

SENATE BILL 704

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7lr0197
CF HB 878

By: **The President (By Request – Administration) and Senators Bates, Eckardt, Hershey, Hough, Jennings, Ready, Salling, and Serafini**

Introduced and read first time: February 3, 2017

Assigned to: Rules

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
27 certain professional staff from certain certification requirements; requiring the
28 Authority to adopt certain policies regarding teacher induction, preparation, and
29 development; specifying that certain employees have certain rights and privileges;
30 requiring certain criminal history records checks and fingerprinting requirements

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

22 BY repealing and reenacting, with amendments,
23 Article – Education
24 Section 5–202(b), 9–101, 9–102, 9–102.1, 9–102.2, 9–102.3, 9–104, 9–104.1, and
25 9–105 through 9–111
26 Annotated Code of Maryland
27 (2014 Replacement Volume and 2016 Supplement)

28 BY repealing
29 Article – Education
30 Section 9–103
31 Annotated Code of Maryland
32 (2014 Replacement Volume and 2016 Supplement)

33 BY adding to
34 Article – Education
35 Section 9–103, 9–103.1, 9–105.1, 9–106.1, and 9–107.1
36 Annotated Code of Maryland
37 (2014 Replacement Volume and 2016 Supplement)

38 BY repealing and reenacting, without amendments,
39 Article – Education
40 Section 9–112
41 Annotated Code of Maryland
42 (2014 Replacement Volume and 2016 Supplement)

Preamble

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

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

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

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

Article – Education

5–202.

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

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

9–101.

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

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

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

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

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

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

6 9–102.

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

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

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

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

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

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

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

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

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

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

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

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

29 (7) Is tuition-free;

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

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

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

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

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

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

13 (G) “PUBLIC CHARTERING AUTHORITY” MEANS:

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

16 (2) A COUNTY BOARD.

17 9–102.1.

18 (a) The [State Board] PUBLIC CHARTERING AUTHORITY may grant a waiver
19 from [§ 9–102(3)] § 9–102(F)(3) of this title to a public charter school if the public charter
20 school:

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

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

24 (b) If a public charter school is granted a waiver under subsection (a) of this
25 section, subject to the requirement set forth in subsection (a)(2) of this section, the public
26 charter school shall:

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

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

1 9–102.2.

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

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

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

8 [(2)] (3) A student with disabilities;

9 [(3)] (4) A student with limited English proficiency;

10 [(4)] (5) Homeless, as defined under the federal McKinney–Vento
11 Homeless Assistance Act; or

12 [(5)] (6) A sibling of a student currently enrolled in the public charter
13 school for which the sibling is applying.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 9–102.3.

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

34 (1) A converted public charter school that:

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

4 (ii) [Is a low-performing school as identified by the county board]
 5 **CONVERTED A PERSISTENTLY FAILING PUBLIC SCHOOL TO A PUBLIC CHARTER**
 6 **SCHOOL;**

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

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

- 12 1. Serving a high-need population;
- 13 2. Increasing student performance;
- 14 3. Increasing enrollment; or
- 15 4. Increasing student diversity; or

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

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

21 [9-103.

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

24 **9-103.**

25 (A) **THERE IS A MARYLAND PUBLIC CHARTER SCHOOL AUTHORITY IN THE**
 26 **STATE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 **(II) THE AUTHORITY SHALL ELECT OTHER OFFICERS AS THE**
28 **AUTHORITY REQUIRES.**

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

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

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

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

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

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

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

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

22 **9-103.1.**

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

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

30 **9-104.**

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

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

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

9 (i) The staff of a public school;

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

12 (iii) A nonsectarian nonprofit entity;

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

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

16 (3) An application shall include:

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

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

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

25 (i) A private school;

26 (ii) A parochial school;

27 (iii) A home school; or

28 (iv) A school that operates fully online.

29 (5) (i) Except as provided in subparagraph (ii) of this paragraph, [the
30 county board] **A PUBLIC CHARTERING AUTHORITY** shall review the application and

1 render a decision within 120 days of receipt of the application and in accordance with the
2 application procedures adopted by the [county board] **PUBLIC CHARTERING AUTHORITY**.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 9–104.1.

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

19 (1) Sound fiscal management; and

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

22 (i) Statewide assessments; and

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

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

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

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

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

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

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

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

11 (1) Textbook, instructional program, curriculum, professional
12 development, and scheduling requirements;

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

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

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

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

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

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

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

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

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

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

3 9–105.

4 (A) THIS SECTION APPLIES ONLY TO PUBLIC CHARTER SCHOOLS
5 AUTHORIZED BY A COUNTY BOARD.

6 (B) A member of the professional staff of a public charter school shall be subject
7 to the same certification provisions established in regulations for the professional staff of
8 other public schools.

9 9–105.1.

10 (A) THIS SECTION APPLIES ONLY TO PUBLIC CHARTER SCHOOLS
11 AUTHORIZED BY THE AUTHORITY.

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

13 (1) PUBLIC SCHOOL EMPLOYEES, AS DEFINED IN §§ 6–401(E) AND
14 6–501(G) OF THIS ARTICLE; OR

15 (2) EMPLOYEES OF A PUBLIC SCHOOL EMPLOYER, AS DEFINED IN §§
16 6–401(F) AND 6–501(H) OF THIS ARTICLE, IN THE COUNTY IN WHICH THE PUBLIC
17 CHARTER SCHOOL IS LOCATED.

