

# SENATE BILL 595

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5lR0133  
CF HB 486

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

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 29, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Public Charter School ~~Expansion and~~ Improvement Act of 2015**

3 ~~FOR the purpose of including certain employees of certain public charter school operators~~  
4 ~~under certain provisions of law relating to collective bargaining; authorizing certain~~  
5 ~~employees of certain public charter school operators to form certain employee~~  
6 ~~organizations; requiring certain employee organizations to be separate units in a~~  
7 ~~county for the purpose of collective bargaining; altering a certain requirement to hold~~  
8 ~~a certain lottery under certain circumstances and in accordance with a certain~~  
9 ~~application; authorizing certain public charter schools to give certain weight to~~  
10 ~~certain students during a certain lottery; clarifying that the State Board of Education~~  
11 ~~is a public chartering authority; specifying certain contents of a certain application;~~  
12 ~~prohibiting certain public chartering authorities from withholding approval of~~  
13 ~~certain applications under certain circumstances; altering the time period within~~  
14 ~~which the State Board must render a decision on a certain appeal; requiring certain~~  
15 ~~professional staff to be qualified and credentialed in a certain manner; authorizing~~  
16 ~~certain public charter schools to apply to the State Board for certain waivers;~~  
17 ~~repealing a certain requirement that a certain waiver be sought through a certain~~  
18 ~~process; authorizing certain employees of a public charter school to be employees of~~  
19 ~~the operator of the public charter school; requiring a certain application to include~~  
20 ~~certain information relating to the employment status of certain employees;~~  
21 ~~authorizing a certain employment status to be changed on renewal of a certain~~  
22 ~~application; prohibiting certain employees of a public charter school operator from~~  
23 ~~being required to be members of a certain bargaining unit or bound by a certain~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~collective bargaining agreement; requiring a county board to make certain disbursements in each fiscal year to a public charter school; requiring a public charter school to reimburse local school systems under certain circumstances; requiring public charter schools to be eligible for the public school construction program; requiring the State Department of Education to act as the administering agency for certain purposes; requiring public charter schools to be subject to a certain State and local cost share formula; authorizing the use of certain funds for the construction or renovation of public charter schools; requiring certain agencies to adopt certain regulations; requiring a certain staff person at the Department to perform certain duties; including certain employees of public charter school operators under certain provisions of law relating to the State Teachers' Pension System and the Teachers' Retirement System; making certain stylistic changes; defining certain terms; altering certain definitions; and generally relating to the laws that relate to public charter schools in the State.~~

FOR the purpose of requiring certain public charter schools to take certain steps to maintain a certain ratio as part of the initial cohort of students in a certain grade; authorizing certain public charter schools to give certain students seeking to enroll in the public charter school a greater weight to the student's lottery status as part of the public charter school's admissions lottery; authorizing certain public charter schools to give priority to certain siblings for certain spaces at certain public charter schools; authorizing certain public charter schools to provide certain guaranteed placement to certain students; authorizing certain public charter schools to propose a certain geographic attendance area and certain guaranteed placement plan, subject to the approval of the public chartering authority, under certain circumstances; authorizing certain public charter schools to admit certain students under certain circumstances; authorizing certain county boards of education to grant certain waivers to certain converted public charter schools; providing that certain county boards are the only public chartering authorities in the State; repealing a provision of law that establishes the State Board of Education as a secondary public chartering authority; requiring an application to establish a public charter school to include a certain plan for a program of instruction and a certain description of the implementation of a certain weighted lottery or the provision of guaranteed placement under certain circumstances; prohibiting a public chartering authority from granting a charter to a school that operates fully online; requiring certain county boards of education to review certain applications in accordance with the application procedures adopted by the county board; authorizing certain decisions to be appealed to the State Board in accordance with certain provisions of law; authorizing a public chartering authority to approve certain applications on a contingent basis subject to certain conditions; authorizing a public chartering authority to approve or reject a certain provision of an application separately from the application as a whole; providing that a certain applicant may submit a certain staffing model with a certain application; requiring the State Board to remand to a county board a certain matter under certain circumstances and authorizing the State Board to mediate, if necessary, a certain matter between a county board and a certain public charter school under certain circumstances; requiring the State Board to develop standards and criteria by which certain public charter schools must be assessed; authorizing certain public charter schools to submit to a public chartering

1 authority a certain application for certain consideration; prohibiting certain public  
 2 charter schools from submitting a certain application more than once during a  
 3 certain period of time; exempting certain public charter schools from certain policies  
 4 under certain circumstances; authorizing certain public chartering authorities and  
 5 certain public charter schools to mutually agree to a certain communication process  
 6 and supervision methodology; providing that certain public charter schools may not  
 7 be assigned certain principals without certain consent; providing that certain staff  
 8 members must be assigned or transferred to certain public charter schools under  
 9 certain circumstances; specifying that certain provisions of law may not be construed  
 10 to take precedence over a certain collective bargaining agreement; subjecting certain  
 11 public charter schools to certain provisions of law, subject to certain exceptions;  
 12 requiring a member of the professional staff of a public charter school to be subject  
 13 to certain certification provisions; authorizing certain public charter schools to seek  
 14 certain waivers under certain circumstances; requiring certain reasons to be  
 15 provided in writing for the denial of certain waivers; authorizing certain employee  
 16 organizations, public school employers, and public charter schools to mutually agree  
 17 to negotiate certain amendments to certain collective bargaining agreements;  
 18 requiring certain county boards to provide certain policies and updates or  
 19 amendments to the policies to the State Board; requiring the State Department of  
 20 Education to report annually to the General Assembly regarding certain updates or  
 21 amendments to certain policies and the implementation of this Act; requiring the  
 22 State Department of Education, in consultation with the Department of Legislative  
 23 Services, to contract for a certain study relating to funding for public charter schools  
 24 and traditional public schools; requiring the study to include certain elements;  
 25 requiring local school systems and public charter schools to provide certain data to  
 26 complete the study; establishing certain penalties for certain local school systems  
 27 and public charter schools that do not comply with a certain data reporting  
 28 requirement; requiring a certain report to the Governor and certain committees of  
 29 the General Assembly on or before a certain date regarding the study; making  
 30 certain stylistic changes; altering a certain definition; defining a certain term; and  
 31 generally relating to public charter schools in the State.

32 ~~BY repealing and reenacting, with amendments,~~

33 ~~Article – Education~~

34 ~~Section 6-401(e), (e)(1), and (f), 6-404(a), (e), and (d), 6-405(a), 6-407(a), 9-102,~~  
 35 ~~9-102.1, and 9-103 through 9-110~~

36 ~~Annotated Code of Maryland~~

37 ~~(2014 Replacement Volume and 2014 Supplement)~~

38 BY repealing and reenacting, without amendments,

39 Article – Education

40 Section 9-101 and 9-109(a)

41 Annotated Code of Maryland

42 (2014 Replacement Volume and 2014 Supplement)

43 BY repealing and reenacting, with amendments,

44 Article – Education

1 Section 9-102, 9-102.1, 9-103 through 9-108, and 9-110  
 2 Annotated Code of Maryland  
 3 (2014 Replacement Volume and 2014 Supplement)

4 BY adding to  
 5 Article – Education  
 6 Section 9-102.2, 9-102.3, and 9-104.1  
 7 Annotated Code of Maryland  
 8 (2014 Replacement Volume and 2014 Supplement)

