

MEETING
NOVEMBER 24, 1998

TASK FORCE ON PUBLIC CHARTER SCHOOLS

Dr. Paul Lawrence Vance, Chair

Agenda

Tuesday, November 24, 1998
10 a.m.

Room 110, Lowe House Office Building

- I. Call to Order and Opening Remarks
- II. Overview and Discussion of Proposed Draft Legislation

Fran May, Legislative Counsel
Department of Legislative Services
- III. Closing Remarks and Adjournment

Summary of the Major Provisions of the Proposed Draft Legislation

- **Chartering Authority (§9-103):** The county board of education would be the chartering authority; however, a decision of the county board could be appealed to the State board of education.
- **Charter Organizers (§9-104):** The staff of a school, parents, a public institution of higher education would be authorized to organize a charter school. Additionally, a nonprofit corporation could participate in establishing a charter school.
- **Conversion of Existing Schools (§9-104, §9-105):** An existing public school would be eligible to convert to a charter school if two-thirds of the parents and teachers support the conversion. However, a private, parochial, or home school could not convert to a charter school.
- **Application Process (§9-106):** The county board would establish an application process, providing the application included the components identified under §9-106.
- **Application Time line (§9-107):** Applicants would submit their applications to the county board by December 1. The county board would be required to render a decision within 90 days. Decisions of the county board may be appealed to the State board of education.
- **Accountability (§9-108):** The charter would constitute a contract between the charter school and the county board of education. Included in this contract would be a performance agreement that identifies how the educational goals of the charter school would be measured and a commitment that the charter school would use State assessments to measure student performance.
- **Autonomy (§9-109):** A charter school would be operated by a governing board accountable to the county board and the charter school would be required to follow the county procedures for procuring services, equipment, and supplies (unless waived by the County Board). The draft legislation also would authorize the charter school to acquire real property, receive and disburse funds, and incur temporary debt (with the approval of the county board).
- **Enrollment (§9-110):** Charter schools would be required to be open to all students in the county on a space available basis. If more students apply than spaces available, enrollment would be based on a lottery system. The draft legislation also would give enrollment preference to siblings of students currently enrolled in the school. Charter schools would also be prohibited from charging tuition.
- **Facilities (§9-112):** The draft legislation would require a charter school to comply with all public school facility regulations (unless the regulations are waived by the county board) and would allow the county board to provide public funds for capital improvements if the facility is owned by the county board.

- **Regulations (§9-113):** A charter school may seek waivers from various federal, state, and local regulations; however, regulations pertaining to the civil rights, health, or safety of students may not be waived.
- **Funding (§9-114):** The county board would be required to pay to the charter school an amount, determined by the Maryland State Department of Education, equivalent to the cost of educating the same kind of student at a public school in the county.
- **Transportation (§9-115):** The charter school would be responsible for transporting students attending the charter school; however, the charter school may negotiate with the county board to provide transportation services.
- **Employees (§9-116):** All employees of the charter school would be considered employees of the county and members of the collective bargaining unit. Employees of the charter school would be required to obtain the appropriate Maryland certification, except in extraordinary cases. An employee also would not be required to work at a charter school.
- **Annual Assessment (§9-117):** The county board would be required to assess annually whether the charter school is meeting the goals of its charter. The charter school would also be required to submit an annual fiscal and student performance report to the county board.
- **Renewing/Revoking a Charter (§9-119):** The draft legislation would require a county board to develop procedures for revoking/renewing charters. The draft legislation also would allow a county board to place a charter school on probation and require the school to implement a remedial plan. If the plan is not implemented to the county board's satisfaction, the county board may revoke the charter. Decisions of the county board may be appealed to the State board.
- **Student Rights/Discipline:** A student would not be required to attend a charter school and a student would be allowed to withdraw from the charter school at any time. In addition, the draft legislation would allow the principal of a charter school to suspend a student for not more than ten days. A county superintendent would also be authorized to suspend for more than ten days or expel a student from a charter school at the request of the school's principal. If a student at a charter school is expelled, the funds allocated for that student would revert to the county board.

DRAFT FOR DISCUSSION PURPOSES ONLY

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9lr0420

Drafted By: Fran May
Typed By: _____
Stored On: 11/2/98
Proofread By: _____
Checked By: _____

By: (Task Force on Charter Schools)

A BILL ENTITLED

AN ACT concerning

Education - Public Charter Schools

FOR the purpose of (to be done)

BY repealing and reenacting, without amendments,

Article -Education

Section 101 (d),(e),(f), and (l)

Annotated Code of Maryland

(1997 Replacement Volume and 1998 Supplement)

BY adding to

Article - Education

Section 9-101 through 9-121, inclusive, to be under the new title "Title 9. Public Charter School Program"

Annotated Code of Maryland

(1997 Replacement Volume and 1998 Supplement)

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

Article - Education

101.

(d) "County board" means the board of education of a county and includes the New Baltimore City Board of School Commissioners.

(e) "County superintendent" means the county superintendent of schools of a county and includes the Chief Executive Officer of the New Baltimore City Board of School Commissioners.

(f) "Department" means the State Department of Education.

(l) "State Board" means the State Board of Education.

TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.

9-101. IN THIS TITLE, "PUBLIC CHARTER SCHOOL" MEANS A A PUBLIC SCHOOL THAT :

(1) IS CREATED IN ACCORDANCE WITH A SPECIFIC STATE STATUTE THAT AUTHORIZES THE GRANTING OF CHARTERS TO SCHOOLS;

(2) IS DEVELOPED AS A NEW PUBLIC SCHOOL OR IS ADAPTED FROM AN EXISTING PUBLIC SCHOOL UNDER THIS TITLE;

(3) IS OPERATED UNDER PUBLIC SUPERVISION AND DIRECTION;

(4) HAS A SPECIFIC ACADEMIC FOCUS AND SET OF EDUCATIONAL GOALS ON WHICH THE APPLICANT AND THE AUTHORIZED PUBLIC CHARTERING AGENCY AGREE; AND

(5) PROVIDES A PROGRAM OF ELEMENTARY OR SECONDARY EDUCATION, OR BOTH.

9-102.

(A) THE GENERAL ASSEMBLY FINDS THAT:

(1) PUBLIC CHARTER SCHOOLS, AS PART OF THE PROGRAM OF PUBLIC EDUCATION OFFERED IN THE STATE, CAN:

(I) PROVIDE INNOVATIVE LEARNING OPPORTUNITIES; AND

(II) SERVE AS A MODEL FOR THE IMPLEMENTATION OF NEW EDUCATIONAL APPROACHES; AND

(2) THESE INNOVATIVE LEARNING OPPORTUNITIES AND NEW EDUCATIONAL APPROACHES CAN LEAD TO IMPROVEMENT IN THE EDUCATION OF STUDENTS.

(B) THE GENERAL ASSEMBLY FURTHER FINDS THAT PUBLIC CHARTER SCHOOLS:

(Unofficial Copy of LR 0420)

- (1) INCREASE THE EDUCATIONAL CHOICES AVAILABLE TO PARENTS AND STUDENTS;
- (2) CAN CREATE NEW PROFESSIONAL OPPORTUNITIES FOR TEACHERS; AND
- (3) CAN BE VEHICLES FOR EDUCATIONAL RESEARCH AND DEVELOPMENT.

9-103.

(A) THE PUBLIC CHARTERING AUTHORITY FOR THE ESTABLISHMENT OF PUBLIC CHARTER SCHOOLS IS THE COUNTY BOARD .

(B) A COUNTY BOARD, AS THE PUBLIC CHARTERING AUTHORITY:

(1) MAY GRANT CHARTERS THAT ESTABLISH PUBLIC CHARTER SCHOOLS;
AND

(2) SHALL MAKE AVAILABLE FOR DISSEMINATION INFORMATION CONCERNING THE ESTABLISHMENT, CURRICULUM, AND OPERATION OF PUBLIC CHARTER SCHOOLS IN THE COUNTY.

9-104.

(A) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL MAY BE SUBMITTED TO A COUNTY BOARD BY:

- (1) THE STAFF OF A SCHOOL;
- (2) THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE PUBLIC SCHOOLS IN THE COUNTY;
- (3) A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR

(4) ANY COMBINATION OF THE STAFF OF A SCHOOL, THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE PUBLIC SCHOOLS IN THE COUNTY, AND A PUBLIC INSTITUTION OF HIGHER EDUCATION IN THE STATE.

(B) AN APPLICANT MAY ENGAGE THE SERVICES OF A NONPROFIT CORPORATION IN THE ESTABLISHMENT OF A PUBLIC CHARTER SCHOOL.

(C) A COUNTY BOARD MAY NOT GRANT A CHARTER UNDER THIS TITLE TO:

- (1) A PRIVATE SCHOOL;
- (2) A PAROCHIAL SCHOOL; OR
- (3) A HOME SCHOOL.

-105.

AN EXISTING PUBLIC SCHOOL MAY APPLY TO CONVERT TO A PUBLIC CHARTER SCHOOL IF:

(A) AT LEAST TWO THIRDS OF THE STAFF OF THE EXISTING PUBLIC SCHOOL AND AT LEAST TWO THIRDS OF THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE EXISTING PUBLIC SCHOOL SIGN A PETITION;

(B) THE PETITION CALLS FOR AN ELECTION BY SECRET BALLOT TO DETERMINE IF THE SCHOOL SHOULD BECOME A PUBLIC CHARTER SCHOOL; AND

(C) AT LEAST TWO THIRDS OF THE VOTING STAFF AND AT LEAST TWO THIRDS OF THE VOTING PARENTS OR GUARDIANS SUPPORT THE CONVERSION OF THE SCHOOL TO A PUBLIC CHARTER SCHOOL.

9-106.

(A) A COUNTY BOARD SHALL DEVELOP AN APPLICATION PROCESS FOR PUBLIC CHARTER SCHOOLS IN THE COUNTY.

(B) THE APPLICATION FOR A CHARTER SHALL INCLUDE:

(1) THE IDENTITY OF THE APPLICANT OR APPLICANTS;

(2) THE PROPOSED NAME OF THE SCHOOL, WHICH SHALL CONTAIN THE TERM "PUBLIC CHARTER SCHOOL";

(3) TO THE EXTENT POSSIBLE, THE LOCATION AND A DESCRIPTION OF THE SCHOOL FACILITY;

(4) THE PROPOSED STRUCTURE OF THE GOVERNING BOARD OF THE SCHOOL, INCLUDING:

(i) THE QUALIFICATIONS FOR MEMBERS OF THE BOARD; AND

(ii) THE METHOD OF APPOINTMENT OR ELECTION OF THE MEMBERS;

(5) WITH REGARD TO THE PURPOSE OF THE PUBLIC CHARTER SCHOOL:

(i) THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE SCHOOL; AND

(ii) THE PROPOSED CURRICULUM OF THE SCHOOL;

(6) A DESCRIPTION OF AND JUSTIFICATION FOR ANY WAIVER OF STATE OR LOCAL REGULATIONS THAT THE SCHOOL WILL REQUEST;

(7) THE AGE OR GRADE RANGE OF STUDENTS TO BE ENROLLED;

(8) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;

(Unofficial Copy of LR 0420)

(9) A DESCRIPTION OF STAFF RESPONSIBILITIES ;

(10) A DESCRIPTION OF THE PROCEDURES TO BE IMPLEMENTED TO ENSURE SIGNIFICANT PARENT AND COMMUNITY INVOLVEMENT IN THE PLANNING AND THE OPERATION OF THE PUBLIC CHARTER SCHOOL;

(11) THE FINANCIAL PLAN FOR THE PUBLIC CHARTER SCHOOL;

AND

(12) ANY OTHER INFORMATION THAT THE COUNTY BOARD OR THE STATE BOARD REQUIRES,

9-107.

