

HOUSE BILL 938

F1

2lr1173

By: **Delegates Kittleman, Arian, McComas, and Otto**

Introduced and read first time: February 10, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – School Accountability – Parent Empowerment and Choice**

3 FOR the purpose of authorizing certain parents and legal guardians of students attending
4 public schools that are not meeting State accountability goals to petition county
5 boards of education to implement certain intervention strategies; requiring a county
6 board to take certain steps on receipt of a certain petition; and generally relating to
7 accountability in public schools.

8 BY adding to

9 Article – Education

10 Section 9.3–101 through 9.3–107 to be under the new title “Title 9.3. Parent
11 Empowerment and Choice”

12 Annotated Code of Maryland

13 (2018 Replacement Volume and 2021 Supplement)

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 **TITLE 9.3. PARENT EMPOWERMENT AND CHOICE.**

18 **9.3–101.**

19 **(A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**

21 **(B) “CHARTER MANAGEMENT ORGANIZATION” MEANS A NONPROFIT**
22 **ORGANIZATION THAT OPERATES OR MANAGES CHARTER SCHOOLS BY**
23 **CENTRALIZING OR SHARING SPECIFIED FUNCTIONS AND RESOURCES AMONG**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SCHOOLS.**

2 (C) "EDUCATION MANAGEMENT ORGANIZATION" MEANS A NONPROFIT
3 ORGANIZATION THAT PROVIDES COMPREHENSIVE SCHOOL OPERATION SERVICES
4 TO A COUNTY BOARD.

5 (D) "FORMER STUDENT" MEANS A STUDENT WHO PREVIOUSLY ATTENDED A
6 SCHOOL THAT HAS BEEN CONVERTED OR CLOSED AND REOPENED IN ACCORDANCE
7 WITH A RESTART MODEL.

8 (E) "INTERVENTION STRATEGY" MEANS:

9 (1) A RESTART MODEL; OR

10 (2) A SCHOOL CLOSURE MODEL.

11 (F) "RESTART MODEL" MEANS A SCHOOL REFORM MODEL IN WHICH A
12 COUNTY BOARD:

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

17 (2) ENROLLS FORMER STUDENTS WHO WISH TO ATTEND THE
18 SCHOOL.

19 (G) "SCHOOL CLOSURE MODEL" MEANS A SCHOOL REFORM MODEL IN
20 WHICH A COUNTY BOARD CLOSES A SCHOOL AND ENROLLS THE STUDENTS WHO
21 ATTENDED THE SCHOOL IN OTHER SCHOOLS IN THE LOCAL SCHOOL SYSTEM,
22 INCLUDING CHARTER SCHOOLS OR SCHOOLS FOR WHICH ACCOUNTABILITY DATA IS
23 NOT YET AVAILABLE, THAT ARE:

24 (1) HIGHER ACHIEVING THAN THE CLOSED SCHOOL; AND

25 (2) WITHIN REASONABLE PROXIMITY TO THE CLOSED SCHOOL.

26 **9.3-102.**

27 THIS TITLE APPLIES TO A PUBLIC SCHOOL THAT, AFTER ONE FULL SCHOOL
28 YEAR, CONTINUES TO FAIL TO MEET STATE ACCOUNTABILITY GOALS.

29 **9.3-103.**

1 **THE PARENTS AND LEGAL GUARDIANS OF STUDENTS WHO ATTEND A PUBLIC**
2 **SCHOOL MAY REQUEST THAT THE COUNTY BOARD IMPLEMENT AN INTERVENTION**
3 **STRATEGY IF:**

4 **(1) MORE THAN 50% OF THE PARENTS OR LEGAL GUARDIANS OF**
5 **STUDENTS ATTENDING A PUBLIC SCHOOL SIGN A PETITION THAT REQUESTS THE**
6 **COUNTY BOARD TO IMPLEMENT THE INTERVENTION STRATEGY; OR**

7 **(2) A COMBINATION OF MORE THAN 50% OF THE PARENTS OR LEGAL**
8 **GUARDIANS OF STUDENTS ATTENDING THE SCHOOL AND THE ELEMENTARY OR**
9 **MIDDLE SCHOOLS THAT NORMALLY MATRICULATE INTO THE MIDDLE OR HIGH**
10 **SCHOOL SIGN A PETITION THAT REQUESTS THE COUNTY BOARD TO IMPLEMENT THE**
11 **INTERVENTION STRATEGY.**

12 **9.3-104.**

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

15 **(1) ON RECEIPT OF A PETITION SUBMITTED IN ACCORDANCE WITH §**
16 **9.3-103 OF THIS TITLE; AND**

17 **(2) OF THE COUNTY BOARD'S FINAL DISPOSITION REGARDING THE**
18 **PETITION.**

19 **9.3-105.**

20 **(A) WITHIN 60 DAYS AFTER RECEIPT OF A PETITION UNDER § 9.3-103 OF**
21 **THIS TITLE, A COUNTY BOARD SHALL MAKE A DETERMINATION, IN WRITING,**
22 **REGARDING THE DISPOSITION OF THE PETITION.**

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

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

1 **(I) MAKE A FINDING STATING THE REASON THE COUNTY**
2 **BOARD CANNOT IMPLEMENT THE INTERVENTION STRATEGY REQUESTED BY THE**
3 **PETITION; AND**

4 **(II) DESIGNATE ANOTHER INTERVENTION STRATEGY THE**
5 **COUNTY BOARD WILL IMPLEMENT IN THE NEXT SCHOOL YEAR CONSISTENT WITH**
6 **THE REQUIREMENTS SPECIFIED IN:**

7 **1. FEDERAL REGULATIONS AND GUIDELINES FOR**
8 **SCHOOLS UNDER THE FEDERAL EVERY STUDENT SUCCEEDS ACT; AND**

9 **2. REGULATIONS ADOPTED BY THE STATE BOARD**
10 **UNDER THIS TITLE.**

11 **9.3-106.**

12 **IF A COUNTY BOARD INDICATES THAT THE COUNTY BOARD WILL IMPLEMENT**
13 **A DIFFERENT INTERVENTION STRATEGY FROM THE INTERVENTION STRATEGY**
14 **REQUESTED BY THE PETITION SUBMITTED IN ACCORDANCE WITH § 9.3-103 OF THIS**
15 **TITLE, THE COUNTY BOARD SHALL NOTIFY THE STATE SUPERINTENDENT AND THE**
16 **STATE BOARD THAT THE INTERVENTION STRATEGY SELECTED HAS BEEN**
17 **DETERMINED BY THE COUNTY BOARD TO HAVE SUBSTANTIAL PROMISE OF**
18 **ALLOWING THE SCHOOL TO MEET STATE ACCOUNTABILITY GOALS.**

19 **9.3-107.**

20 **(A) THE STATE BOARD SHALL ADOPT REGULATIONS TO IMPLEMENT THIS**
21 **TITLE.**

22 **(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A) OF THIS SECTION**
23 **SHALL ESTABLISH PROCEDURES FOR A COUNTY BOARD TO CERTIFY THAT A**
24 **PETITION HAS SATISFIED ALL REQUIREMENTS ESTABLISHED BY LAW AND**
25 **REGULATION RELATING TO THE PETITION, INCLUDING WHETHER THE SIGNATURES**
26 **CONTAINED IN THE PETITION ARE SUFFICIENT TO SATISFY THE REQUIREMENTS OF**
27 **§ 9.3-103 OF THIS TITLE.**

28 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July**
29 **1, 2022.**