9 ~~BY repealing and reenacting, with amendments,~~  
 10 ~~Article – State Personnel and Pensions~~  
 11 ~~Section 21-304(a)(6) and (7), 22-205(a)(1), and 23-206(a)(1)~~  
 12 ~~Annotated Code of Maryland~~  
 13 ~~(2009 Replacement Volume and 2014 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 ~~§ 401.~~

18 ~~(e) “Employee organization” means an organization that:~~

19 ~~(1) (I) Includes certificated employees of a public school employer or~~  
 20 ~~individuals of equivalent status in Baltimore City; OR~~

21 ~~(II) CONSISTS SOLELY OF EMPLOYEES OF A PUBLIC CHARTER~~  
 22 ~~SCHOOL OPERATOR WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH §~~  
 23 ~~9-108(A)(2) OF THIS ARTICLE; and~~

24 ~~(2) Has as one of its main purposes the representation of the employees in~~  
 25 ~~their relations with that public school employer.~~

26 ~~(e) (1) “Public school employee” means [a]:~~

27 ~~(I) A certificated professional individual who is employed by a~~  
 28 ~~public school employer [or an];~~

29 ~~(II) AN individual of equivalent status in Baltimore City, except for~~  
 30 ~~a county superintendent or an individual designated by the public school employer to act~~  
 31 ~~in a negotiating capacity as provided in § 6-408(e) of this subtitle; OR~~

1 ~~(H) AN EMPLOYEE OF A PUBLIC CHARTER SCHOOL OPERATOR~~  
2 ~~WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THIS~~  
3 ~~ARTICLE.~~

4 ~~(f) "Public school employer" means a county board [of education] or the~~  
5 ~~[Baltimore City Board of School Commissioners] STATE BOARD ACTING AS A~~  
6 ~~CHARTERING AUTHORITY UNDER § 9-103(B) OF THIS ARTICLE.~~

7 ~~6-404.~~

8 ~~(a) (1) [Each] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS~~  
9 ~~SUBSECTION, EACH public school employer shall designate, as provided in this subtitle,~~  
10 ~~which employee organization, if any, shall be the exclusive representative of all public~~  
11 ~~school employees in a specified unit in the county.~~

12 ~~(2) IF THE EMPLOYEES OF A PUBLIC CHARTER SCHOOL OPERATOR~~  
13 ~~ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THIS ARTICLE, THEN THOSE~~  
14 ~~EMPLOYEES MAY FORM AN EMPLOYEE ORGANIZATION THAT SHALL BE THE~~  
15 ~~EXCLUSIVE REPRESENTATIVE OF ALL EMPLOYEES IN THAT PUBLIC CHARTER~~  
16 ~~SCHOOL.~~

17 ~~(e) (1) [There] EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS~~  
18 ~~SUBSECTION, THERE may not be more than two units in a county.~~

19 ~~(2) In Baltimore County, one of the units shall consist of employees who~~  
20 ~~are administrative and supervisory certificated employees. The second unit shall consist of~~  
21 ~~all other public school employees as defined under § 6-401(c)(1) and (3) of this subtitle.~~

22 ~~(3) EACH EMPLOYEE ORGANIZATION THAT CONSISTS SOLELY OF~~  
23 ~~EMPLOYEES OF A PUBLIC CHARTER SCHOOL OPERATOR WHOSE EMPLOYEES ARE~~  
24 ~~EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THIS ARTICLE AND WHOSE~~  
25 ~~EMPLOYEES DECIDE TO FORM AN EMPLOYEE ORGANIZATION SHALL BE A SEPARATE~~  
26 ~~UNIT IN A COUNTY.~~

27 ~~(d) [All] EXCEPT AS PROVIDED IN § 9-108(A)(2) OF THIS ARTICLE, ALL~~  
28 ~~eligible public school employees shall:~~

29 ~~(1) Be included in one of these units; and~~

30 ~~(2) Have the rights granted in this subtitle.~~

31 ~~6-405.~~

1 ~~(a) [The] SUBJECT TO § 9-108(A)(2) OF THIS ARTICLE AND § 6-404 OF THIS~~  
 2 ~~SUBTITLE, THE designation of an employee organization as an exclusive representative~~  
 3 ~~shall be made as provided in this section.~~

4 ~~6-407.~~

5 ~~(a) [An] EXCEPT AS PROVIDED IN § 9-108(A)(2) OF THIS ARTICLE, AN~~  
 6 ~~employee organization designated as an exclusive representative shall be the negotiating~~  
 7 ~~agent of all public school employees in the unit in the county.~~

8 9-101.

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

10 (b) The general purpose of the Program is to establish an alternative means  
 11 within the existing public school system in order to provide innovative learning  
 12 opportunities and creative educational approaches to improve the education of students.

13 9-102.

14 In this title, "public charter school" means a public school that:

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

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

17 (3) Except as provided in ~~§ 9-102.1~~ §§ 9-102.1, 9-102.2, AND 9-102.3 of  
 18 this title, is open to all students on a space-available basis and admits students on a lottery  
 19 basis ~~IN ACCORDANCE WITH § 9-102.2 OF THIS TITLE~~ if more students apply than can  
 20 be accommodated;

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

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

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

24 (7) Is tuition-free;

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

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

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

1 (11) Operates under the supervision of the public chartering authority  
 2 ~~THROUGH ITS GOVERNING BOARD~~ from which its charter is granted and in accordance  
 3 with its charter and, except as provided in ~~§ 9-106~~ §§ 9-104.1 AND 9-106 of this title, the  
 4 provisions of law and regulation governing other public schools;

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

8 (13) Is created in accordance with this title and the ~~f~~appropriate county  
 9 board policy; ~~PUBLIC CHARTERING AUTHORITY POLICY CONSISTENT WITH THE~~  
 10 ~~PROVISIONS OF THIS TITLE.~~

11 9-102.1.

12 (a) The State Board may grant a waiver from § 9-102(3) of this title to a public  
 13 charter school if the public charter school:

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

15 (2) Will admit students with parents who are not assigned to the base to at  
 16 least 35% of its total available space AS PART OF THE INITIAL COHORT OF STUDENTS  
 17 IN A GRADE.

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

21 (1) ~~admit~~ ADMIT all students on a lottery basis IN ACCORDANCE WITH §  
 22 9-102.2 OF THIS TITLE; AND

23 (2) TAKE REASONABLE STEPS TO MAINTAIN THE 35% TO 65% RATIO  
 24 INTENDED AS PART OF THE INITIAL COHORT OF STUDENTS IN A GRADE.

25 9-102.2.

26 (A) A PUBLIC CHARTER SCHOOL MAY GIVE GREATER WEIGHT TO A  
 27 STUDENT'S LOTTERY STATUS AS PART OF A LOTTERY HELD UNDER § 9-102(3) OF  
 28 THIS TITLE AND IN ACCORDANCE WITH AN APPLICATION SUBMITTED UNDER § 9-104  
 29 OF THIS TITLE IF:

30 (1) ~~THE~~ THE STUDENT IS:

31 (1) ~~(1)~~ (1) ELIGIBLE FOR FREE OR REDUCED PRICE MEALS;

1                   ~~(H)~~ (2)       A STUDENT WITH DISABILITIES;

2                   ~~(H)~~ (3)       A STUDENT WITH LIMITED ENGLISH PROFICIENCY;

3 ~~OR~~

4                   ~~(IV)~~ (4)       HOMELESS, AS DEFINED UNDER THE FEDERAL  
5 MCKINNEY-VENTO HOMELESS ASSISTANCE ACT; OR

6                   (5) A SIBLING OF A STUDENT CURRENTLY ENROLLED IN THE PUBLIC  
7 CHARTER SCHOOL FOR WHICH THE SIBLING IS APPLYING.