(A) AN APPLICANT FOR A CHARTER TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL SUBMIT THE APPLICATION TO THE COUNTY BOARD OF THE COUNTY IN WHICH THE SCHOOL WILL BE LOCATED BY DECEMBER 1 OF THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE APPLICANT WISHES TO OPEN THE SCHOOL.

(B) (1) THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER A DECISION WITHIN 90 DAYS OF RECEIPT OF THE APPLICATION.

(2) THE COUNTY BOARD MAY USE THE SERVICES OF AN OUTSIDE AGENCY IN THE EVALUATION OF THE APPLICATION.

(C) IF THE COUNTY BOARD DENIES AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL , THE COUNTY BOARD SHALL INCLUDE WITH THE DENIAL THE REASONS FOR THE DENIAL, INCLUDING ANY DEFICIENCIES IN THE APPLICATION

(D) (1) IF THE APPLICATION IS DENIED, THE APPLICANT MAY APPEAL THE DECISION TO THE STATE BOARD.

(2) THE DECISION OF THE STATE BOARD IS FINAL.

(E) THE APPLICANT MAY REAPPLY FOR A CHARTER AFTER ONE YEAR.

9-108.

(A) (1) A CHARTER THAT IS GRANTED BY A COUNTY BOARD TO A PUBLIC CHARTER SCHOOL SHALL CONSTITUTE A CONTRACT BETWEEN THE SCHOOL AND THE COUNTY BOARD.

(2) THE CHARTER SHALL INCLUDE ALL AGREEMENTS BETWEEN THE PUBLIC CHARTER SCHOOL AND THE COUNTY BOARD, INCLUDING ANY WAIVERS OF SPECIFIC RULES OR POLICIES FOR THE SCHOOL.

(3) THE PUBLIC CHARTER SCHOOL AND THE COUNTY BOARD MAY AMEND THE TERMS OF THE CONTRACT ONLY BY MUTUAL AGREEMENT.

(B) UNDER THE CHARTER, A PUBLIC CHARTER SCHOOL SHALL ENTER INTO A WRITTEN PERFORMANCE AGREEMENT WITH THE COUNTY BOARD.

(C) THE PERFORMANCE AGREEMENT SHALL INCLUDE:

(1) A DESCRIPTION OF THE MEASURES USED TO DETERMINE THE ATTAINMENT OF THE EDUCATIONAL GOALS OF THE SCHOOL WITHIN THE ACADEMIC FOCUS OF THE SCHOOL; AND

(2) A COMMITMENT TO MEASURE STUDENT PERFORMANCE UNDER:

(i) THE SAME STATE ASSESSMENTS AS THOSE USED BY OTHER PUBLIC SCHOOL; AND

(ii) ANY OTHER ASSESSMENT MUTUALLY AGREEABLE TO THE COUNTY BOARD AN TO THE PUBLIC CHARTER SCHOOL.

9-109.

(A) A PUBLIC CHARTER SCHOOL SHALL :

(1) EXIST WITHIN THE SCHOOL DISTRICT THAT IS GOVERNED BY THE COUNTY BOARD THAT ISSUED THE CHARTER TO THE SCHOOL;

(2) BE ACCOUNTABLE TO THE COUNTY BOARD; AND

(3) FOLLOW THE POLICIES OF THE COUNTY BOARD IN THE PROCUREMENT OF SERVICES, EQUIPMENT, OR SUPPLIES, AND IN ACTIVITIES THAT FULFILL THE EDUCATIONAL PROGRAM OF THE SCHOOL, UNLESS THE COUNTY BOARD GRANTS A WAIVER.

(B) A PUBLIC CHARTERSCHOOL SHALL BE OPERATED BY A GOVERNING BOARD THAT IS ACCOUNTABLE TO THE COUNTY BOARD.

(C) A PUBLIC CHARTER SCHOOL MAY:

(1) ACQUIRE REAL PROPERTY FROM PUBLIC OR PRIVATE SOURCES, BY PURCHASE, LEASE, LEASE WITH AN OPTION TO PURCHASE, OR GIFT, FOR USE AS A SCHOOL FACILITY;

(2) RECEIVE AND DISBURSE FUNDS FOR SCHOOL PURPOSES;

(3) INCUR A TEMPORARY DEBT IN ANTICIPATION OF THE RECEIPT OF FUNDS, IF THE CHARTER SCHOOL OBTAINS PRIOR APPROVAL FROM THE COUNTY BOARD;

(4) SOLICIT AND ACCEPT ANY GIFTS OR GRANTS FOR SCHOOL PURPOSES; AND

(5) HAVE ANY OTHER POWERS THAT ARE:

(i) NECESSARY TO FULFILL THE CHARTER; AND

(Unofficial Copy of LR 0420)

(II) CONSISTENT WITH THIS TITLE AND THE REQUIREMENTS OF
THE COUNTY BOARD AND THE STATE BOARD .

9-110.

(A) WITHIN THE CONSTRAINTS OF THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE SCHOOL,
A PUBLIC CHARTER SCHOOL SHALL:

(1) BE OPEN TO ALL STUDENTS IN A COUNTY ON A
SPACE-AVAILABLE BASIS; AND

(2) SELECT STUDENTS TO ATTEND ON A RANDOM BASIS, IF MORE STUDENTS APPLY
FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE SPACES AVAILABLE.

(B) A PUBLIC CHARTER SCHOOL MAY:

(1) LIMIT ADMISSION TO A PARTICULAR GRADE LEVEL;

(2) PROVIDE EDUCATIONAL SERVICES EXCLUSIVELY TO STUDENTS WHO:

(I) HAVE DISABILITIES;

(II) HAVE SEVERE DISCIPLINARY PROBLEMS THAT WARRANT A SPECIFICALLY
DESIGNED EDUCATIONAL PROGRAM; OR

(III) ARE CONSIDERED AT RISK;

AND

(3) GIVE PRIORITY IN ENROLLMENT TO A SIBLING OF A STUDENT WHO ATTENDS THE
SCHOOL.

(C) A PUBLIC CHARTER SCHOOL MAY NOT DISCRIMINATE ON ANY BASIS THAT WOULD BE ILLEGAL IF
DONE BY THE COUNTY BOARD .

(D) A PUBLIC CHARTER SCHOOL MAY NOT CHARGE TUITION OR OTHER FEES THAT ARE NOT CHARGED
GENERALLY AT A PUBLIC SCHOOL IN THE COUNTY.

9-111.

UNLESS THE COUNTY BOARD GRANTS A WAIVER OF A SPECIFIC AUDITING REQUIREMENT BECAUSE OF
THE ACADEMIC FOCUS, EDUCATIONAL GOALS , OR A UNIQUE CHARACTERISTIC OF THE SCHOOL,
A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH THE AUDITING REQUIREMENTS FOR PUBLIC SCHOOLS IN THE
COUNTY.

9-112.

(Unofficial Copy of LR 0420)

IN: (A) SUBJECT TO THE APPROVAL OF THE COUNTY BOARD, A PUBLIC CHARTER SCHOOL MAY BE LOCATED

- (1) PART OF AN EXISTING PUBLIC SCHOOL BUILDING;
- (2) A PUBLIC BUILDING OTHER THAN AN EXISTING PUBLIC SCHOOL; OR
- (3) ANY OTHER SUITABLE LOCATION.

(B) (1) UNLESS THE COUNTY BOARD GRANTS A WAIVER TO A PUBLIC CHARTER SCHOOL, THE FACILITY THAT CONTAINS THE SCHOOL SHALL CONFORM TO THE REGULATIONS FOR PUBLIC SCHOOL FACILITIES.

(2) THERE MAY BE NO WAIVER OF HEALTH OR SAFETY REGULATIONS FOR THE FACILITY .

(C) (1) A PUBLIC CHARTER SCHOOL MAY NOT CONSTRUCT A FACILITY WITH PUBLIC FUNDS.

(2) A PUBLIC CHARTER SCHOOL MAY NOT RECEIVE PUBLIC FUNDS FOR CAPITAL IMPROVEMENTS TO THE FACILITY IN WHICH THE SCHOOL IS LOCATED UNLESS:

(I) THE FACILITY IS OWNED BY THE COUNTY BOARD; AND

(II) THE COUNTY BOARD REQUESTS THE FUNDS FOR THE FACILITY AS PART OF THE PUBLIC SCHOOL CONSTRUCTION CAPITAL IMPROVEMENT PROGRAM REQUEST.

9-113.

(A) (1) A PUBLIC CHARTER SCHOOL SHALL OPERATE IN ACCORDANCE WITH :

(I) THE CHARTER GRANTED TO THE SCHOOL; AND

(II) THE PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS.

(2) (I) BASED ON THE APPLICATION OF A PUBLIC CHARTER SCHOOL AND SUBJECT TO THE POWERS GRANTED TO THE GOVERNING BOARD OF THE PUBLIC CHARTER SCHOOL:

1. THE STATE BOARD MAY GRANT A WAIVER TO THE SCHOOL FROM SPECIFIC STATE EDUCATION REGULATIONS AND REQUIREMENTS; AND

2. THE COUNTY BOARD MAY GRANT A WAIVER TO THE SCHOOL FROM LOCAL EDUCATION REGULATIONS AND REQUIREMENTS.

(II) IN ORDER TO RECEIVE A WAIVER FOR THE PUBLIC CHARTER SCHOOL, THE GOVERNING BOARD OF THE SCHOOL MUST DEMONSTRATE THAT THE WAIVER WILL ADVANCE THE EDUCATIONAL GOALS AND OBJECTIVES OF THE SCHOOL.

(3) THE STATE BOARD OR A COUNTY BOARD MAY NOT WAIVE A REGULATION PERTAINING TO

CIVIL RIGHTS OR THE HEALTH AND SAFETY OF STUDENTS.

9-114.

(A) THE COUNTY BOARD SHALL PAY DIRECTLY TO THE PUBLIC CHARTER SCHOOL FOR EACH STUDENT ENROLLED IN THE SCHOOL AN AMOUNT THAT IS THE EQUIVALENT OF THE AMOUNT THAT THE COUNTY BOARD PAYS FOR THE EDUCATION OF THE SAME KIND OF STUDENT AT A PUBLIC SCHOOL IN THE COUNTY AS DETERMINED BY THE DEPARTMENT.

(B) A PUBLIC CHARTER SCHOOL MAY RECEIVE COUNTY, STATE, AND FEDERAL FUNDS FOR EACH STUDENT ENROLLED IN THE SCHOOL IN THE SAME MANNER THAT THE OTHER PUBLIC SCHOOLS IN THE COUNTY RECEIVE THE SAME FUNDS FOR THE SAME KIND OF STUDENT.

