

Chapter 528

(Senate Bill 653)

AN ACT concerning

***Carroll and Howard* County Boards of Education – Establishing Innovative Regional Schools – Authority  
(Cross-County Attendance to Achieve Efficiency Act of 2019)**

FOR the purpose of authorizing *the county boards of education of Carroll County and Howard County* to establish innovative regional schools subject to certain requirements and approval; ~~providing that innovative regional schools are eligible for certain public school construction funding; requiring the Interagency Commission on School Construction to adopt certain regulations; requiring a certain memorandum of understanding to include certain provisions; authorizing the memorandum of understanding to establish a geographic area of attendance; specifying a process for the admission of certain students under certain circumstances;~~ exempting innovative regional schools from certain provisions of law; requiring a certain collective bargaining agreement to govern working conditions in innovative regional schools, subject to a certain exception; requiring innovative regional schools to comply with certain regulations and provisions of law; *limiting the source of funds for certain payments to innovative regional schools; requiring the Interagency Commission on School Construction to study and develop a certain cost-share formula for certain county boards of education; requiring the Commission to submit a report with its findings and recommendations to the Governor and the General Assembly on or before a certain date; providing for the application of this Act;* defining a certain term; and generally relating to establishing innovative regional schools *in Carroll County and Howard County.*

BY adding to  
Article – Education  
Section 4-110  
Annotated Code of Maryland  
(2018 Replacement Volume and 2018 Supplement)

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

**Article – Education**

**4-110.**

**(A) IN THIS SECTION, “INNOVATIVE REGIONAL SCHOOL” MEANS A PUBLIC SCHOOL THAT:**

(1) ADMITS STUDENTS FROM ~~ONE OR MORE LOCAL SCHOOL SYSTEMS THAT ARE A PARTY TO~~ THE CARROLL COUNTY OR HOWARD COUNTY PUBLIC SCHOOL SYSTEMS UNDER A MEMORANDUM OF UNDERSTANDING AGREED TO UNDER SUBSECTION ~~(C)~~ (D) OF THIS SECTION; AND

(2) OFFERS SPECIAL COURSES OR CURRICULA FOR AN INNOVATIVE EDUCATION PROGRAM.

(B) THIS SECTION APPLIES ONLY IN CARROLL COUNTY AND HOWARD COUNTY.

~~(B)~~ (C) THROUGH A MEMORANDUM OF UNDERSTANDING AGREED TO UNDER SUBSECTION ~~(C)~~ (D) OF THIS SECTION, THE COUNTY BOARDS OF CARROLL COUNTY AND HOWARD COUNTY MAY ESTABLISH INNOVATIVE REGIONAL SCHOOLS.

~~(C)~~ (D) (1) (I) BEFORE ESTABLISHING AN INNOVATIVE REGIONAL SCHOOL, ~~EACH COUNTY BOARD~~ BOTH COUNTY BOARDS SHALL ENTER INTO A BINDING MEMORANDUM OF UNDERSTANDING OUTLINING EACH COUNTY BOARD'S RESPONSIBILITIES IN ~~GOVERNING AND FINANCING~~ THE GOVERNANCE, OPERATIONS, MAINTENANCE, AND FINANCING OF THE INNOVATIVE REGIONAL SCHOOL.

(II) THE MEMORANDUM OF UNDERSTANDING AND ANY AMENDMENTS TO THE COLLECTIVE BARGAINING AGREEMENT THAT IS NEGOTIATED UNDER SUBSECTION (D)(2) OF THIS SECTION SHALL BE SUBJECT TO THE APPROVAL OF THE COUNTY GOVERNING BODY OF EACH COUNTY WHOSE COUNTY BOARD IS A PARTY TO THE MEMORANDUM OF UNDERSTANDING CARROLL COUNTY AND HOWARD COUNTY.

(2) THE PARTIES TO THE MEMORANDUM OF UNDERSTANDING SHALL IDENTIFY ONE OF THE COUNTY BOARDS TO GOVERN THE INNOVATIVE REGIONAL SCHOOL.

