

HOUSE BILL 1217

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2lr2991

By: **Delegates Ivey and Rosenberg**

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Charter Schools – Chartering Authorities, Application Requirements,**
3 **and Funding**

4 FOR the purpose of expanding the purpose of the Maryland Public Charter School
5 Program; expanding the definition of a public charter school; authorizing the
6 State Board of Education to be a primary chartering authority for the granting
7 of a charter to a public charter school applicant; requiring a county board of
8 education or the State Board to take certain actions when reviewing,
9 evaluating, and making a decision on a charter school application; authorizing
10 an initial charter to be granted for a certain time period under certain
11 circumstances; requiring a legally binding performance contract that includes
12 certain items to be executed between a county board or the State Board and a
13 public charter school within a certain time period; exempting a public charter
14 school from certain State education statutes; requiring the State Board and
15 each county board to establish certain offices; authorizing public charter school
16 employees to establish an independent bargaining unit and to develop a
17 collective bargaining agreement; requiring each county board to disburse a
18 certain amount of funds to each public charter school on or before a certain date;
19 requiring transportation funds to be included in the funding provided from each
20 county board; authorizing the State Department of Education to retain a certain
21 amount of funds allotted to certain public charter schools; requiring a county
22 board to offer a certain option to a public charter school when school property is
23 no longer needed by the county board; and generally relating to chartering
24 authorities, application requirements, and funding for public charter schools.

25 BY repealing and reenacting, with amendments,
26 Article – Education
27 Section 9–101, 9–102, 9–103, 9–104, and 9–106 through 9–111
28 Annotated Code of Maryland
29 (2008 Replacement Volume and 2011 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Education
3 Section 9–102.1, 9–105, and 9–112
4 Annotated Code of Maryland
5 (2008 Replacement Volume and 2011 Supplement)

6 BY adding to
7 Article – Education
8 Section 9–104.1
9 Annotated Code of Maryland
10 (2008 Replacement Volume and 2011 Supplement)

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

13 **Article – Education**

14 9–101.

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

16 (b) The general purpose of the Program is to establish an alternative means
17 within the existing public school system in order to provide innovative learning
18 opportunities and creative educational approaches to improve the education of
19 students, **INCLUDING:**

20 **(1) TO IMPROVE STUDENT LEARNING BY CREATING**
21 **HIGH-QUALITY SCHOOLS WITH HIGH STANDARDS FOR STUDENT PERFORMANCE;**

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

24 **(3) TO INCREASE HIGH-QUALITY EDUCATIONAL OPPORTUNITIES**
25 **WITHIN THE PUBLIC EDUCATION SYSTEM FOR ALL STUDENTS;**

26 **(4) TO CREATE NEW PROFESSIONAL OPPORTUNITIES FOR**
27 **TEACHERS, SCHOOL ADMINISTRATORS, AND OTHER SCHOOL PERSONNEL THAT**
28 **ALLOW THEM TO HAVE A DIRECT VOICE IN THE OPERATION OF THEIR SCHOOL;**

29 **(5) TO ENCOURAGE THE USE OF DIFFERENT, HIGH-QUALITY**
30 **MODELS OF TEACHING, GOVERNING, SCHEDULING, OR OTHER ASPECTS OF**
31 **EDUCATION THAT MEET A VARIETY OF STUDENT NEEDS;**

1 **(6) TO ALLOW PUBLIC SCHOOLS FREEDOM AND FLEXIBILITY IN**
2 **BUDGETARY AND OPERATIONAL DECISIONS IN EXCHANGE FOR EXCEPTIONAL**
3 **LEVELS OF RESULTS-DRIVEN ACCOUNTABILITY;**

4 **(7) TO PROVIDE STUDENTS, PARENTS, COMMUNITY MEMBERS,**
5 **AND LOCAL ENTITIES WITH EXPANDED OPPORTUNITIES FOR INVOLVEMENT IN**
6 **THE PUBLIC EDUCATION SYSTEM;**

7 **(8) TO ENCOURAGE THE REPLICATION OF SUCCESSFUL PUBLIC**
8 **CHARTER SCHOOLS; AND**

9 **(9) TO USE PUBLIC CHARTER SCHOOLS AND THE BEST**
10 **PRACTICES FROM PUBLIC CHARTER SCHOOLS TO HELP IMPROVE**
11 **LOW-PERFORMING SCHOOLS IN LOCAL SCHOOL SYSTEMS.**

12 9–102.

