

Chapter 353

(Senate Bill 834)

AN ACT concerning

Base Realignment and Closure – Public Charter Schools Located on a Federal Military Base

FOR the purpose of exempting certain public charter schools from certain admission requirements; ~~authorizing public charter schools subject to this Act to be open to certain students on a certain basis and to certain other students under certain circumstances~~ authorizing the State Board of Education to grant a certain waiver under certain circumstances; requiring certain public charter schools to admit certain students on a certain basis, subject to a certain requirement; and generally relating to public charter schools located on a federal military base.

BY repealing and reenacting, with amendments,

Article – Education

Section 9–102

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

BY adding to

Article – Education

Section 9–102.1

Annotated Code of Maryland

(2008 Replacement Volume and 2009 Supplement)

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

Article – Education

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] EXCEPT AS PROVIDED IN § 9-102.1 OF THIS TITLE, 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 laws;

(10) Is in compliance with § 9-107 of this title;

(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 title, 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.

9-102.1.

~~**A PUBLIC CHARTER SCHOOL THAT IS LOCATED ON PROPERTY WITHIN A FEDERAL MILITARY BASE IN THE STATE SHALL BE OPEN TO STUDENTS WITH PARENTS ASSIGNED TO THE BASE ON A LOTTERY BASIS AND, IF REMAINING SPACE IS AVAILABLE, TO ALL OTHER STUDENTS ON A LOTTERY BASIS.**~~

(A) THE STATE BOARD MAY GRANT A WAIVER FROM § 9-102(3) OF THIS TITLE TO A PUBLIC CHARTER SCHOOL IF THE PUBLIC CHARTER SCHOOL:

(1) IS LOCATED ON PROPERTY WITHIN A FEDERAL MILITARY BASE IN THE STATE; AND

(2) WILL ADMIT STUDENTS WITH PARENTS WHO ARE NOT ASSIGNED TO THE BASE TO AT LEAST ~~30%~~ 35% OF ITS TOTAL AVAILABLE SPACE.

(B) IF A PUBLIC CHARTER SCHOOL IS GRANTED A WAIVER UNDER SUBSECTION (A) OF THIS SECTION, SUBJECT TO THE REQUIREMENT SET FORTH IN SUBSECTION (A)(2) OF THIS SECTION, THE PUBLIC CHARTER SCHOOL SHALL ADMIT ALL STUDENTS ON A LOTTERY BASIS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2010.

Approved by the Governor, May 4, 2010.