

HOUSE BILL 30

F3, F1, K4

51r0323

(PRE-FILED)

By: **Delegate Schulz**

Requested: July 24, 2014

Introduced and read first time: January 14, 2015

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Frederick County Public Charter School Program – Establishment**

3 FOR the purpose of establishing the Frederick County Public Charter School Program;
4 establishing the Frederick County Public Charter School Board; authorizing an
5 applicant for a certain charter in Frederick County to apply under the Maryland
6 Public Charter School Program or the Frederick County Public Charter School
7 Program; granting the County Council of Frederick County public chartering
8 authority for granting certain charters under certain circumstances; requiring the
9 county council to consult with the Charter School Board regarding certain chartering
10 decisions, but providing that the county council has final decision making authority
11 regarding certain issues; requiring the county council to provide oversight to certain
12 public charter schools; prohibiting the county council from granting certain charters
13 in certain circumstances; authorizing the county council to retain a certain
14 percentage of money to use for the approval and oversight of certain public charter
15 schools; providing that for certain purposes, certain public charter schools are to be
16 considered individual local school systems; providing that certain employees of
17 certain public charter schools are not subject to certain provisions of law regarding
18 collective bargaining; requiring the operators of certain public charter schools to
19 determine certain benefits and working conditions for certain employees;
20 authorizing employees of the operators of certain public charter schools to form
21 certain employee organizations for a certain purpose; requiring the operators of
22 certain public charter schools to negotiate in good faith with certain employee
23 organizations under certain circumstances; providing for the purpose, membership,
24 terms, duties, and chair of the Charter School Board; requiring the County Executive
25 of Frederick County to use certain criteria when making certain appointments to the
26 Charter School Board; prohibiting a person employed by a certain local school system
27 or certain public charter schools to be a member of the Charter School Board;
28 requiring the Charter School Board to be subject to a certain audit; authorizing the
29 Charter School Board to receive certain funds from private contributions as well as
30 certain grants to establish and operate the Charter School Board; requiring the

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 county council to establish a certain charter application process and providing for
2 the content of the application; authorizing certain existing public charter schools to
3 apply for a certain charter under the Program under certain circumstances;
4 providing for the circumstances under which a certain public charter school's charter
5 may be renewed; establishing time periods for submission of new and renewal
6 applications; establishing time periods for decision on an application and appeal of a
7 decision; authorizing certain existing public schools to petition to convert to a public
8 charter school under certain circumstances; requiring the county council and the
9 Frederick County Board of Education to make a certain conversion decision by a
10 certain date; authorizing the county council to revoke the charter of a public charter
11 school under certain circumstances and prohibiting Frederick County public schools
12 from taking on certain debts of a public charter school whose charter has been
13 revoked; requiring the county board to disburse at least a certain percentage of the
14 amount of certain funds provided to certain public schools in Frederick County;
15 requiring the county council and certain public charter schools to make certain
16 annual reports on or before certain dates; exempting certain public charter schools
17 from certain teacher performance evaluation criteria; requiring the Office of
18 Legislative Audits to conduct certain audits of the Charter School Board and certain
19 public charter schools at certain intervals; providing that membership in the
20 Employees' Pension System is optional for certain employees of the operators of
21 certain public charter schools; requiring certain employees to make a certain election
22 in writing within a certain period of time; providing that a certain election is a
23 one-time irrevocable election; requiring the operators of certain public charter
24 schools to approve participation in the Employees' Pension System; providing that
25 certain employees of the operators of certain public charter schools who become
26 members of the Employees' Pension System after a certain date may not receive
27 certain service credit; providing for the application of this Act; making conforming
28 changes; making clarifying changes; making stylistic changes; defining certain
29 terms; and generally relating to charter schools in the State.

30 BY renumbering

31 Article – Education

32 Section 9–101, 9–102, 9–102.1, 9–103, 9–104, 9–105, 9–106, 9–107, 9–108, 9–109,
33 9–110, 9–111, and 9–112, respectively

34 to be Section 9–201, 9–101, 9–202, 9–203, 9–204, 9–102, 9–103, 9–104, 9–205, 9–206,
35 9–207, 9–105, and 9–106, respectively

36 Annotated Code of Maryland

37 (2014 Replacement Volume and 2014 Supplement)

38 BY repealing and reenacting, with amendments,

39 Article – Education

40 Section 6–202(c)

41 Annotated Code of Maryland

42 (2014 Replacement Volume and 2014 Supplement)

43 BY repealing and reenacting, with amendments,

44 Article – Education

1 Section 9–101, 9–103, and 9–104 to be under the amended subtitle “Subtitle 1.
2 Definitions; General Provisions”; and 9–202 through 9–206 to be under the
3 new subtitle “Subtitle 2. Maryland Public Charter School Program” and the
4 amended title “Title 9. Charter Schools”
5 Annotated Code of Maryland
6 (2014 Replacement Volume and 2014 Supplement)
7 (As enacted by Section 1 of this Act)

8 BY adding to
9 Article – Education
10 Section 9–301 through 9–313 to be under the new subtitle “Subtitle 3. Frederick
11 County Public Charter School Program”
12 Annotated Code of Maryland
13 (2014 Replacement Volume and 2014 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – State Government
16 Section 2–1220(c) and (e)
17 Annotated Code of Maryland
18 (2014 Replacement Volume)

19 BY repealing and reenacting, with amendments,
20 Article – State Personnel and Pensions
21 Section 23–201(b)(10) and (11), 31–101(g), 31–102(2)(xxiii) and (xxiv), 31–109, and
22 31–111(a)
23 Annotated Code of Maryland
24 (2009 Replacement Volume and 2014 Supplement)

25 BY adding to
26 Article – State Personnel and Pensions
27 Section 23–201(b)(12), 23–204(h), 31–102(2)(xxv), and 31–111.9
28 Annotated Code of Maryland
29 (2009 Replacement Volume and 2014 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
31 That Section(s) 9–101, 9–102, 9–102.1, 9–103, 9–104, 9–105, 9–106, 9–107, 9–108, 9–109,
32 9–110, 9–111, and 9–112, respectively, of Article – Education of the Annotated Code of
33 Maryland be renumbered to be Section(s) 9–201, 9–101, 9–202, 9–203, 9–204, 9–102,
34 9–103, 9–104, 9–205, 9–206, 9–207, 9–105, and 9–106, respectively.

35 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
36 as follows:

37 **Article – Education**

38 6–202.

1 (c) (1) In this subsection, “student growth” means student progress assessed
2 by multiple measures and from a clearly articulated baseline to one or more points in time.

3 (2) (i) Subject to subparagraph (iii) of this paragraph, the State Board
4 shall adopt regulations that establish general standards for performance evaluations for
5 certificated teachers and principals that include observations, clear standards, rigor, and
6 claims and evidence of observed instruction.

7 (ii) The regulations adopted under subparagraph (i) of this
8 paragraph shall include default model performance evaluation criteria.

9 (iii) Before the proposal of the regulations required under this
10 paragraph, the State Board shall solicit information and recommendations from each local
11 school system and convene a meeting wherein this information and these recommendations
12 are discussed and considered.