13 **(A)** In this title, “public charter school” means a public school that:

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

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

16 (3) Except as provided in **SUBSECTION (B) OF THIS SECTION AND §**
17 **9–102.1** of this title, is open to all students on a space-available basis and admits
18 students on a lottery basis if more students apply than can be accommodated;

19 (4) Is a new public school or a conversion of an existing public school
20 **THAT IS OPERATED UNDER PUBLIC SUPERVISION AND DIRECTION;**

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

22 (6) Operates in pursuit of a specific set of educational objectives
23 **DETERMINED BY THE SCHOOL’S DEVELOPER AND AGREED TO BY THE**
24 **AUTHORIZED PUBLIC CHARTERING AUTHORITY;**

25 (7) Is tuition-free;

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

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

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

1 (11) Operates under the supervision of the public chartering authority
2 from which its charter is granted and in accordance with its charter [and,] **AND:**

3 (I) [except] **EXCEPT** as provided in § 9–106 of this title,
4 **OPERATES UNDER** the provisions of law and regulation governing other public
5 schools; **OR**

6 (II) **EXCEPT AS PROVIDED IN THIS TITLE, IS EXEMPT FROM**
7 **SIGNIFICANT STATE AND LOCAL RULES THAT INHIBIT THE FLEXIBLE**
8 **OPERATION AND MANAGEMENT OF PUBLIC SCHOOLS;**

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

12 (13) Is created in accordance with this title and the appropriate county
13 board policy;

14 (14) **COMPLIES WITH THE SAME FEDERAL AND STATE AUDIT**
15 **REQUIREMENTS AS OTHER PUBLIC ELEMENTARY AND SECONDARY SCHOOLS;**

16 (15) **IS CREATED IN ACCORDANCE WITH THIS TITLE AND THE**
17 **APPROPRIATE COUNTY BOARD POLICY;**

18 (16) **IS GOVERNED BY AN INDEPENDENT GOVERNING BOARD; AND**

19 (17) **IS ESTABLISHED, OPERATED, AND ACCOUNTABLE UNDER THE**
20 **TERMS OF THE CHARTER CONTRACT BETWEEN THE BOARD OF THE SCHOOL AND**
21 **THE PRIMARY CHARTERING AUTHORITY.**

22 (B) **A PUBLIC CHARTER SCHOOL UNDER THIS TITLE MAY:**

23 (1) **BE A STATE SCHOOL DESIGNED TO ADDRESS A LOCAL**
24 **SCHOOL SYSTEM'S INABILITY TO PROVIDE SPECIAL SERVICES FOR ITS**
25 **STUDENTS;**

26 (2) **BE A SCHOOL THAT SUPPORTS A FULL, BLENDED, OR HYBRID**
27 **ONLINE CHARTER SCHOOL MODEL;**

28 (3) **SERVE OTHER LEVELS OF STUDENTS, SUCH AS**
29 **PREKINDERGARTEN STUDENTS OR POSTSECONDARY STUDENTS;**

30 (4) **GIVE AN ENROLLMENT PREFERENCE TO CHILDREN OF A**
31 **PUBLIC CHARTER SCHOOL'S FOUNDATION AND GOVERNING BOARD MEMBERS**

1 AS LONG AS THEY ARE NO MORE THAN 10% OF THE SCHOOL'S TOTAL
2 ENROLLMENT; AND

3 **(5) GIVE ENROLLMENT PREFERENCES TO FULL-TIME**
4 **EMPLOYEES OF THE PUBLIC CHARTER SCHOOL.**

5 9-102.1.

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

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

10 (2) Will admit students with parents who are not assigned to the base
11 to at least 35% of its total available space.

12 (b) If a public charter school is granted a waiver under subsection (a) of this
13 section, subject to the requirement set forth in subsection (a)(2) of this section, the
14 public charter school shall admit all students on a lottery basis.

15 9-103.

