

# SENATE BILL 609

F1, Q1

11r0604  
CF 11r0606

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By: **Senators Ferguson, Benson, Colburn, Conway, Currie, Kelley, King, McFadden, Montgomery, Pugh, and Young**  
Introduced and read first time: February 4, 2011  
Assigned to: Education, Health, and Environmental Affairs

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Charter Schools – Occupation and Use of School Sites and Buildings**

3 FOR the purpose of requiring certain county boards of education to inform certain  
4 public charter schools in the county if school sites or buildings have been  
5 determined by the county board to be no longer needed for school purposes  
6 under certain circumstances; requiring certain county boards to establish  
7 certain procedures; prohibiting a public charter school that is occupying and  
8 using a certain school site or building from selling, disposing of, or otherwise  
9 transferring the school site or building; exempting certain buildings or property  
10 occupied and used by a public charter school from certain real property taxes for  
11 a certain period of time; and generally relating to public charter schools.

12 BY repealing and reenacting, with amendments,  
13 Article – Education  
14 Section 4–115  
15 Annotated Code of Maryland  
16 (2008 Replacement Volume and 2010 Supplement)

17 BY adding to  
18 Article – Education  
19 Section 9–111 and 9–112  
20 Annotated Code of Maryland  
21 (2008 Replacement Volume and 2010 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 4–115.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter deleted from existing law.



1 (a) In this subtitle, “county council” means, in Baltimore City, the Mayor and  
2 City Council of Baltimore.

3 (b) With the approval of the State Superintendent, each county board may:

4 (1) Buy or otherwise acquire land, school sites, or buildings; and

5 (2) Rent, repair, improve, and build school buildings or approve  
6 contracts for doing so, if the plans conform to the bylaws, rules, and regulations of the  
7 State Board.

8 (c) (1) (i) Except as provided in **§ 9–111 OF THIS ARTICLE AND** this  
9 paragraph, if, with the approval of the State Superintendent, a county board finds that  
10 any land, school site, or building no longer is needed for school purposes, it shall be  
11 transferred by the county board to the county commissioners or county council and  
12 may be used, sold, leased, or otherwise disposed of, except by gift, by the county  
13 commissioners or county council.

14 (ii) In Harford County, if, with the approval of the State  
15 Superintendent, the county board finds that any land, school site, or building is no  
16 longer needed for school purposes, it shall be transferred by the county board to  
17 Harford County, Maryland, and disposed of in accordance with this section.

18 (2) With the approval of the State Superintendent, the Cecil County  
19 Board may transfer, with or without charge, any of its property to the board of  
20 trustees of a public community college.

21 (d) In Baltimore County, the Baltimore County Board of Education must  
22 notify the Baltimore County Office of Planning and Zoning of any schools it is  
23 considering for closure and request from that Office a written recommendation on the  
24 proposed action. If the Office of Planning and Zoning wishes to make a  
25 recommendation, it must be submitted to the board no later than November 1 of the  
26 calendar year preceding the proposed closure. The board of education shall consider  
27 these recommendations at least 3 months before taking final action. These provisions  
28 may be waived by mutual agreement.

29 **9–111.**

30 **(A) (1) IF, WITH THE APPROVAL OF THE STATE SUPERINTENDENT, A**  
31 **COUNTY BOARD DETERMINES THAT A SCHOOL SITE OR BUILDING NO LONGER IS**  
32 **NEEDED FOR SCHOOL PURPOSES, BEFORE TRANSFERRING THE SCHOOL SITE OR**  
33 **BUILDING UNDER § 4–115 OF THIS ARTICLE, THE COUNTY BOARD SHALL**  
34 **INFORM THE PUBLIC CHARTER SCHOOLS IN THE COUNTY THAT THE SCHOOL**  
35 **SITE OR BUILDING IS AVAILABLE FOR OCCUPATION AND USE BY A PUBLIC**  
36 **CHARTER SCHOOL ON THE TERMS DETERMINED BY THE COUNTY BOARD.**

1           **(2) EACH COUNTY BOARD SHALL ESTABLISH A PROCEDURE TO**  
2 **DETERMINE WHICH PUBLIC CHARTER SCHOOL MAY OCCUPY AND USE AN**  
3 **AVAILABLE SCHOOL SITE OR BUILDING IF MORE THAN ONE PUBLIC CHARTER**  
4 **SCHOOL NOTIFIES THE COUNTY BOARD OF AN INTEREST IN OCCUPYING AND**  
5 **USING A SCHOOL SITE OR BUILDING.**

6           **(B) A PUBLIC CHARTER SCHOOL THAT OCCUPIES OR USES A SCHOOL**  
7 **SITE OR BUILDING UNDER SUBSECTION (A) OF THIS SECTION MAY NOT SELL,**  
8 **DISPOSE OF, OR OTHERWISE TRANSFER THE SCHOOL SITE OR BUILDING.**

9 **9-112.**

10           **ANY PORTION OF A BUILDING OR PROPERTY OCCUPIED AND USED BY A**  
11 **PUBLIC CHARTER SCHOOL SHALL BE EXEMPT FROM PROPERTY TAXES UNDER §**  
12 **7-202 OF THE TAX – PROPERTY ARTICLE FOR THE DURATION OF THE**  
13 **OCCUPATION AND USE OF THE BUILDING OR PROPERTY AS A PUBLIC CHARTER**  
14 **SCHOOL.**

15           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
16 **July 1, 2011.**