13 (3) Subject to paragraph (6) of this subsection, **AND EXCEPT AS**
14 **PROVIDED IN PARAGRAPH (8) OF THIS SUBSECTION:**

15 (i) A county board shall establish performance evaluation criteria
16 for certificated teachers and principals in the local school system based on the general
17 standards adopted under paragraph (2) of this subsection that are mutually agreed on by
18 the local school system and the exclusive employee representative.

19 (ii) Nothing in this paragraph shall be construed to require mutual
20 agreement under subparagraph (i) of this paragraph to be governed by Subtitles 4 and 5 of
21 this title.

22 (4) Subject to paragraph (7) of this subsection, the performance evaluation
23 criteria developed under paragraph (3) of this subsection:

24 (i) Shall include data on student growth as a significant component
25 of the evaluation and as one of multiple measures; and

26 (ii) May not be based solely on an existing or newly created single
27 examination or assessment.

28 (5) (i) An existing or newly created single examination or assessment
29 may be used as one of the multiple measures.

30 (ii) No single criterion shall account for more than 35% of the total
31 performance evaluation criteria.

32 (6) If a local school system and the exclusive employee representative fail
33 to mutually agree under paragraph (3) of this subsection, the default model performance
34 evaluation criteria adopted by the State Board under paragraph (2)(ii) of this subsection

1 shall take effect in the local jurisdiction 6 months following the final adoption of the
2 regulations.

3 (7) Any performance evaluation criteria developed under this subsection
4 may not require student growth data based on State assessments to be used to make
5 personnel decisions before the 2016–2017 school year.

6 (8) **A PUBLIC CHARTER SCHOOL ESTABLISHED UNDER TITLE 9,
7 SUBTITLE 3 OF THIS ARTICLE IS NOT REQUIRED TO ESTABLISH PERFORMANCE
8 EVALUATIONS FOR CERTIFICATED TEACHERS BASED ON REGULATIONS ADOPTED BY
9 THE STATE BOARD.**

10 Title 9. [Maryland Public Charter School Program.]

11 **CHARTER SCHOOLS.**

12 **SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.**

13 9–101.

14 In this title, “public charter school” means a public school that:

15 (1) Is nonsectarian in all its programs, policies, and operations;

16 (2) Is a school to which parents choose to send their children;

17 (3) Except as provided in [§ 9–102.1] **§ 9–202 AND SUBTITLE 3** of this
18 title, is open to all students on a space–available basis and admits students on a lottery
19 basis if more students apply than can be accommodated;

20 (4) Is a new public school or a conversion of an existing public school;

21 (5) Provides a program of elementary or secondary education or both;

22 (6) Operates in pursuit of a specific set of educational objectives;

23 (7) Is tuition–free;

24 (8) Is subject to federal and State laws prohibiting discrimination;

25 (9) Is in compliance with all applicable health and safety laws;

26 (10) Is in compliance with [§ 9–107 of this title] **§ 9–104 OF THIS**
27 **SUBTITLE;**

28 (11) Operates under the supervision of the public chartering authority from
29 which its charter is granted and in accordance with its charter and, except as provided in

1 [§ 9–106 of this title] **§ 9–103 OF THIS SUBTITLE**, the provisions of law and regulation
2 governing other public schools;

3 (12) Requires students to be physically present on school premises for a
4 period of time substantially similar to that which other public school students spend on
5 school premises; and

6 (13) Is created in accordance with this title and the appropriate county
7 board policy.

8 9–103.

9 (a) Subject to subsection (b) of this section **AND EXCEPT AS PROVIDED IN**
10 **SUBSECTION (D) OF THIS SECTION**, a public charter school shall comply with the
11 provisions of law and regulation governing other public schools.

12 (b) Subject to subsection (c) of this section, a waiver of the requirements under
13 subsection (a) of this section may be sought through an appeal to the State Board.

14 (c) A waiver may not be granted from provisions of law or regulation relating to:

15 (1) Audit requirements;

16 (2) The measurement of student academic achievement, including all
17 assessments required for other public schools and other assessments mutually agreed upon
18 by the public chartering authority and the school; or

19 (3) The health, safety, or civil rights of a student or an employee of the
20 charter school.

21 **(D) A PUBLIC CHARTER SCHOOL ESTABLISHED UNDER SUBTITLE 3 OF THIS**
22 **TITLE IS NOT REQUIRED TO ESTABLISH PERFORMANCE EVALUATIONS FOR**
23 **CERTIFICATED TEACHERS BASED ON REGULATIONS ADOPTED BY THE STATE**
24 **BOARD.**

25 9–104.

26 (a) [A public chartering authority may not grant a charter to a public charter
27 school whose operation would be inconsistent with any public policy initiative, court order,
28 or federal improvement plan governing special education that is applicable to the State.

29 (b)] A public chartering authority shall ensure that [the]:

30 **(1) THE** authorizing process for a public charter school and the charter
31 application address the roles and responsibilities of the county board and the applicants
32 and operators of the public charter school with respect to children with disabilities[.

1 (c) The public chartering authority shall ensure that, prior]; AND

2 (2) **PRIOR** to opening a public charter school, the operators of the school
3 are informed of the human, fiscal, and organizational capacity needed to fulfill the school's
4 responsibilities related to children with disabilities.

5 (B) **A PUBLIC CHARTERING AUTHORITY MAY NOT GRANT A CHARTER TO:**

6 (1) **A PUBLIC CHARTER SCHOOL WHOSE OPERATION WOULD BE**
7 **INCONSISTENT WITH ANY PUBLIC POLICY INITIATIVE, COURT ORDER, OR FEDERAL**
8 **IMPROVEMENT PLAN GOVERNING SPECIAL EDUCATION THAT IS APPLICABLE TO THE**
9 **STATE;**

10 (2) **A PRIVATE SCHOOL;**

11 (3) **A PAROCHIAL SCHOOL; OR**

12 (4) **A HOME SCHOOL.**

13 [(d)] (C) The State Board shall provide technical assistance to the operators of a
14 public charter school to help the school meet the requirements of federal and State laws,
15 including 20 U.S.C. § 1400, et seq. and § 504 of the Rehabilitation Act of 1973, 29 U.S.C. §
16 794.

17 **SUBTITLE 2. MARYLAND PUBLIC CHARTER SCHOOL PROGRAM.**

18 9–202.

19 (a) The State Board may grant a waiver from [§ 9–102(3)] **§ 9–101(3)** of this title
20 to a public charter school **AUTHORIZED UNDER THIS SUBTITLE** if the public charter
21 school:

22 (1) Is located on property within a federal military base in the State; and

23 (2) Will admit students with parents who are not assigned to the base to at
24 least 35% of its total available space.

25 (b) If a public charter school is granted a waiver under subsection (a) of this
26 section, subject to the requirement set forth in subsection (a)(2) of this section, the public
27 charter school shall admit all students on a lottery basis.

28 9–203.

1 (a) The primary public chartering authority for the granting of a charter **UNDER**
2 **THIS SUBTITLE** shall be a county board of education.

3 (b) The secondary public chartering authority for the granting of a charter
4 **UNDER THIS SUBTITLE** shall be the State Board acting in its appeal review capacity or as
5 the public chartering authority for a restructured school in accordance with [§ 9–104(a) of
6 this title] **§ 9–204(A) OF THIS SUBTITLE**.