16 (a) **[The] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION,**
17 **THE** primary public chartering authority for the granting of a charter shall be a
18 county board of education.

19 (b) **(1) The STATE BOARD SHALL BE THE PRIMARY PUBLIC**
20 **CHARTERING AUTHORITY FOR STATE SCHOOLS DESIGNED TO ADDRESS AN**
21 **UNMET NEED AND DESIGNED TO SERVE ALL QUALIFYING LOCAL SCHOOL**
22 **SYSTEMS.**

23 **(2) THE STATE BOARD SHALL BE THE** secondary public chartering
24 authority for the granting of a charter [shall be] **WHEN** the State Board **IS** acting in its
25 appeal review capacity or as the public chartering authority for a restructured school
26 in accordance with § 9-104(a) of this title.

27 9-104.

28 (a) (1) An application to establish a public charter school shall be
29 submitted to the county board of the county in which the charter school will be located
30 **OR TO THE STATE BOARD.**

31 (2) An application to establish a public charter school may be
32 submitted to a county board **OR TO THE STATE BOARD** by:

- 1 (i) The staff of a public school;
- 2 (ii) A parent or guardian of a student who attends a public
3 school in the county;
- 4 (iii) A nonsectarian nonprofit entity;
- 5 (iv) A nonsectarian institution of higher education in the State;
6 or
- 7 (v) Any combination of persons specified in items (i) through (iv)
8 of this paragraph.

9 (3) A public chartering authority may not grant a charter under this
10 title to:

- 11 (i) A private school;
- 12 (ii) A parochial school; or
- 13 (iii) A home school.

14 **(4) THE PURPOSE OF THE CHARTER APPLICATION IS TO:**

15 **(I) PRESENT THE PROPOSED CHARTER SCHOOL'S**
16 **ACADEMIC AND OPERATIONAL VISION AND PLANS;**

17 **(II) DEMONSTRATE THE APPLICANT'S CAPACITIES TO**
18 **EXECUTE THE PROPOSED VISION AND PLANS; AND**

19 **(III) PROVIDE THE COUNTY BOARD OR THE STATE BOARD A**
20 **CLEAR BASIS FOR ASSESSING THE APPLICANT'S PLANS AND CAPACITIES.**

21 **(B) IN REVIEWING AND EVALUATING A CHARTER APPLICATION, THE**
22 **COUNTY BOARD OR THE STATE BOARD SHALL:**

23 **(1) EMPLOY PROCEDURES, PRACTICES, AND CRITERIA**
24 **CONSISTENT WITH NATIONALLY RECOGNIZED PRINCIPLES AND STANDARDS**
25 **FOR QUALITY CHARTER SCHOOL AUTHORIZING;**

26 **(2) CONDUCT A THOROUGH EVALUATION OF EACH WRITTEN**
27 **CHARTER APPLICATION;**

28 **(3) CONDUCT AN IN-PERSON INTERVIEW WITH EACH APPLICANT;**
29 **AND**

1 **(4) PROVIDE AN OPPORTUNITY IN A PUBLIC FORUM FOR LOCAL**
2 **RESIDENTS TO LEARN ABOUT AND PROVIDE INPUT ON EACH PUBLIC CHARTER**
3 **SCHOOL APPLICATION.**

4 **(C) IN DECIDING WHETHER TO APPROVE A CHARTER APPLICATION, THE**
5 **COUNTY BOARD OR THE STATE BOARD SHALL:**

6 **(1) GRANT A CHARTER ONLY TO AN APPLICANT THAT HAS**
7 **DEMONSTRATED COMPETENCE IN EACH ELEMENT OF THE COUNTY BOARD'S OR**
8 **THE STATE BOARD'S PUBLISHED APPROVAL CRITERIA AND IS LIKELY TO OPEN**
9 **AND OPERATE A SUCCESSFUL PUBLIC CHARTER SCHOOL;**

10 **(2) BASE DECISIONS ON DOCUMENTED EVIDENCE COLLECTED**
11 **THROUGH THE APPLICATION REVIEW PROCESS; AND**

12 **(3) FOLLOW CHARTER-GRANTING POLICIES AND PRACTICES**
13 **THAT ARE TRANSPARENT, ARE BASED ON MERIT, AND THAT AVOID CONFLICTS**
14 **OF INTEREST OR ANY APPEARANCE OF A CONFLICT OF INTEREST.**