8                   ~~(2) THE STUDENT LIVES WITHIN A SPECIFIC GEOGRAPHIC~~  
9 ~~ATTENDANCE AREA IDENTIFIED BY THE PUBLIC CHARTER SCHOOL AS PART OF ITS~~  
10 ~~APPLICATION UNDER § 9-104 OF THIS TITLE; OR~~

11                   ~~(3) THE STUDENT ATTENDED A PUBLIC CHARTER SCHOOL DURING~~  
12 ~~THE PREVIOUS SCHOOL YEAR THAT IS OPERATED BY THE SAME PUBLIC CHARTER~~  
13 ~~SCHOOL OPERATOR AND IF THE OPERATOR MEETS THE REQUIREMENTS OF~~  
14 ~~SUBSECTION (B) OF THIS SECTION.~~

15                   ~~(B) A STUDENT MAY BE GIVEN GREATER WEIGHT UNDER SUBSECTION (A)(3)~~  
16 ~~OF THIS SECTION IF:~~

17                   ~~(1) THE OPERATOR OPERATES TWO OR MORE PUBLIC CHARTER~~  
18 ~~SCHOOLS IN THE COUNTY; AND~~

19                   ~~(2) WHEN COMBINED, THE PUBLIC CHARTER SCHOOLS THAT THE~~  
20 ~~OPERATOR OPERATES FORM AN INTEGRATED MULTI-YEAR ACADEMIC PROGRAM.~~

21                   (B) NOTWITHSTANDING § 9-102(3) OF THIS TITLE, A PUBLIC CHARTER  
22 SCHOOL MAY GIVE PRIORITY TO THE SIBLING OF A STUDENT ADMITTED THROUGH  
23 THE LOTTERY PROCESS OR A CURRENTLY ENROLLED STUDENT FOR ANY SPACES IN  
24 THE SCHOOL THAT BECOME AVAILABLE THROUGHOUT THE SCHOOL YEAR.

25                   (C) (1) SUBJECT TO THE APPROVAL OF THE PUBLIC CHARTERING  
26 AUTHORITY AND § 9-104 OF THIS TITLE, A PUBLIC CHARTER SCHOOL MAY PROPOSE  
27 A GEOGRAPHIC ATTENDANCE AREA WITH A MEDIAN INCOME THAT IS EQUAL TO OR  
28 LESS THAN THE MEDIAN INCOME OF THE COUNTY FOR THE PUBLIC CHARTER  
29 SCHOOL.

30                   (2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, A PUBLIC  
31 CHARTER SCHOOL MAY PROVIDE GUARANTEED PLACEMENT THROUGH A LOTTERY  
32 TO STUDENTS WHO LIVE WITHIN THE GEOGRAPHIC ATTENDANCE AREA FOR UP TO  
33 35%, AS PROPOSED BY THE PUBLIC CHARTER SCHOOL AND APPROVED BY THE



1 PUBLIC CHARTERING AUTHORITY, OF THE AVAILABLE SPACE OF THE PUBLIC  
2 CHARTER SCHOOL.

3 (3) SUBJECT TO PARAGRAPHS (2) AND (4) OF THIS SUBSECTION, THE  
4 PUBLIC CHARTER SCHOOL SHALL:

5 (I) ADMIT STUDENTS ON A LOTTERY BASIS TO ITS REMAINING  
6 AVAILABLE SPACE; AND

7 (II) TAKE REASONABLE STEPS TO MAINTAIN THE RATIO  
8 INTENDED UNDER PARAGRAPH (2) OF THIS SUBSECTION AS PART OF THE INITIAL  
9 COHORT OF STUDENTS ACCEPTED THROUGH THE LOTTERY PROCESS.

10 (4) IF A PUBLIC CHARTER SCHOOL DOES NOT FILL 100% OF ITS  
11 AVAILABLE SPACE UNDER PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, THE  
12 PUBLIC CHARTER SCHOOL MAY ADMIT MORE THAN THE PERCENTAGE OF STUDENTS  
13 ESTABLISHED UNDER PARAGRAPH (2) OF THIS SUBSECTION FROM THE  
14 GEOGRAPHIC ATTENDANCE AREA ESTABLISHED UNDER THIS SECTION.

15 (D) (1) SUBJECT TO THE APPROVAL OF THE PUBLIC CHARTERING  
16 AUTHORITY, PARAGRAPH (2) OF THIS SUBSECTION, AND § 9-104 OF THIS TITLE, A  
17 PUBLIC CHARTER SCHOOL MAY PROVIDE GUARANTEED PLACEMENT THROUGH A  
18 LOTTERY TO UP TO 35%, AS PROPOSED BY THE PUBLIC CHARTER SCHOOL AND  
19 APPROVED BY THE PUBLIC CHARTERING AUTHORITY, OF THE AVAILABLE SPACE OF  
20 THE PUBLIC CHARTER SCHOOL TO STUDENTS WHO ATTENDED A PUBLIC CHARTER  
21 SCHOOL DURING THE PREVIOUS SCHOOL YEAR THAT IS OPERATED BY THE SAME  
22 OPERATOR.

23 (2) A PUBLIC CHARTER SCHOOL SHALL QUALIFY UNDER PARAGRAPH  
24 (1) OF THIS SUBSECTION IF:

25 (I) THE OPERATOR OPERATES TWO OR MORE PUBLIC CHARTER  
26 SCHOOLS IN THE COUNTY; AND

27 (II) WHEN COMBINED, THE PUBLIC CHARTER SCHOOLS  
28 OPERATED BY THE OPERATOR FORM AN INTEGRATED MULTIYEAR ACADEMIC  
29 PROGRAM.

30 (3) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, THE PUBLIC  
31 CHARTER SCHOOL SHALL:

32 (I) ADMIT STUDENTS ON A LOTTERY BASIS TO ITS REMAINING  
33 AVAILABLE SPACE; AND

1           **(II) TAKE REASONABLE STEPS TO MAINTAIN THE RATIO**  
2 **INTENDED UNDER PARAGRAPH (1) OF THIS SUBSECTION AS PART OF THE INITIAL**  
3 **COHORT OF STUDENTS ACCEPTED THROUGH THE LOTTERY PROCESS.**

4           **(4) IF A PUBLIC CHARTER SCHOOL DOES NOT FILL 100% OF ITS**  
5 **AVAILABLE SPACE UNDER PARAGRAPHS (1) AND (3) OF THIS SUBSECTION, THE**  
6 **PUBLIC CHARTER SCHOOL MAY ADMIT MORE THAN THE PERCENTAGE OF STUDENTS**  
7 **ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**

8 **9-102.3.**

9           **(A) A COUNTY BOARD MAY GRANT A WAIVER FROM § 9-102(3) OF THIS TITLE**  
10 **TO:**

11           **(1) A CONVERTED PUBLIC CHARTER SCHOOL THAT:**

12           **(i) SUBJECT TO SUBSECTION (B) OF THIS SECTION, PROVIDES**  
13 **GUARANTEED PLACEMENT THROUGH A LOTTERY TO STUDENTS WHO LIVE WITHIN**  
14 **THE GEOGRAPHIC ATTENDANCE AREA ESTABLISHED BY THE COUNTY BOARD;**