7 **(C) AN APPLICANT FOR A PUBLIC CHARTER SCHOOL IN FREDERICK**
8 **COUNTY MAY CHOOSE TO HAVE THE APPLICATION REVIEWED UNDER THIS SUBTITLE**
9 **OR UNDER SUBTITLE 3 OF THIS TITLE.**

10 9–204.

11 (a) (1) An application to establish a public charter school **UNDER THIS**
12 **SUBTITLE** shall be submitted to the county board of the county in which the charter school
13 will be located.

14 (2) An application to establish a public charter school may be submitted to
15 a county board by:

16 (i) The staff of a public school;

17 (ii) A parent or guardian of a student who attends a public school in
18 the county;

19 (iii) A nonsectarian nonprofit entity;

20 (iv) A nonsectarian institution of higher education in the State; or

21 (v) Any combination of persons specified in items (i) through (iv) of
22 this paragraph.

23 [(3) A public chartering authority may not grant a charter under this title
24 to:

25 (i) A private school;

26 (ii) A parochial school; or

27 (iii) A home school.]

28 [(4) (3) (i) Except as provided in subparagraph (ii) of this paragraph,
29 the county board shall review the application and render a decision within 120 days of
30 receipt of the application.

1 (ii) For a restructured school:

2 1. The county board shall review the application and render
3 a decision within 30 days of receipt of the application;

4 2. The county board may apply to the State Board for an
5 extension of up to 15 days from the time limit imposed under item 1 of this subparagraph;

6 3. If an extension is not granted, and 30 days have elapsed,
7 the State Board may become a chartering authority; and

8 4. If an extension has been granted, and 45 days have
9 elapsed, the State Board may become a chartering authority.

10 (b) (1) If the county board denies an application to establish a public charter
11 school, the applicant may appeal the decision to the State Board, in accordance with §
12 4–205(c) of this article.

13 (2) The State Board shall render a decision within 120 days of the filing of
14 an appeal under this subsection.

15 (3) If the county board denies an application to establish a public charter
16 school and the State Board reverses the decision, the State Board may direct the county
17 board to grant a charter and shall mediate with the county board and the applicant to
18 implement the charter.

19 9–205.

20 (a) Employees of a public charter school **AUTHORIZED UNDER THIS SUBTITLE:**

21 (1) Are public school employees, as defined in §§ 6–401(e) and 6–501(g) of
22 this article;

23 (2) Are employees of a public school employer, as defined in §§ 6–401(f) and
24 6–501(h) of this article, in the county in which the public charter school is located; and

25 (3) Shall have the rights granted under Title 6, Subtitles 4 and 5 of this
26 article.

27 (b) If a collective bargaining agreement under Title 6, Subtitle 4 or Subtitle 5 of
28 this article is already in existence in the county where a public charter school is located,
29 the employee organization and the public charter school may mutually agree to negotiate
30 amendments to the existing agreement to address the needs of the particular public charter
31 school.

32 9–206.

1 (a) A county board shall disburse to a public charter school **AUTHORIZED UNDER**
2 **THIS SUBTITLE** an amount of county, State, and federal money for elementary, middle,
3 and secondary students that is commensurate with the amount disbursed to other public
4 schools in the local jurisdiction.

5 (b) The State Board or the county board may give surplus educational materials,
6 supplies, furniture, and other equipment to a public charter school.

7 **SUBTITLE 3. FREDERICK COUNTY PUBLIC CHARTER SCHOOL PROGRAM.**

8 **9-301.**

9 (A) **THIS SUBTITLE APPLIES ONLY IN FREDERICK COUNTY.**

10 (B) (1) **THERE IS A FREDERICK COUNTY PUBLIC CHARTER SCHOOL**
11 **PROGRAM.**

12 (2) **A PERSON WHO APPLIES FOR A NEW CHARTER, A RENEWAL**
13 **CHARTER, OR A CONVERSION CHARTER FOR A PUBLIC CHARTER SCHOOL IN**
14 **FREDERICK COUNTY MAY CHOOSE TO HAVE THE CHARTER APPLICATION REVIEWED**
15 **UNDER THIS SUBTITLE OR SUBTITLE 2 OF THIS TITLE.**

16 **9-302.**

17 (A) **IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
18 **INDICATED.**

19 (B) **“APPLICANT” MEANS A PERSON WHO APPLIES FOR A NEW CHARTER, A**
20 **RENEWAL CHARTER, OR A CONVERSION CHARTER UNDER THIS SUBTITLE.**

21 (C) **“CHARTER SCHOOL BOARD” MEANS THE FREDERICK COUNTY PUBLIC**
22 **CHARTER SCHOOL BOARD.**

23 (D) **“COUNTY BOARD” MEANS THE FREDERICK COUNTY BOARD OF**
24 **EDUCATION.**

25 (E) **“COUNTY COUNCIL” MEANS THE COUNTY COUNCIL OF FREDERICK**
26 **COUNTY.**

27 (F) **“OPERATOR” MEANS A PERSON THAT IS RESPONSIBLE FOR RUNNING**
28 **THE DAY-TO-DAY OPERATIONS OF A PUBLIC CHARTER SCHOOL AUTHORIZED UNDER**
29 **THIS SUBTITLE.**

30 **9-303.**

1 **(A) THE COUNTY COUNCIL HAS PUBLIC CHARTERING AUTHORITY FOR THE**
2 **GRANTING OF A CHARTER UNDER THIS SUBTITLE.**

3 **(B) THE COUNTY COUNCIL SHALL:**

4 **(1) CONSULT WITH THE FREDERICK COUNTY PUBLIC CHARTER**
5 **SCHOOL BOARD WHEN MAKING A DECISION REGARDING THE GRANTING OF A**
6 **CHARTER UNDER THIS SUBTITLE; AND**

7 **(2) PROVIDE GENERAL OVERSIGHT OF EACH PUBLIC CHARTER**
8 **SCHOOL ESTABLISHED UNDER THIS SUBTITLE TO ENSURE THAT THE PUBLIC**
9 **CHARTER SCHOOLS COMPLY WITH THIS SUBTITLE AND SUBTITLE 1 OF THIS TITLE.**

10 **(C) THE COUNTY COUNCIL RETAINS FINAL DECISION MAKING AUTHORITY**
11 **REGARDING:**

12 **(1) GRANTING A CHARTER UNDER THIS SUBTITLE;**

13 **(2) RENEWING A CHARTER AUTHORIZED UNDER THIS SUBTITLE;**

14 **(3) CONVERTING AN EXISTING FREDERICK COUNTY PUBLIC SCHOOL**
15 **TO A PUBLIC CHARTER SCHOOL AUTHORIZED UNDER THIS SUBTITLE; AND**

16 **(4) REVOKING A CHARTER AUTHORIZED UNDER THIS SUBTITLE.**

17 **(D) THE COUNTY COUNCIL MAY NOT CONTINUE TO AUTHORIZE CHARTERS**
18 **IF 30% OR MORE OF THE PUBLIC CHARTER SCHOOLS THAT THE COUNTY COUNCIL**
19 **AUTHORIZES FAIL TO RECEIVE AN UNQUALIFIED OPINION FROM THE OFFICE OF**
20 **LEGISLATIVE AUDITS.**