9-115.

(A) THIS SECTION DOES NOT APPLY IN BALTIMORE CITY.

(B) THE GOVERNING BOARD OF A PUBLIC CHARTER SCHOOL AND THE PARENTS OR GUARDIANS OF STUDENTS WHO ATTEND THE SCHOOL ARE RESPONSIBLE FOR THE TRANSPORTATION OF THE STUDENTS TO AND FROM THE SCHOOL.

(C) THE GOVERNING BOARD OF A PUBLIC CHARTER SCHOOL AND A COUNTY BOARD MAY NEGOTIATE THE TRANSPORTATION OF STUDENTS WHO ATTEND A PUBLIC CHARTER SCHOOL.

16.

(A) SUBJECT TO THE CHARTER OF A PUBLIC CHARTER SCHOOL, THE POLICY OF THE COUNTY BOARD, AND THE PROVISIONS OF THIS TITLE, THE GOVERNING BOARD OF A PUBLIC CHARTER SCHOOL MAY DECIDE THE MATTERS THAT RELATE TO THE OPERATION OF THE SCHOOL, INCLUDING BUDGETING, CURRICULUM, AND OPERATING PROCEDURES.

(B) (1) CERTIFICATED AND NONCERTIFICATED EMPLOYEES OF A PUBLIC CHARTER SCHOOL SHALL REMAIN EMPLOYEES OF THE COUNTY.

(2) AN EMPLOYEE OF THE COUNTY BOARD WHO WORKS AT A PUBLIC CHARTER SCHOOL SHALL:

(I) REMAIN A MEMBER OF THE APPROPRIATE EMPLOYEE REPRESENTATIVE ORGANIZATION ;

(II) RETAIN ALL RIGHTS THAT EXIST UNDER THE APPLICABLE COLLECTIVE BARGAINING CONTRACT BETWEEN THE COUNTY BOARD AND THE EMPLOYEE REPRESENTATIVE; AND

(III) RETAIN ALL EMPLOYMENT RIGHTS UNDER COUNTY, STATE AND FEDERAL LAW.

(3) A COUNTY BOARD MAY NOT REQUIRE A N EMPLOYEE OF THE BOARD TO WORK AT PUBLIC CHARTER SCHOOL.

(C) (1) SUBJECT TO THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, A MEMBER OF THE PROFESSIONAL STAFF OF A CHARTER SCHOOL SHALL HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

(2) THE COUNTY BOARD, ON REQUEST OF THE GOVERNING BOARD OF A PUBLIC CHARTER SCHOOL, MAY WAIVE THE CERTIFICATION REQUIREMENTS FOR AN INDIVIDUAL MEMBER OF THE PROFESSIONAL STAFF IN AN EXTRAORDINARY CASE.

9-117.

(A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS VIOLATED A PROVISION OF THIS TITLE MAY FILE A COMPLAINT WITH THE GOVERNING BOARD OF THE PUBLIC CHARTER SCHOOL.

(B) IF THE COMPLAINT IS NOT RESOLVED BY THE GOVERNING BOARD TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY PRESENT THE COMPLAINT TO THE COUNTY BOARD.

(C) IF THE COMPLAINT IS NOT RESOLVED BY THE COUNTY BOARD TO THE SATISFACTION OF THE COMPLAINANT, THE COMPLAINANT MAY APPEAL THE DECISION OF THE COUNTY BOARD TO THE STATE BOARD, AS PROVIDED IN TITLE 4 OF THIS ARTICLE.

(D) THE DECISION OF THE STATE BOARD IS FINAL.

9-118.

(A) A COUNTY BOARD :

(1) SHALL GRANT AN INITIAL CHARTER FOR A PUBLIC CHARTER SCHOOL UNDER THIS TITLE FOR PERIOD OF 4 YEARS;

(2) SHALL CONDUCT A COMPREHENSIVE REVIEW PRIOR TO GRANTING A RENEWAL OF THE CHARTER; AND

(3) MAY RENEW THE CHARTER FOR SUBSEQUENT PERIODS OF 5 YEARS.

(B) A COUNTY BOARD SHALL HAVE ACCESS TO THE FACILITIES AND TO THE RECORDS OF A PUBLIC CHARTER SCHOOL FOR WHICH THE COUNTY BOARD IS THE PUBLIC CHARTERING AUTHORITY.

(C) (1) THE COUNTY BOARD SHALL CONDUCT AN ANNUAL ASSESSMENT OF A PUBLIC CHARTER SCHOOL TO DETERMINE IF THE SCHOOL IS MEETING THE GOALS OF THE CHARTER, INCLUDING AN ASSESSMENT OF:

(I) THE ACHIEVEMENT OF THE STUDENTS WHO ATTEND THE SCHOOL WITHIN THE ACADEMIC FOCUS AND EDUCATIONAL GOALS OF THE SCHOOL AND ACCORDING TO THE SPECIFIC MEASURES USED BY THE SCHOOL;

(II) THE ACHIEVEMENT OF THE STUDENTS AT THE SCHOOL ON THE ASSESSMENTS

(Unofficial Copy of LR 0420)

REQUIRED BY THE STATE BOARD FOR STUDENTS WHO ATTEND OTHER PUBLIC SCHOOLS IN THE STATE;
AND

(III) THE ACHIEVEMENT OF THE STUDENTS AT THE SCHOOL ON ANY OTHER ASSESSMENTS MUTUALLY AGREED ON BY THE COUNTY BOARD AND THE PUBLIC CHARTER SCHOOL.

(2) IN ORDER TO FACILITATE THE ANNUAL ASSESSMENT BY THE COUNTY BOARD, A PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL FISCAL REPORT AND STUDENT PERFORMANCE REPORT TO THE COUNTY BOARD, NOT LATER THAN AUGUST 1, IN THE FORM PRESCRIBED BY THE COUNTY BOARD.

(3) THE GOVERNING BOARD OF A PUBLIC CHARTER SCHOOL SHALL MAKE THE REPORT AVAILABLE TO THE PARENTS OR GUARDIANS OF STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL.

9-119.

(A) A COUNTY BOARD SHALL DEVELOP PROCEDURES FOR THE RENEWAL AND THE REVOCATION OF A SCHOOL CHARTER.

(B) A COUNTY BOARD MAY REVOKE THE CHARTER OF A PUBLIC CHARTER SCHOOL OR PLACE THE SCHOOL ON PROBATIONARY STATUS IF:

(1) THE SCHOOL HAS NOT FULFILLED A CONDITION IMPOSED BY THE COUNTY BOARD IN CONNECTION WITH THE GRANTING OF THE CHARTER;

(2) THE SCHOOL HAS VIOLATED A PROVISION OF THE CHARTER;

(3) THE FISCAL CONDITION OF THE SCHOOL IS SUBSTANTIALLY DEFICIENT; OR

(4) THE ACADEMIC CONDITION OF THE SCHOOL IS SUBSTANTIALLY DEFICIENT.

(C) (1) IF THE COUNTY BOARD PLACES A PUBLIC CHARTER SCHOOL ON PROBATIONARY STATUS, THE COUNTY BOARD SHALL ESTABLISH A DATE BY WHICH THE GOVERNING BOARD SHALL IMPLEMENT A REMEDIAL PLAN.

(2) IF THE COUNTY BOARD FINDS THAT THE GOVERNING BODY OF THE SCHOOL HAS NOT IMPLEMENTED A SATISFACTORY REMEDIAL PLAN BY THE ESTABLISHED DATE, THE COUNTY BOARD MAY REVOKE THE CHARTER.

(D) THE GOVERNING BOARD OF A PUBLIC CHARTER SCHOOL MAY APPEAL THE REVOCATION OF THE CHARTER BY THE COUNTY BOARD TO THE STATE BOARD.

(E) THE DECISION OF THE STATE BOARD IS FINAL.

(F) WHEN A CHARTER IS REVOKED, THE COUNTY BOARD MAY RETRIEVE THE PROPERTY AND USE THE PROPERTY FOR OTHER SCHOOL PURPOSES.

9-120.

(Unofficial Copy of LR 0420)

(A) A COUNTY BOARD MAY NOT REQUIRE A STUDENT IN THE COUNTY TO ATTEND A PUBLIC CHARTER SCHOOL.

(B) A STUDENT MAY WITHDRAW FROM A PUBLIC CHARTER SCHOOL AT ANY TIME.

(C) (1) THE PRINCIPAL OF A PUBLIC CHARTER SCHOOL MAY SUSPEND A STUDENT AT THE SCHOOL FOR CAUSE FOR NOT MORE THAN 10 SCHOOL DAYS.

(2) AT THE REQUEST OF THE PRINCIPAL OF A PUBLIC CHARTER SCHOOL, A COUNTY SUPERINTENDENT FOR CAUSE MAY:

(I) SUSPEND A STUDENT AT A PUBLIC CHARTER SCHOOL FOR A PERIOD OF MORE THAN 10 SCHOOL DAYS;
OR

(II) EXPEL THE STUDENT FROM THE SCHOOL.

(3) A STUDENT AT A PUBLIC CHARTER SCHOOL WHO HAS BEEN PLACED ON SUSPENSION FOR A PERIOD OF MORE THAN 10 SCHOOL DAYS OR HAS BEEN EXPELLED SHALL HAVE ACCESS TO THE SAME APPEALS PROCESS THAT EXISTS FOR STUDENTS AT OTHER PUBLIC SCHOOL IN THE COUNTY.

(D) IF A STUDENT IS EXPELLED FROM A PUBLIC CHARTER SCHOOL, THE REMAINING MONEY THAT WAS ALLOCATED BY THE COUNTY BOARD FOR THE STUDENT FOR THE CURRENT ACADEMIC YEAR SHALL REVERT TO THE COUNTY BOARD.

9-121.

THE STATE BOARD, IN CONSULTATION WITH THE COUNTY BOARDS, MAY ADOPT REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That a county board shall determine the number of charters granted to applicants for the establishment of public charter schools in the county during the first year of the program

SECTION 3.. AND BE IT FURTHER ENACTED, That not later than October 1, 2003, based on information gathered from county boards, members of the educational community, and the public, the State Board shall submit to the General Assembly, in accordance with § 2-1246 of the State Government article, a report on and an evaluation of the public charter school program. The report shall include a recommendation on the advisability of the continuation, modification, expansion, or termination of the program.

SECTION 4. AND BE IT FURTHER ENACTED, That this act shall take effect July 1, 1999.

HOUSE BILL 999

Unofficial Copy

1998 Regular Session
8lr1073

By: Delegates Leopold, Rawlings, C. Mitchell, Brinkley, Rzepkowski,
Mossburg, Morgan, M. Burns, Flanagan, McKee, Schade, Cadden, La
Vay, Cryor, and Marriott

Introduced and read first time: February 13, 1998

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public Charter Schools**

3 FOR the purpose of establishing a Public Charter School Program; providing
4 requirements and criteria for the establishment of a public charter school;
5 specifying the procedures under which a county board of education may grant a
6 charter for the creation of a public charter school; providing for the creation,
7 operation, governance, and personnel policies of a public charter school;
8 providing for certain admissions guidelines for public charter schools;
9 authorizing the State Board of Education and a county board to exempt a public
10 charter school from certain regulatory provisions; providing for certain funding
11 from a county board; providing for certain transportation of students; providing
12 for resolution of complaints against a charter school; requiring a county board to
13 assess and review charter schools in a certain manner; requiring charter schools
14 to prepare an annual report; requiring the State Board of Education to evaluate
15 the Public Charter School Program and prepare a report to the General
16 Assembly in a certain manner; authorizing a county board to revoke a charter
17 under certain circumstances; and generally relating to the creation of a Public
18 Charter School Program.

