

Department of Legislative Services
Maryland General Assembly
2011 Session

FISCAL AND POLICY NOTE

House Bill 526
Ways and Means

(Delegate Rosenberg, *et al.*)

Education - Public Charter Schools - Hiring of Certificated Employees

This bill establishes that, notwithstanding any other provision of law or contract, the hiring of qualified and certificated staff by a public charter school is governed by mutual consent between the local board of education and the charter school operator. Presently existing obligations or contract rights are not impaired by the bill's provisions.

The bill takes effect July 1, 2011.

Fiscal Summary

State Effect: None. The bill affects only local boards of education.

Local Effect: The bill does not affect per pupil allocations made by local school systems to public charter schools in their jurisdictions. Existing charter schools will be exempt from collective bargaining agreement provisions that address hiring procedures and decisions regarding certificated staff once current agreements expire, and new charter schools will not be affected by those same provisions at all. Local school systems with large numbers of charter schools may need to hire additional human resources staff to reach mutual consent with charter schools regarding hiring procedures for certificated staff. Currently, only Baltimore City has more than five charter schools.

Small Business Effect: None.

Analysis

Current Law: Certificated and noncertificated charter school employees are employees of the local school system in the jurisdiction in which the public charter school is located

and have the same rights as other public school employees in that jurisdiction, including rights regarding collective bargaining. If a collective bargaining agreement is already in existence in the county where a public charter school is located, the public charter school employees are subject to the agreement but may negotiate amendments to the agreement with the employee organization to address the needs of the particular public charter school.

Based on procedures established in statute, each local school system is required to designate which employee organization, if any, is the exclusive representative of all certificated public school employees in a specified unit in the county. The local school system determines the composition of the unit in negotiation and, except in Baltimore County, there may not be more than two units in a county. All eligible public school employees are required to be included in one of these units.

A local board of education must disburse to a public charter school an amount of county, State, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction.

Background: There are 44 public charter schools in the State, distributed as follows: 34 in Baltimore City; 5 in Prince George's County; 2 in Anne Arundel County; and 1 each in Baltimore, Frederick, and St. Mary's counties.

Additional Information

Prior Introductions: None.

Cross File: SB 610 (Senator Ferguson, *et al.*) - Education, Health, and Environmental Affairs.

Information Source(s): Charles, Frederick, and Montgomery counties; Maryland State Department of Education; Maryland State Education Association; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2011
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