

# HOUSE BILL 878

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CF SB 704

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By: **The Speaker (By Request – Administration) and Delegates Afzali, Anderton, Arentz, Aumann, Buckel, Carozza, Clark, Cluster, Flanagan, Folden, Ghrist, Glass, Hornberger, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mautz, McComas, McDonough, McKay, McMillan, Metzgar, Miele, Morgan, Otto, Parrott, Reilly, Rey, Rose, Saab, Shoemaker, Simonaire, Szeliga, Vogt, West, and B. Wilson**

Introduced and read first time: February 6, 2017

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public Charter School Act of 2017**

3 FOR the purpose of establishing the Maryland Public Charter School Authority as a public  
4 chartering authority under the Maryland Public Charter School Program; altering  
5 the purpose of the Program; requiring the State to deduct a certain amount of money  
6 from a certain share of the foundation program under certain circumstances;  
7 repealing the authority of the State Board of Education to grant certain waivers  
8 under certain circumstances; authorizing certain public chartering authorities to  
9 grant certain waivers; authorizing certain public charter schools to give certain  
10 weight to the lottery status of certain students under certain circumstances;  
11 specifying that certain students remain enrolled in certain public charter schools  
12 until or unless certain circumstances take place, notwithstanding certain provisions  
13 of law; altering the eligibility of certain public charter schools to be able to provide  
14 guaranteed placement to certain students; altering the type of public school that may  
15 be converted to a public charter school for the purpose of a certain waiver; specifying  
16 the legal status, duties, composition, chair, and meeting times of the Authority;  
17 authorizing the Authority to adopt certain policies and procedures; requiring the  
18 Authority to provide certain information to the State Department of Education;  
19 requiring the Authority to employ or retain certain individuals; authorizing certain  
20 public charter schools to apply to establish a certain contract with a certain public  
21 chartering authority; specifying that a certain provision of law may not be construed  
22 in a certain manner; requiring certain applicants to make certain choices regarding  
23 certain applications; authorizing certain public charter schools to be located in  
24 certain jurisdictions; requiring certain applications to include certain provisions;  
25 altering the entities who may apply to establish a certain public charter school;  
26 specifying that certain employees are not categorized in a certain way; exempting

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 certain professional staff from certain certification requirements; requiring the  
2 Authority to adopt certain policies regarding teacher induction, preparation, and  
3 development; specifying that certain employees have certain rights and privileges;  
4 requiring certain criminal history records checks and fingerprinting requirements  
5 for certain personnel; authorizing certain employees to join or refuse to join certain  
6 employee organizations; altering the scope of certain provisions of law; authorizing  
7 certain public chartering authorities to exempt certain public charter schools from  
8 certain policies, requirements, or regulations; prohibiting a public chartering  
9 authority from exempting a public charter school from certain provisions of law;  
10 requiring certain public charter schools to serve as certain local education agencies  
11 for certain purposes; requiring certain public charter schools to make a free  
12 appropriate public education available to certain children with disabilities; requiring  
13 certain public charter schools to receive certain funds directly; requiring certain  
14 county boards to disburse a certain amount of money to certain public charter schools  
15 that is equivalent to, based on enrollment, the amount disbursed to certain other  
16 public schools; requiring the State to distribute certain funds and grants directly to  
17 certain public charter schools in accordance with certain formulas; requiring certain  
18 policies to include certain guidelines and procedures relating to academic  
19 performance requirements; requiring the Secretary of the Department of General  
20 Services to inform certain public chartering authorities that certain buildings are  
21 available for occupation and use under certain circumstances; providing for the  
22 staggering of terms of the members of the Authority; stating the intent of the General  
23 Assembly; making certain stylistic and conforming changes; correcting certain  
24 cross-references; defining certain terms; and generally relating to the Maryland  
25 Public Charter School Program.

26 BY repealing and reenacting, with amendments,  
27 Article – Education  
28 Section 5–202(b), 9–101, 9–102, 9–102.1, 9–102.2, 9–102.3, 9–104, 9–104.1, and  
29 9–105 through 9–111  
30 Annotated Code of Maryland  
31 (2014 Replacement Volume and 2016 Supplement)

32 BY repealing  
33 Article – Education  
34 Section 9–103  
35 Annotated Code of Maryland  
36 (2014 Replacement Volume and 2016 Supplement)

37 BY adding to  
38 Article – Education  
39 Section 9–103, 9–103.1, 9–105.1, 9–106.1, and 9–107.1  
40 Annotated Code of Maryland  
41 (2014 Replacement Volume and 2016 Supplement)

42 BY repealing and reenacting, without amendments,  
43 Article – Education

1 Section 9–112  
2 Annotated Code of Maryland  
3 (2014 Replacement Volume and 2016 Supplement)

4 Preamble

5 WHEREAS, The General Assembly finds and declares that no child should be  
6 required to attend a persistently failing school; and

7 WHEREAS, The General Assembly finds and declares it is in the best interests of  
8 the people of Maryland to provide all children with public schools that reflect high  
9 expectations and to create conditions in all schools where these expectations can be met;  
10 and

11 WHEREAS, The General Assembly finds and declares that parents and educators  
12 have a right and a responsibility to participate in the education institutions that serve their  
13 children; now, therefore,

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

16 Article – Education

17 5–202.

18 (b) (1) Subject to the other provisions of this section, each year the State shall  
19 distribute the State share of the foundation program to each county board.