21 **(E) FOR THE PURPOSES OF APPROVAL AND OVERSIGHT OF PUBLIC**
22 **CHARTER SCHOOLS AUTHORIZED UNDER THIS SUBTITLE, THE COUNTY COUNCIL:**

23 **(1) SHALL RETAIN 2% OF THE AMOUNT ESTABLISHED IN § 9-312 OF**
24 **THIS SUBTITLE; AND**

25 **(2) MAY ELECT TO RETAIN AN ADDITIONAL 2% OF THE AMOUNT**
26 **ESTABLISHED IN § 9-312 OF THIS SUBTITLE.**

27 **9-304.**

1 **(A) A PUBLIC CHARTER SCHOOL AUTHORIZED UNDER THIS SUBTITLE**
2 **SHALL:**

3 **(1) BE INDEPENDENT AND AUTONOMOUS FROM FREDERICK COUNTY**
4 **PUBLIC SCHOOLS AND THE COUNTY COUNCIL; AND**

5 **(2) BE CONSIDERED A LOCAL SCHOOL SYSTEM FOR THE PURPOSES**
6 **OF STATE AND FEDERAL ACCOUNTABILITY, INCLUDING THE NO CHILD LEFT**
7 **BEHIND ACT, TITLE 1, AND THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT,**
8 **AND SHALL RECEIVE ALL FEDERAL, STATE, AND LOCAL FUNDS ASSOCIATED WITH**
9 **THESE PROGRAMS FOR THE STUDENTS ENROLLED IN THE PUBLIC CHARTER**
10 **SCHOOL.**

11 **(B) A PUBLIC CHARTER SCHOOL AUTHORIZED UNDER THIS SUBTITLE IS**
12 **NOT REQUIRED TO PURCHASE SERVICES NEEDED TO CARRY OUT THE OPERATIONS**
13 **OF THE PUBLIC CHARTER SCHOOL FROM THE COUNTY BOARD OR THE COUNTY**
14 **COUNCIL.**

15 **9-305.**

16 **(A) AN INDIVIDUAL WHO IS EMPLOYED AT A PUBLIC CHARTER SCHOOL**
17 **AUTHORIZED UNDER THIS SUBTITLE IS AN EMPLOYEE OF THE OPERATOR OF THE**
18 **PUBLIC CHARTER SCHOOL AND IS NOT SUBJECT TO THE PROVISIONS OF TITLE 6,**
19 **SUBTITLES 4 AND 5 OF THIS ARTICLE.**

20 **(B) SUBJECT TO SUBSECTIONS (D) AND (E) OF THIS SECTION, THE**
21 **OPERATOR OF A PUBLIC CHARTER SCHOOL SHALL DETERMINE THE SALARIES,**
22 **WAGES, BENEFITS, HOURS, AND OTHER WORKING CONDITIONS FOR EMPLOYEES OF**
23 **THE OPERATOR OF A PUBLIC CHARTER SCHOOL AUTHORIZED UNDER THIS**
24 **SUBTITLE.**

25 **(C) EMPLOYEES OF THE OPERATOR OF A PUBLIC CHARTER SCHOOL**
26 **AUTHORIZED UNDER THIS SUBTITLE MAY FORM AN ORGANIZATION OF EMPLOYEES**
27 **FOR THE PURPOSE OF BEING REPRESENTED ON ALL MATTERS THAT RELATE TO**
28 **SALARIES, WAGES, BENEFITS, HOURS, AND OTHER WORKING CONDITIONS AT THE**
29 **PUBLIC CHARTER SCHOOL.**

30 **(D) IF THE EMPLOYEES OF THE OPERATOR OF A PUBLIC CHARTER SCHOOL**
31 **AUTHORIZED UNDER THIS SUBTITLE FORM AN ORGANIZATION OF EMPLOYEES IN**
32 **ACCORDANCE WITH SUBSECTION (C) OF THIS SECTION, THE OPERATOR OF THE**
33 **PUBLIC CHARTER SCHOOL SHALL NEGOTIATE IN GOOD FAITH WITH THE**
34 **ORGANIZATION OF EMPLOYEES ON ALL MATTERS THAT RELATE TO SALARIES,**

1 WAGES, BENEFITS, HOURS, AND OTHER WORKING CONDITIONS AT THE PUBLIC
2 CHARTER SCHOOL.

3 (E) FOR THE EMPLOYEES OF THE OPERATOR OF A PUBLIC CHARTER
4 SCHOOL AUTHORIZED UNDER THIS SUBTITLE, MEMBERSHIP IS OPTIONAL IN THE
5 EMPLOYEES' PENSION SYSTEM, IN ACCORDANCE WITH § 23-204(H) OF THE STATE
6 PERSONNEL AND PENSIONS ARTICLE.

7 9-306.

8 (A) (1) THERE IS A FREDERICK COUNTY PUBLIC CHARTER SCHOOL
9 BOARD.

10 (2) THE PURPOSE OF THE CHARTER SCHOOL BOARD IS TO CONSULT
11 WITH AND PROVIDE GENERAL GUIDANCE TO THE COUNTY COUNCIL REGARDING THE
12 GRANTING OF CHARTERS UNDER THIS SUBTITLE.

13 (3) THE CHARTER SCHOOL BOARD MAY NOT INDEPENDENTLY
14 GRANT, RENEW, CONVERT, OR REVOKE A CHARTER AUTHORIZED UNDER THIS
15 SUBTITLE.

16 (B) (1) THE CHARTER SCHOOL BOARD CONSISTS OF SEVEN MEMBERS
17 WHO SHALL BE APPOINTED BY THE COUNTY EXECUTIVE OF FREDERICK COUNTY.

18 (2) THE MEMBERS OF THE CHARTER SCHOOL BOARD SHALL BE
19 APPOINTED AS FOLLOWS:

20 (I) ONE MEMBER WITH EXPERIENCE IN STUDENT LEARNING,
21 QUALITY TEACHING, AND EVALUATION OF SUCCESSFUL SCHOOLS;

22 (II) ONE MEMBER WITH EXPERIENCE IN THE OPERATION OF A
23 FINANCIALLY SOUND ENTERPRISE, INCLUDING:

24 1. LEADERSHIP AND MANAGEMENT TECHNIQUES; AND

25 2. BUDGETING AND ACCOUNTING SKILLS;

26 (III) ONE MEMBER WITH ADVANCED KNOWLEDGE OF THE
27 EDUCATIONAL, SOCIAL, AND ECONOMIC DEVELOPMENT NEEDS OF FREDERICK
28 COUNTY;

29 (IV) ONE MEMBER WITH EXPERIENCE IN METHODS OF:

1 **1. INVOLVING PARENTS AND OTHER MEMBERS OF THE**
2 **COMMUNITY IN FREDERICK COUNTY PUBLIC SCHOOLS; AND**

3 **2. ADDRESSING THE NEEDS AND INTERESTS OF**
4 **STUDENTS AND PARENTS IN FREDERICK COUNTY; AND**

5 **(V) THREE AT-LARGE MEMBERS.**

6 **(3) EACH MEMBER MUST BE A RESIDENT OF FREDERICK COUNTY.**

7 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**
8 **MEMBER SHALL SERVE FOR A TERM OF 4 YEARS.**

