

# HOUSE BILL 875

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HB 831/12 – W&M

3lr1090

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By: **Delegates Bates, Afzali, Aumann, Boteler, Dwyer, Eckardt, Elliott, George, Hough, Kipke, Krebs, McComas, McDonough, Oaks, Otto, Ready, B. Robinson, Schulz, Stocksedale, Stukes, Szeliga, Vitale, and Wood**

Introduced and read first time: February 7, 2013

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public Schools – Parent Empowerment**

3 FOR the purpose of authorizing certain parents and legal guardians of students  
4 attending public schools that are not meeting State accountability goals to  
5 petition county boards of education to implement certain interventions;  
6 requiring county boards to notify the State Superintendent of Schools and the  
7 State Board of Education on receipt of certain petitions and of the final  
8 dispositions regarding the petitions; requiring county boards to make certain  
9 determinations in a certain manner within a certain time frame; requiring  
10 county boards to designate interventions other than the options requested by  
11 certain petitions under certain circumstances; requiring county boards to notify  
12 the State Superintendent and the State Board that certain interventions have  
13 substantial promise of enabling certain schools to meet State accountability  
14 goals; requiring the State Board to adopt certain regulations; defining certain  
15 terms; and generally relating to authorizing parents of students attending  
16 public schools that are not meeting State accountability goals to petition county  
17 boards of education for an intervention.

18 BY adding to

19 Article – Education

20 Section 9.5–101 through 9.5–106 to be under the new title “Title 9.5. Parent  
21 Empowerment and Choice”

22 Annotated Code of Maryland

23 (2008 Replacement Volume and 2012 Supplement)

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

26 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **TITLE 9.5. PARENT EMPOWERMENT AND CHOICE.**

2   **9.5–101.**

3           **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
4 **INDICATED.**

5           **(B) “CHARTER MANAGEMENT ORGANIZATION” MEANS A NONPROFIT**  
6 **ORGANIZATION THAT OPERATES OR MANAGES CHARTER SCHOOLS BY**  
7 **CENTRALIZING OR SHARING SPECIFIED FUNCTIONS AND RESOURCES AMONG**  
8 **SCHOOLS.**

9           **(C) “EDUCATION MANAGEMENT ORGANIZATION” MEANS A NONPROFIT**  
10 **ORGANIZATION THAT PROVIDES COMPREHENSIVE SCHOOL OPERATION**  
11 **SERVICES TO A COUNTY BOARD.**

12           **(D) “INTERVENTION” MEANS:**

13                   **(1) A RESTART MODEL; OR**

14                   **(2) A SCHOOL CLOSURE MODEL.**

15           **(E) “RESTART MODEL” MEANS A MODEL IN WHICH A COUNTY BOARD:**

16                   **(1) CONVERTS A SCHOOL OR CLOSES AND REOPENS A SCHOOL**  
17 **UNDER A CHARTER SCHOOL OPERATOR, A CHARTER MANAGEMENT**  
18 **ORGANIZATION, OR AN EDUCATION MANAGEMENT ORGANIZATION THAT HAS**  
19 **BEEN SELECTED THROUGH A RIGOROUS REVIEW PROCESS; AND**

20                   **(2) ENROLLS ANY FORMER STUDENT WHO WISHES TO ATTEND**  
21 **THE SCHOOL.**

22           **(F) “SCHOOL CLOSURE MODEL” MEANS A MODEL IN WHICH A COUNTY**  
23 **BOARD CLOSES A SCHOOL AND ENROLLS THE STUDENTS WHO ATTENDED THE**  
24 **SCHOOL IN OTHER SCHOOLS IN THE COUNTY SCHOOL SYSTEM THAT ARE**  
25 **HIGHER ACHIEVING AND ARE WITHIN REASONABLE PROXIMITY TO THE CLOSED**  
26 **SCHOOL, INCLUDING CHARTER SCHOOLS OR NEW SCHOOLS FOR WHICH**  
27 **ACHIEVEMENT DATA IS NOT YET AVAILABLE.**

28   **9.5–102.**

1           **(A) THIS SECTION APPLIES TO ANY PUBLIC SCHOOL THAT, AFTER ONE**  
2 **FULL SCHOOL YEAR, CONTINUES TO FAIL TO MEET STATE ACCOUNTABILITY**  
3 **GOALS.**