20 (2) FOR EACH COUNTY BOARD IN A COUNTY IN WHICH A PUBLIC  
21 CHARTER SCHOOL IS AUTHORIZED BY THE MARYLAND PUBLIC CHARTER SCHOOL  
22 AUTHORITY ESTABLISHED PURSUANT TO TITLE 9 OF THIS ARTICLE, THE STATE  
23 SHALL DEDUCT FROM THE STATE SHARE OF THE FOUNDATION PROGRAM ANY  
24 AMOUNT DISTRIBUTED DIRECTLY TO A PUBLIC CHARTER SCHOOL PURSUANT TO §  
25 9–109 OF THIS ARTICLE.

26 9–101.

27 (a) There is a Maryland Public Charter School Program.

28 (b) The general purpose of the Program is to [establish]:

29 (1) ESTABLISH an alternative means within the existing public school  
30 system in order to provide innovative learning opportunities and creative educational  
31 approaches to improve the education of students;

1           **(2) CLOSE ACHIEVEMENT GAPS BETWEEN HIGH-PERFORMING AND**  
2 **LOW-PERFORMING GROUPS OF PUBLIC SCHOOL STUDENTS;**

3           **(3) INCREASE HIGH-QUALITY EDUCATIONAL OPPORTUNITIES**  
4 **WITHIN THE PUBLIC SCHOOL SYSTEM FOR ALL STUDENTS, ESPECIALLY THOSE AT**  
5 **RISK FOR ACADEMIC FAILURE; AND**

6           **(4) ALLOW PUBLIC SCHOOLS FREEDOM AND FLEXIBILITY IN**  
7 **EXCHANGE FOR EXCEPTIONAL LEVELS OF RESULTS-DRIVEN ACCOUNTABILITY.**

8 9–102.

9           **(A) In this title [, “public charter school”] THE FOLLOWING WORDS HAVE THE**  
10 **MEANINGS INDICATED.**

11           **(B) “AUTHORITY” MEANS THE MARYLAND PUBLIC CHARTER SCHOOL**  
12 **AUTHORITY ESTABLISHED UNDER § 9–103 OF THIS TITLE.**

13           **(C) “CHARTER CONTRACT” MEANS A FIXED-TERM CONTRACT BETWEEN A**  
14 **PUBLIC CHARTER SCHOOL AND A PUBLIC CHARTERING AUTHORITY THAT OUTLINES**  
15 **THE ROLES, POWERS, DUTIES, AND PERFORMANCE EXPECTATIONS FOR EACH PARTY**  
16 **TO THE CONTRACT.**

17           **(D) “CONVERTED PUBLIC SCHOOL” MEANS A PUBLIC SCHOOL THAT IS**  
18 **CONVERTED TO A PUBLIC CHARTER SCHOOL.**

19           **(E) “PERSISTENTLY FAILING SCHOOL” MEANS A PUBLIC SCHOOL RANKED**  
20 **IN THE BOTTOM 5%, BASED ON STATEWIDE ASSESSMENTS, OF ALL PUBLIC SCHOOLS**  
21 **IN THE COUNTY WHERE THE SCHOOL IS LOCATED.**

22           **(F) “PUBLIC CHARTER SCHOOL” means a public school that:**

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

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

25           (3) Except as provided in §§ 9–102.1, 9–102.2, and 9–102.3 of this title, is  
26 open to all students on a space-available basis and admits students on a lottery basis if  
27 more students apply than can be accommodated;

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

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

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

1 (7) Is tuition-free;

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

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

4 (10) Is in compliance with § 9-107 of this title;

5 (11) Operates under the supervision of the public chartering authority from  
6 which its charter is granted and in accordance with its charter [and, except as provided in  
7 §§ 9-104.1 and 9-106 of this title, the provisions of law and regulation governing other  
8 public schools];

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

12 (13) Is created in accordance with this title [and the appropriate county  
13 board policy].

14 (G) **“PUBLIC CHARTERING AUTHORITY” MEANS:**

15 (1) **THE MARYLAND PUBLIC CHARTER SCHOOL AUTHORITY,**  
16 **ESTABLISHED UNDER § 9-103 OF THIS TITLE; OR**

17 (2) **A COUNTY BOARD.**

18 9-102.1.

19 (a) The [State Board] **PUBLIC CHARTERING AUTHORITY** may grant a waiver  
20 from [§ 9-102(3)] **§ 9-102(F)(3)** of this title to a public charter school 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 as part of the initial cohort of students in a grade.

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:

28 (1) Admit all students on a lottery basis in accordance with § 9-102.2 of  
29 this title; and

1 (2) Take reasonable steps to maintain the 35% to 65% ratio intended as  
2 part of the initial cohort of students in a grade.

3 9–102.2.

4 (a) A public charter school may give greater weight to a student's lottery status  
5 as part of a lottery held under [§ 9–102(3)] **§ 9–102(F)(3)** of this title and in accordance  
6 with an application submitted under § 9–104 of this title if the student is:

7 (1) **DOMICILED IN A GEOGRAPHICAL ATTENDANCE AREA SERVED BY**  
8 **A PERSISTENTLY FAILING SCHOOL;**

9 (2) Eligible for free or reduced price meals;

10 [(2)] (3) A student with disabilities;

11 [(3)] (4) A student with limited English proficiency;

12 [(4)] (5) Homeless, as defined under the federal McKinney–Vento  
13 Homeless Assistance Act; or

14 [(5)] (6) A sibling of a student currently enrolled in the public charter  
15 school for which the sibling is applying.