9 **(2) THE TERMS OF THE INITIAL MEMBERS ARE STAGGERED AS**
10 **FOLLOWS:**

11 **(I) TWO MEMBERS TO SERVE TERMS OF 4 YEARS;**

12 **(II) TWO MEMBERS TO SERVE TERMS OF 3 YEARS;**

13 **(III) TWO MEMBERS TO SERVE TERMS OF 2 YEARS; AND**

14 **(IV) ONE MEMBER TO SERVE A TERM OF 1 YEAR.**

15 **(3) A MEMBER MAY BE REAPPOINTED FOR ONE ADDITIONAL 4-YEAR**
16 **TERM AFTER THE COMPLETION OF THE MEMBER'S INITIAL TERM.**

17 **(4) AN INDIVIDUAL EMPLOYED BY A PUBLIC SCHOOL OR A PUBLIC**
18 **CHARTER SCHOOL IN THE STATE MAY NOT BE APPOINTED AS A MEMBER OR**
19 **EMPLOYED BY THE CHARTER SCHOOL BOARD.**

20 **(D) (1) (I) IF A VACANCY OCCURS IN THE MEMBERSHIP OF THE**
21 **CHARTER SCHOOL BOARD FOR ANY REASON OTHER THAN THE EXPIRATION OF A**
22 **BOARD MEMBER'S TERM, THE COUNTY EXECUTIVE, NO LATER THAN 30 DAYS AFTER**
23 **THE VACANCY OCCURS, SHALL APPOINT A SUCCESSOR TO SERVE ON THE CHARTER**
24 **SCHOOL BOARD TAKING INTO CONSIDERATION THE CRITERIA LISTED IN**
25 **SUBSECTION (B)(2) OF THIS SECTION.**

26 **(II) A MEMBER APPOINTED TO FILL A VACANCY SHALL BE**
27 **APPOINTED ONLY FOR THE REMAINDER OF THE TERM.**

28 **(2) NO LATER THAN 60 DAYS BEFORE THE EXPIRATION OF THE TERM**
29 **OF A MEMBER OF THE CHARTER SCHOOL BOARD, THE COUNTY EXECUTIVE SHALL**

1 REAPPOINT OR APPOINT A SUCCESSOR TO SERVE ON THE CHARTER SCHOOL BOARD
2 TAKING INTO CONSIDERATION THE CRITERIA LISTED IN SUBSECTION (B)(2) OF THIS
3 SECTION.

4 (E) THE COUNTY EXECUTIVE SHALL DESIGNATE ONE MEMBER AS CHAIR.

5 (F) A MEMBER:

6 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
7 CHARTER SCHOOL BOARD; BUT

8 (2) IS ENTITLED TO REIMBURSEMENT FOR TRAVEL AND OTHER
9 EXPENSES AS PROVIDED BY THE COUNTY COUNCIL.

10 (G) (1) THE CHAIR MAY APPOINT, TERMINATE, AND SET THE SALARY OF
11 PERSONNEL OF THE CHARTER SCHOOL BOARD.

12 (2) THE CHARTER SCHOOL BOARD MAY NEGOTIATE WITH THE
13 COUNTY BOARD TO USE THE SERVICES, PERSONNEL, AND FACILITIES OF THE
14 COUNTY BOARD.

15 (H) THE CHARTER SCHOOL BOARD SHALL:

16 (1) ASSIST THE COUNTY COUNCIL IN REVIEWING CHARTER
17 APPLICATIONS AND GRANTING CHARTERS TO APPLICANTS WHO MEET THE
18 REQUIREMENTS OF THIS SUBTITLE;

19 (2) ASSIST THE COUNTY COUNCIL IN OVERSIGHT OF PUBLIC
20 CHARTER SCHOOLS AUTHORIZED UNDER THIS SUBTITLE; AND

21 (3) BE SUBJECT TO AUDIT AND EXAMINATION OF ACCOUNTS,
22 INVESTMENTS, AND TRANSACTIONS OF THE CHARTER SCHOOL BOARD BY THE
23 OFFICE OF LEGISLATIVE AUDITS IN ACCORDANCE WITH § 2-1220(C)(2) OF THE
24 STATE GOVERNMENT ARTICLE.

25 (I) IN ADDITION TO APPLICABLE LOCAL AND STATE FUNDS, FUNDS
26 NECESSARY TO ESTABLISH AND OPERATE THE CHARTER SCHOOL BOARD MAY BE
27 RECEIVED THROUGH PRIVATE CONTRIBUTIONS, FEDERAL GRANTS, AND OTHER
28 INSTITUTIONAL GRANTS.

29 9-307.

1 **(A) (1) THE COUNTY COUNCIL SHALL ESTABLISH AN APPLICATION**
2 **PROCESS AND TIMELINE THAT MEETS THE REQUIREMENTS OF THIS SECTION.**

3 **(2) THE APPLICATION SHALL BE IN WRITING AND INCLUDE:**

4 **(I) A MISSION STATEMENT AND A DESCRIPTION OF THE**
5 **PROPOSED EDUCATIONAL PROGRAM;**

6 **(II) A DESCRIPTION OF STUDENT ACHIEVEMENT GOALS FOR**
7 **THE PROPOSED PUBLIC CHARTER SCHOOL'S EDUCATIONAL PROGRAM AND THE**
8 **METHODS OF STUDENT EVALUATION;**

9 **(III) THE PROPOSED GOVERNANCE STRUCTURE OF THE SCHOOL,**
10 **INCLUDING:**

11 **1. MEMBERS OF THE INITIAL GOVERNING BODY;**

12 **2. A DESCRIPTION OF THE QUALIFICATIONS, TERMS,**
13 **AND METHOD OF APPOINTMENT OF A MEMBER OF THE GOVERNING BODY;**

14 **3. THE ORGANIZATIONAL STRUCTURE OF THE SCHOOL;**
15 **AND**

16 **4. A PLAN TO PROMOTE PARENTAL AND STAFF**
17 **INVOLVEMENT IN SCHOOL GOVERNANCE;**

18 **(IV) ADMISSION POLICIES AND PROCEDURES;**

19 **(V) A PROPOSED BUDGET AND FISCAL PLAN;**

20 **(VI) REQUIREMENTS AND PROCEDURES FOR PROGRAMMATIC**
21 **AND INDEPENDENT FISCAL AUDITS;**

22 **(VII) HIRING AND PERSONNEL POLICIES AND PROCEDURES,**
23 **INCLUDING METHODS OF TEACHER EVALUATION;**

24 **(VIII) DISCIPLINARY RULES AND PROCEDURES FOR STUDENTS;**
25 **AND**

26 **(IX) ANY OTHER INFORMATION THE COUNTY COUNCIL**
27 **REASONABLY REQUIRES.**

1 **(B) (1) AN APPLICATION MUST BE SUBMITTED TO THE COUNTY COUNCIL**
2 **BETWEEN JUNE 1 AND OCTOBER 1 OF A GIVEN YEAR.**

3 **(2) IF THE COUNTY COUNCIL RECEIVES AN APPLICATION BEFORE**
4 **OCTOBER 1, THE COUNTY COUNCIL SHALL REVIEW THE APPLICATION AND MAKE A**
5 **DECISION ON OR BEFORE JANUARY 1 OF THE FOLLOWING YEAR.**