19 BY adding to

20 Article - Education

21 Section 9-101 through 9-118, inclusive, to be under the new title "Title 9. Public
22 Charter School Program"

23 Annotated Code of Maryland

24 (1997 Replacement Volume and 1997 Supplement)

25 **Preamble**

26 WHEREAS, The federal government has appropriated \$80 million in Fiscal Year
27 1998 to support the implementation and start-up costs for approved public charter
28 schools; and

1 WHEREAS, Studies have shown that charter schools are not elitist enclaves,
2 but rather serve a wide range of economic and cultural groups; and

3 WHEREAS, If properly developed, structured, and funded, charter schools have
4 the potential to foster teacher creativity and enrich educational opportunities for
5 many students; and

6 WHEREAS, The General Assembly finds that the establishment of a public
7 charter school program is in the best interest of the students of this State; now,
8 therefore,

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

11 **Article - Education**

12 **TITLE 9. PUBLIC CHARTER SCHOOL PROGRAM.**

13 9-101.

14 IN THIS TITLE, "CHARTER" MEANS THE AUTHORIZATION GRANTED BY A
15 COUNTY BOARD TO OPERATE A PUBLIC CHARTER SCHOOL.

16 9-102.

17 (A) THE GENERAL ASSEMBLY FINDS THAT THE ESTABLISHMENT OF PUBLIC
18 CHARTER SCHOOLS AS PART OF THE STATE'S PROGRAM OF PUBLIC EDUCATION CAN
19 ASSIST IN PROMOTING COMPREHENSIVE EDUCATIONAL REFORM BY PROVIDING A
20 MECHANISM FOR THE IMPLEMENTATION OF A VARIETY OF EDUCATIONAL
21 APPROACHES THAT MAY NOT BE AVAILABLE IN THE TRADITIONAL PUBLIC SCHOOL
22 CLASSROOM.

23 (B) PUBLIC CHARTER SCHOOLS OFFER THE POTENTIAL TO IMPROVE PUPIL
24 LEARNING, INCREASE THE EDUCATIONAL CHOICES AVAILABLE FOR PARENTS AND
25 STUDENTS, ENCOURAGE THE USE OF DIFFERENT AND INNOVATIVE LEARNING
26 METHODS, ESTABLISH A NEW FORM OF ACCOUNTABILITY FOR SCHOOL, REQUIRE
27 THE MEASUREMENT OF LEARNING OUTCOMES, MAKE THE SCHOOL THE UNIT FOR
28 EDUCATIONAL IMPROVEMENT, AND ESTABLISH NEW PROFESSIONAL
29 OPPORTUNITIES FOR TEACHERS.

30 9-103.

31 (A) (1) A COUNTY BOARD MAY GRANT A CHARTER TO OPERATE A PUBLIC
32 CHARTER SCHOOL AS PROVIDED IN THIS TITLE.

33 (2) A CHARTER GRANTED UNDER THIS TITLE SHALL BE VALID FOR AN
34 INITIAL 4-YEAR PERIOD AND MAY BE RENEWED BY THE COUNTY BOARD FOR
35 SUBSEQUENT PERIODS OF 5 YEARS.

36 (B) A PUBLIC CHARTER SCHOOL SHALL BE:

- I (1) OPERATED INDEPENDENTLY OF THE COUNTY BOARD; AND
(2) MANAGED BY ITS BOARD OF TRUSTEES.

3 (C) A BOARD OF TRUSTEES, UPON RECEIVING A CHARTER FROM THE COUNTY
4 BOARD, SHALL BE DEEMED TO BE PUBLIC AGENTS AUTHORIZED BY THE STATE
5 BOARD TO SUPERVISE AND CONTROL THE PUBLIC CHARTER SCHOOL.

6 9-104.

7 (A) A PUBLIC CHARTER SCHOOL MAY BE ESTABLISHED BY:

- 8 (1) (I) TEACHING STAFF MEMBERS;
9 (II) PARENTS OF CHILDREN ATTENDING THE SCHOOLS OF THE
10 COUNTY; OR
11 (III) A COMBINATION OF TEACHING STAFF MEMBERS AND PARENTS;
12 (2) AN INSTITUTION OF HIGHER EDUCATION IN THE STATE; OR
13 (3) A PRIVATE ENTITY LOCATED IN THE STATE, IN CONJUNCTION WITH
14 TEACHING STAFF MEMBERS AND PARENTS OF STUDENTS ATTENDING THE SCHOOLS
15 OF THE COUNTY.

16 (B) (1) IF A PUBLIC CHARTER SCHOOL IS ESTABLISHED BY A PRIVATE
17 ENTITY, REPRESENTATIVES OF THE PRIVATE ENTITY MAY NOT CONSTITUTE A
18 MAJORITY OF THE BOARD OF TRUSTEES OF THE SCHOOL, AND THE CHARTER SHALL
19 SPECIFY THE EXTENT TO WHICH THE PRIVATE ENTITY MAY BE INVOLVED IN THE
20 OPERATION OF THE SCHOOL.

(2) THE NAME OF THE PUBLIC CHARTER SCHOOL MAY NOT INCLUDE
22 THE NAME OR IDENTIFICATION OF THE PRIVATE ENTITY, AND THE PRIVATE ENTITY
23 MAY NOT REALIZE A PROFIT FROM ITS OPERATION OF A PUBLIC CHARTER SCHOOL.

24 (C) A PRIVATE OR PAROCHIAL SCHOOL IS NOT ELIGIBLE TO BECOME A PUBLIC
25 CHARTER SCHOOL.

26 (D) AN EXISTING PUBLIC SCHOOL IS ELIGIBLE TO BECOME A PUBLIC
27 CHARTER SCHOOL IF:

28 (1) AT LEAST 51% OF THE TEACHING STAFF OF THE EXISTING PUBLIC
29 SCHOOL SIGNS A PETITION IN SUPPORT OF THE SCHOOL BECOMING A PUBLIC
30 CHARTER SCHOOL; AND

31 (2) THE PARENTS OR GUARDIANS OF AT LEAST 51% OF THE STUDENTS
32 ATTENDING THE EXISTING PUBLIC SCHOOL SIGN A PETITION IN SUPPORT OF THE
33 SCHOOL BECOMING A PUBLIC CHARTER SCHOOL.

1 9-105.

(A) AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL BE
SUBMITTED TO THE COUNTY BOARD DURING THE SCHOOL YEAR PRECEDING THE
SCHOOL YEAR IN WHICH THE PUBLIC CHARTER SCHOOL IS TO BE ESTABLISHED.

(B) THE COUNTY BOARD SHALL REVIEW THE APPLICATION AND RENDER A
DECISION WITHIN 60 DAYS OF RECEIPT OF THE APPLICATION.

7 9-106.

AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL SHALL INCLUDE:

(1) THE IDENTITY OF THE CHARTER APPLICANT OR APPLICANTS;

(2) THE PROPOSED NAME OF THE PUBLIC CHARTER SCHOOL;

(3) THE PROPOSED GOVERNANCE STRUCTURE OF THE PUBLIC CHARTER
SCHOOL, INCLUDING A LIST OF THE PROPOSED MEMBERS OF THE BOARD OF
TRUSTEES OF THE PUBLIC CHARTER SCHOOL OR A DESCRIPTION OF THE
QUALIFICATIONS AND METHOD FOR THE APPOINTMENT OR ELECTION OF MEMBERS
OF THE BOARD OF TRUSTEES;

(4) THE EDUCATIONAL GOALS OF THE PUBLIC CHARTER SCHOOL, THE
CURRICULUM TO BE OFFERED, AND THE METHODS OF ASSESSING WHETHER
STUDENTS ARE MEETING EDUCATIONAL GOALS;

(5) THE ADMISSION POLICY AND CRITERIA FOR EVALUATING THE
ADMISSION OF STUDENTS, WHICH SHALL COMPLY WITH § 9-109 OF THIS TITLE;

(6) THE AGE OR GRADE RANGE OF STUDENTS TO BE ENROLLED;

(7) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;

(8) A DESCRIPTION OF STAFF RESPONSIBILITIES AND PROPOSED
QUALIFICATIONS OF TEACHING STAFF;

(9) A DESCRIPTION OF THE PROCEDURES TO BE IMPLEMENTED TO
ENSURE SIGNIFICANT PARENT INVOLVEMENT OF THE OPERATION OF THE SCHOOL;

(10) A DESCRIPTION OF, AND ADDRESS FOR, THE PHYSICAL FACILITY IN
WHICH THE PUBLIC CHARTER SCHOOL WILL BE LOCATED;

(11) INFORMATION ON THE MANNER IN WHICH COMMUNITY GROUPS
WILL BE INVOLVED IN THE PUBLIC CHARTER SCHOOL PLANNING PROCESS;

(12) THE FINANCIAL PLAN FOR THE PUBLIC CHARTER SCHOOL AND THE
PROVISIONS THAT WILL BE MADE FOR AUDITING THE SCHOOL IN ACCORDANCE
WITH § 5-109 OF THIS ARTICLE;

1 (13) A DESCRIPTION OF AND JUSTIFICATION FOR ANY WAIVER OF STATE
2 OR LOCAL REGULATIONS WHICH THE PUBLIC CHARTER SCHOOL WILL REQUEST;
AND

4 (14) ANY OTHER INFORMATION THE COUNTY BOARD MAY REQUIRE.

5 9-107.

6 A PUBLIC CHARTER SCHOOL ESTABLISHED UNDER THIS TITLE SHALL BE A
7 BODY CORPORATE AND POLITIC WITH ALL POWERS NECESSARY OR DESIRABLE FOR
8 CARRYING OUT ITS CHARTER PROGRAM, INCLUDING THE POWER TO:

9 (1) ADOPT A NAME AND CORPORATE SEAL; HOWEVER, THE NAME
10 SELECTED SHALL INCLUDE THE WORDS "CHARTER SCHOOL";

11 (2) SUE AND BE SUED, TO THE SAME EXTENT AND UPON THE SAME
12 CONDITIONS THAT A PUBLIC ENTITY CAN BE SUED;

13 (3) ACQUIRE REAL PROPERTY FROM PUBLIC OR PRIVATE SOURCES, BY
14 PURCHASE, LEASE, LEASE WITH AN OPTION TO PURCHASE, OR BY GIFT, FOR USE AS
15 A SCHOOL FACILITY;

16 (4) RECEIVE AND DISBURSE FUNDS FOR SCHOOL PURPOSES;

17 (5) MAKE CONTRACTS AND LEASES FOR THE PROCUREMENT OF
18 SERVICES, EQUIPMENT, AND SUPPLIES;

19 (6) INCUR TEMPORARY DEBTS IN ANTICIPATION OF THE RECEIPT OF
20 FUNDS;

21 (7) SOLICIT AND ACCEPT ANY GIFTS OR GRANTS FOR SCHOOL
22 PURPOSES; AND

23 (8) HAVE ANY OTHER POWERS NECESSARY TO FULFILL ITS CHARTER
24 AND WHICH ARE NOT INCONSISTENT WITH THIS TITLE OR THE REQUIREMENTS OF
25 THE COUNTY BOARD.