~~(2)~~ (3) THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY BOARDS OF CARROLL COUNTY AND HOWARD COUNTY SHALL INCLUDE PROVISIONS FOR:

(I) EQUITABLE ACCESS TO THE INNOVATIVE REGIONAL SCHOOL FOR STUDENTS WITH DISABILITIES AND STUDENTS WHO ARE ELIGIBLE FOR FREE AND REDUCED PRICE MEALS;

(II) TRANSPORTATION TO ENSURE STUDENTS WITHOUT ACCESS TO A VEHICLE ARE ABLE TO ATTEND THE INNOVATIVE REGIONAL SCHOOL; AND

(III) COST SHARING RESPONSIBILITIES BETWEEN THE TWO COUNTY BOARDS RELATED TO MAINTENANCE OF THE SCHOOL BUILDING.

(4) (I) THE MEMORANDUM OF UNDERSTANDING MAY ESTABLISH A GEOGRAPHIC AREA OF ATTENDANCE FOR THE INNOVATIVE REGIONAL SCHOOL.

(II) IF MORE STUDENTS APPLY FOR ATTENDANCE AT THE INNOVATIVE REGIONAL SCHOOL THAN CAN BE ACCOMMODATED, THE INNOVATIVE REGIONAL SCHOOL SHALL ADMIT STUDENTS ON A LOTTERY BASIS.

(5) (I) NOTWITHSTANDING § 4-121 OF THIS SUBTITLE, AND SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE MEMORANDUM OF UNDERSTANDING MAY ESTABLISH REQUIRED PAYMENTS OF EACH COUNTY SERVED BY THE INNOVATIVE REGIONAL SCHOOL.

(II) THE SOURCE OF FUNDS FOR ANY PAYMENTS MADE BY EACH COUNTY SERVED BY THE INNOVATIVE REGIONAL SCHOOL SHALL BE LIMITED TO COUNTY APPROPRIATIONS ONLY.

~~(3)~~ (4) (6) THE MEMORANDUM OF UNDERSTANDING MAY CONTAIN ANY OTHER AGREEMENTS EACH COUNTY BOARD CONSIDERS NECESSARY.

~~(D)~~ (E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE COLLECTIVE BARGAINING AGREEMENT ESTABLISHED UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS ARTICLE IN THE COUNTY THAT IS IDENTIFIED UNDER SUBSECTION (C)(2) (D)(2) OF THIS SECTION SHALL GOVERN WORKING CONDITIONS AT THE INNOVATIVE REGIONAL SCHOOL.

(2) THE EMPLOYEE ORGANIZATION AND THE PUBLIC SCHOOL EMPLOYER IN THE COUNTY THAT IS IDENTIFIED UNDER SUBSECTION (C)(2) (D)(2) OF THIS SECTION MAY MUTUALLY AGREE TO NEGOTIATE AMENDMENTS TO THE EXISTING BARGAINING AGREEMENT TO ADDRESS THE NEEDS OF THE INNOVATIVE REGIONAL SCHOOL.

~~(D)(E) (1) INNOVATIVE REGIONAL SCHOOLS SHALL BE ELIGIBLE FOR FUNDING UNDER THE PUBLIC SCHOOL CONSTRUCTION PROGRAM IN ACCORDANCE WITH TITLE 5, SUBTITLE 3 OF THIS ARTICLE.~~

~~(2) THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION SHALL ADOPT REGULATIONS FOR FUNDING SCHOOL CONSTRUCTION AND SCHOOL CAPITAL IMPROVEMENTS AT AN INNOVATIVE REGIONAL SCHOOL IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN TITLE 5, SUBTITLE 3 OF THIS ARTICLE~~

~~THAT APPLY TO SCHOOL CONSTRUCTION AND SCHOOL CAPITAL IMPROVEMENT PROJECTS FUNDED FOR COUNTY BOARDS.~~

~~(E)~~ (F) INNOVATIVE REGIONAL SCHOOLS ESTABLISHED UNDER THIS SECTION ARE NOT SUBJECT TO THE APPROVAL OF THE STATE BOARD OR THE STATE SUPERINTENDENT UNDER § 4-109 OF THIS SUBTITLE.

~~(F)~~ (G) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, INNOVATIVE REGIONAL SCHOOLS SHALL COMPLY WITH THE REGULATIONS AND PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Interagency Commission on School Construction shall study and develop a State and local cost-share formula for county boards of education that choose to collaborate and operate a regional school involving more than one county board.

(b) On or before January 1, 2020, the Interagency Commission on School Construction shall submit a report with its findings and recommendations to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019.

Approved by the Governor, May 13, 2019.