15           **(ii) IS A LOW-PERFORMING SCHOOL AS IDENTIFIED BY THE**  
16 **COUNTY BOARD;**

17           **(iii) IS ABOVE THE COUNTY AVERAGE RATE FOR THE**  
18 **PERCENTAGE OF STUDENTS WHO ARE ELIGIBLE FOR FREE AND REDUCED PRICE**  
19 **MEALS; AND**

20           **(iv) MEETS A STRATEGIC NEED OF THE LOCAL SCHOOL SYSTEM,**  
21 **AS IDENTIFIED IN THE COUNTY BOARD'S PUBLIC CHARTER SCHOOL POLICY**  
22 **DEVELOPED UNDER § 9-110 OF THIS TITLE, THAT SHALL INCLUDE AT LEAST ONE OF**  
23 **THE FOLLOWING ELEMENTS:**

24                   **1. SERVING A HIGH-NEED POPULATION;**

25                   **2. INCREASING STUDENT PERFORMANCE;**

26                   **3. INCREASING ENROLLMENT; OR**

27                   **4. INCREASING STUDENT DIVERSITY; OR**

28           **(2) A CONVERTED PUBLIC CHARTER SCHOOL THAT IS SEEKING**  
29 **RENEWAL OF AN EXISTING CHARTER CONTRACT THAT WAS GRANTED UNDER ITEM**  
30 **(1) OF THIS SUBSECTION.**

1 **(B) IF A PUBLIC CHARTER SCHOOL DOES NOT FILL 100% OF ITS AVAILABLE**  
 2 **SPACE UNDER SUBSECTION (A)(1) OF THIS SECTION, THE PUBLIC CHARTER SCHOOL**  
 3 **SHALL ADMIT STUDENTS ON A LOTTERY BASIS TO ITS REMAINING AVAILABLE SPACE.**

4 9–103.

5 ~~(a)~~ The ~~primary~~ public chartering authority for the granting of a charter shall be  
 6 a county board of education.

7 ~~(b) The [secondary] STATE BOARD IS A public chartering authority [for the]:~~

8 ~~(1) FOR THE granting of a charter [shall be the State Board] WHEN acting~~  
 9 ~~in its appeal review capacity [as the public chartering authority for]; OR~~

10 ~~(2) FOR a [restructured] CONVERTED school in accordance with §~~  
 11 ~~9–104(a) of this title.~~

12 9–104.

13 (a) (1) An application to establish a public charter school shall be submitted to  
 14 the county board of the county in which the **PUBLIC** charter school will be located.

15 (2) An application to establish a public charter school may be submitted to  
 16 a county board by:

17 (i) The staff of a public school;

18 (ii) A parent or guardian of a student who attends a public school in  
 19 the county;

20 (iii) A nonsectarian nonprofit entity;

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

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

24 **(3) AN APPLICATION SHALL INCLUDE:**

25 **(I) A PLAN TO PROVIDE A RIGOROUS PROGRAM OF**  
 26 **INSTRUCTION THAT INCLUDES AN EQUIVALENT METHOD FOR SATISFYING ANY**  
 27 **REQUIREMENTS FROM WHICH THE PUBLIC CHARTER SCHOOL OPERATOR INTENDS**  
 28 **TO SEEK A WAIVER FROM THE STATE BOARD UNDER § 9–106 OF THIS TITLE; AND**

29 **(II) A DESCRIPTION OF HOW A WEIGHTED LOTTERY OR THE**  
 30 **PROVISION OF GUARANTEED PLACEMENT WILL BE IMPLEMENTED UNDER § 9–102.2**

~~§§ 9-102.2 AND 9-102.3 OF THIS TITLE THAT INCLUDES THE DRAWING OF A GEOGRAPHIC ATTENDANCE AREA WITHIN WHICH THE MEDIAN INCOME IS LESS THAN THE MEDIAN INCOME OF THE COUNTY OR THE STATE, WHERE APPLICABLE, BY WHICH STUDENTS MAY BE GIVEN GREATER WEIGHT UNDER A LOTTERY; AND~~

~~(III) A PLAN TO ENSURE THAT THE PROFESSIONAL STAFF OF THE PUBLIC CHARTER SCHOOL WILL BE WELL QUALIFIED AND CREDENTIALLED TO SERVE THE STUDENTS OF THE PUBLIC CHARTER SCHOOL THAT INCLUDES ASSURANCES THAT NOTHING IN THE PLAN WILL VIOLATE THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT.~~

[(3)] (4) A public chartering authority may not grant a charter under this title to:

- (i) A private school;
- (ii) A parochial school; ~~or~~
- (iii) A home school; OR

(IV) A SCHOOL THAT OPERATES FULLY ONLINE.

[(4)] (5) (i) Except as provided in subparagraph (ii) of this paragraph, the county board shall review the application and render a decision within 120 days of receipt of the application AND IN ACCORDANCE WITH THE APPLICATION PROCEDURES ADOPTED BY THE COUNTY BOARD.

(ii) For a ~~restructured~~ ~~CONVERTED~~ school:

1. The county board shall review the application and render a decision within 30 days of receipt of the application;

2. The county board may apply to the State Board for an extension of up to 15 days from the time limit imposed under item 1 of this subparagraph;

3. If an extension is not granted, and 30 days have elapsed, the DECISION MAY BE APPEALED TO THE State Board ~~may become a chartering authority~~ IN ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE; and

4. If an extension has been granted, and 45 days have elapsed, the DECISION MAY BE APPEALED TO THE State Board ~~may become a chartering authority~~ IN ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE.

~~(6) A PUBLIC CHARTERING AUTHORITY MAY NOT WITHHOLD APPROVAL OF AN APPLICATION UNTIL AN APPLICANT SECURES A FACILITY FOR THE PUBLIC CHARTER SCHOOL.~~

(6) (I) A PUBLIC CHARTERING AUTHORITY MAY APPROVE AN APPLICATION TO OPERATE A PUBLIC CHARTER SCHOOL ON A CONTINGENT BASIS SUBJECT TO THE CONDITIONS OF SUBPARAGRAPH (II) OF THIS PARAGRAPH.

(II) THE CONTINGENT APPROVAL GRANTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY BE CONTINGENT ON:

1. A PUBLIC CHARTER SCHOOL'S ABILITY TO MEET ANY TIMELINES ESTABLISHED BY THE PUBLIC CHARTERING AUTHORITY FOR THE SECURING OF A FACILITY; AND

2. FINAL APPROVAL BY THE PUBLIC CHARTERING AUTHORITY REGARDING THE SUITABILITY OF THE FACILITY SECURED BY THE PUBLIC CHARTER SCHOOL.

(B) IF AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL INCLUDES A DESCRIPTION OF THE IMPLEMENTATION OF A WEIGHTED LOTTERY THAT GIVES PRIORITY TO STUDENTS IN A SPECIFIC GEOGRAPHIC ATTENDANCE AREA IN ACCORDANCE WITH § 9-102.2 OR § 9-102.3 OF THIS TITLE, THE PUBLIC CHARTERING AUTHORITY MAY APPROVE OR REJECT THIS PROVISION SEPARATELY FROM THE APPLICATION AS A WHOLE.

(C) (1) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY INCLUDE A STAFFING MODEL, INCLUDING PROVISIONS FOR STAFF RECRUITMENT, TRAINING, EVALUATION, AND PROFESSIONAL DEVELOPMENT.

(2) A PUBLIC CHARTER SCHOOL MAY SUBMIT A STAFFING MODEL AS PROVIDED IN PARAGRAPH (1) OF THIS SUBSECTION WITH A RENEWAL APPLICATION OR WITH AN AMENDMENT TO AN EXISTING CHARTER.