16 (b) (1) **NOTWITHSTANDING § 9–102(F)(3) OF THIS TITLE, ONCE A**  
17 **STUDENT IS ENROLLED IN A PUBLIC CHARTER SCHOOL, THE STUDENT SHALL**  
18 **REMAIN ENROLLED UNTIL THE STUDENT IS EITHER WITHDRAWN BY THE STUDENT'S**  
19 **PARENT OR LEGAL GUARDIAN OR THE STUDENT IS EXPELLED BY THE SCHOOL.**

20 (2) Notwithstanding [§ 9–102(3)] **§ 9–102(F)(3)** of this title, a public  
21 charter school may give priority to the sibling of a student admitted through the lottery  
22 process or a currently enrolled student for any spaces in the school that become available  
23 throughout the school year.

24 (c) (1) Subject to the approval of the public chartering authority and § 9–104  
25 of this title, a public charter school may propose a geographic attendance area with a  
26 median income that is equal to or less than the median income of the county for the public  
27 charter school.

28 (2) Subject to paragraph (4) of this subsection, a public charter school may  
29 provide guaranteed placement through a lottery to students who live within the geographic  
30 attendance area for up to 35%, as proposed by the public charter school and approved by  
31 the public chartering authority, of the available space of the public charter school.

32 (3) Subject to paragraphs (2) and (4) of this subsection, the public charter  
33 school shall:

1 (i) Admit students on a lottery basis to its remaining available  
2 space; and

3 (ii) Take reasonable steps to maintain the ratio intended under  
4 paragraph (2) of this subsection as part of the initial cohort of students accepted through  
5 the lottery process.

6 (4) If a public charter school does not fill 100% of its available space under  
7 paragraphs (2) and (3) of this subsection, the public charter school may admit more than  
8 the percentage of students established under paragraph (2) of this subsection from the  
9 geographic attendance area established under this section.

10 (d) (1) Subject to the approval of the public chartering authority, paragraph  
11 (2) of this subsection, and § 9–104 of this title, a public charter school may provide  
12 guaranteed placement through a lottery to up to 35%, as proposed by the public charter  
13 school and approved by the public chartering authority, of the available space of the public  
14 charter school to students who attended a public charter school during the previous school  
15 year that is operated by the same operator.

16 (2) A public charter school shall qualify under paragraph (1) of this  
17 subsection if:

18 (i) The operator operates two or more public charter schools in the  
19 [county] STATE; and

20 (ii) When combined, the public charter schools operated by the  
21 operator form an integrated multiyear academic program.

22 (3) Subject to paragraph (1) of this subsection, the public charter school  
23 shall:

24 (i) Admit students on a lottery basis to its remaining available  
25 space; and

26 (ii) Take reasonable steps to maintain the ratio intended under  
27 paragraph (1) of this subsection as part of the initial cohort of students accepted through  
28 the lottery process.

29 (4) If a public charter school does not fill 100% of its available space under  
30 paragraphs (1) and (3) of this subsection, the public charter school may admit more than  
31 the percentage of students established under paragraph (1) of this subsection.

32 9–102.3.

1 (a) In accordance with § 9–104 of this title, a [county board] PUBLIC  
 2 CHARTERING AUTHORITY may grant a waiver from [§ 9–102(3)] § 9–102(F)(3) of this  
 3 title to:

4 (1) A converted public charter school that:

5 (i) Subject to subsection (b) of this section, provides guaranteed  
 6 placement through a lottery to students who live within the geographic attendance area  
 7 established by the [county board] PUBLIC CHARTERING AUTHORITY;

8 (ii) [Is a low–performing school as identified by the county board]  
 9 CONVERTED A PERSISTENTLY FAILING PUBLIC SCHOOL TO A PUBLIC CHARTER  
 10 SCHOOL;

11 (iii) Is above the county average rate for the percentage of students  
 12 who are eligible for free and reduced price meals; and

13 (iv) Meets a strategic need of the local [school system, as identified  
 14 in the county board’s public charter school policy developed under § 9–110 of this title,]  
 15 JURISDICTION that shall include at least one of the following elements:

- 16 1. Serving a high–need population;
- 17 2. Increasing student performance;
- 18 3. Increasing enrollment; or
- 19 4. Increasing student diversity; or

20 (2) A converted public charter school that is seeking renewal of an existing  
 21 charter contract that was granted under item (1) of this subsection.

22 (b) If a public charter school does not fill 100% of its available space under  
 23 subsection (a)(1) of this section, the public charter school shall admit students on a lottery  
 24 basis to its remaining available space.

25 [9–103.

26 The public chartering authority for the granting of a charter shall be a county board  
 27 of education.]

28 **9–103.**

29 (A) **THERE IS A MARYLAND PUBLIC CHARTER SCHOOL AUTHORITY IN THE**  
 30 **STATE.**



1           **(B) (1) (I) THE AUTHORITY IS AN INDEPENDENT UNIT IN THE**  
2 **EXECUTIVE BRANCH OF STATE GOVERNMENT.**

3                           **(II) THE AUTHORITY IS A BODY POLITIC AND CORPORATE AND**  
4 **IS AN INSTRUMENTALITY OF THE STATE.**

5                           **(III) THE EXERCISE BY THE AUTHORITY OF THE AUTHORITY'S**  
6 **POWERS UNDER THIS TITLE IS AN ESSENTIAL GOVERNMENTAL FUNCTION.**

7           **(2) THE AUTHORITY MAY AUTHORIZE THE ESTABLISHMENT OF**  
8 **PUBLIC CHARTER SCHOOLS IN ANY JURISDICTION IN THE STATE.**

