EACH STUDENT ENROLLED IN THE SCHOOL, THE PER PUPIL FOUNDATION PROGRAM
8 AMOUNT CALCULATED UNDER § 5-202 OF THIS ARTICLE.

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

11 9-116.

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

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

18 9-117.

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

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

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

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

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

31 9-118.

32 (A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS
33 VIOLATED A PROVISION OF THIS TITLE MAY FILE A COMPLAINT WITH THE PUBLIC
34 CHARTER SCHOOL.

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

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

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

8 9-119.

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

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

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

16 9-120.

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

20 (2) THE ANNUAL ASSESSMENT BY THE COUNTY BOARD SHALL BE BASED
21 ON THE MEASURES IDENTIFIED IN THE PERFORMANCE AGREEMENT UNDER §
22 9-110(B) OF THIS TITLE.

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

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

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

32 9-121.

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

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

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

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

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

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

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

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

14 (7) FOR OTHER GOOD CAUSE SHOWN.

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

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

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

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

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

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

29 9-122.

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1,
33 2006, based on information gathered from the county boards of education, the Board
34 of School Commissioners of Baltimore City, and the public, the State Board of
35 Education shall submit to the General Assembly, in accordance with § 2-1246 of the
36 State Government Article, a report on and an evaluation of the public charter school

1 program. The report shall include a recommendation on the advisability of the
2 continuation, modification, expansion, or termination of the program.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 July 1, 2003.