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

20 (2) THE AUTHORITY SHALL ADOPT POLICIES FOR TEACHER
21 INDUCTION, PREPARATION, AND DEVELOPMENT THAT SUPPORT HIGH-QUALITY
22 INSTRUCTION AND ACADEMIC STANDARDS.

23 (D) (1) EMPLOYEES IN PUBLIC CHARTER SCHOOLS SHALL HAVE THE
24 SAME RIGHTS AND PRIVILEGES AS PUBLIC SCHOOL EMPLOYEES.

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

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

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

3 9–106.

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

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

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

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

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

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

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

17 (1) Audit requirements;

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

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

23 **9–106.1.**

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

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

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

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

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

5 **(D) A PUBLIC CHARTERING AUTHORITY MAY NOT EXEMPT A PUBLIC**
6 **CHARTER SCHOOL FROM PROVISIONS OF LAW OR REGULATION RELATING TO THE**
7 **HEALTH, SAFETY, OR CIVIL RIGHTS OF A STUDENT OR EMPLOYEE OF THE PUBLIC**
8 **CHARTER SCHOOL.**

9 9–107.

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

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

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

21 **9–107.1.**

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

24 **(B) A PUBLIC CHARTER SCHOOL SHALL SERVE AS THE LOCAL EDUCATIONAL**
25 **AGENCY, AS DEFINED BY THE FEDERAL INDIVIDUALS WITH DISABILITIES**
26 **EDUCATION ACT, FOR THE PURPOSE OF PROVIDING SPECIAL EDUCATION AND**
27 **RELATED SERVICES FOR CHILDREN WITH DISABILITIES ENROLLED AT THE PUBLIC**
28 **CHARTER SCHOOL.**

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

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

1 9–108.

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

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

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

7 (2) Are employees of a public school employer, as defined in §§ 6–401(f) and
8 6–501(h) of this article, in the county in which the public charter school is located; and

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

11 **[(b)] (C)** If a collective bargaining agreement under Title 6, Subtitle 4 or Subtitle
12 5 of this article is already in existence in the county where a public charter school is located,
13 the employee organization, public school employer, and the public charter school may
14 mutually agree to negotiate amendments to the existing agreement to address the needs of
15 the particular public charter school, including amendments to work days, work hours,
16 school year, procedures for transfers that are consistent with the instructional mission of
17 the school, and extra duty assignments.

18 9–109.

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

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

25 **(I) THE TOTAL ENROLLMENT OF THE PUBLIC CHARTER**
26 **SCHOOL; AND**

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

31 **(2) (I) IN ADDITION TO THE AMOUNT PROVIDED IN PARAGRAPH (1)**
32 **OF THIS SUBSECTION, THE STATE SHALL DISTRIBUTE ANNUALLY TO THE**

1 **AUTHORITY A PUBLIC CHARTER SCHOOL FACILITY GRANT IN AN AMOUNT THAT IS**
2 **NOT LESS THAN THE PRODUCT OF THE TOTAL AGGREGATE ENROLLMENT OF ALL**
3 **THE PUBLIC CHARTER SCHOOLS AUTHORIZED BY THE AUTHORITY MULTIPLIED BY**
4 **\$1,000.**

5 **(II) THE AUTHORITY SHALL DISBURSE THE DISTRIBUTION**
6 **RECEIVED FROM THE STATE PURSUANT TO SUBPARAGRAPH (I) OF THIS**
7 **PARAGRAPH:**

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

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

12 9–110.

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

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

17 (i) Evaluation of public charter schools, **INCLUDING ACADEMIC**
18 **PERFORMANCE REQUIREMENTS;**

19 (ii) Revocation of a charter;

20 (iii) Reporting requirements; and

21 (iv) Financial, programmatic, or compliance audits of public charter
22 schools.

23 (3) The policy required under paragraph (1) of this subsection, including
24 any updates or amendments made to the policy, shall be provided to the Department and
25 made available on request and posted on the Web site of the [county board] **PUBLIC**
26 **CHARTERING AUTHORITY.**

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

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

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

4 (ii) Gather information from public charter schools in the State
5 regarding innovative approaches to education and best practices taking place at public
6 charter schools that may be shared with and disseminated to other public schools in the
7 State.

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

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

12 (2) Implementation of this title.

13 9–111.

14 (a) (1) If, with the approval of the State Superintendent, a county board
15 determines that a school site or building no longer is needed for school purposes and after
16 the county commissioners or county council have provided the required notice under §
17 4–115 of this article, the county board shall inform the public charter schools in the county
18 that the school site or building is available for occupation and use by a public charter school
19 on the terms determined by the county board.

20 (2) Each county board:

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

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

27 **(3) IF THE SECRETARY OF THE DEPARTMENT OF GENERAL**
28 **SERVICES DETERMINES THAT A STATE BUILDING IS NO LONGER NEEDED BY THE**
29 **STATE, THE SECRETARY SHALL INFORM ALL PUBLIC CHARTERING AUTHORITIES**
30 **THAT THE BUILDING IS AVAILABLE FOR OCCUPATION AND USE BY A PUBLIC**
31 **CHARTER SCHOOL ON THE TERMS DETERMINED BY THE SECRETARY.**

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

35 9–112.

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

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

- 6 (1) two members in 2020;
- 7 (2) two members in 2021; and
- 8 (3) three members in 2022.

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

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