9           **(C) (1) (I) THE AUTHORITY CONSISTS OF SEVEN MEMBERS**  
10 **APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.**

11                           **(II) THE STATE SUPERINTENDENT SHALL SERVE AS A**  
12 **NONVOTING, EX OFFICIO MEMBER OF THE AUTHORITY.**

13                           **(2) IN MAKING APPOINTMENTS TO THE AUTHORITY, THE GOVERNOR**  
14 **SHALL CONSIDER REPRESENTATIVES FROM ALL PARTS OF THE STATE.**

15                           **(3) (I) EACH MEMBER SHALL SERVE FOR A TERM OF 5 YEARS AND**  
16 **UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.**

17                           **(II) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY**  
18 **THE TERMS PROVIDED FOR MEMBERS ON OCTOBER 1, 2017.**

19                           **(III) A MEMBER APPOINTED TO FILL A VACANCY IN AN**  
20 **UNEXPIRED TERM SERVES ONLY FOR THE REMAINDER OF THAT TERM AND UNTIL A**  
21 **SUCCESSOR IS APPOINTED AND QUALIFIES.**

22                           **(IV) A MEMBER MAY BE REAPPOINTED BUT MAY NOT SERVE**  
23 **MORE THAN TWO CONSECUTIVE FULL TERMS.**

24                           **(4) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,**  
25 **MISCONDUCT, OR FAILURE TO PERFORM THE DUTIES OF THE POSITION.**

26                           **(5) EACH MEMBER SERVES WITHOUT COMPENSATION AND IS**  
27 **ENTITLED TO REIMBURSEMENT FOR EXPENSES IN ACCORDANCE WITH THE**  
28 **STANDARD STATE TRAVEL REGULATIONS.**

29           **(D) (1) EACH YEAR FROM AMONG THE MEMBERS OF THE AUTHORITY:**

30                           **(I) THE GOVERNOR SHALL DESIGNATE A CHAIR; AND**

1                   **(II) THE AUTHORITY SHALL ELECT OTHER OFFICERS AS THE**  
2 **AUTHORITY REQUIRES.**

3                   **(2) THE AUTHORITY SHALL MEET REGULARLY AT SUCH TIMES AND**  
4 **PLACES AS THE AUTHORITY DETERMINES.**

5                   **(3) A MAJORITY OF THE MEMBERS THEN SERVING ON THE**  
6 **AUTHORITY SHALL CONSTITUTE A QUORUM FOR THE TRANSACTION OF BUSINESS.**

7                   **(4) NO FORMAL ACTION MAY BE TAKEN BY THE AUTHORITY WITHOUT**  
8 **THE APPROVAL OF A MAJORITY OF THE MEMBERS OF THE AUTHORITY THEN**  
9 **SERVING ON THE AUTHORITY.**

10                   **(5) THE AUTHORITY SHALL MAKE ALL NECESSARY AND PROPER**  
11 **RULES FOR THE TRANSACTION OF BUSINESS AND SHALL KEEP AN ACCURATE AND**  
12 **COMPLETE RECORD OF ALL MEETINGS.**

13                   **(E) THE AUTHORITY MAY ADOPT ANY POLICY OR PROCEDURE NECESSARY**  
14 **TO CARRY OUT THE AUTHORITY'S POWERS AND DUTIES.**

15                   **(F) THE AUTHORITY SHALL PROVIDE TO THE DEPARTMENT ANY**  
16 **INFORMATION REQUIRED TO COMPLETE THE REPORT REQUIRED PURSUANT TO §**  
17 **9-110(C) OF THIS TITLE.**

18                   **(G) (1) THE AUTHORITY SHALL EMPLOY OR RETAIN, EITHER AS**  
19 **EMPLOYEES OR AS INDEPENDENT CONTRACTORS, CONSULTANTS, ATTORNEYS,**  
20 **MANAGERS, OR OTHER PROFESSIONAL PERSONNEL AS THE AUTHORITY CONSIDERS**  
21 **NECESSARY, AND SET THEIR COMPENSATION.**

22                   **(2) FUNDING FOR THE ADMINISTRATIVE COSTS OF THE AUTHORITY**  
23 **SHALL BE AS PROVIDED IN THE STATE BUDGET.**

24 **9-103.1.**

25                   **(A) A PUBLIC CHARTER SCHOOL MAY APPLY TO ESTABLISH A NEW CHARTER**  
26 **CONTRACT WITH A PUBLIC CHARTERING AUTHORITY OTHER THAN THE PUBLIC**  
27 **CHARTERING AUTHORITY THAT ORIGINALLY AUTHORIZED THE ESTABLISHMENT OF**  
28 **THE PUBLIC CHARTER SCHOOL.**

29                   **(B) THIS SECTION MAY NOT BE CONSTRUED TO IMPAIR ANY OBLIGATION OF**  
30 **AN EXISTING CHARTER CONTRACT BETWEEN A PUBLIC CHARTERING AUTHORITY**  
31 **AND A PUBLIC CHARTER SCHOOL.**

1 9–104.

2 (a) (1) **(I) [An] IF AN APPLICANT CHOOSES TO APPLY TO A COUNTY**  
3 **BOARD, THE** application to establish a public charter school shall be submitted to the  
4 county board of the county in which the public charter school will be located.