4           **(B) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, IF MORE THAN**  
5 **50% OF THE PARENTS OR LEGAL GUARDIANS OF STUDENTS ATTENDING A**  
6 **PUBLIC SCHOOL, OR A COMBINATION OF MORE THAN 50% OF THE PARENTS OR**  
7 **LEGAL GUARDIANS OF STUDENTS ATTENDING THE SCHOOL AND THE**  
8 **ELEMENTARY OR MIDDLE SCHOOLS THAT NORMALLY MATRICULATE INTO THE**  
9 **MIDDLE OR HIGH SCHOOL, SIGN A PETITION REQUESTING THE COUNTY BOARD**  
10 **TO IMPLEMENT AN INTERVENTION, THE COUNTY BOARD SHALL IMPLEMENT THE**  
11 **INTERVENTION REQUESTED BY THE PARENTS OR LEGAL GUARDIANS.**

12 **9.5–103.**

13           **A COUNTY BOARD SHALL NOTIFY THE STATE SUPERINTENDENT AND THE**  
14 **STATE BOARD:**

15                   **(1) ON RECEIPT OF A PETITION RECEIVED UNDER § 9.5–102 OF**  
16 **THIS TITLE; AND**

17                   **(2) OF ITS FINAL DISPOSITION REGARDING THE PETITION.**

18 **9.5–104.**

19           **(A) WITHIN 60 DAYS AFTER RECEIPT OF A PETITION UNDER § 9.5–102**  
20 **OF THIS TITLE, THE COUNTY BOARD SHALL MAKE A DETERMINATION, IN**  
21 **WRITING, REGARDING DISPOSITION OF THE PETITION.**

22           **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, WITHIN**  
23 **180 DAYS AFTER THE COUNTY BOARD’S DETERMINATION REGARDING**  
24 **DISPOSITION OF A PETITION, THE COUNTY BOARD SHALL IMPLEMENT THE**  
25 **INTERVENTION REQUESTED BY THE PETITION.**

26                   **(2) IF THE COUNTY BOARD DETERMINES THAT IT CANNOT**  
27 **IMPLEMENT THE INTERVENTION REQUESTED BY A PETITION, FOLLOWING A**  
28 **PUBLIC HEARING CONDUCTED AS PART OF A REGULARLY SCHEDULED MEETING**  
29 **OF THE COUNTY BOARD REGARDING THE PETITION, THE COUNTY BOARD SHALL,**  
30 **IN WRITING:**

31                           **(I) MAKE A FINDING STATING THE REASON THE COUNTY**  
32 **BOARD CANNOT IMPLEMENT THE INTERVENTION REQUESTED BY THE PETITION;**  
33 **AND**

1                   **(II) DESIGNATE ANOTHER INTERVENTION THE COUNTY**  
2 **BOARD SHALL IMPLEMENT IN THE SUBSEQUENT SCHOOL YEAR CONSISTENT**  
3 **WITH THE REQUIREMENTS SPECIFIED IN:**

4                   **1. FEDERAL REGULATIONS AND GUIDELINES FOR**  
5 **SCHOOLS SUBJECT TO RESTRUCTURING UNDER § 1116(B)(8) OF THE FEDERAL**  
6 **ELEMENTARY AND SECONDARY EDUCATION ACT; AND**

7                   **2. REGULATIONS ADOPTED BY THE STATE BOARD**  
8 **UNDER § 9.5–106 OF THIS TITLE.**

9 **9.5–105.**

10           **IF THE COUNTY BOARD INDICATES THAT IT SHALL IMPLEMENT A**  
11 **DIFFERENT INTERVENTION FROM THE INTERVENTION REQUESTED BY THE**  
12 **PETITION IN ACCORDANCE WITH § 9.5–104(B) OF THIS TITLE, THE COUNTY**  
13 **BOARD SHALL NOTIFY THE STATE SUPERINTENDENT AND THE STATE BOARD**  
14 **THAT THE INTERVENTION SELECTED HAS BEEN DETERMINED BY THE COUNTY**  
15 **BOARD TO HAVE SUBSTANTIAL PROMISE OF ENABLING THE SCHOOL TO MEET**  
16 **STATE ACCOUNTABILITY GOALS.**

17 **9.5–106.**

18           **(A) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT**  
19 **THE PROVISIONS OF THIS TITLE.**

20           **(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS**  
21 **SECTION SHALL ESTABLISH PROCEDURES FOR A COUNTY BOARD TO CERTIFY**  
22 **THAT A PETITION HAS SATISFIED ALL REQUIREMENTS ESTABLISHED BY LAW**  
23 **AND REGULATION RELATING TO THE PETITION, INCLUDING WHETHER THE**  
24 **SIGNATURES CONTAINED IN THE PETITION ARE SUFFICIENT TO SATISFY THE**  
25 **REQUIREMENTS OF § 9.5–102(B) OF THIS TITLE.**

26           **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**  
27 **October 1, 2013.**