~~(D)~~ (1) If the county board denies an application to establish a public charter school, the applicant may appeal the decision to the State Board, in accordance with § 4-205(c) of this article.

(2) The State Board shall render a decision within ~~120~~ ~~90~~ days of the filing of an appeal under this subsection.

(3) If the county board denies an application to establish a public charter school and the State Board reverses the decision, the State Board SHALL REMAND THE MATTER TO THE COUNTY BOARD AND may direct the county board to grant a charter and

1 ~~shall~~ MAY, IF NECESSARY, mediate with the county board and the applicant to implement  
2 the charter.

3 9-104.1.

4 (A) IN THIS SECTION, "ELIGIBLE PUBLIC CHARTER SCHOOL" MEANS A  
5 PUBLIC CHARTER SCHOOL THAT HAS BEEN IN EXISTENCE FOR AT LEAST 5 YEARS  
6 AND DEMONSTRATES TO THE PUBLIC CHARTERING AUTHORITY A HISTORY OF:

7 (1) SOUND FISCAL MANAGEMENT; AND

8 (2) STUDENT ACHIEVEMENT THAT EXCEEDS THE AVERAGE IN THE  
9 LOCAL SCHOOL SYSTEM IN WHICH THE PUBLIC CHARTER SCHOOL IS LOCATED ON:

10 (i) STATEWIDE ASSESSMENTS; AND

11 (ii) OTHER MEASURES DEVELOPED BY THE STATE BOARD.

12 (B) THE STATE BOARD SHALL DEVELOP STANDARDS AND CRITERIA BY  
13 WHICH AN ELIGIBLE PUBLIC CHARTER SCHOOL SHALL BE ASSESSED BY A PUBLIC  
14 CHARTERING AUTHORITY.

15 (C) (1) AN ELIGIBLE PUBLIC CHARTER SCHOOL MAY SUBMIT TO A PUBLIC  
16 CHARTERING AUTHORITY:

17 (i) AN APPLICATION FOR RENEWAL OF AN EXISTING CHARTER  
18 CONTRACT THAT INCORPORATES THE PROVISIONS OF SUBSECTION (E) OF THIS  
19 SECTION; OR

20 (ii) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN  
21 APPLICATION FOR AN ADDENDUM TO AN EXISTING CHARTER CONTRACT THAT  
22 INCORPORATES THE PROVISIONS OF SUBSECTION (E) OF THIS SECTION.

23 (2) AN ELIGIBLE PUBLIC CHARTER SCHOOL MAY NOT SUBMIT AN  
24 APPLICATION UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION MORE THAN ONE  
25 TIME DURING THE DURATION OF AN EXISTING CHARTER CONTRACT.

26 (D) IF THE PUBLIC CHARTERING AUTHORITY DETERMINES THAT A PUBLIC  
27 CHARTER SCHOOL IS NOT AN ELIGIBLE PUBLIC CHARTER SCHOOL, THE PUBLIC  
28 CHARTER SCHOOL MAY APPEAL THE DECISION TO THE STATE BOARD IN  
29 ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE.

30 (E) IF AN ELIGIBLE PUBLIC CHARTER SCHOOL AND A PUBLIC CHARTERING  
31 AUTHORITY MUTUALLY AGREE TO AN ALTERNATIVE MEANS BY WHICH THE ELIGIBLE

1 PUBLIC CHARTER SCHOOL WILL SATISFY THE INTENT OF THE POLICIES OF THE  
2 PUBLIC CHARTERING AUTHORITY, AN ELIGIBLE PUBLIC CHARTER SCHOOL IS  
3 EXEMPT FROM:

4 (1) TEXTBOOK, INSTRUCTIONAL PROGRAM, CURRICULUM,  
5 PROFESSIONAL DEVELOPMENT, AND SCHEDULING REQUIREMENTS;

6 (2) A REQUIREMENT TO ESTABLISH A SCHOOL COMMUNITY COUNCIL;

7 (3) EXCEPT FOR TITLE I SCHOOLS, A REQUIREMENT TO ESTABLISH A  
8 SCHOOL IMPROVEMENT PLAN;

9 (4) EXCEPT FOR SCHOOLS WITH A SCHOOL ACTIVITY FUND, A  
10 REQUIREMENT TO PROVIDE SCHOOL ACTIVITY FUND DISCLOSURE STATEMENTS;  
11 AND

12 (5) EXCEPT FOR PREKINDERGARTEN CLASSES, CLASS SIZE OR  
13 STAFFING RATIOS.

14 (F) A PUBLIC CHARTERING AUTHORITY AND AN ELIGIBLE PUBLIC CHARTER  
15 SCHOOL MAY JOINTLY DEVELOP AND MUTUALLY AGREE TO A COMMUNICATION  
16 PROCESS AND SUPERVISION METHODOLOGY THAT FLOWS AMONG THE COUNTY  
17 BOARD, THE OPERATOR, AND THE ADMINISTRATION OF THE ELIGIBLE PUBLIC  
18 CHARTER SCHOOL.

19 (G) (1) AN ELIGIBLE PUBLIC CHARTER SCHOOL MAY NOT BE ASSIGNED A  
20 PRINCIPAL WITHOUT THE WRITTEN CONSENT OF THE OPERATOR OF THE ELIGIBLE  
21 PUBLIC CHARTER SCHOOL.

22 (2) (I) STAFF MEMBERS SHALL BE ASSIGNED OR TRANSFERRED TO  
23 AN ELIGIBLE PUBLIC CHARTER SCHOOL IF THE STAFF MEMBER EXPRESSES IN  
24 WRITING THAT THE STAFF MEMBER WANTS TO WORK IN THAT ELIGIBLE PUBLIC  
25 CHARTER SCHOOL AND THE ELIGIBLE PUBLIC CHARTER SCHOOL REQUESTS IN  
26 WRITING THAT THE STAFF MEMBER BE ASSIGNED OR TRANSFERRED TO THE  
27 ELIGIBLE PUBLIC CHARTER SCHOOL, PROVIDED THERE IS AN EXISTING VACANCY.

28 (II) A TRANSFER AUTHORIZED UNDER SUBPARAGRAPH (I) OF  
29 THIS PARAGRAPH SHALL TAKE PLACE AS DESIGNATED BY THE AGREEMENT OF THE  
30 LOCAL BARGAINING UNIT IN THE LOCAL SCHOOL SYSTEM.

31 (H) NOTHING IN THIS SECTION MAY BE CONSTRUED TO TAKE PRECEDENCE  
32 OVER AN AGREEMENT OF A LOCAL BARGAINING UNIT IN A LOCAL SCHOOL SYSTEM.

1 **(I) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, AN ELIGIBLE**  
 2 **PUBLIC CHARTER SCHOOL IS SUBJECT TO THE PROVISIONS OF THIS TITLE.**

3 9-105.

4 A member of the professional staff of a public charter school shall [hold the  
 5 appropriate Maryland certification] ~~BE QUALIFIED AND CREDENTIALLED IN~~  
 6 ~~ACCORDANCE WITH THE PLAN SUBMITTED BY THE PUBLIC CHARTER SCHOOL~~  
 7 ~~OPERATOR AS PART OF ITS APPLICATION UNDER § 9-104 OF THIS TITLE~~ **BE SUBJECT**  
 8 **TO THE SAME CERTIFICATION PROVISIONS ESTABLISHED IN REGULATIONS FOR THE**  
 9 **PROFESSIONAL STAFF OF OTHER PUBLIC SCHOOLS.**

10 9-106.