26 9-108.

27 (A) A PUBLIC CHARTER SCHOOL SHALL BE OPEN TO ALL STUDENTS ON A
28 SPACE-AVAILABLE BASIS AND MAY NOT DISCRIMINATE IN ITS ADMISSION POLICIES
29 OR PRACTICES ON THE BASIS OF INTELLECTUAL OR ATHLETIC ABILITY, MEASURES
30 OF ACHIEVEMENT OR APTITUDE, DISABILITY STATUS, PROFICIENCY IN THE ENGLISH
31 LANGUAGE, OR ANY OTHER BASIS THAT WOULD BE ILLEGAL IF USED BY A COUNTY
32 BOARD.

33 (B) A PUBLIC CHARTER SCHOOL MAY:

34 (1) LIMIT ADMISSION TO A PARTICULAR GRADE LEVEL;

1 (2) PROVIDE A SPECIFIC ACADEMIC FOCUS, SUCH AS MATHEMATICS,
2 SCIENCE, OR THE ARTS; AND

3 (3) ESTABLISH REASONABLE CRITERIA TO EVALUATE PROSPECTIVE
4 STUDENTS, WHICH SHALL BE OUTLINED IN THE SCHOOL'S CHARTER.

5 9-109.

6 (A) (1) PREFERENCE FOR ENROLLMENT IN A PUBLIC CHARTER SCHOOL
7 SHALL BE GIVEN TO STUDENTS WHO RESIDE IN THE COUNTY IN WHICH THE PUBLIC
8 CHARTER SCHOOL IS LOCATED.

9 (2) SUBJECT TO THE OTHER PROVISIONS OF THIS SECTION, IF MORE
10 APPLICANTS ENROLL IN A PUBLIC CHARTER SCHOOL THAN THERE ARE SPACES
11 AVAILABLE, THE PUBLIC CHARTER SCHOOL SHALL SELECT STUDENTS TO ATTEND
12 USING A RANDOM SELECTION PROCESS.

13 (3) A PUBLIC CHARTER SCHOOL MAY NOT CHARGE TUITION.

14 (B) A PUBLIC CHARTER SCHOOL MAY GIVE ENROLLMENT PRIORITY TO A
15 SIBLING OF A STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL.

16 (C) (1) IF AVAILABLE SPACE PERMITS, A PUBLIC CHARTER SCHOOL MAY
17 ENROLL STUDENTS WHO DO NOT RESIDE IN THE COUNTY IN WHICH THE SCHOOL IS
18 LOCATED.

19 (2) THE TERMS AND CONDITIONS OF THE ENROLLMENT SHALL BE
20 OUTLINED IN THE SCHOOL'S CHARTER.

21 (D) THE ADMISSION POLICY OF A PUBLIC CHARTER SCHOOL, TO THE
22 MAXIMUM EXTENT PRACTICABLE, SHALL SEEK THE ENROLLMENT OF A
23 REPRESENTATIVE CROSS-SECTION OF THE COMMUNITY'S SCHOOL AGE
24 POPULATION, INCLUDING SUCH FACTORS AS RACIAL, ECONOMIC, AND ACADEMIC
25 DIVERSITY.

26 9-110.

27 (A) A STUDENT MAY WITHDRAW FROM A PUBLIC CHARTER SCHOOL AT ANY
28 TIME.

29 (B) (1) A STUDENT MAY BE EXPELLED FROM A PUBLIC CHARTER SCHOOL
30 BASED ON CRITERIA DETERMINED BY THE BOARD OF TRUSTEES, CONSISTENT WITH
31 PROVISIONS OF THE SCHOOL'S CHARTER.

32 (2) A DECISION TO EXPEL A STUDENT SHALL BE MADE BY THE
33 PRINCIPAL OF THE PUBLIC CHARTER SCHOOL, IN CONSULTATION WITH THE
34 STUDENT'S TEACHERS.

35 9-111.

36 (A) A PUBLIC CHARTER SCHOOL MAY BE LOCATED IN:

- 1 (1) PART OF AN EXISTING PUBLIC SCHOOL BUILDING;
2 (2) A PUBLIC BUILDING OTHER THAN AN EXISTING PUBLIC SCHOOL; OR
3 (3) ANY OTHER SUITABLE LOCATION.

4 (B) THE FACILITY SHALL BE EXEMPT FROM THE PUBLIC SCHOOL FACILITY
5 REGULATIONS EXCEPT THOSE PERTAINING TO THE HEALTH OR SAFETY OF THE
6 PUPILS.

7 (C) A PUBLIC CHARTER SCHOOL MAY NOT CONSTRUCT A FACILITY WITH
8 PUBLIC FUNDS.

9 9-112.

10 (A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A
11 PUBLIC CHARTER SCHOOL SHALL OPERATE IN ACCORDANCE WITH ITS CHARTER
12 AND THE PROVISIONS OF LAW GOVERNING OTHER PUBLIC SCHOOLS.

13 (2) AT THE REQUEST OF THE BOARD OF TRUSTEES OF A PUBLIC
14 CHARTER SCHOOL, THE STATE BOARD MAY EXEMPT THE SCHOOL FROM STATE
15 EDUCATION REGULATIONS AND REQUIREMENTS, AND THE COUNTY BOARD MAY
16 EXEMPT THE SCHOOL FROM LOCAL EDUCATION REGULATIONS AND
17 REQUIREMENTS, IF THE BOARD OF TRUSTEES SATISFACTORILY DEMONSTRATES
18 THAT THE EXEMPTION WILL ADVANCE THE EDUCATIONAL GOALS AND OBJECTIVES
19 OF THE SCHOOL.

20 (3) THE STATE BOARD OR A COUNTY BOARD MAY NOT EXEMPT A PUBLIC
21 CHARTER SCHOOL FROM REGULATIONS PERTAINING TO ASSESSMENT, TESTING,
22 CIVIL RIGHTS, OR STUDENT HEALTH AND SAFETY.

23 (B) (1) A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH THE PROVISIONS
24 OF § 8-404 OF THIS ARTICLE CONCERNING THE PROVISION OF SERVICES TO
25 STUDENTS WITH DISABILITIES.

26 (2) THE COUNTY BOARD SHALL PAY THE EDUCATIONAL EXPENSES OF
27 ANY STUDENT WHO IS FOUND BECAUSE OF A HANDICAPPING CONDITION TO
28 REQUIRE AN EDUCATIONAL PLACEMENT OUTSIDE THE PUBLIC CHARTER SCHOOL.

29 (C) A PUBLIC CHARTER SCHOOL SHALL COMPLY WITH APPLICABLE STATE
30 AND FEDERAL ANTIDISCRIMINATION LAWS.

31 9-113.

32 (A) THE COUNTY BOARD SHALL PAY DIRECTLY TO THE PUBLIC CHARTER
33 SCHOOL, FOR EACH STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL WHO
34 RESIDES IN THE COUNTY, AN AMOUNT NOT LESS THAN 90% NOR MORE THAN 100% OF
35 THE PER PUPIL OPERATING COSTS FOR EDUCATING THE SAME KIND OF STUDENT IN
36 THE EXISTING PUBLIC SCHOOLS OF THE COUNTY.

1 (B) A PUBLIC CHARTER SCHOOL SHALL BE ELIGIBLE FOR COUNTY, STATE,
2 AND FEDERAL FUNDS IN THE SAME MANNER AS CALCULATED FOR LIKE-KIND
3 STUDENTS OF REGULAR PUBLIC SCHOOLS IN THE COUNTY.

4 9-114.

5 (A) STUDENTS OF A PUBLIC CHARTER SCHOOL WHO RESIDE IN THE COUNTY
6 IN WHICH THE PUBLIC CHARTER SCHOOL IS LOCATED SHALL BE PROVIDED
7 TRANSPORTATION TO AND FROM THE PUBLIC CHARTER SCHOOL ON THE SAME
8 TERMS AND CONDITIONS AS TRANSPORTATION IS PROVIDED TO STUDENTS
9 ATTENDING OTHER PUBLIC SCHOOLS OF THE COUNTY.

10 (B) STUDENTS RESIDING IN OTHER COUNTIES MAY RECEIVE
11 TRANSPORTATION SERVICES PURSUANT TO REGULATIONS ADOPTED BY THE STATE
12 BOARD.

13 9-115.

14 (A) THE BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL:

15 (1) MAY DECIDE MATTERS RELATING TO THE OPERATIONS OF THE
16 SCHOOL, INCLUDING BUDGETING, CURRICULUM, AND OPERATING PROCEDURES,
17 SUBJECT TO THE SCHOOL'S CHARTER; AND

18 (2) SHALL PROVIDE FOR APPROPRIATE INSURANCE AGAINST ANY LOSS
19 OR DAMAGE TO ITS PROPERTY OR ANY LIABILITY RESULTING FROM THE USE OF ITS
20 PROPERTY OR FROM THE ACTS OR OMISSIONS OF ITS OFFICERS AND EMPLOYEES.

21 (B) (1) A PUBLIC CHARTER SCHOOL AND ITS EMPLOYEES SHALL BE
22 SUBJECT TO THE PROVISIONS OF TITLE 6 OF THIS ARTICLE.

23 (2) IF AN EXISTING PUBLIC SCHOOL BECOMES A PUBLIC CHARTER
24 SCHOOL PURSUANT TO § 9-105 OF THIS TITLE, THE SCHOOL EMPLOYEES OF THE
25 PUBLIC CHARTER SCHOOL SHALL BE DEEMED TO BE MEMBERS OF THE BARGAINING
26 UNIT IN WHICH THEY WERE INCLUDED IN THE EXISTING PUBLIC SCHOOL.

27 (3) IN THE CASE OF OTHER PUBLIC CHARTER SCHOOLS, THE BOARD OF
28 TRUSTEES OF A PUBLIC CHARTER SCHOOL MAY EMPLOY, DISCHARGE, AND
29 CONTRACT WITH NECESSARY TEACHERS AND NONCERTIFICATED EMPLOYEES AS
30 PROVIDED IN THE SCHOOL'S CHARTER.

31 (4) THE BOARD OF TRUSTEES MAY CHOOSE WHETHER OR NOT TO OFFER
32 THE TERMS OF ANY COLLECTIVE BARGAINING AGREEMENT ALREADY ESTABLISHED
33 BY THE COUNTY BOARD FOR ITS EMPLOYEES, BUT THE BOARD OF TRUSTEES SHALL
34 ADOPT ANY HEALTH AND SAFETY PROVISIONS OF THE AGREEMENT.