15 **(D) (1) THE DECISION OF A COUNTY BOARD OR THE STATE BOARD TO**
16 **APPROVE OR DENY A CHARTER APPLICATION SHALL BE:**

17 **(i) MADE IN AN OPEN MEETING OF THE COUNTY BOARD OR**
18 **THE STATE BOARD; AND**

19 **(ii) ADOPTED BY A RESOLUTION OF THE COUNTY BOARD OR**
20 **THE STATE BOARD.**

21 **(2) IF A COUNTY BOARD OR THE STATE BOARD DENIES A**
22 **CHARTER APPLICATION, THE REASONS FOR THE DENIAL SHALL BE STATED**
23 **CLEARLY AND PROVIDED IN WRITING TO THE APPLICANT WITHIN 5 BUSINESS**
24 **DAYS AFTER THE DECISION.**

25 **[(4)] (3) (i) Except as provided in subparagraph (ii) of this**
26 **paragraph, the county board OR THE STATE BOARD shall review the application and**
27 **render a decision within 120 days of receipt of the application.**

28 **(ii) For a restructured school:**

29 1. The county board **OR THE STATE BOARD** shall
30 review the application and render a decision within 30 days of receipt of the
31 application;

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

4 3. If an extension is not granted, and 30 days have
5 elapsed, the State Board may become a chartering authority; and

6 4. If an extension has been granted, and 45 days have
7 elapsed, the State Board may become a chartering authority.

8 **[(b)] (E)** (1) If the county board denies an application to establish a
9 public charter school, the applicant may appeal the decision to the State Board, in
10 accordance with § 4-205(c) of this article.

11 **(2) IF THE COUNTY BOARD REVOKES A CHARTER, THE CHARTER**
12 **SCHOOL OPERATOR MAY APPEAL THE DECISION TO THE STATE BOARD, IN**
13 **ACCORDANCE WITH § 4-205(C) OF THIS ARTICLE.**

14 **[(2)] (3)** The State Board shall render a decision within 120 days of
15 the filing of an appeal under this subsection.

16 **[(3)] (4)** If the county board denies an application to establish a
17 public charter school **OR REVOKES A CHARTER** and the State Board reverses the
18 decision, the State Board **[may] HAS THE AUTHORITY TO** direct the county board to
19 grant a charter and shall mediate with the county board and the applicant to
20 implement the charter.

21 **9-104.1.**

22 **(A) (1) A COUNTY BOARD OR THE STATE BOARD MAY GRANT AN**
23 **INITIAL CHARTER FOR A TERM OF 5 OPERATING YEARS.**

24 **(2) (I) AN APPROVED PUBLIC CHARTER SCHOOL MAY DELAY**
25 **OPENING FOR 1 SCHOOL YEAR IN ORDER TO PLAN AND PREPARE FOR THE**
26 **SCHOOL'S OPENING.**

27 **(II) IF A PUBLIC CHARTER SCHOOL CANNOT OPEN WITHIN 1**
28 **SCHOOL YEAR:**

29 1. **THE SCHOOL MAY REQUEST AN EXTENSION; AND**

30 2. **THE COUNTY BOARD OR THE STATE BOARD MAY**
31 **GRANT OR DENY THE EXTENSION DEPENDING ON THE PARTICULAR**
32 **CIRCUMSTANCES OF THE SCHOOL.**

1 **(III) IF THE SCHOOL REQUIRES AN OPENING DELAY OF 1**
2 **YEAR OR MORE, THE SCHOOL MUST NOTIFY THE COUNTY BOARD OR THE STATE**
3 **BOARD PRIOR TO THE RECRUITMENT OF STUDENTS FOR THE SCHOOL.**

4 **(B) WITHIN 30 DAYS OF THE APPROVAL OF A CHARTER APPLICATION,**
5 **THE COUNTY BOARD OR THE STATE BOARD AND THE GOVERNING BOARD OF**
6 **THE APPROVED PUBLIC CHARTER SCHOOL SHALL NEGOTIATE AND EXECUTE A**
7 **LEGALLY BINDING PERFORMANCE CONTRACT THAT:**