11 (a) Subject to subsection (b) of this section, a public charter school [shall comply  
 12 with the] ~~MAY APPLY TO THE STATE BOARD FOR A COMPREHENSIVE WAIVER FROM~~  
 13 ~~ALL~~ provisions of law and regulation governing other public schools.

14 ~~[(b) Subject to subsection (c) of this section, a waiver of the requirements under~~  
 15 ~~subsection (a) of this section may be sought through an appeal to the State Board.]~~

16 **(B) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A PUBLIC CHARTER**  
 17 **SCHOOL MAY SEEK A WAIVER OF THE REQUIREMENTS UNDER SUBSECTION (A) OF**  
 18 **THIS SECTION FROM:**

19 **(1) A COUNTY BOARD FOR POLICIES THAT ARE THE POLICIES OF THE**  
 20 **COUNTY BOARD; AND**

21 **(2) THE STATE BOARD FOR POLICIES THAT ARE THE POLICIES OF**  
 22 **THE STATE BOARD.**

23 **(C) IF A WAIVER IS DENIED UNDER THIS SECTION, THE COUNTY BOARD OR**  
 24 **THE STATE BOARD, AS APPROPRIATE, SHALL PROVIDE THE REASON FOR THE**  
 25 **DENIAL IN WRITING TO THE PUBLIC CHARTER SCHOOL.**

26 [(c)] ~~(D)~~ (D) A waiver may not be granted from provisions of law or regulation  
 27 relating to:

28 (1) Audit requirements;

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



1 (3) The health, safety, or civil rights of a student or an employee of the  
2 PUBLIC charter school.

3 9–107.

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

7 (b) A public chartering authority shall ensure that the authorizing process for a  
8 public charter school and the charter application address the roles and responsibilities of  
9 the county board and the applicants and operators of the public charter school with respect  
10 to children with disabilities.

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

15 [(d) The State Board shall provide technical assistance to the operators of a public  
16 charter school to help the school meet the requirements of federal and State laws, including  
17 20 U.S.C. § 1400, et seq. and § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.]

18 9–108.

19 (a) Employees of a public charter school:

20 (1) ~~(I)~~ [Are public] ~~MAY BE PUBLIC~~ school employees, as defined in §§  
21 6–401(e) and 6–501(g) of this article;

22 ~~(2)~~ ~~(II)~~ [Are employees] ~~MAY BE EMPLOYEES~~ of a public school  
23 employer, as defined in §§ 6–401(f) and 6–501(h) of this article, in the county in which the  
24 public charter school is located; and

25 ~~(3)~~ ~~(III)~~ Shall have the rights granted under Title 6, Subtitles 4 and 5 of  
26 this article; ~~OR~~

27 ~~(2) MAY BE PUBLIC CHARTER SCHOOL EMPLOYEES, EMPLOYED BY~~  
28 ~~THE OPERATOR OF A PUBLIC CHARTER SCHOOL.~~

29 ~~(B) (1) AN APPLICATION TO OPEN A PUBLIC CHARTER SCHOOL SHALL~~  
30 ~~INDICATE WHETHER EMPLOYEES AT THE PUBLIC CHARTER SCHOOL WILL BE~~  
31 ~~EMPLOYED BY A PUBLIC SCHOOL EMPLOYER OR BY THE OPERATOR OF A PUBLIC~~  
32 ~~CHARTER SCHOOL.~~

~~(2) A RENEWAL APPLICATION MAY CHANGE THE INDICATION SUBMITTED ON THE INITIAL APPLICATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~[(b)] (c) [If] FOR A PUBLIC CHARTER SCHOOL WHOSE EMPLOYEES ARE EMPLOYED BY A PUBLIC SCHOOL EMPLOYER, IF~~ a collective bargaining agreement under Title 6, Subtitle 4 or Subtitle 5 of this article is already in existence in the county where a public charter school is located, the employee organization, PUBLIC SCHOOL EMPLOYER, and the public charter school may mutually agree to negotiate amendments to the existing agreement to address the needs of the particular public charter school, INCLUDING AMENDMENTS TO WORK DAYS, WORK HOURS, SCHOOL YEAR, PROCEDURES FOR TRANSFERS THAT ARE CONSISTENT WITH THE INSTRUCTIONAL MISSION OF THE SCHOOL, AND EXTRA DUTY ASSIGNMENTS.

~~(d) FOR A PUBLIC CHARTER SCHOOL WHOSE EMPLOYEES ARE EMPLOYED BY THE OPERATOR OF A PUBLIC CHARTER SCHOOL, NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, THESE EMPLOYEES MAY NOT BE REQUIRED TO BE MEMBERS OF AN EXISTING BARGAINING UNIT OR TO BE BOUND BY THE PROVISIONS OF AN EXISTING COLLECTIVE BARGAINING AGREEMENT.~~

9-109.

~~[(a) A county board shall disburse to a public charter school an amount of county, State, and federal money for elementary, middle, and secondary students that is commensurate with the amount disbursed to other public schools in the local jurisdiction.]~~

~~(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~

~~(2) "FULL-TIME EQUIVALENT ENROLLMENT" HAS THE MEANING STATED IN § 5-202(A) OF THIS ARTICLE.~~

~~(3) (i) "PUBLIC CHARTER SCHOOL PER PUPIL ALLOCATION" MEANS 98% OF THE FIGURE THAT IS, EXCEPT AS PROVIDED IN SUBPARAGRAPH (H) OF THIS PARAGRAPH, THE SUM OF THE STATE, COUNTY, AND FEDERAL FUNDS APPROPRIATED TO A COUNTY FOR THE CURRENT EXPENSE FUND CATEGORIES UNDER § 5-101(B)(2) OF THIS ARTICLE FOR THE CURRENT FISCAL YEAR DIVIDED BY THE FULL-TIME EQUIVALENT ENROLLMENT OF A COUNTY IN THE PRIOR SCHOOL YEAR.~~

~~(H) "PUBLIC CHARTER SCHOOL PER PUPIL ALLOCATION" MAY NOT INCLUDE EXPENSES FOR DEBT SERVICE OR ADULT EDUCATION.~~

1           ~~(4) "TITLE I PER PUPIL ALLOCATION" MEANS AN AMOUNT~~  
2 ~~ESTABLISHED BY THE LOCAL SCHOOL SYSTEM USING A GENERALLY ACCEPTED~~  
3 ~~CALCULATION.~~

4           ~~(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS~~  
5 ~~SUBSECTION, A COUNTY BOARD SHALL, IN EACH FISCAL YEAR, DISBURSE TWICE~~  
6 ~~ANNUALLY TO A PUBLIC CHARTER SCHOOL AN AMOUNT EQUAL TO THE PRODUCT OF:~~

7                     ~~(I) THE NUMBER OF STUDENTS ENROLLED IN THE PUBLIC~~  
8 ~~CHARTER SCHOOL ON SEPTEMBER 30 OF THE PRIOR SCHOOL YEAR; AND~~

9                     ~~(II) THE DIFFERENCE BETWEEN THE PUBLIC CHARTER SCHOOL~~  
10 ~~PER PUPIL ALLOCATION AND THE TITLE I PER PUPIL ALLOCATION.~~