5 **(II) IF AN APPLICANT CHOOSES TO APPLY TO THE AUTHORITY,**  
6 **THE APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE FOR A PUBLIC**  
7 **CHARTER SCHOOL LOCATED IN ANY JURISDICTION IN THE STATE.**

8 (2) An application to establish a public charter school may be submitted to  
9 a [county board] **PUBLIC CHARTERING AUTHORITY** by:

10 (i) The staff of a public school;

11 (ii) A parent or guardian of a student who attends a public school in  
12 the county **IN WHICH THE PUBLIC CHARTER SCHOOL WILL BE LOCATED;**

13 (iii) A nonsectarian nonprofit entity;

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

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

17 (3) An application shall include:

18 (i) **[A] IF MADE TO A COUNTY BOARD,** A plan to provide a rigorous  
19 program of instruction that includes an equivalent method for satisfying any requirements  
20 from which the public charter school operator intends to seek a waiver under § 9–106 of  
21 this title; and

22 (ii) A description of how a weighted lottery or the provision of  
23 guaranteed placement will be implemented under §§ 9–102.2 and 9–102.3 of this title.

24 (4) A public chartering authority may not grant a charter under this title  
25 to:

26 (i) A private school;

27 (ii) A parochial school;

28 (iii) A home school; or

29 (iv) A school that operates fully online.

1           (5)   (i)    Except as provided in subparagraph (ii) of this paragraph, [the  
2 county board] **A PUBLIC CHARTERING AUTHORITY** shall review the application and  
3 render a decision within 120 days of receipt of the application and in accordance with the  
4 application procedures adopted by the [county board] **PUBLIC CHARTERING AUTHORITY**.

5                   (ii)   For a [restructured school] **CONVERTED PUBLIC SCHOOL**:

6                           1.    [The county board] **A PUBLIC CHARTERING AUTHORITY**  
7 shall review the application and render a decision within 30 days of receipt of the  
8 application;

9                           2.    [The county board] **A PUBLIC CHARTERING AUTHORITY**  
10 may apply to the State Board for an extension of up to 15 days from the time limit imposed  
11 under item 1 of this subparagraph;

12                          3.    If an extension is not granted, and 30 days have elapsed,  
13 the decision may be appealed to the State Board in accordance with § 4–205(c) of this  
14 article; and

15                          4.    If an extension has been granted, and 45 days have  
16 elapsed, the decision may be appealed to the State Board in accordance with § 4–205(c) of  
17 this article.

18           (6)   (i)    A public chartering authority may approve an application to  
19 operate a public charter school on a contingent basis subject to the conditions of  
20 subparagraph (ii) of this paragraph.

21                   (ii)   The contingent approval granted under subparagraph (i) of this  
22 paragraph may be contingent on:

23                           1.    A public charter school's ability to meet any timelines  
24 established by the public chartering authority for the securing of a facility; and

25                           2.    Final approval by the public chartering authority  
26 regarding the suitability of the facility secured by the public charter school.

27           (b)   (1)   If an application to establish a public charter school includes a  
28 description of the implementation of a weighted lottery that gives priority to students in a  
29 specific geographic attendance area in accordance with § 9–102.2 or § 9–102.3 of this title,  
30 the public chartering authority may approve or reject this provision separately from the  
31 application as a whole.

32                   (2)   A decision of a public chartering authority under paragraph (1) of this  
33 subsection may not be appealed to the State Board.

1 (c) (1) An application to establish a public charter school may include a  
2 staffing model, including provisions for staff recruitment, training, evaluation, and  
3 professional development.

4 (2) A public charter school may submit a staffing model as provided in  
5 paragraph (1) of this subsection with a renewal application or with an amendment to an  
6 existing charter.

7 (d) (1) If the [county board] **PUBLIC CHARTERING AUTHORITY** denies an  
8 application to establish a public charter school, the applicant may appeal the decision to  
9 the State Board, in accordance with § 4–205(c) of this article.

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

12 (3) If the [county board] **PUBLIC CHARTERING AUTHORITY** denies an  
13 application to establish a public charter school and the State Board reverses the decision,  
14 the State Board shall remand the matter to the [county board] **PUBLIC CHARTERING**  
15 **AUTHORITY** and may direct the [county board] **PUBLIC CHARTERING AUTHORITY** to  
16 grant a charter and may, if necessary, mediate with the [county board] **PUBLIC**  
17 **CHARTERING AUTHORITY** and the applicant to implement the charter.

18 9–104.1.

19 (a) In this section, “eligible public charter school” means a public charter school  
20 that **WAS AUTHORIZED BY A COUNTY BOARD**, has been in existence for at least 5 years,  
21 and demonstrates to the [public chartering authority] **COUNTY BOARD** a history of:

22 (1) Sound fiscal management; and

23 (2) Student achievement that exceeds the average in the local school  
24 system in which the public charter school is located on:

25 (i) Statewide assessments; and

26 (ii) Other measures developed by the State Board.

27 (b) The State Board shall develop standards and criteria by which an eligible  
28 public charter school shall be assessed [by a public chartering authority].

29 (c) (1) An eligible public charter school may submit to a [public chartering  
30 authority] **COUNTY BOARD**:

31 (i) An application for renewal of an existing charter contract that  
32 incorporates the provisions of subsection (e) of this section; or

1 (ii) Subject to paragraph (2) of this subsection, an application for an  
2 addendum to an existing charter contract that incorporates the provisions of subsection (e)  
3 of this section.

4 (2) An eligible public charter school may not submit an application under  
5 paragraph (1)(ii) of this subsection more than one time during the duration of an existing  
6 charter contract.

7 (d) If the [public chartering authority] **COUNTY BOARD** determines that a public  
8 charter school is not an eligible public charter school, the public charter school may appeal  
9 the decision to the State Board in accordance with § 4–205(c) of this article.