35 (5) A PUBLIC CHARTER SCHOOL MAY NOT SET A TEACHER SALARY
36 LOWER THAN THE MINIMUM TEACHER SALARY SPECIFIED PURSUANT TO § 6-302 OF
37 THIS ARTICLE NOR HIGHER THAN THE HIGHEST STEP IN THE SALARY GUIDE IN THE

1 COLLECTIVE BARGAINING AGREEMENT WHICH IS IN EFFECT IN THE COUNTY IN
2 WHICH THE CHARTER SCHOOL IS LOCATED.

3 (C) ALL CLASSROOM TEACHERS AND PROFESSIONAL SUPPORT STAFF SHALL
4 HOLD THE APPROPRIATE MARYLAND CERTIFICATION.

5 (D) (1) A PUBLIC SCHOOL EMPLOYEE, WHETHER TENURED OR
6 NONTENURED, MAY REQUEST A LEAVE OF ABSENCE OF UP TO 3 YEARS FROM THE
7 COUNTY BOARD IN ORDER TO WORK IN A PUBLIC CHARTER SCHOOL.

8 (2) APPROVAL FOR A LEAVE OF ABSENCE MAY NOT BE UNREASONABLY
9 WITHHELD.

10 (3) (I) EMPLOYEES ON A LEAVE OF ABSENCE AS PROVIDED IN THIS
11 SUBSECTION SHALL REMAIN IN, AND CONTINUE TO MAKE CONTRIBUTIONS TO,
12 THEIR RETIREMENT PLAN DURING THE TIME OF THE LEAVE AND SHALL BE
13 ENROLLED IN THE HEALTH BENEFITS PLAN OFFERED TO OTHER PUBLIC SCHOOL
14 TEACHERS IN THE COUNTY.

15 (II) THE PUBLIC CHARTER SCHOOL SHALL MAKE ANY REQUIRED
16 EMPLOYER'S CONTRIBUTION TO THE COUNTY'S HEALTH BENEFITS PLAN.

17 (E) AN EMPLOYEE ON A LEAVE OF ABSENCE AS PROVIDED IN SUBSECTION (D)
18 OF THIS SECTION MAY NOT ACCRUE TENURE IN THE PUBLIC SCHOOL SYSTEM BUT
19 SHALL RETAIN ANY TENURE AND SHALL CONTINUE TO ACCRUE SENIORITY IN THE
20 PUBLIC SCHOOL SYSTEM IF THE EMPLOYEE RETURNS TO THE REGULAR PUBLIC
21 SCHOOL WHEN THE LEAVE ENDS.

22 (F) AN EMPLOYEE ON A LEAVE OF ABSENCE AS PROVIDED IN SUBSECTION (D)
23 OF THIS SECTION WHO LEAVES OR IS DISMISSED FROM EMPLOYMENT AT A PUBLIC
24 CHARTER SCHOOL WITHIN 3 YEARS SHALL HAVE THE RIGHT TO RETURN TO THE
25 EMPLOYEE'S FORMER POSITION IN THE COUNTY PUBLIC SCHOOL SYSTEM IF THE
26 EMPLOYEE IS OTHERWISE ELIGIBLE FOR EMPLOYMENT.

27 9-116.

28 (A) A PERSON WHO ALLEGES THAT A PUBLIC CHARTER SCHOOL HAS
29 VIOLATED ANY PROVISION OF THIS TITLE MAY PRESENT A COMPLAINT WITH THE
30 BOARD OF TRUSTEES OF THE PUBLIC CHARTER SCHOOL.

31 (B) IF THE COMPLAINT IS NOT RESOLVED TO THE SATISFACTION OF THE
32 COMPLAINANT, THE COMPLAINANT MAY PRESENT THE COMPLAINT TO THE COUNTY
33 BOARD.

34 (C) THE BOARD OF TRUSTEES OF EACH PUBLIC CHARTER SCHOOL SHALL
35 ESTABLISH AN ADVISORY GRIEVANCE COMMITTEE COMPOSED OF PARENTS AND
36 TEACHERS TO MAKE NONBINDING RECOMMENDATIONS TO THE BOARD OF
37 TRUSTEES CONCERNING THE DISPOSITION OF COMPLAINTS.

1 9-117.

2 (A) (1) THE COUNTY BOARD SHALL ANNUALLY ASSESS WHETHER EACH
3 PUBLIC CHARTER SCHOOL IN THE COUNTY IS MEETING THE GOALS OF ITS CHARTER
4 AND SHALL CONDUCT A COMPREHENSIVE REVIEW PRIOR TO GRANTING A RENEWAL
5 OF THE CHARTER.

6 (2) THE COUNTY BOARD SHALL HAVE ACCESS TO THE RECORDS AND
7 FACILITIES OF THE PUBLIC CHARTER SCHOOL TO ENSURE THAT THE PUBLIC
8 CHARTER SCHOOL IS IN COMPLIANCE WITH ITS CHARTER AND THE PROVISIONS OF
9 LAW.

10 (B) (1) IN ORDER TO FACILITATE THE COUNTY BOARD'S REVIEW, EACH
11 PUBLIC CHARTER SCHOOL SHALL SUBMIT AN ANNUAL FISCAL AND STUDENT
12 PERFORMANCE REPORT TO THE COUNTY BOARD, NOT LATER THAN AUGUST 1, IN THE
13 FORM PRESCRIBED BY THE COUNTY BOARD.

14 (2) THE REPORT SHALL ALSO BE MADE AVAILABLE TO THE PARENT OR
15 GUARDIAN OF ANY STUDENT ENROLLED IN THE PUBLIC CHARTER SCHOOL.

16 9-118.

17 (A) A COUNTY BOARD MAY REVOKE THE CHARTER OF A PUBLIC CHARTER
18 SCHOOL IF:

19 (1) THE SCHOOL HAS NOT FULFILLED ANY CONDITION IMPOSED BY THE
20 COUNTY BOARD IN CONNECTION WITH THE GRANTING OF THE CHARTER;

21 (2) THE SCHOOL HAS VIOLATED ANY PROVISIONS OF THE CHARTER;

22 (3) THE FISCAL CONDITION OF THE SCHOOL IS SUBSTANTIALLY
23 DEFICIENT; OR

24 (4) THE ACADEMIC CONDITION OF THE SCHOOL IS SUBSTANTIALLY
25 DEFICIENT.

26 (B) THE COUNTY BOARD MAY PLACE A PUBLIC CHARTER SCHOOL ON
27 PROBATIONARY STATUS TO ALLOW THE IMPLEMENTATION OF A REMEDIAL PLAN,
28 PENDING A DECISION TO REVOKE THE SCHOOL'S CHARTER.

29 (C) A COUNTY BOARD SHALL DEVELOP PROCEDURES AND GUIDELINES FOR
30 THE REVOCATION AND RENEWAL OF SCHOOL CHARTERS.

31 SECTION 2. AND BE IT FURTHER ENACTED, That not later than October 1,
32 2002, and based on input from county boards, members of the educational community,
33 and the public, the State Board shall submit to the General Assembly, in accordance
34 with § 2-1246 of the State Government Article, a report on and an evaluation of the
35 Public Charter School Program. The report shall include a recommendation on the
36 advisability of the continuation, modification, expansion, or termination of the
37 Program.

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 1998.

The Federal Charter School Expansion Act of 1998

Overview of the Federal Charter School Grant Program

- In 1994, Congress established the federal charter school grant program under Part C of Title X of the Elementary and Secondary Education Act. The program was designed to assist charter schools with start-up costs associated with the planning, design, and initial implementation of their charter. Attachment 1 provides the federal definition of a charter school.

Grants Support Start-up Costs

- Under the federal program, grants are awarded on a competitive basis and may be awarded to either a state education agency or an entity authorized pursuant to State law to approve a charter.
- A recipient may not be awarded a grant for more than three years. Grant funds may be used:

By charter schools: to cover start-up costs, including: professional development, informing the community about the school, acquiring the necessary equipment and educational supplies, developing curriculum, and covering other initial costs incurred that are not otherwise covered by state or local dollars.

By a State educational agency: to award subgrants to charter schools, to cover administrative expenses (limited to 5% of the grant amount), or to establish a revolving loan fund (limited to 20% of the grant amount) that provides financial assistance to charter schools until the school receives ongoing operational support from State or local financing sources.

Reforms Under the Charter School Expansion Act of 1998

- The "Charter School Expansion Act of 1998" was enacted on October 22, 1998. The legislation is intended to stimulate the expansion of charter schools. The Act introduces significant changes to the federal charter school grant program by:
 - Increasing the annual authorization level from \$15 million to \$100 million;
 - Targeting grants to states that meet certain federal criteria;

- Authorizing states to reserve up to 10 percent of their grant amount to support dissemination activities;
- Granting charter schools equal and timely access to Title 1 and other federal funding programs; and
- Limiting funding for "national activities" to five percent of the total appropriation but expanding the types of activities eligible for funding.

Grants Targeted to States Meeting Federal Criteria

- Under the Federal Charter School Expansion Act of 1998, a state is eligible for funding if it (1) enacts a specific state statute authorizing the granting of charters to schools and (2) reviews each charter school's performance at least once every 5 years to ensure that the school is fulfilling the terms of its charter.
- The Act targets grants to states that complete the required application and meet at least one of the following criteria:
 - Grant charter schools a high degree of autonomy over their budget and expenditures;
 - Demonstrate progress in increasing the number of quality charter schools and hold charter schools to the same accountability standards applicable to other public schools; or
 - Provide for an authorized chartering agency other than a local board of education; or if limited to a local board of education, allow for an appeals process.
- Attachment 2 lists the items that must be included in the federal grant application.

Dissemination Grants Allow Successful Charter Schools to Serve as Models

- The Act establishes a dissemination program through which existing charter schools serve as models for other charter and traditional public schools.
- A State educational agency may reserve up to 10 percent of its grant to support dissemination activities.
- Dissemination grants may be used by the recipients to assist other schools in adapting its program or to disseminate information about the school.

Funding National Activities

- The original charter school legislation allowed the U.S. Secretary of Education to reserve up to 10% of the program's appropriation to support national activities. Since the Act increased the program's authorization level to \$100 million, the reserve amount is reduced to the greater of 5 percent or \$5.0 million.
- However, the Act expands the types of national activities eligible for funding to include:
 - Informing charter schools, either directly or through State educational agencies, of their eligibility for federal programs;
 - Providing technical assistance to charter schools applying for formula-allocated federal education funds;
 - Completing the four-year national study of charter schools (initiated in 1995) and similar studies that evaluate the impact of charter schools on student achievement and the teaching force;
 - Providing technical assistance to charter schools which could include assisting with the planning and startup of the charter school;
 - Disseminating information to other public schools on best or promising practices implemented at charter schools; and
 - Determining the financial resources available to charter schools and disseminating model descriptions of successful programs to charter schools.

Timely Access to Federal Funds

- The Act ensures that charter schools receive their federal formula allocation within five months of the first year of operation and that the allocation is adjusted to account for successive enrollment expansions.
- Under the Act, a State may adjust a charter school's allocation of federal funds if the estimated amount (based on projected enrollment) exceeds the actual amount that the charter school is eligible to receive.

Attachment 1

Federal Definition of Charter Schools

Is exempt from significant State or local rules that inhibit the flexible operation and management of public schools;

Is created as a public school and is operated under public supervision and direction;

Operates in pursuit of a specific set of educational objectives as identified in its charter;

Provides a program of elementary or secondary education, or both;

Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

Does not charge tuition;

Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

Is a school to which parents choose to send their children, and that admits students on the basis of a lottery if more students apply for admission than can be accommodated;

Complies with the same Federal and State audit requirements applicable to other elementary and secondary schools in the State, unless such requirements are waived;

Meets applicable Federal, State, and local health and safety requirements;

Operates in accordance with State law; and

Has a written performance contract with the authorized public chartering agency that describes how student performance will be measured.