11           ~~(2) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,~~  
12 ~~FOR PUBLIC CHARTER SCHOOLS THAT ARE CLASSIFIED AS TITLE I SCHOOLS, A~~  
13 ~~COUNTY BOARD SHALL, IN EACH FISCAL YEAR, DISBURSE TO A PUBLIC CHARTER~~  
14 ~~SCHOOL AN AMOUNT EQUAL TO THE SUM OF:~~

15                     ~~(I) THE NUMBER OF STUDENTS ENROLLED IN THE PUBLIC~~  
16 ~~CHARTER SCHOOL ON SEPTEMBER 30 OF THE PRIOR YEAR WHO ARE ELIGIBLE FOR~~  
17 ~~FREE OR REDUCED PRICE MEALS MULTIPLIED BY THE PUBLIC CHARTER SCHOOL~~  
18 ~~PER PUPIL ALLOCATION; AND~~

19                     ~~(II) THE NUMBER OF STUDENTS ENROLLED IN THE PUBLIC~~  
20 ~~CHARTER SCHOOL ON SEPTEMBER 30 OF THE PRIOR YEAR WHO ARE NOT ELIGIBLE~~  
21 ~~FOR FREE OR REDUCED PRICE MEALS MULTIPLIED BY THE DIFFERENCE BETWEEN~~  
22 ~~THE PUBLIC CHARTER SCHOOL PER PUPIL ALLOCATION AND THE TITLE I PER PUPIL~~  
23 ~~ALLOCATION.~~

24           ~~(3) (I) FOR THE FIRST FISCAL YEAR IN WHICH A PUBLIC CHARTER~~  
25 ~~SCHOOL OPERATES, THE AMOUNT A COUNTY BOARD SHALL DISBURSE TO THE~~  
26 ~~PUBLIC CHARTER SCHOOL SHALL BE BASED ON THE NUMBER OF STUDENTS~~  
27 ~~PROJECTED TO ENROLL IN THE PUBLIC CHARTER SCHOOL IN THE CURRENT FISCAL~~  
28 ~~YEAR.~~

29                     ~~(II) AN ADJUSTMENT TO THE DISBURSED FUNDS SHALL BE~~  
30 ~~MADE AFTER ACTUAL ENROLLMENT IN THE PUBLIC CHARTER SCHOOL IN THE~~  
31 ~~CURRENT FISCAL YEAR CAN BE DETERMINED.~~

32           ~~(C) A PUBLIC CHARTER SCHOOL SHALL REIMBURSE THE LOCAL SCHOOL~~  
33 ~~SYSTEM FOR:~~

1 ~~(1) ANY SPECIAL SERVICES THAT THE PUBLIC CHARTER SCHOOL~~  
 2 ~~REQUESTS THE LOCAL SCHOOL SYSTEM TO PROVIDE;~~

3 ~~(2) THE SALARY, LOCAL RETIREMENT, AND OTHER FRINGE BENEFIT~~  
 4 ~~COSTS FOR THE PUBLIC SCHOOL EMPLOYEES WORKING IN THE PUBLIC CHARTER~~  
 5 ~~SCHOOL; AND~~

6 ~~(3) REGULAR SERVICES AND SUPPLIES THAT THE PUBLIC CHARTER~~  
 7 ~~SCHOOL REQUESTS THE LOCAL SCHOOL SYSTEM TO PROVIDE.~~

8 ~~[(b)] (D) The State Board or the county board may give surplus educational~~  
 9 ~~materials, supplies, furniture, and other equipment to a public charter school.~~

10 ~~(E) (1) PUBLIC CHARTER SCHOOLS SHALL BE ELIGIBLE TO PARTICIPATE~~  
 11 ~~IN THE CAPITAL IMPROVEMENT PROGRAM IN ACCORDANCE WITH THE PROCEDURES~~  
 12 ~~AND REQUIREMENTS ESTABLISHED UNDER TITLE 5, SUBTITLE 3 OF THIS ARTICLE.~~

13 ~~(2) THE DEPARTMENT SHALL ACT AS THE ADMINISTERING AGENCY~~  
 14 ~~FOR PUBLIC CHARTER SCHOOLS IN THE SAME WAY THAT A LOCAL SCHOOL SYSTEM~~  
 15 ~~ACTS IN PREPARING A SCHOOL CONSTRUCTION PROGRAM FOR NONCHARTER~~  
 16 ~~SCHOOLS.~~

17 ~~(3) PUBLIC CHARTER SCHOOLS SHALL BE SUBJECT TO THE STATE~~  
 18 ~~AND LOCAL COST SHARE FORMULA ESTABLISHED UNDER § 5-301(D) OF THIS~~  
 19 ~~ARTICLE THAT IS APPLICABLE TO THE COUNTY IN WHICH THE PUBLIC CHARTER~~  
 20 ~~SCHOOL IS LOCATED.~~

21 ~~(4) A COMBINATION OF GENERAL OBLIGATION BONDS AND~~  
 22 ~~PAY AS YOU GO FUNDS MAY BE USED AS APPROPRIATE TO FUND THE~~  
 23 ~~CONSTRUCTION OR RENOVATION OF PUBLIC CHARTER SCHOOLS.~~

24 ~~(5) THE BOARD OF PUBLIC WORKS AND THE DEPARTMENT SHALL~~  
 25 ~~ADOPT REGULATIONS TO CARRY OUT THIS SUBSECTION.~~

26 9-110.

27 (a) (1) Each county board shall develop a public charter school policy and  
 28 ~~submit~~ PROVIDE it to the State Board.

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

31 (i) Evaluation of public charter schools;

32 (ii) Revocation of a charter;

- 1 (iii) Reporting requirements; and  
 2 (iv) Financial, programmatic, or compliance audits of public charter  
 3 schools.

4 **(3) THE POLICY REQUIRED UNDER PARAGRAPH (1) OF THIS**  
 5 **SUBSECTION, INCLUDING ANY UPDATES OR AMENDMENTS MADE TO THE POLICY,**  
 6 **SHALL BE PROVIDED TO THE DEPARTMENT AND MADE AVAILABLE ON REQUEST AND**  
 7 **POSTED ON THE WEB SITE OF THE COUNTY BOARD.**

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

10 (2) **THE STAFF PERSON DESIGNATED AS A CONTACT PERSON UNDER**  
 11 **PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

12 (i) **PROVIDE TECHNICAL ASSISTANCE TO THE OPERATOR OF A**  
 13 **PUBLIC CHARTER SCHOOL TO HELP THE SCHOOL MEET THE REQUIREMENTS OF**  
 14 **FEDERAL AND STATE LAWS, INCLUDING 20 U.S.C. § 1400, ET SEQ. AND § 504 OF THE**  
 15 **REHABILITATION ACT OF 1973, 29 U.S.C. § 794; AND**

16 (ii) **GATHER INFORMATION FROM PUBLIC CHARTER SCHOOLS**  
 17 **IN THE STATE REGARDING INNOVATIVE APPROACHES TO EDUCATION AND BEST**  
 18 **PRACTICES TAKING PLACE AT PUBLIC CHARTER SCHOOLS THAT MAY BE SHARED**  
 19 **WITH AND DISSEMINATED TO OTHER PUBLIC SCHOOLS IN THE STATE.**

20 ~~(ii) PROVIDE ASSISTANCE TO THE OPERATOR OF A PUBLIC~~  
 21 ~~CHARTER SCHOOL AND TO THE DEPARTMENT WHEN THE DEPARTMENT IS ACTING~~  
 22 ~~IN ITS CAPACITY AS THE ADMINISTERING AGENCY UNDER § 9-109(e)(2) OF THIS~~  
 23 ~~TITLE.~~