10 (e) If an eligible public charter school and a [public chartering authority]  
11 **COUNTY BOARD** mutually agree to an alternative means by which the eligible public  
12 charter school will satisfy the intent of the policies of the [public chartering authority]  
13 **COUNTY BOARD**, an eligible public charter school is exempt from:

14 (1) Textbook, instructional program, curriculum, professional  
15 development, and scheduling requirements;

16 (2) A requirement to establish a school community council;

17 (3) Except for Title I schools, a requirement to establish a school  
18 improvement plan;

19 (4) Except for schools with a school activity fund, a requirement to provide  
20 school activity fund disclosure statements; and

21 (5) Except for prekindergarten classes, class size or staffing ratios.

22 (f) A [public chartering authority] **COUNTY BOARD** and an eligible public  
23 charter school may jointly develop and mutually agree to a communication process and  
24 supervision methodology that flows among the county board, the operator, and the  
25 administration of the eligible public charter school.

26 (g) (1) An eligible public charter school may not be assigned a principal  
27 without the written consent of the operator of the eligible public charter school.

28 (2) (i) Staff members shall be assigned or transferred to an eligible  
29 public charter school if the staff member expresses in writing that the staff member wants  
30 to work in that eligible public charter school and the eligible public charter school requests  
31 in writing that the staff member be assigned or transferred to the eligible public charter  
32 school, provided there is an existing vacancy.

1           (ii) A transfer authorized under subparagraph (i) of this paragraph  
2 shall take place as designated by the agreement of the local bargaining unit in the local  
3 school system.

4           (h) Nothing in this section may be construed to take precedence over an  
5 agreement of a local bargaining unit in a local school system.

6           (i) Except as otherwise provided in this section, an eligible public charter school  
7 is subject to the provisions of this title.

8 9–105.

9           **(A) THIS SECTION APPLIES ONLY TO PUBLIC CHARTER SCHOOLS**  
10 **AUTHORIZED BY A COUNTY BOARD.**

11           **(B)** A member of the professional staff of a public charter school shall be subject  
12 to the same certification provisions established in regulations for the professional staff of  
13 other public schools.

14 **9–105.1.**

15           **(A) THIS SECTION APPLIES ONLY TO PUBLIC CHARTER SCHOOLS**  
16 **AUTHORIZED BY THE AUTHORITY.**

17           **(B) EMPLOYEES OF A PUBLIC CHARTER SCHOOL ARE NOT:**

18                   **(1) PUBLIC SCHOOL EMPLOYEES, AS DEFINED IN §§ 6–401(E) AND**  
19 **6–501(G) OF THIS ARTICLE; OR**

20                   **(2) EMPLOYEES OF A PUBLIC SCHOOL EMPLOYER, AS DEFINED IN §§**  
21 **6–401(F) AND 6–501(H) OF THIS ARTICLE, IN THE COUNTY IN WHICH THE PUBLIC**  
22 **CHARTER SCHOOL IS LOCATED.**

23           **(C) (1) MEMBERS OF THE PROFESSIONAL STAFF OF A PUBLIC CHARTER**  
24 **SCHOOL ARE EXEMPT FROM STATE TEACHER CERTIFICATION REQUIREMENTS.**

25                   **(2) THE AUTHORITY SHALL ADOPT POLICIES FOR TEACHER**  
26 **INDUCTION, PREPARATION, AND DEVELOPMENT THAT SUPPORT HIGH-QUALITY**  
27 **INSTRUCTION AND ACADEMIC STANDARDS.**

28           **(D) (1) EMPLOYEES IN PUBLIC CHARTER SCHOOLS SHALL HAVE THE**  
29 **SAME RIGHTS AND PRIVILEGES AS PUBLIC SCHOOL EMPLOYEES.**

1           **(2) EMPLOYEES IN PUBLIC CHARTER SCHOOLS SHALL BE ELIGIBLE**  
2 **FOR THE STATE RETIREMENT, HEALTH, WELFARE, AND OTHER BENEFITS**  
3 **PROGRAMS AVAILABLE TO PUBLIC SCHOOL EMPLOYEES.**

4           **(E) CRIMINAL HISTORY RECORDS CHECKS AND FINGERPRINTING**  
5 **REQUIREMENTS APPLICABLE TO OTHER PUBLIC SCHOOLS SHALL BE MANDATORY**  
6 **FOR ALL PUBLIC CHARTER SCHOOL PERSONNEL, GOVERNING BOARD MEMBERS,**  
7 **AND OTHER INDIVIDUALS WHO REGULARLY COME INTO CONTACT WITH STUDENTS.**

8           **(F) A PUBLIC CHARTER SCHOOL EMPLOYEE MAY JOIN OR REFUSE TO JOIN**  
9 **IN THE ACTIVITIES OF ANY EMPLOYEE ORGANIZATION.**

10 9–106.

11           **(a) THIS SECTION APPLIES ONLY TO PUBLIC CHARTER SCHOOLS**  
12 **AUTHORIZED BY A COUNTY BOARD.**

13           **(B)** Subject to subsection **[(b)] (C)** of this section, a public charter school shall  
14 comply with the provisions of law and regulation governing other public schools.

15           **[(b)] (C)** Subject to subsection **[(d)] (E)** of this section, a public charter school  
16 may seek a waiver of the requirements under subsection **[(a)] (B)** of this section from:

17           (1) A county board for policies that are the policies of the county board; and

18           (2) The State Board for policies that are the policies of the State Board.