8 **(1) INCLUDES THE APPROVED CHARTER APPLICATION AS AN**
9 **ATTACHMENT TO THE CONTRACT;**

10 **(2) CLEARLY SETS THE ACADEMIC AND OPERATIONAL**
11 **PERFORMANCE EXPECTATIONS AND MEASURES BY WHICH THE PUBLIC**
12 **CHARTER SCHOOL WILL BE JUDGED;**

13 **(3) CLEARLY SETS THE ADMINISTRATIVE RELATIONSHIP**
14 **BETWEEN THE COUNTY BOARD OR THE STATE BOARD AND THE PUBLIC**
15 **CHARTER SCHOOL, INCLUDING EACH PARTY'S RIGHTS AND RESPONSIBILITIES;**

16 **(4) SETS FORTH PERFORMANCE EXPECTATIONS AND MEASURES,**
17 **WHICH MAY INCLUDE APPLICABLE FEDERAL AND STATE ACCOUNTABILITY**
18 **REQUIREMENTS;**

19 **(5) INCLUDES THE ACCOUNTABILITY PROCESS THE SCHOOL WILL**
20 **USE TO CONDUCT ANNUAL, TIMELY, AND INDEPENDENT AUDITS OF THE**
21 **SCHOOL'S FINANCIAL STATEMENTS THAT ARE FILED WITH THE COUNTY BOARD**
22 **OR THE STATE BOARD;**

23 **(6) INCLUDES THE PROCESS OF INTERVENTION THE SCHOOL**
24 **WILL USE IF THE SCHOOL DOES NOT MEET ACCOUNTABILITY STANDARDS AND**
25 **EXPECTATIONS; AND**

26 **(7) INCLUDES THE CRITERIA THAT THE COUNTY BOARD OR THE**
27 **STATE BOARD WILL USE TO RENEW OR REVOKE A SCHOOL'S CHARTER,**
28 **INCLUDING DATA ON STUDENT ACADEMIC ACHIEVEMENT FOR ALL GROUPS OF**
29 **STUDENTS AT THE SCHOOL.**

30 9-105.

31 A member of the professional staff of a public charter school shall hold the
32 appropriate Maryland certification.

33 9-106.

1 (a) [Subject to subsection (b) of this section, a public charter school shall
2 comply with the provisions of law and regulation governing other public schools.]
3 **EXCEPT AS PROVIDED IN THIS TITLE, A PUBLIC CHARTER SCHOOL MAY NOT BE**
4 **SUBJECT TO THE STATE’S EDUCATION STATUTES OR ANY STATE OR LOCAL**
5 **RULE, REGULATION, POLICY, OR PROCEDURE RELATING TO NONCHARTER**
6 **PUBLIC SCHOOLS WITHIN AN APPLICABLE LOCAL SCHOOL SYSTEM.**

7 (b) [Subject to subsection (c) of this section, a waiver of the requirements
8 under subsection (a) of this section may be sought through an appeal to the State
9 Board.

10 (c)] A waiver may not be granted from provisions of law or regulation relating
11 to:

12 (1) Audit requirements;

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

16 (3) The health, safety, or civil rights of a student or an employee of the
17 charter school.

18 9–107.

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

23 (b) A public chartering authority shall ensure that the authorizing process
24 for a public charter school and the charter application address the roles and
25 responsibilities of the county board and the applicants and operators of the public
26 charter school with respect to **ALL MATTERS PERTAINING TO THE SUCCESSFUL**
27 **IMPLEMENTATION OF A HIGH-QUALITY CHARTER SCHOOL, INCLUDING**
28 **PROVISION OF SERVICES TO children with disabilities AND ENGLISH LANGUAGE**
29 **LEARNERS.**

30 (c) The public chartering authority shall ensure that, prior to opening a
31 public charter school, the operators of the school are informed of the human, fiscal,
32 and organizational capacity needed to fulfill the school’s responsibilities **REGARDING**
33 **COMPLIANCE WITH FEDERAL AND STATE LAWS, INCLUDING THE PROVISION OF**
34 **SERVICES** related to children with disabilities **AND ENGLISH LANGUAGE**
35 **LEARNERS.**