6 **(3) IF THE COUNTY COUNCIL APPROVES AN APPLICATION, AN**
7 **AGREEMENT BETWEEN THE APPLICANT AND THE COUNTY COUNCIL SHALL BE**
8 **EXECUTED NO LATER THAN 30 DAYS AFTER THE APPLICATION WAS APPROVED.**

9 **(C) (1) THE COUNTY COUNCIL IS NOT REQUIRED TO APPROVE A CHARTER**
10 **APPLICATION AND MAY REQUIRE AN APPLICANT TO MODIFY OR SUPPLEMENT AN**
11 **APPLICATION AS A CONDITION OF APPROVAL.**

12 **(2) IF THE COUNTY COUNCIL DENIES AN APPLICATION FOR A**
13 **CHARTER, THE APPLICANT MAY APPEAL THE DECISION TO THE STATE BOARD IF**
14 **THE APPEAL IS MADE IN WRITING WITHIN 30 DAYS AFTER THE DECISION OF THE**
15 **COUNTY COUNCIL.**

16 **9-308.**

17 **(A) (1) A PUBLIC CHARTER SCHOOL IN FREDERICK COUNTY THAT WAS**
18 **GRANTED A CHARTER UNDER SUBTITLE 1 OF THIS TITLE MAY SUBMIT AN**
19 **APPLICATION UNDER THIS SUBTITLE IF THE OBLIGATIONS OF THE EXISTING PUBLIC**
20 **CHARTER SCHOOL'S CONTRACT WITH THE ORIGINAL CHARTER AUTHORIZER WILL**
21 **EXPIRE BEFORE ENTERING INTO A NEW CONTRACT.**

22 **(2) THE ORIGINAL CHARTER AUTHORIZER MAY RESCIND OR WAIVE**
23 **THE OBLIGATIONS OF AN EXISTING CHARTER CONTRACT TO ALLOW THE EXISTING**
24 **PUBLIC CHARTER SCHOOL TO SUBMIT AN APPLICATION UNDER THIS SUBTITLE.**

25 **(B) AN EXISTING PUBLIC CHARTER SCHOOL THAT CHANGES CHARTER**
26 **AUTHORIZERS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION SHALL BE**
27 **ALLOWED TO CONTINUE TO USE ALL FACILITIES, EQUIPMENT, AND OTHER ASSETS**
28 **IT OWNED OR LEASED BEFORE THE EXPIRATION, RECISION, OR WAIVER OF THE**
29 **PUBLIC CHARTER SCHOOL'S CONTRACT WITH THE ORIGINAL CHARTER**
30 **AUTHORIZER.**

31 **9-309.**

32 **(A) (1) A PUBLIC CHARTER SCHOOL AUTHORIZED UNDER THIS SUBTITLE**
33 **MAY BE RENEWED UPON APPLICATION FOR A TERM OF UP TO 5 YEARS.**

1 **(2) THE RENEWAL APPLICATION MUST INCLUDE:**

2 **(I) A REPORT OF THE PROGRESS OF THE PUBLIC CHARTER**
3 **SCHOOL IN ACHIEVING THE EDUCATIONAL OBJECTIVES LISTED IN THE INITIAL**
4 **APPLICATION;**

5 **(II) A DETAILED FINANCIAL STATEMENT THAT DISCLOSES THE**
6 **COST OF ADMINISTRATION, INSTRUCTION, AND OTHER SPENDING CATEGORIES FOR**
7 **THE PUBLIC CHARTER SCHOOL; AND**

8 **(III) INFORMATION REGARDING PARENT AND STUDENT**
9 **SATISFACTION.**

10 **(B) (1) A RENEWAL APPLICATION SHALL BE SUBMITTED TO THE COUNTY**
11 **COUNCIL NO LATER THAN 6 MONTHS BEFORE THE EXPIRATION OF THE CONTRACT.**

12 **(2) (I) THE COUNTY COUNCIL SHALL MAKE A DECISION TO ACCEPT**
13 **OR DENY THE RENEWAL APPLICATION WITHIN 30 DAYS OF THE RECEIPT OF THE**
14 **RENEWAL APPLICATION.**

15 **(II) IF THE COUNTY COUNCIL DENIES AN APPLICATION FOR A**
16 **RENEWAL, THE APPLICANT MAY APPEAL THE DECISION TO THE STATE BOARD IF**
17 **THE APPEAL IS MADE IN WRITING WITHIN 30 DAYS AFTER RECEIPT OF THE DENIAL.**

18 **9-310.**

19 **(A) (1) A PUBLIC SCHOOL IN FREDERICK COUNTY MAY SUBMIT AN**
20 **APPLICATION TO THE COUNTY COUNCIL TO CONVERT THE PUBLIC SCHOOL TO A**
21 **PUBLIC CHARTER SCHOOL AUTHORIZED UNDER THIS SUBTITLE IF AT LEAST 51% OF**
22 **THE FULL-TIME TEACHERS AND PARENTS OF STUDENTS ENROLLED SIGN A**
23 **PETITION SEEKING CONVERSION.**

24 **(2) IN ADDITION TO THE INFORMATION REQUIRED IN § 9-307(A)(2)**
25 **OF THIS SUBTITLE, THE APPLICATION SHALL INCLUDE:**

26 **(I) THE PETITION SEEKING CONVERSION; AND**

27 **(II) THE REASONS THE PUBLIC SCHOOL SEEKS CONVERSION.**

28 **(B) (1) AFTER THE COUNTY COUNCIL RECEIVES AN APPLICATION TO**
29 **CONVERT A PUBLIC SCHOOL TO A PUBLIC CHARTER SCHOOL AUTHORIZED UNDER**

1 THIS SUBTITLE, THE COUNTY COUNCIL SHALL BRING THE MATTER UP AT THE NEXT
2 SCHEDULED COUNTY BOARD MEETING.

3 (2) (I) THE COUNTY COUNCIL AND THE COUNTY BOARD SHALL
4 JOINTLY DECIDE WHETHER TO APPROVE OR DENY THE APPLICATION IN
5 ACCORDANCE WITH THE TIMELINE ESTABLISHED IN § 9-307(B) OF THIS SUBTITLE.

6 (II) IF THE COUNTY COUNCIL AND THE COUNTY BOARD DENY AN
7 APPLICATION FOR A CONVERSION OF A PUBLIC SCHOOL TO A PUBLIC CHARTER
8 SCHOOL AUTHORIZED UNDER THIS SUBTITLE, THE APPLICANT MAY APPEAL THE
9 DECISION TO THE STATE BOARD IF THE APPEAL IS MADE IN WRITING WITHIN 30
10 DAYS AFTER RECEIPT OF THE DENIAL.

11 (C) A CONVERSION OF AN EXISTING PUBLIC SCHOOL TO A PUBLIC CHARTER
12 SCHOOL SHALL OCCUR AT THE BEGINNING OF THE ACADEMIC YEAR IMMEDIATELY
13 FOLLOWING THE COUNTY COUNCIL AND COUNTY BOARD'S APPROVAL.