19           **[(c)] (D)** If a waiver is denied under this section, the county board or the State  
20 Board, as appropriate, shall provide the reason for the denial in writing to the public  
21 charter school.

22           **[(d)] (E)** A waiver may not be granted from provisions of law or regulation  
23 relating to:

24           (1) Audit requirements;

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

28           (3) The health, safety, or civil rights of a student or an employee of the  
29 public charter school.

30 **9–106.1.**



1           **(A) THIS SECTION APPLIES ONLY TO PUBLIC CHARTER SCHOOLS**  
2 **AUTHORIZED BY THE AUTHORITY.**

3           **(B) A PUBLIC CHARTERING AUTHORITY MAY EXEMPT A PUBLIC CHARTER**  
4 **SCHOOL FROM ANY POLICY OR REQUIREMENT ESTABLISHED BY A COUNTY BOARD.**

5           **(C) A PUBLIC CHARTERING AUTHORITY MAY EXEMPT A PUBLIC CHARTER**  
6 **SCHOOL FROM STATE POLICIES OR REGULATIONS RELATING TO:**

7                   **(1) CURRICULUM, TEXTBOOKS, INSTRUCTION, CLASS SIZE, STAFFING**  
8 **RATIOS, OR PROFESSIONAL DEVELOPMENT; AND**

9                   **(2) ANY OTHER STATE POLICY OR REGULATION EXPRESSLY WAIVED**  
10 **BY THE STATE BOARD.**

11           **(D) A PUBLIC CHARTERING AUTHORITY MAY NOT EXEMPT A PUBLIC**  
12 **CHARTER SCHOOL FROM PROVISIONS OF LAW OR REGULATION RELATING TO THE**  
13 **HEALTH, SAFETY, OR CIVIL RIGHTS OF A STUDENT OR EMPLOYEE OF THE PUBLIC**  
14 **CHARTER SCHOOL.**

15 9–107.

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

19           (b) A public chartering authority shall ensure that the authorizing process for a  
20 public charter school and the charter application address the roles and responsibilities of  
21 the [county board] **PUBLIC CHARTERING AUTHORITY** and the applicants and operators  
22 of the public charter school with respect to children with disabilities.

23           (c) The public chartering authority shall ensure that, prior to opening a public  
24 charter school, the operators of the school are informed of the human, fiscal, and  
25 organizational capacity needed to fulfill the school's responsibilities related to children with  
26 disabilities.

27 **9–107.1.**

28           **(A) THIS SECTION APPLIES ONLY TO PUBLIC CHARTER SCHOOLS**  
29 **AUTHORIZED BY THE AUTHORITY.**

30           **(B) A PUBLIC CHARTER SCHOOL SHALL SERVE AS THE LOCAL EDUCATIONAL**  
31 **AGENCY, AS DEFINED BY THE FEDERAL INDIVIDUALS WITH DISABILITIES**  
32 **EDUCATION ACT, FOR THE PURPOSE OF PROVIDING SPECIAL EDUCATION AND**

1 **RELATED SERVICES FOR CHILDREN WITH DISABILITIES ENROLLED AT THE PUBLIC**  
2 **CHARTER SCHOOL.**

3 **(C) A PUBLIC CHARTER SCHOOL SHALL MAKE A FREE APPROPRIATE PUBLIC**  
4 **EDUCATION AVAILABLE TO EACH CHILD WITH A DISABILITY, IN ACCORDANCE WITH**  
5 **TITLE 8, SUBTITLE 4 OF THIS ARTICLE.**

6 **(D) A PUBLIC CHARTER SCHOOL SHALL DIRECTLY RECEIVE FEDERAL,**  
7 **STATE, AND COUNTY FUNDS DESIGNATED FOR THE COSTS OF EDUCATING CHILDREN**  
8 **WITH DISABILITIES.**

9 9–108.

10 **(A) THIS SECTION APPLIES ONLY TO PUBLIC CHARTER SCHOOLS**  
11 **AUTHORIZED BY A COUNTY BOARD.**

12 **[(a)] (B)** Employees of a public charter school:

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

15 (2) Are employees of a public school employer, as defined in §§ 6–401(f) and  
16 6–501(h) of this article, in the county in which the public charter school is located; and

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

19 **[(b)] (C)** If a collective bargaining agreement under Title 6, Subtitle 4 or Subtitle  
20 5 of this article is already in existence in the county where a public charter school is located,  
21 the employee organization, public school employer, and the public charter school may  
22 mutually agree to negotiate amendments to the existing agreement to address the needs of  
23 the particular public charter school, including amendments to work days, work hours,  
24 school year, procedures for transfers that are consistent with the instructional mission of  
25 the school, and extra duty assignments.

26 9–109.

27 **(A)** A county board shall disburse to a public charter school **AUTHORIZED BY THE**  
28 **COUNTY BOARD** an amount of county, State, and federal money for elementary, middle,  
29 and secondary students that is **[commensurate with] EQUIVALENT TO, BASED ON**  
30 **ENROLLMENT**, the amount disbursed to other public schools in the local jurisdiction.