Attachment 2
Summary of the Components of the
Federal Charter School Grant Application

A description of the educational program to be implemented, including the grade levels served, how the program will enable students to meet State performance standards, and the curriculum to be used;

A description of how the charter school will be managed;

A description of the charter school's objective and plans for meeting those objectives;

A description of the relationship between the charter school and the authorized public chartering agency;

A description of how parents and the community were involved in the planning, program, and design implementation of the charter school;

A description of how the charter school will continue in the absence of a federal start-up grant;

A description of the state and local regulations that will be waived and a request and justification for waivers of any federal regulatory or statutory provisions;

A description of how students in the community will be informed about the charter school and given equal opportunity to attend the charter school; and

Assurances that information will be provided to the Secretary that demonstrates the charter school's ability to meet its objectives.

Specific to Applications submitted by State Educational Agencies:

A description of how the State educational agency will inform each charter school about the availability of federal funds;

Assurances that the State will provide charter schools with their commensurate share of formula allocated federal education funds; and

Assurances that the State will disseminate best or promising practices of charter schools to each local education agency in the State.

APPENDIX C. State-by-State Analysis of Charter School Laws⁵

STATE	# of SCHOOLS/STUDENTS		APPLICATION	APPEALS & APPROVAL	
	School Limit	Student limit	Eligible operators	Sponsors	Appeals
Alaska	30 (limits are defined geographically)	None	Anyone; law does not specify	Local school board; subject to state school board approval	None
Arizona	25 SEA per year 25 charter board per year; no limit on local board-sponsored schools	None	Public body, private person or private organization	Local school board, state board of education or state charter school board	May apply to other sponsor
Arkansas	None	None	Existing public school	State board with approval of local board	None; SEA may request hearing but cannot overturn a decision
California	250 charter schools for the 1998-99 school year with an additional 100 charter schools per school year thereafter	None	Existing public schools; new start-ups; no private or home-based schools allowed	Local school board, county board of education, state board of education	May apply to other sponsor
Colorado	None	None	Anyone; no private or home schools	Local school board	Appeal to state board of education
Connecticut	24 schools (distinction between local and state and number in congressional district removed in 1997)	No state school can enroll more than 250 students or 25% of the district enrollment, whichever is less	Anyone; no private or home schools	Local or state school board	None
Delaware	No statewide limit, but limited five schools per year for the first three years	None; must serve at least 200 students (waiver for at-risk)	Any person, university, college or nonreligious, nonhome-based, nonsectarian entity	LEA or SEA (local board only for conversions)	None
District of Columbia	For FY97, 10 schools per board, for total of 20 schools per year	None	Anyone; no home schools	D.C. Board of Education; Public Charter School Board	None
Florida	Limits defined according to district student enrollment; district may request cap waiver from State Board of Education	None	Anyone; no private or home schools; private schools may disband and reincorporate as charter school	LEA, state universities developmental research schools in consultation with local board	Appeal to SEA; District makes final decision
Georgia	None	None	Local school, private individual, private organization, or state or local public entity. No private or home schools.	SEA with LEA approval	The state board may still grant a charter if the local school board does not approve of the application

STATE	# of SCHOOLS/STUDENTS	APPLICATION	APPEALS & APPROVAL		
	School limit	Student Limit	Eligible operators	Sponsors	Appeals
Hawaii	25	None	Existing public school	SEA	None
Idaho	Not more than 60 schools in the first five years; not more than 12 schools per year; not more than 2 schools within an educational classification region; not more than 1 school per district in a year. If fewer than 12 applications, the unused allotments shall be assigned to a statewide pool for other requesting districts with distribution to be determined by random drawing	None	Any person. No private or home school; for profits cannot operate charter schools.	Local School Board	Appeal to a officer selected by the state superintendent of public instruction. If decision is reversed, appeal to the state education commissioner. If sponsorship of the state is under the state of education
Illinois	45 with distribution based on population	None	Teachers, administrators, local school councils, colleges or universities, public community colleges, corporations or other entities; no private or home schools	LEA with SEA review for compliance with law	Appeal to state board of education. Recommendation is nonbinding
Kansas	15	None	Anyone; no private or home schools	LEA with SEA review for adherence to state laws, rules and regulations	None
Louisiana	42 (no more than 20 prior to February 1, 1998)	None	Three or more certified teachers alone or partnership with 10 or more citizens, public service organization, business or corporation, college or university, or faculty and staff of any city or parish or any LEA; no private or home schools	LEA or SEA depending on type of charter	None
Massachusetts	50 (13 of which must be Horace Mann conversion schools)	No more than 2% of the total number of students attending public schools in the state	A business, two or more teachers, 10 or more parents or others; no private or home schools	State secretary of education (Horace Mann schools also must be approved by local district and local collective bargaining agent)	None
Michigan	None; state university can sponsor 150 through 1999	None	Any person or entity	Local school board, intermediate school board, community college or state public university	None
Minnesota	None	None	One or more licensed teachers; no home schools	LEA, community college, state university, technical and private colleges; SEA must approve all schools	If local board denies application and at least one member sponsor, state must choose to sponsor

STATE	# of SCHOOLS/STUDENTS	APPLICATION	APPEALS & APPROVAL		
	School limit	Student limit	Eligible operators	Sponsors	Appeals
Mississippi	Six (one in each congressional district)	None	Existing public schools	SEA with approval by LEA in district where the charter is located	None
Nevada	21 (allocated based on county population); unlimited number serving at-risk students	None	At least three licensed teachers alone or in partnership with: 10 or more members of general public, organization devoted to serving the general public, private business or college or university; no private or home schools	LEA after receiving permission from SEA to solicit applications; charter also must be approved by SEA	None
New Hampshire	Five prior to 1/1/97; 10 per year through 1999; law defines geographical limitations	School districts may impose limits	Nonprofit organizations, two or more certified teachers, 10 or more parents; no nonpublic or home schools	LEA with state then granting or denying proposed contract	SEA which may then approve and grant charter
New Jersey	135 (12/95-12/97) Minimum of three schools allocated to each county	No more than 500 students or 25% of student body of school district, whichever is less	Teachers and/or parents of public school children; higher education institutions and/or private entities may join teachers and parents; no private or home schools	Commissioner and local board or state superintendent in state-operated school district; commissioner has final authority	SEA within 30 days or decision stands
New Mexico	Five	None	Existing public schools	SEA	None
North Carolina	100 (five per district per year)	Charter must enroll 65 students and have at least three teachers (can request waiver in application with compelling reason)	Anyone; no home schools	SEA, LEA or state university; final approval by SEA	SEA which may approve charter
Ohio	20 start-ups in Lucas County; unlimited conversions in all school districts statewide; unlimited in "Big Eight" school districts	Schools must have minimum of 25 students	Anyone; no home schools	City, local, exempted village or joint vocational board of education; statewide SEA for Big Eight districts only; Lucas County Education Service Center and the University of Toledo in Lucas County only	None
Pennsylvania	None	None	Individual; one or more teachers who will teach at proposed school; parents or guardians of students who will attend school; any nonsectarian university or museum; any nonprofit, corporation, association, partnership or combination thereof; no private or home schools	LEA, two or more local boards may grant regional charter beginning in 1999-2000 school year	State Charter School Appeal Board (with 2% or 1,000 district resident signatures whichever is less, after 7/1/99)

STATE	# of SCHOOLS/STUDENTS		APPLICATION	APPEALS & APPRO	
	School limit	Student limit	Eligible operators	Sponsors	Appeals
Rhode Island	20 (no more than two per district or four in districts with over 20,000 students)	No more than 6% of state's school-age population	Existing public schools, groups of public school personnel or public school districts; no private or home schools	State board of regents with approval from commissioner of elementary and secondary education or LEA	None
South Carolina	None	None	Anyone; no home schools	LEA	SEA
Texas	120 SEA approved; unlimited local sponsored and at-risk	None	Public or private higher education institutions, nonprofit organizations, government entities, groups of parents or teachers; no home schools	LEA; SEA for open-enrollment charters	None
Utah	8 for a three year pilot program	None	An individual or group of individuals, including teachers and parents or guardians of students who will attend the school, or a not-for-profit legal entity organized under the laws of the state. No private or home schools.	State board of education. The local board will review the application and may offer suggestions or recommendations to which the state board shall give due consideration.	None (final subject to review).
Virginia	The total number of schools shall not exceed ten percent of the school division's total number of schools or two charter schools, whichever is greater. Local school boards are authorized to limit the number of charter schools.	None	Any person, group or organization. No private or home schools.	Local school district.	None
Wisconsin	20 (10 districts may sponsor up to two schools each)	None	Anyone, but petition must be signed by 10% of teachers employed by district or 50% of teachers employed at one school; no private or home schools	LEA applies to state superintendent for approval to sponsor; schools apply to local board; mayor can sponsor in Milwaukee	None (except Milwaukee)
Wyoming	None	None	Anyone, but petition must be signed by 10% of the district's teachers or 50% of teachers in a school, and by 10% of parents of pupils in district or 50% of parents of students in school; no private or home schools	LEA	None

STATE	STUDENTS	AUTONOMY/REGULATION			
	Types served	Waivers	Budget	Standards/Assessment	Staff
Alaska	All	Some exemptions specified; others must be specified	Autonomy granted	Charter selects own textbooks curricula and programs; testing may be waived by request; state standards not addressed by statute	Limited
Arizona	All	Full waiver	Autonomy granted	State standards and assessments apply	Granted
Arkansas	All	Waivers defined in charter	Limited	State standards apply	Not addressed
California	All	Full waiver from state; district waiver defined in charter	Allowed if specified in charter	State standards and assessments apply	Granted
Colorado	Preference for at-risk students	Waivers defined in charter	Negotiated; receive minimum of 80% PPE from district	State and district standards apply; assessments defined in charter	Defined in charter
Connecticut	Preference given to applications in district in which 75% or more of enrolled students are members of ethnic or racial minorities; must provide admissions criteria to promote diverse student body	Waivers defined in charter	Autonomy granted	Subject to statewide exams	Limited
Delaware	All	Full waiver	Autonomy granted	State standards and assessments apply	Granted
District of Columbia	Preference given to schools focusing on students with special needs	Full waiver	Granted; must list planned or proposed contracts of \$10,000 or more in charter	District assessments apply. standards and methods for evaluating achievement set in charter	Granted
Florida	Preference for at-risk students	Full waiver	Autonomy granted	Statewide assessment program applies	Granted
Georgia	All	Waivers defined in charter. Full waiver of any state and local rule, regulation, policy and procedure not addressed in the charter agreement or statute.	Negotiated	State education goals apply	Not addressed
Hawaii	All	Full waiver except collective bargaining	Limited	State performance standards apply; may be exempt from statewide testing system	Not addressed
Idaho	All	Full waiver	Limited	State assessments apply	Defined in charter