24 (c) **THE DEPARTMENT SHALL REPORT ANNUALLY BY DECEMBER 1 TO THE**  
 25 **GENERAL ASSEMBLY IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT**  
 26 **ARTICLE REGARDING:**

27 (1) **ANY UPDATES OR AMENDMENTS MADE TO A PUBLIC CHARTER**  
 28 **SCHOOL POLICY UNDER SUBSECTION (A) OF THIS SECTION; AND**

29 (2) **IMPLEMENTATION OF THIS TITLE.**

30 ~~Article State Personnel and Pensions~~

31 ~~21-304.~~

1           ~~(a) (6) "Local employee" means a member of the Teachers' Retirement System~~  
 2 ~~or the Teachers' Pension System who is an employee of a day school in the State under the~~  
 3 ~~authority and supervision of a county board of education [or], the Baltimore City Board of~~  
 4 ~~School Commissioners, OR A PUBLIC CHARTER SCHOOL OPERATOR WHOSE~~  
 5 ~~EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THE~~  
 6 ~~EDUCATION ARTICLE AND ARE employed as:~~

- 7                   ~~(i) a clerk;~~  
 8                   ~~(ii) a helping teacher;~~  
 9                   ~~(iii) a principal;~~  
 10                  ~~(iv) a superintendent;~~  
 11                  ~~(v) a supervisor; or~~  
 12                  ~~(vi) a teacher.~~

13           ~~(7) "Local employer" means a county board of education [or], the Baltimore~~  
 14 ~~City Board of School Commissioners, OR A PUBLIC CHARTER SCHOOL OPERATOR~~  
 15 ~~WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THE~~  
 16 ~~EDUCATION ARTICLE.~~

17 ~~22-205.~~

18           ~~(a) Except as provided in subsection (b) of this section, §§ 22-206 through 22-208~~  
 19 ~~of this subtitle apply only to:~~

20           ~~(1) an employee of:~~

21                   ~~(I) 1. a day school in the State under the authority and~~  
 22 ~~supervision of a county board of education [or];~~

23                   ~~2. the Baltimore City Board of School Commissioners[.]; OR~~

24                   ~~3. A PUBLIC CHARTER SCHOOL OPERATOR WHOSE~~  
 25 ~~EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THE~~  
 26 ~~EDUCATION ARTICLE WHO HAS BEEN A MEMBER OF THE TEACHERS' RETIREMENT~~  
 27 ~~SYSTEM SINCE DECEMBER 31, 1979; AND~~

28                   ~~(II) WHO IS employed as:~~

29                   ~~[(i)] 1. an attendance officer;~~

- 1                    ~~[(ii)] 2. a clerk;~~
- 2                    ~~[(iii)] 3. a helping teacher;~~
- 3                    ~~[(iv)] 4. a principal;~~
- 4                    ~~[(v)] 5. a superintendent;~~
- 5                    ~~[(vi)] 6. a supervisor; or~~
- 6                    ~~[(vii)] 7. a teacher;~~

7 ~~23-206.~~

8            ~~(a) Except as provided in subsection (b) of this section, §§ 23-208 through 23-210~~  
 9 ~~of this subtitle apply only to:~~

10            ~~(1) an employee of a day school in the State under the authority and~~  
 11 ~~supervision of a county board of education or the Baltimore City Board of School~~  
 12 ~~Commissioners OR AN EMPLOYEE OF A PUBLIC CHARTER SCHOOL OPERATOR WHOSE~~  
 13 ~~EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THE~~  
 14 ~~EDUCATION ARTICLE, employed as:~~

- 15                    ~~(i) a clerk;~~
- 16                    ~~(ii) a helping teacher;~~
- 17                    ~~(iii) a principal;~~
- 18                    ~~(iv) a superintendent;~~
- 19                    ~~(v) a supervisor; or~~
- 20                    ~~(vi) a teacher;~~

21            SECTION 2. AND BE IT FURTHER ENACTED, That:

22            (a) (1) The State Department of Education, in consultation with the  
 23 Department of Legislative Services, shall contract for a study of the amount of funding  
 24 provided to public charter schools and other public schools by local school systems in the  
 25 State.

26            (2) The primary purpose of the study is to calculate the average operating  
 27 expenditures by each local school system for students enrolled in a public school that is not  
 28 a public charter school or stand-alone special education school, to be aggregated at the

1 State level to serve as the baseline for determining commensurate funding for all public  
2 schools.

3 (b) The study shall include:

4 (1) a review of:

5 (i) the operating expenditures made at the central office level by  
6 each county board of education, including expenditures for administration, overhead,  
7 systemwide planning and development, and compliance with local, State, and federal  
8 requirements including special education, nonpublic placements, separate public day  
9 schools, English language learner education, prekindergarten education, teacher pension  
10 and retiree health benefits, student transportation, and debt service;

11 (ii) the aggregate operating expenditures made on behalf of  
12 individual schools by each county board of education;

13 (iii) the amount of funding being provided to public charter schools  
14 and other public schools by local school systems;

15 (iv) the value of services being provided to public charter schools and  
16 other public schools by local school systems, including central office expenditures;

17 (v) the amount of funding provided by public charter schools to any  
18 third party, including a charter management organization;

19 (vi) the availability of federal funding for public charter schools,  
20 including options for Maryland to access federal charter school program grants; and

21 (vii) the potential availability of innovative financing for public  
22 charter school facilities that would not directly affect the State operating or capital budget;  
23 and

24 (2) an assessment of the need to collect central office and school level  
25 expenditure data on an ongoing basis.

26 (c) (1) Local school systems and public charter schools shall provide data as  
27 requested by the State Department of Education to complete the study.

28 (2) If a local school system fails to comply with the requirements of  
29 paragraph (1) of this subsection, the State Superintendent of Schools, with the approval of  
30 the State Board of Education, may notify the Comptroller to withhold 10% of the next  
31 installment and each subsequent installment due to the local school system from the State  
32 until the State Superintendent notifies the Comptroller that the local school system is in  
33 full compliance with the requirements of this section.



1           (3) If a public charter school fails to comply with the requirements of  
 2 paragraph (1) of this subsection, as determined by the State Superintendent of Schools, the  
 3 State Superintendent may notify the local school system to withhold 10% of the next  
 4 installment and each subsequent installment due to the public charter school from the  
 5 school system until the State Superintendent notifies the school system that the public  
 6 charter school is in full compliance with the requirements of this section.

7           (d) On or before December 1, 2015, the State Department of Education and the  
 8 Department of Legislative Services shall submit a report on the study conducted under this  
 9 section to the Governor and, in accordance with § 2–1246 of the State Government Article,  
 10 the Senate Education, Health, and Environmental Affairs Committee and the House Ways  
 11 and Means Committee.

12           SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding § 9–102.3  
 13 of the Education Article, as enacted by Section 1 of this Act, a public charter school that  
 14 was approved by a county board of education before May 31, 2015, to convert from a public  
 15 school may provide guaranteed placement for students who live within the geographic  
 16 attendance area established by the county board of education. A public charter school that  
 17 is exempt from § 9–102.3 of the Education Article under this section is also exempt from §  
 18 9–102.3 of the Education Article on the renewal of its charter contract, subject to the  
 19 approval of the county board of education in which the public charter school is located.

20           SECTION ~~2~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 21 ~~October~~ June 1, 2015.

Approved:

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Governor.

---

President of the Senate.

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Speaker of the House of Delegates.