31 **(B) (1) THE STATE SHALL DISTRIBUTE DIRECTLY TO A PUBLIC CHARTER**  
32 **SCHOOL AUTHORIZED BY THE AUTHORITY AN AMOUNT EQUAL TO THE PRODUCT OF:**

1                   **(I) THE TOTAL ENROLLMENT OF THE PUBLIC CHARTER**  
2 **SCHOOL; AND**

3                   **(II) ALL FEDERAL, STATE, AND COUNTY OPERATING FUNDS FOR**  
4 **ELEMENTARY, MIDDLE, AND SECONDARY STUDENTS THE COUNTY BOARD RECEIVES**  
5 **FROM ALL SOURCES, DIVIDED BY THE COUNTY'S FULL-TIME EQUIVALENT**  
6 **ENROLLMENT DEFINED IN § 5-202(A)(6) OF THIS ARTICLE.**

7                   **(2) (I) IN ADDITION TO THE AMOUNT PROVIDED IN PARAGRAPH (1)**  
8 **OF THIS SUBSECTION, THE STATE SHALL DISTRIBUTE ANNUALLY TO THE**  
9 **AUTHORITY A PUBLIC CHARTER SCHOOL FACILITY GRANT IN AN AMOUNT THAT IS**  
10 **NOT LESS THAN THE PRODUCT OF THE TOTAL AGGREGATE ENROLLMENT OF ALL**  
11 **THE PUBLIC CHARTER SCHOOLS AUTHORIZED BY THE AUTHORITY MULTIPLIED BY**  
12 **\$1,000.**

13                   **(II) THE AUTHORITY SHALL DISBURSE THE DISTRIBUTION**  
14 **RECEIVED FROM THE STATE PURSUANT TO SUBPARAGRAPH (I) OF THIS**  
15 **PARAGRAPH:**

16                               **1. AS FACILITIES GRANTS TO PUBLIC CHARTER**  
17 **SCHOOLS AUTHORIZED BY THE AUTHORITY, WHICH MAY BE USED FOR OPERATING**  
18 **OR CAPITAL COSTS RELATED TO A PUBLIC CHARTER SCHOOL FACILITY; AND**

19                               **2. IN AMOUNTS DETERMINED BY THE AUTHORITY.**

20 9-110.

21                   (a) (1) Each [county board] **PUBLIC CHARTERING AUTHORITY** shall develop  
22 a public charter school policy and provide it to the State Board.

23                   (2) The policy required under paragraph (1) of this subsection shall include  
24 guidelines and procedures regarding:

25                               (i) Evaluation of public charter schools, **INCLUDING ACADEMIC**  
26 **PERFORMANCE REQUIREMENTS;**

27                               (ii) Revocation of a charter;

28                               (iii) Reporting requirements; and

29                               (iv) Financial, programmatic, or compliance audits of public charter  
30 schools.

31                   (3) The policy required under paragraph (1) of this subsection, including  
32 any updates or amendments made to the policy, shall be provided to the Department and

1 made available on request and posted on the Web site of the [county board] PUBLIC  
2 CHARTERING AUTHORITY.

3 (b) (1) The Department shall designate a staff person to function as a contact  
4 person for the Maryland Public Charter School Program.

5 (2) The staff person designated as a contact person under paragraph (1) of  
6 this subsection shall:

7 (i) Provide technical assistance to the operator of a public charter  
8 school to help the school meet the requirements of federal and State laws, including 20  
9 U.S.C. § 1400, et seq. and § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; and

10 (ii) Gather information from public charter schools in the State  
11 regarding innovative approaches to education and best practices taking place at public  
12 charter schools that may be shared with and disseminated to other public schools in the  
13 State.

14 (c) The Department shall report annually by December 1 to the General  
15 Assembly in accordance with § 2–1246 of the State Government Article regarding:

16 (1) Any updates or amendments made to a public charter school policy  
17 under subsection (a) of this section; and

18 (2) Implementation of this title.

19 9–111.

20 (a) (1) If, with the approval of the State Superintendent, a county board  
21 determines that a school site or building no longer is needed for school purposes and after  
22 the county commissioners or county council have provided the required notice under §  
23 4–115 of this article, the county board shall inform the public charter schools in the county  
24 that the school site or building is available for occupation and use by a public charter school  
25 on the terms determined by the county board.

26 (2) Each county board:

27 (i) Shall establish a procedure to determine which public charter  
28 school may occupy and use an available school site or building if more than one public  
29 charter school notifies the county board of an interest in occupying and using a school site  
30 or building; and

31 (ii) May consider the utilization rate of surrounding school sites and  
32 buildings when authorizing a public charter school to occupy a school site or building.

33 **(3) IF THE SECRETARY OF THE DEPARTMENT OF GENERAL**  
34 **SERVICES DETERMINES THAT A STATE BUILDING IS NO LONGER NEEDED BY THE**

1 **STATE, THE SECRETARY SHALL INFORM ALL PUBLIC CHARTERING AUTHORITIES**  
2 **THAT THE BUILDING IS AVAILABLE FOR OCCUPATION AND USE BY A PUBLIC**  
3 **CHARTER SCHOOL ON THE TERMS DETERMINED BY THE SECRETARY.**

4 (b) A public charter school that occupies or uses a school site or building under  
5 subsection (a) of this section may not sell, dispose of, or otherwise transfer the school site  
6 or building.

7 9–112.

8 Any portion of a building or property occupied and used by a public charter school  
9 shall be exempt from property taxes under § 7–202 of the Tax – Property Article for the  
10 duration of the occupation and use of the building or property as a public charter school.

11 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
12 members of the Maryland Public Charter School Authority shall expire as follows:

13 (1) two members in 2020;

14 (2) two members in 2021; and

15 (3) three members in 2022.

16 SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General  
17 Assembly that no less than \$500,000 of the fiscal year 2018 State budget be included for  
18 the Maryland Public Charter School Authority established under this Act.

19 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2017.