1 **(D) THE PUBLIC CHARTER SCHOOL SHALL ENSURE THAT STUDENT**
2 **RECORDS FOR ENROLLED STUDENTS ARE TRANSFERRED TO THE CHARTER**
3 **SCHOOL PRIOR TO THE FIRST DAY OF SCHOOL.**

4 **[(d)] (E) (1)** The State Board shall provide technical assistance to the
5 operators of a public charter school to help the school meet the requirements of federal
6 and State laws, including 20 U.S.C. § 1400, et seq. and § 504 of the Rehabilitation Act
7 of 1973, 29 U.S.C. § 794, **AND TO ENSURE THE DEVELOPMENT AND**
8 **IMPLEMENTATION OF HIGH-QUALITY CHARTER SCHOOLS.**

9 **(2) THE STATE BOARD SHALL ESTABLISH AN OFFICE THAT WILL**
10 **ENSURE COMPLIANCE WITH THIS TITLE AND WILL PROVIDE TECHNICAL**
11 **ASSISTANCE AND PROFESSIONAL DEVELOPMENT TO COUNTY BOARDS AND THE**
12 **STATE BOARD TO IMPROVE THE CAPACITY IN THE STATE TO AUTHORIZE,**
13 **MONITOR, AND HOLD CHARTER SCHOOLS ACCOUNTABLE.**

14 **(F) (1) A COUNTY BOARD SHALL BE ACCOUNTABLE TO THE STATE**
15 **BOARD FOR THE EFFECTIVE IMPLEMENTATION OF THIS TITLE IN RELATION TO**
16 **THE SCHOOLS TO WHICH THE COUNTY BOARD ISSUES A CHARTER.**

17 **(2) EACH COUNTY BOARD SHALL ESTABLISH AN OFFICE WITHIN**
18 **THE COUNTY BOARD'S LOCAL SCHOOL SYSTEM TO ENSURE COMPLIANCE AND**
19 **IMPLEMENTATION OF THIS TITLE AND TO SERVE AS THE STATE BOARD'S**
20 **LIAISON FOR AUTHORIZING RESPONSIBILITIES.**

21 9-108.

22 (a) Employees of a public charter school:

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

25 (2) Are employees of a public school employer, as defined in §§
26 6-401(f) and 6-501(h) of this article, in the county in which the public charter school is
27 located; and

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

30 (b) **(1)** If a collective bargaining agreement under Title 6, Subtitle 4 or
31 Subtitle 5 of this article is already in existence in the county where a public charter
32 school is located, the employee organization and the public charter school may
33 mutually agree to negotiate amendments to the existing agreement to address the
34 needs of the particular public charter school.

1 **(2) THE EMPLOYEE ORGANIZATION SHALL RECOGNIZE THE**
2 **UNIQUE NATURE OF PUBLIC CHARTER SCHOOLS AND SHALL DEMONSTRATE A**
3 **GOOD-FAITH EFFORT TO SUPPORT THE NEED FOR PUBLIC CHARTER SCHOOL**
4 **FLEXIBILITY IN IMPLEMENTING EACH SCHOOL'S DESIGN.**

5 **(3) (I) IN A STATE-ESTABLISHED PUBLIC CHARTER SCHOOL,**
6 **EMPLOYEES MAY CHOOSE TO ESTABLISH AN INDEPENDENT BARGAINING UNIT**
7 **AND MAY DEVELOP A COLLECTIVE BARGAINING AGREEMENT.**

8 **(II) PUBLIC CHARTER SCHOOL REPRESENTATIVES SHALL**
9 **BE ACTIVELY ENGAGED IN THE NEGOTIATION PROCESS OF NEW COLLECTIVE**
10 **BARGAINING AGREEMENTS TO ENSURE THAT THE UNIQUE NEEDS OF PUBLIC**
11 **CHARTER SCHOOLS ARE MET.**

12 9-109.