14 (D) A PUBLIC SCHOOL THAT IS CONVERTED TO A PUBLIC CHARTER SCHOOL
15 IN ACCORDANCE WITH THIS SECTION SHALL BE ALLOWED TO CONTINUE TO USE ALL
16 FACILITIES, EQUIPMENT, AND OTHER ASSETS THE PUBLIC SCHOOL OWNED, LEASED,
17 OR OCCUPIED BEFORE THE CONVERSION.

18 9-311.

19 (A) THE COUNTY COUNCIL MAY REVOKE A CHARTER FOR:

20 (1) FAILURE TO MEET STATE AND SCHOOL-SPECIFIC STUDENT
21 ACADEMIC OUTCOMES;

22 (2) VIOLATION OF ANY PROVISION OF LAW;

23 (3) MATERIAL AND SUBSTANTIAL VIOLATION OF THE CHARTER,
24 INCLUDING FINANCIAL MISMANAGEMENT; OR

25 (4) A PRACTICE AND PATTERN OF INTENTIONAL VIOLATIONS OF,
26 INTERFERENCE WITH, OR DISCRIMINATION AGAINST EMPLOYEE RIGHTS.

27 (B) (1) NOTICE OF INTENT TO REVOKE A CHARTER SHALL BE PROVIDED
28 TO THE GOVERNING BODY OF THE PUBLIC CHARTER SCHOOL AT LEAST 30 DAYS
29 BEFORE THE EFFECTIVE DATE OF THE PROPOSED CHARTER REVOCATION.

30 (2) THE NOTICE OF INTENT SHALL INCLUDE EACH REASON FOR THE
31 PROPOSED CHARTER REVOCATION.

1 **(3) THE PUBLIC CHARTER SCHOOL SHALL HAVE AT LEAST 30 DAYS**
2 **AFTER RECEIPT OF THE REVOCATION NOTICE TO CORRECT THE ISSUES LISTED IN**
3 **THE REVOCATION NOTICE.**

4 **(4) IF AN APPEAL IS MADE IN WRITING WITHIN 45 DAYS OF RECEIVING**
5 **A NOTICE OF INTENT TO REVOKE A CHARTER, A PUBLIC CHARTER SCHOOL MAY**
6 **APPEAL THE DECISION TO THE STATE BOARD.**

7 **(C) (1) THE COUNTY COUNCIL MAY PLACE A PUBLIC CHARTER SCHOOL**
8 **ON PROBATIONARY STATUS TO ALLOW THE PUBLIC CHARTER SCHOOL TO**
9 **IMPLEMENT A REMEDIAL ACTION PLAN.**

10 **(2) IF A PUBLIC CHARTER SCHOOL FAILS TO COMPLY WITH THE**
11 **TERMS AND CONDITIONS OF A REMEDIAL ACTION PLAN, THE PUBLIC CHARTER**
12 **SCHOOL'S CHARTER MAY BE REVOKED.**

13 **(D) (1) IF A CHARTER IS NOT RENEWED OR IS REVOKED, THE PUBLIC**
14 **CHARTER SCHOOL IS RESPONSIBLE FOR ALL DEBTS OF THE PUBLIC CHARTER**
15 **SCHOOL.**

16 **(2) THE COUNTY BOARD MAY NOT ASSUME THE DEBT FROM ANY**
17 **CONTRACT MADE BETWEEN THE GOVERNING BODY OF THE PUBLIC CHARTER**
18 **SCHOOL AND A THIRD PARTY, EXCEPT FOR A DEBT THAT IS PREVIOUSLY DETAILED**
19 **AND AGREED TO IN WRITING BY BOTH THE COUNTY BOARD AND THE PUBLIC**
20 **CHARTER SCHOOL'S GOVERNING BODY.**

21 **9-312.**

22 **(A) THE COUNTY BOARD SHALL DISBURSE TO A PUBLIC CHARTER SCHOOL**
23 **AUTHORIZED UNDER THIS SUBTITLE AN AMOUNT OF COUNTY, STATE, AND FEDERAL**
24 **MONEY FOR ELEMENTARY, MIDDLE, AND SECONDARY STUDENTS THAT IS AT LEAST**
25 **98% OF THE AMOUNT DISBURSED TO OTHER PUBLIC SCHOOLS IN FREDERICK**
26 **COUNTY.**

27 **(B) THE STATE BOARD AND THE COUNTY BOARD MAY GIVE SURPLUS**
28 **EDUCATIONAL MATERIALS, SUPPLIES, FURNITURE, AND OTHER EQUIPMENT TO A**
29 **PUBLIC CHARTER SCHOOL.**

30 **9-313.**

1 **(A) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, A PUBLIC CHARTER**
2 **SCHOOL AUTHORIZED UNDER THIS SUBTITLE SHALL REPORT TO THE COUNTY**
3 **COUNCIL ON THE OPERATION OF THE PUBLIC CHARTER SCHOOL.**

4 **(B) ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COUNTY COUNCIL**
5 **SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2-1246 OF THE**
6 **STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE OPERATION OF:**

7 **(1) THE CHARTER SCHOOL BOARD; AND**

8 **(2) EACH PUBLIC CHARTER SCHOOL AUTHORIZED UNDER THIS**
9 **SUBTITLE.**

10 **Article – State Government**

11 2-1220.

12 (c) **(1)** The Office of Legislative Audits may audit any county officer or unit
13 that collects State taxes.

14 **(2) AT LEAST ONCE EVERY 2 YEARS, THE OFFICE OF LEGISLATIVE**
15 **AUDITS SHALL CONDUCT AN AUDIT OF THE FREDERICK COUNTY CHARTER SCHOOL**
16 **BOARD.**

17 (e) (1) **(I)** At least once every 6 years, the Office of Legislative Audits shall
18 conduct an audit of each local school system to evaluate the effectiveness and efficiency of
19 the financial management practices of the local school system.

20 **[(2)] (II)** The audits may be performed concurrently or separately.

21 **[(3)] (III)** The Office of Legislative Audits shall provide information
22 regarding the audit process to the local school system before the audit is conducted.

23 **(2) (I) AT LEAST ONCE EVERY 2 YEARS, THE OFFICE OF**
24 **LEGISLATIVE AUDITS SHALL CONDUCT AN AUDIT OF EACH PUBLIC CHARTER**
25 **SCHOOL AUTHORIZED UNDER TITLE 9, SUBTITLE 3 OF THE EDUCATION ARTICLE TO**
26 **EVALUATE THE EFFECTIVENESS AND EFFICIENCY OF THE FINANCIAL MANAGEMENT**
27 **PRACTICES OF THE PUBLIC CHARTER SCHOOL.**

28 **(II) THE AUDITS MAY BE PERFORMED CONCURRENTLY OR**
29 **SEPARATELY.**

1 **(III) THE OFFICE OF LEGISLATIVE AUDITS SHALL PROVIDE**
2 **INFORMATION REGARDING THE AUDIT PROCESS TO THE PUBLIC CHARTER SCHOOL**
3 **BEFORE THE AUDIT IS CONDUCTED.**

4 **Article – State Personnel and Pensions**

5 23–201.

