

Chapter 502

(Senate Bill 609)

AN ACT concerning

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

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

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

BY adding to
Article – Education
Section 9–111 and 9–112
Annotated Code of Maryland
(2008 Replacement Volume and 2010 Supplement)

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

Article – Education

4–115.

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

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

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

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

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

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

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

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

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

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

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

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

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

9-111.

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

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

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

9-112.

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

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

Approved by the Governor, May 19, 2011.