13 **(a) (1) [A] ON OR BEFORE JULY 1 OF EACH YEAR, A county board shall**
14 **disburse to a public charter school an amount of county, State, and federal money for**
15 **elementary, middle, and secondary students that is commensurate with the amount**
16 **disbursed to other public schools in the local jurisdiction, WHICH SHALL BE EQUAL**
17 **TO 100% OF THE AMOUNT DISBURSED PER STUDENT TO OTHER PUBLIC**
18 **SCHOOLS IN THE LOCAL JURISDICTION.**

19 **(2) (I) THE DEPARTMENT IS AUTHORIZED TO RETAIN UP TO**
20 **2% OF THE MONEY ALLOTTED TO PUBLIC CHARTER SCHOOLS THAT WERE**
21 **GRANTED A CHARTER BY THE STATE BOARD UNDER THIS TITLE TO FUND THE**
22 **WORK ASSOCIATED WITH THE RESPONSIBILITIES UNDER § 9-107 OF THIS TITLE.**

23 **(II) THE AMOUNT OF MONEY RETAINED BY THE**
24 **DEPARTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE**
25 **CALCULATED USING THE SAME FORMULA THAT IS USED WHEN THE COUNTY**
26 **BOARD IS ACTING AS A PRIMARY CHARTERING AUTHORITY.**

27 **(B) (1) FUNDING FOR TRANSPORTATION SHALL BE INCLUDED IN THE**
28 **PER PUPIL AMOUNT THAT A COUNTY BOARD SHALL PROVIDE TO THE PUBLIC**
29 **CHARTER SCHOOL UNDER THE COMMENSURATE FUNDING FORMULA IN**
30 **SUBSECTION (A) OF THIS SECTION.**

31 **(2) EACH PUBLIC CHARTER SCHOOL SHALL REPORT TO THE**
32 **DEPARTMENT ANNUALLY ABOUT HOW THE SCHOOL WILL USE THE**
33 **TRANSPORTATION FUNDS TO SUPPORT THE TRANSPORTATION NEEDS OF THE**
34 **SCHOOL'S STUDENTS.**

1 **[(b)] (C)** The State Board or the county board may give surplus educational
2 materials, supplies, furniture, and other equipment to a public charter school.

3 9–110.

4 (a) (1) Each county board shall develop a public charter school policy
5 **THAT IS CLOSELY ALIGNED TO THIS TITLE AND THE STATE BOARD CHARTER**
6 **SCHOOL POLICY** and submit it to the State Board **FOR REVIEW AND APPROVAL**
7 **WHEN THE POLICY IS FIRST DEVELOPED AND WHEN THE POLICY IS AMENDED.**

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

10 (i) Evaluation of public charter schools;

11 (ii) Revocation of a charter;

12 (iii) Reporting requirements; and

13 (iv) Financial, programmatic, or compliance audits of public
14 charter schools.

15 (b) The Department shall designate a staff person to **[function]:**

16 **(1) FUNCTION** as a contact person for the Maryland Public Charter
17 School Program;

18 **(2) IMPLEMENT THE STATE RESPONSIBILITIES IDENTIFIED IN §**
19 **9–107 OF THIS TITLE; AND**

20 **(3) SERVE AS THE STATE’S DESIGNEE IN PROVIDING LEADERSHIP**
21 **FOR THE APPLICATION, APPROVAL, AND OVERSIGHT OF STATE-INITIATED**
22 **PUBLIC CHARTER SCHOOLS.**

23 9–111.

24 (a) (1) If, with the approval of the State Superintendent, a county board
25 determines that a school site or building no longer is needed for school purposes and
26 after the county commissioners or county council have provided the required notice
27 under § 4–115 of this article, the county board shall inform the public charter schools
28 in the county that the school site or building is available for occupation and use by a
29 public charter school on the terms determined by the county board, **WHICH SHALL**
30 **INCLUDE THE OPTION FOR A PUBLIC CHARTER SCHOOL TO PURCHASE OR LEASE**
31 **THE SCHOOL SITE OR BUILDING AT OR BELOW FAIR MARKET VALUE.**

1 (2) Each county board shall establish a procedure to determine which
2 public charter school may occupy and use an available school site or building if more
3 than one public charter school notifies the county board of an interest in occupying
4 and using a school site or building.

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

8 9–112.

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

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 July 1, 2012.