

# HOUSE BILL 536

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9lr2484

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By: **Delegates Boteler, Arikan, Beitzel, Cox, Hornberger, Jacobs, Kipke, Mangione, McComas, McKay, Metzgar, Otto, and Szeliga**

Introduced and read first time: February 4, 2019

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public Charter Schools – Virtual Learning Programs**

3 FOR the purpose of altering the definition of “public charter school” to include a virtual  
4 learning program; requiring certain professional staff of a virtual learning program  
5 of a public charter school to be subject to certain certification provisions; defining a  
6 certain term; making conforming changes; and generally relating to virtual learning  
7 programs and public charter schools.

8 BY repealing and reenacting, with amendments,

9 Article – Education

10 Section 9–102, 9–102.1(a), 9–104(a)(1), and 9–105

11 Annotated Code of Maryland

12 (2018 Replacement Volume and 2018 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Education**

16 9–102.

17 (A) In this title[, “public] **THE FOLLOWING WORDS HAVE THE MEANINGS**  
18 **INDICATED.**

19 (B) **“PUBLIC charter school”** means a public school that:

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

21 (2) Is a school to which parents choose to send **OR IN WHICH PARENTS**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **CHOOSE TO ENROLL** their children;

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

5 (4) Is a new public school [or], a conversion of an existing public school, **OR**  
6 **A VIRTUAL LEARNING PROGRAM;**

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

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

9 (7) Is tuition–free;

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

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

12 (10) Is in compliance with § 9–107 of this title;

13 (11) Operates under the supervision of the public chartering authority from  
14 which its charter is granted and in accordance with its charter and, except as provided in  
15 §§ 9–104.1 and 9–106 of this title, the provisions of law and regulation governing other  
16 public schools;

17 (12) **(I)** Requires students to be physically present on school premises for  
18 a period of time substantially similar to that which other public school students spend on  
19 school premises; **OR**

20 **(II) IN THE CASE OF A VIRTUAL LEARNING PROGRAM, REQUIRES**  
21 **STUDENTS TO MEET:**

22 **1. ATTENDANCE REQUIREMENTS; AND**

23 **2. ANY OTHER REQUIREMENTS IMPOSED BY THE LOCAL**  
24 **SCHOOL SYSTEM APPLICABLE TO A LOCATION OUTSIDE A SCHOOL BUILDING THAT**  
25 **ARE NECESSARY FOR THE DELIVERY OF A VIRTUAL LEARNING PROGRAM,**  
26 **INCLUDING REQUIREMENTS FOR EQUIPMENT, MATERIALS, AND TELEPHONE AND**  
27 **INTERNET SERVICE; and**

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

30 **(C) “VIRTUAL LEARNING PROGRAM” MEANS A PROGRAM OF INSTRUCTION**

1 THAT PROVIDES A SIGNIFICANT PORTION OF ITS CURRICULUM AND DELIVERS A  
2 SIGNIFICANT PORTION OF ITS INSTRUCTION TO ITS STUDENTS BY TEACHERS IN AN  
3 INTERACTIVE LEARNING ENVIRONMENT THROUGH THE INTERNET OR OTHER  
4 ELECTRONIC MEANS.

5 9–102.1.

6 (a) The State Board may grant a waiver from § [9–102(3)] **9–102(B)(3)** of this  
7 title to a public charter school if the public charter school:

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

9 (2) Will admit students with parents who are not assigned to the base to at  
10 least 35% of its total available space as part of the initial cohort of students in a grade.

11 9–104.

12 (a) (1) An application to establish a public charter school shall be submitted to  
13 the county board of the county in which the public charter school will **EITHER** be located  
14 **OR WILL SERVE ITS STUDENTS**.

15 9–105.

16 A member of the professional staff of a public charter school, **INCLUDING ANY**  
17 **VIRTUAL LEARNING PROGRAM OF A PUBLIC CHARTER SCHOOL**, shall be subject to the  
18 same certification provisions established in regulations for the professional staff of other  
19 public schools.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
21 1, 2019.