STATE	STUDENTS		AUTONOMY/REGULATION		
	Types served	Waivers	Budget	Standards/Assessment	Staff
Illinois	Emphasis on at-risk students	Full waiver except criminal background checks, student discipline, abused and neglected child reporting, and student records act	Autonomy granted	Statewide goals, standards and assessments apply	Granted
Kansas	Emphasis on at-risk students	Waivers defined in charter	Limited	Defined in charter	Not addressed
Louisiana	Requires that the percentage of at-risk students enrolled not be less than the percentage of those enrolled in the local district	Exempt from most; rules and regulations applicable defined in statutes	Autonomy granted	Statewide assessments apply; students must meet graduation requirements	Defined in charter
Massachusetts	All	Waivers defined in charter	Autonomy granted for start-up; negotiated for Horace Mann	State performance standards, testing and portfolio requirements apply	Considered public employees
Michigan	All	Waivers defined in charter	Autonomy granted	Standards must be defined in the charter; law lists acceptable assessment tests	Granted
Minnesota	All	Full waiver	Autonomy granted	Programs designed to at least meet the outcomes adopted by the state board; assessment not addressed	Employees considered public employees
Mississippi	All	Full waiver; provision required in charter	Limited	District and state standards and assessments apply	Limited; employees considered part of the district
Nevada	Preference for at-risk students	Waivers defined in charter with limited exemptions granted to all charters	Limited	Statewide assessment applies; students must meet graduation requirements	Limited; employees considered part of the district
New Hampshire	All	Full waiver	Autonomy granted	Achievement goals defined in charter; annual evaluations must include NH statewide education improvement and assessment program	Granted
New Jersey	All; law encourages charters in urban school districts with participation of institutions of higher education	Waivers defined in charter with limited exemptions to all charters	Granted; receives between 90-100% of local levy budget per pupil	State testing and performance standards apply	Granted

STATE	STUDENTS	AUTONOMY/REGULATION			
	Types served	Waivers	Budget	Standards/Assessment	Staff
New Mexico	All	Exemptions granted only for class size and structure, flexibility and alternative curriculum and budget opportunities	Autonomy granted; local board ensures sound fiscal practices are followed	Statewide assessments apply	Not addressed
North Carolina	All; preference for at-risk students	Full waiver; local board-sponsored schools must negotiate district waiver	Autonomy granted	Must meet standards set by state and local board; must conduct required assessments for charters by the state board	Granted
Ohio	All	Full waiver upon request; must be open minimum of 920 hours a year	Autonomy granted	Defined in charter but must include statewide proficiency tests	Not addressed
Pennsylvania	All	Exempt from most; not exempt from statutes that apply to public schools other than the Public School Code	Autonomy granted	Defined in charter; statewide assessments apply	Granted
Rhode Island	At least 10 of 20 schools must expand opportunities for at-risk pupils	Waivers defined in charter	May not set teacher salaries or financial benefits	State and national education goals, standards and assessments apply	Limited
South Carolina	All; must ensure school complies with desegregation requirements	Full waiver from state rules and regulations; must have state agreements regarding release-from district policies	Autonomy granted	Students must meet or exceed district standards; statewide assessments apply	Granted
Texas	All; preference for at-risk in that the cap on number of schools is waived	Full waiver from Education Code; exemptions from school board rules and policies defined in the charter	Autonomy for start-ups with limited control for conversion schools	Student performance requirements defined in charter; must include required curricula; participation in state assessment program required	Not addressed
Utah	All	Must apply to the state board for each rule.	Charters receive full state funding and half of the amount of the resident districts' student expenditure	State standards and assessments apply	Granted
Virginia	Priority given to applications designed to increase the educational opportunities of at-risk students and at least one-half of the charter schools per division shall be reserved for such applications.	Waivers defined in the charter.	Negotiated	Not waived from the Standards of Quality	Limited; employees considered as part of the district.
Wisconsin	All	Full waiver from state laws and rules but not local board policies	Determined by charter	State education goals apply; assessment of progress toward those goals defined in charter	Not addressed
Wyoming	All	Waivers defined in the charter	Specified in the charter	Minimum standards apply	Not addressed

STATE TEACHERS				FUNDING		
	Certification	Pay	Bargaining	Start-up	Facilities	Tech Ass
Alaska	Required	Existing agreements apply	All existing negotiated or collective bargaining agreements apply to charters	None	Existing school district facility or other facility within district allowed	Not addressed
Arizona	Not required	School sets pay	Not required; option of remaining with district or as independent	Organizers can receive up to \$100,000 from charter schools stimulus fund	Dept. of Education publishes list of vacant buildings; budget includes \$4 million in facilities aid	Not addressed
Arkansas	Required	Not addressed	Existing agreements apply	None	N/A; only conversions	Not addressed
California	Required	School sets pay	Not required	Established Charter School Revolving Loan Fund	No assistance	Private person or organization can contribute
Colorado	Required but may be waived	Terms set in charter	Not required	None	Use of available district facilities rent free	No restrictions
Connecticut	At least 50% must be certified; remainder must have temporary certificate or enter alternative route	Not addressed	State charter school governing council acts as board of education for bargaining; local agreements can be modified	None	Not addressed	No restrictions; eligible for competitive state grants
Delaware	35% may be non-certified in years when no qualified alternative certification program exists; currently no such program exists	School sets pay	May bargain as separate unit	Dept. of Public Instruction to apply for grants to provide planning and start-up of charters and to distribute funds as appropriated by General Assembly	Dept. of Public Instruction must publish list of vacant and unused facilities owned by school districts	No restrictions
District of Columbia	Not required	School sets pay	Not required	Based on RFP submitted to district	Preference given to schools established within existing public school facilities	Allowed; must report donations of \$500 or more annually
Florida	Not required	School sets pay	Optional	None	Charter to receive unused/surplus property on same basis it is made available to other district public schools	Not addressed
Georgia	Defined in charter	Defined in charter	Defined in charter	\$5,000 planning grant to 10 schools	Not addressed	Not addressed
Hawaii	Required	Existing agreements apply	Must adhere to collective bargaining laws	None	N/A; only conversions	Not addressed

STATE	TEACHERS			FUNDING		
	Certification	Pay	Bargaining	Start-up	Facilities	Tech Assistance
Idaho	Required. Instructional staff may apply for a waiver or any of the limited certification options as provided by rule of the state board of education	School sets pay	Must be considered a separate unit.	None	Not addressed	No restrictions
Illinois	Noncertified instructors must meet alternative criteria outlined in law	School sets pay	Not required	None	Conversions may not be required to pay rent for district facilities; all other facility costs are negotiable	No restrictions
Kansas	Requires waiver to be specified in law	Existing agreements apply	Part of district unless waiver is specified in charter and granted	None	None	No restrictions
Louisiana	75% of teachers must be certified	Not addressed	District agreement applies unless otherwise agreed to in charter	Louisiana Charter School Loan Fund provides no-interest loans to assist with initial start-up for type 1 or 2 charters, not to exceed \$100,000	Not addressed	No restrictions
Massachusetts	Not required except for Horace Mann	School sets pay	May participate as separate bargaining unit	\$35,000 per school; state reimburses district for charter	No building assistance fund shall be awarded; school closes over three years	No restrictions
Michigan	Required except for full-time, tenured faculty at state college or university sponsoring charter or community college faculty with five years' experience in applicable subject area	School sets pay	Required for schools sponsored by LEA, others as separate unit	None	Not addressed	No restrictions
Minnesota	Required	School sets pay	May bargain as separate units unless all parties agree to remain part of district bargaining unit	During first two years of operation eligible start-up aid and additional operation costs equal to greater of \$50,000 per charter or \$500 times charter's pupil units for that year	May apply for building lease aid, an amount per pupil not to exceed lesser of 80% of approved cost or product of actual pupil units for current school year times the sum of state average debt redemption fund revenue plus capital revenue for current fiscal year	Not addressed
Mississippi	Considered employees of school district; same requirements apply (5-10% of staff is exempt)	Existing agreements apply	Remain state employees; right-to-work state	None	Not addressed	No restrictions; may be given special preference by state board when allocating grant funds

STATE TEACHERS

FUNDING

	Certification	Pay	Bargaining	Start-up	Facilities	Tech Assis
Nevada	At least 75% must be licensed; unlicensed teachers must be working toward certification	School sets pay unless under existing agreement	Existing agreements apply unless employees of charter, at time of renewal, apply for recognition as separate unit	None	SEA to maintain list of available facilities suitable for operation of charter	Not addressed
New Hampshire	50% of teachers must be certified or have at least three years teaching experience	School sets pay	Teachers may bargain as separate unit or work independently	None	Conversion schools eligible for school building aid	No restrictions
New Jersey	Required	Dependent on the charter	Conversion schools subject to district agreements; new charters may opt out	None	None, exempt from public school facility regulations except health and safety	No restrictions
New Mexico	Required	Existing agreements apply	Existing agreements apply	None	N/A; only conversions	Not addressed
North Carolina	75% of teachers grades K-5 and 50% of teachers grades 6-12 must be certified	School sets pay	Not subject to work rules unless LEA-sponsored or waiver requested	None	Cannot use state board funds on purchase of land or buildings	Not address
Ohio	No uncertified teacher can teach over 12 hours per week	Existing agreement or school sets pay depending on bargaining unit	May organize as separate bargaining unit; conversions bound by existing agreement and can vote to separate when agreement expires	Planning and start-up grants available in Lucas County only	None	Not addressed
Pennsylvania	At least 75% must be certified	School sets pay	Must organize as separate bargaining unit	Secretary of Education allocates funds for planning and start-up; temporary financial assistance available to districts for losses attributed to charter transfers and new students from nonpublic schools; funds will lapse on June 30, 1999	May not use public funds to build facility waived from certain state regulations for public school facilities	No restrictions
Rhode Island	Required	Teachers remain employees of school district for salaries and benefits	Remain members of collective bargaining unit for teachers in school district	None	None	No restrictions

STATE	TEACHERS				FUNDING	
	Certification	Pay	Bargaining	Start-up	Facilities	Tech Assistance
South Carolina	25% of staff in new school may be non-certified; 10% in conversion school	School sets pay	Not required	None	Dept. of Education must publish list of vacant buildings owned by the state or school district	No restrictions
Texas	Required for conversions; start-ups can set employee requirements	Not addressed	Not required	None	No assistance	Not addressed
Utah	Required or, on the basis of demonstrated competency, would qualify to teach under alternative certification or authorization programs	School sets pay	Not required	The State Superintendent of Public Instruction may allocate grants for start-up costs from monies appropriated for the implementation of the act	State Office of Education must publish and make available a list of vacant and unused portions of buildings that are owned by the state or school district	No restrictions; cannot demand or request any donation from a parent, teacher, employee, or other person affiliated with the charter as a condition for employment or enrollment at the school for continued attendance
Virginia	Required	Existing agreements apply	Existing agreements apply	None	Not addressed	Allowed; no gift, donation, or grant shall be accepted by the management committee of a charter school if the conditions for such funds are contrary to law or the terms of the agreement between the local board and the charter school
Wisconsin	Required	Not addressed	Not required	None	None	Not addressed
Wyoming	Required	Existing agreements apply	Remain employees of district	None	None	Allowed if LEA determines aid is compatible with district