

# SENATE BILL 609

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11r0604  
CF HB 530

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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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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 22, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Charter Schools – ~~Occupation and Use of School Sites and Buildings –~~**  
3 **Availability for Occupation and Use**

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

20 BY repealing and reenacting, with amendments,  
21 Article – Education  
22 Section 4–115  
23 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2008 Replacement Volume and 2010 Supplement)

2 BY adding to

3 Article – Education

4 Section 9–111 and 9–112

5 Annotated Code of Maryland

6 (2008 Replacement Volume and 2010 Supplement)

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

9 **Article – Education**

10 4–115.

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

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

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

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

18 (c) (1) (i) Except as provided in ~~§ 9–111 OF THIS ARTICLE AND~~ this  
19 ~~paragraph~~ **SUBSECTION**, if, with the approval of the State Superintendent, a county  
20 board finds that any land, school site, or building no longer is needed for school  
21 purposes, it shall **INFORM THE COUNTY COMMISSIONERS OR COUNTY COUNCIL OF**  
22 **THE COUNTY BOARD’S DETERMINATION UNDER THIS SUBPARAGRAPH.**

23 **(II) WHEN THE COUNTY COMMISSIONERS OR COUNTY**  
24 **COUNCIL RECEIVE NOTICE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH,**  
25 **THE COUNTY COMMISSIONERS OR COUNTY COUNCIL SHALL NOTIFY THE**  
26 **COUNTY BOARD WITHIN 30 DAYS AFTER RECEIVING THE NOTICE FROM THE**  
27 **COUNTY BOARD:**

28 **1. OF THE NEED TO TRANSFER THE LAND, SCHOOL**  
29 **SITE, OR BUILDING TO THE COUNTY COMMISSIONERS OR COUNTY COUNCIL IF**  
30 **THE LAND, SCHOOL SITE, OR BUILDING IS AN INTEGRAL COMPONENT OF AN**  
31 **EXISTING ECONOMIC DEVELOPMENT PLAN THAT WILL, IN THE JUDGMENT OF**  
32 **THE COUNTY COMMISSIONERS OR COUNTY COUNCIL, SIGNIFICANTLY BENEFIT**  
33 **THE COUNTY; OR**

1                   **2. THAT THE COUNTY COMMISSIONERS OR COUNTY**  
 2 **COUNCIL HAVE NO EXISTING PLANS FOR THE USE OF THE LAND, SCHOOL SITE,**  
 3 **OR BUILDING.**

4                   **(III) 1. IF THE COUNTY COMMISSIONERS OR COUNTY**  
 5 **COUNCIL PROVIDE THE REQUIRED NOTICE TO THE COUNTY BOARD UNDER**  
 6 **SUBPARAGRAPH (II)1 OF THIS PARAGRAPH OR A PUBLIC CHARTER SCHOOL**  
 7 **DOES NOT NEED THE SCHOOL SITE OR BUILDING UNDER § 9-111 OF THIS**  
 8 **ARTICLE, THE LAND, SCHOOL SITE, OR BUILDING SHALL** be transferred by the  
 9 county board to the county commissioners or county council and may be used, sold,  
 10 leased, or otherwise disposed of, except by gift, by the county commissioners or county  
 11 council; **OR**

12                   **2. IF THE COUNTY COMMISSIONERS OR COUNTY**  
 13 **COUNCIL PROVIDE THE REQUIRED NOTICE TO THE COUNTY BOARD UNDER**  
 14 **SUBPARAGRAPH (II)2 OF THIS PARAGRAPH, THE COUNTY BOARD SHALL COMPLY**  
 15 **WITH THE PROVISIONS OF § 9-111 OF THIS ARTICLE.**

16                   ~~(ii)~~ **(2)** In Harford County, if, with the approval of the State  
 17 Superintendent, the county board finds that any land, school site, or building is no  
 18 longer needed for school purposes, it shall be transferred by the county board to  
 19 Harford County, Maryland, and disposed of in accordance with this section.

20                   ~~(2)~~ **(3)** With the approval of the State Superintendent, the Cecil  
 21 County Board may transfer, with or without charge, any of its property to the board of  
 22 trustees of a public community college.

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

31 **9-111.**

32                   **(A) (1) IF, WITH THE APPROVAL OF THE STATE SUPERINTENDENT, A**  
 33 **COUNTY BOARD DETERMINES THAT A SCHOOL SITE OR BUILDING NO LONGER IS**  
 34 **NEEDED FOR SCHOOL PURPOSES, ~~BEFORE TRANSFERRING THE SCHOOL SITE OR~~**  
 35 **~~BUILDING~~ AND AFTER THE COUNTY COMMISSIONERS OR COUNTY COUNCIL**  
 36 **HAVE PROVIDED THE REQUIRED NOTICE UNDER § 4-115 OF THIS ARTICLE, THE**  
 37 **COUNTY BOARD SHALL INFORM THE PUBLIC CHARTER SCHOOLS IN THE COUNTY**  
 38 **THAT THE SCHOOL SITE OR BUILDING IS AVAILABLE FOR OCCUPATION AND USE**

1 BY A PUBLIC CHARTER SCHOOL ON THE TERMS DETERMINED BY THE COUNTY  
2 BOARD.

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

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

11 9-112.

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

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 July 1, 2011.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.