6 (b) Sections 23–203 through 23–205 of this subtitle do not apply to:

7 (10) an appointed or elected official who on or after July 1, 2007, is a member
8 of any other State or local retirement or pension system as defined under Title 37 of this
9 article; [or]

10 (11) the Director of the Department of Social Services in Montgomery
11 County who:

12 (i) was transferred into the State Personnel Management System
13 as an employee of the Social Services Administration of the Maryland Department of
14 Human Resources;

15 (ii) elected, under § 3–403.1 of the Human Services Article, to
16 remain as a participant in the Montgomery County Employees’ Retirement System; and

17 (iii) remains as an employee of the Social Services Administration of
18 the Maryland Department of Human Resources; **OR**

19 **(12) AN INDIVIDUAL WHO IS AN EMPLOYEE OF THE OPERATOR OF A**
20 **PUBLIC CHARTER SCHOOL AUTHORIZED UNDER TITLE 9, SUBTITLE 3 OF THE**
21 **EDUCATION ARTICLE.**

22 23–204.

23 **(H) (1) MEMBERSHIP IN THE EMPLOYEES’ PENSION SYSTEM IS**
24 **OPTIONAL FOR AN INDIVIDUAL WHO, ON OR AFTER JULY 1, 2015:**

25 **(I) BECOMES AN EMPLOYEE OF AN OPERATOR OF A PUBLIC**
26 **CHARTER SCHOOL AUTHORIZED UNDER TITLE 9, SUBTITLE 3 OF THE EDUCATION**
27 **ARTICLE; AND**

28 **(II) IS EMPLOYED IN ANY POSITION WITH THE OPERATOR OF**
29 **THE PUBLIC CHARTER SCHOOL, INCLUDING CERTIFICATED AND NONCERTIFICATED**
30 **POSITIONS AND PROFESSIONAL AND NONPROFESSIONAL POSITIONS.**

1 **(2) AN INDIVIDUAL DESCRIBED UNDER PARAGRAPH (1) OF THIS**
 2 **SUBSECTION WHO ELECTS TO JOIN THE EMPLOYEES' PENSION SYSTEM SHALL**
 3 **MAKE THE ELECTION IN WRITING ON A FORM PROVIDED BY THE BOARD OF**
 4 **TRUSTEES AND MUST FILE THE FORM WITH THE BOARD OF TRUSTEES WITHIN 1**
 5 **YEAR OF EMPLOYMENT.**

6 **(3) AN INDIVIDUAL'S ELECTION UNDER THIS SUBSECTION TO JOIN**
 7 **THE EMPLOYEES' PENSION SYSTEM OR AN INDIVIDUAL'S FAILURE TO ELECT TO**
 8 **JOIN THE EMPLOYEES' PENSION SYSTEM WITHIN THE REQUIRED TIME PERIOD IS A**
 9 **ONE-TIME, IRREVOCABLE DECISION.**

10 31–101.

11 (g) (1) “Legislative body” means the entity with legislative authority or control
 12 over an eligible governmental unit.

13 (2) “Legislative body” includes:

14 (i) a board of county commissioners;

15 (ii) a county council;

16 (iii) the legislative body of a municipal corporation;

17 (iv) for a community action agency, a governing body as defined in §
 18 8–101 of the Housing and Community Development Article;

19 (v) for an agency on aging:

20 1. the legislative body of the county that the agency on aging
 21 represents; or

22 2. for an area agency on aging that represents more than one
 23 county, the legislative body of each of the counties included in the jurisdiction of the area
 24 agency on aging;

25 (vi) for the University of Maryland Medical System Corporation, the
 26 Board of Directors of the corporation; [and]

27 (vii) for the Garrett County Office for Children, Youth and Families,
 28 the Board of County Commissioners for Garrett County; **AND**

29 **(VIII) FOR AN OPERATOR OF A PUBLIC CHARTER SCHOOL**
 30 **AUTHORIZED UNDER TITLE 9, SUBTITLE 3 OF THE EDUCATION ARTICLE, THE**
 31 **GOVERNING BODY OF THE OPERATOR OF THE PUBLIC CHARTER SCHOOL.**

1 31-102.

2 Subject to § 22-202(b) of this article, the governmental units that are eligible to
3 participate in the employees' systems are:

4 (2) the following governmental units:

5 (xxiii) the Garrett County Office for Children, Youth and Families;
6 [and]

7 (xxiv) the Somerset County Economic Development Commission; AND

8 **(XXV) AN OPERATOR OF A PUBLIC CHARTER SCHOOL AUTHORIZED**
9 **UNDER TITLE 9, SUBTITLE 3 OF THE EDUCATION ARTICLE.**

10 31-109.

11 **(A)** Except as provided in **SUBSECTION (B) OF THIS SECTION AND § 31-110** of
12 this subtitle, an employee of an eligible governmental unit is entitled to be a member of the
13 Employees' Pension System if:

14 (1) (i) the employee is not a member of a local pension system; and

15 (ii) the legislative body of the eligible governmental unit approves
16 participation of the eligible governmental unit in the Employees' Pension System; or

17 (2) (i) the employee is a member of a local pension system;

18 (ii) at least 60% of the members of the local pension system petition
19 to become members of the Employees' Pension System; and

20 (iii) the legislative body of the eligible governmental unit approves
21 participation of the eligible governmental unit in the Employees' Pension System as though
22 the local pension system were not in operation.

23 **(B) (1) THE LEGISLATIVE BODY OF A PUBLIC CHARTER SCHOOL**
24 **AUTHORIZED UNDER TITLE 9, SUBTITLE 3 OF THE EDUCATION ARTICLE IS**
25 **REQUIRED TO APPROVE PARTICIPATION OF THE ELIGIBLE GOVERNMENTAL UNIT IN**
26 **THE EMPLOYEES' PENSION SYSTEM.**

27 **(2) AN EMPLOYEE OF AN ELIGIBLE GOVERNMENTAL UNIT THAT IS**
28 **REQUIRED TO APPROVE PARTICIPATION OF THE ELIGIBLE GOVERNMENTAL UNIT IN**
29 **THE EMPLOYEES' PENSION SYSTEM UNDER PARAGRAPH (1) OF THIS SUBSECTION**
30 **IS ENTITLED TO BE A MEMBER OF THE EMPLOYEES' PENSION SYSTEM IN**
31 **ACCORDANCE WITH § 23-204(H) OF THIS ARTICLE.**

1 31-111.

2 (a) Except as provided in subsection (b) of this section and §§ 31-111.1, 31-111.3,
3 31-111.4, 31-111.5, 31-111.6, 31-111.7, [and] 31-111.8, **AND 31-111.9** of this subtitle, if
4 an employee of a participating governmental unit joins the Employees' Pension System on
5 the effective date, the employee is entitled to service credit for employment with the
6 participating governmental unit before the effective date.

7 **31-111.9.**

8 **AN INDIVIDUAL WHO ELECTS MEMBERSHIP IN THE EMPLOYEES' PENSION**
9 **SYSTEM UNDER § 23-204(H) OF THIS ARTICLE MAY NOT RECEIVE SERVICE CREDIT**
10 **FOR EMPLOYMENT WITH THE OPERATOR OF A PUBLIC CHARTER SCHOOL**
11 **AUTHORIZED UNDER TITLE 9, SUBTITLE 3 OF THE EDUCATION ARTICLE BEFORE**
12 **THE EFFECTIVE DATE.**

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July
14 1, 2015.