

A005-0910

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20 **AN ACT CONCERNING**

Give Children Help Or Independence Concerning Education

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40 FOR the purpose of providing quality educational choices for the children of Maryland particularly in
50 underperforming counties through the expansion of the Public Charter School Program; altering the
Public Charter School Act of 2003.

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70 BY repealing, and reenacting, with amendments

80 Article – Education

90 Title 9 – Maryland Public Charter School Program

100 Section §9–102, §9–104, §9–106, §9–110

Annotated Code of Maryland

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120 **SECTION 1.** BE IT ENACTED BY THE MARYLAND STUDENT LEGISLATURE, That the laws
of Maryland read as follows:

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140 §9–102.

150 In this title, “public charter school” means a public school that:

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

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

180 (3) Is open to all students on a space-available basis and admits students on a lottery basis if
190 more students apply than can be accommodated;

200 (4) Is a new public school or a conversion of an existing public school OR A CONVERSION OF
210 AN EXISTING PRIVATE SCHOOL;

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

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

240 (7) Is tuition-free;

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

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

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

280 (11) Operates under the supervision of the public chartering authority from which its charter is
290 granted and in accordance with its charter and, except as provided in § 9-106 of this title, the
300 provisions of law and regulation governing other public schools;

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

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

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340 §9–104.

350 (a) (1) An application to establish a public charter school shall be submitted to the county board
360 of the county in which the charter school will be located.

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

380 (i) The staff of a public school;

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

400 (iii) A nonsectarian nonprofit entity;

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

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

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

440 ~~(i) A private school;~~

450 ~~(ii) (I) A parochial school; or~~

460 ~~(iii) (II) A home school.~~

470 (4) (i) Except as provided in subparagraph (ii) of this paragraph, the county board shall
480 review the application and render a decision within 120 days of receipt of the application.

490 (ii) For a restructured PUBLIC OR PRIVATE school:

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1. The county board shall review the application and render a decision within 30 days of receipt of the application;
- 510 2. The county board may apply to the State Board for an extension of up to 15 days
520 from the time limit imposed under item 1 of this subparagraph;
- 530 3. If an extension is not granted, and 30 days have elapsed, the State Board ~~may~~ SHALL
540 become a chartering authority; and
- 550 4. If an extension has been granted, and 45 days have elapsed, the State Board ~~may~~
560 SHALL become a chartering authority.
- 570 (b) (1) If the county board denies an application to establish a public charter school, the
580 applicant may appeal the decision to the State Board, in accordance with § 4-205(c) of this article.
- 590 (2) The State Board shall render a decision within 120 days of the filing of an appeal under this
600 subsection.
- 610 (3) If the county board denies an application to establish a public charter school and the State
620 Board reverses the decision, the State Board may direct the county board to grant a charter and
630 shall mediate with the county board and the applicant to implement the charter.
- 640 (C) THE STATE BOARD SHALL BECOME THE SOLE CHARTERING AUTHORITY FOR
650 A COUNTY UNDER THE FOLLOWING CIRCUMSTANCES:
- 660 (1) THE COMBINED ADEQUATE YEARLY PROGRESS REPORT SHOWS A COUNTY'S
670 SCHOOLS TO BE IN A STATE OF NOT IN IMPROVEMENT FOR TWO CONSECUTIVE
680 YEARS OR THREE OF ANY FIVE YEARS; OR
- 690 (2) THE COMBINED APPLICANTS TO A COUNTY'S EXISTING CHARTER SCHOOLS
700 EXCEEDS 150% OF THE COMBINED CAPACITY OF THAT COUNTY'S CHARTER
710 SCHOOLS; OR
- 720 (3) THE STATE BOARD REVERSES THE DECISION OF 75% OF A COUNTY BOARDS
730 DENIAL OF CHARTERS.

740 §9-106.

- 750 (a) Subject to subsection (b) of this section, a public charter school shall comply with the
760 provisions of law and regulation governing other public schools.
- 770 (b) Subject to subsection (c) of this section, a waiver of the requirements under subsection (a) of
780 this section may be sought through an appeal to the State Board.
- 790 (1) ALL CHARTERS GRANTED BY THE STATE BOARD UNDER SECTION §9-104 OF
800 THIS TITLE SHALL AUTOMATICALLY BE GRANTED A WAIVER TO SUBSECTION
810 (A) OF THIS SECTION IN ACCORDANCE TO SUBSECTION (C) OF THIS SECTION.
- 820 (c) A waiver may not be granted from provisions of law or regulation relating to:
- 830 (1) Audit requirements;
- 840 (2) The measurement of student academic achievement, including all assessments required for
850 other public schools and other assessments mutually agreed upon by the public chartering
860 authority and the school; or
- 870 (3) The health, safety, or civil rights of a student or an employee of the charter school.

880 §9-110.

- 890 (a) (1) Each county board shall develop a public charter school policy and submit it to the State
900 Board.
- 910 (2) The policy required under paragraph (1) of this subsection shall include guidelines and
920 procedures regarding:
- 930 (i) Evaluation of public charter schools;
- 940 (ii) Revocation of a charter;
- 950 (iii) Reporting requirements; and
- 960 (iv) Financial, programmatic, or compliance audits of public charter schools.
- 970 (3) THE POLICY REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL
980 NOT INCLUDE POLICIES, GUIDELINES OR PROCEDURES THAT:
- 990 (I) PREVENT THE STATE BOARD, ANY COUNTY BOARD OR ANY INDIVIDUAL
1000 CHARTER SCHOOL FROM OBTAINING FEDERAL GRANTS; OR
- 1010 (II) RESTRICT THE NUMBER OF CHARTER SCHOOLS IN A COUNTY THAT HAS
1020 NOT MET ALL OF IT'S ADEQUATE YEARLY PROGRESS.
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(b) The Department shall designate a staff person to function as a contact person for the Maryland Public Charter School Program.

1050 **SECTION 2.** AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2010

1060 **MANDATES:**

1070 Martin O. Malley, Governor of Maryland

1080 Douglas F. Gansler, Attorney General of Maryland

1090 Nancy S. Grasmick, State Superintendent of Schools

SPONSOR:

David Chase, St. Mary's College of Maryland

CO-SPONSOR:

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