

FINAL REPORT

TASK FORCE ON PUBLIC CHARTER SCHOOLS

Dr. Paul Lawrence Vance, Chair

December 8, 1998

The Honorable Thomas V. Mike Miller, Jr., Co-Chairman
The Honorable Casper R. Taylor, Jr., Co-Chairman
The Honorable Members of The Legislative Policy Committee

Ladies and Gentleman:

The Task Force on Public Charter Schools was created by Chapter 720 of the Acts of 1998 (HB 999). The twelve-member task force (see the attached roster) was charged with recommending legislation that would allow Maryland public charter schools to qualify and compete for start-up funds under the Federal Charter School Grant program. This grant program is open to states that have enacted a state law authorizing the granting of charters to schools. As Maryland currently has no authorizing legislation, the task force identified the provisions that should be contained in such a law. These provisions are incorporated into legislation that the task force will submit for consideration during the 1999 Session. It also should be noted that Congress amended the Federal Charter School Grant program during the course of the task force's work by establishing stronger criteria in awarding grants. These criteria have been incorporated into the legislation that the task force will submit for consideration during the 1999 session.

Background

The task force, which was appointed in September, met three times during the 1998 interim. At the first meeting on October 7, the task force received background briefings on the State's current guidelines for use by the local school systems and HB 999, as originally introduced. A representative from the United States Department of Education also briefed the task force on charter school legislation in other states and the Federal Charter School Grant program.

The second meeting on October 20 was a public hearing during which the task force heard from individuals and organizations regarding provisions that should be included in authorizing legislation. Testimony was provided by the Maryland State Teachers Association, the Maryland Association of Boards of Education, the Superintendent of the Prince George's County School System, the Montgomery County Board of Education, the New Baltimore City School Commissioners, the Midtown Academy, the Howard County Board of Education, the American Federation of Teachers, the Maryland Association of Counties, the Maryland Coalition for Educational Reform, and private citizens.

The final meeting of the task force on November 24 served as a working session. At the conclusion of the second meeting, the task force directed staff to prepare draft legislation that reflects the comments received at the public hearing and the criteria identified in the Federal Charter School Grant program. The task force discussed this draft legislation at the third meeting and developed its recommendations.

Recommendations

The following recommendations have been incorporated into legislation that the task force will submit for consideration during the 1999 session. In addition, a minority report of the task force was offered and is attached as an addendum.

- **Definition of a Charter School**

Consistent with the criteria contained in the Federal Charter School Grant program, the task force recommends that a charter school be defined as a new or existing public school that is nonsectarian in nature, is under public supervision, and operates according to a specific academic focus and set of educational goals.

- **Chartering Authority and Appeals Process**

Since Maryland statute currently authorizes each local board of education to establish public schools, the task force recommends that county boards of education serve as the public chartering authority. The task force discussed creating an additional chartering authority and while the recommendations of the task force limit the chartering authority to the county boards of education, some support for an additional chartering authority did exist.

The task force further recommends that decisions of the county boards may be appealed to the State Board of Education and that the State Board consult with a Charter School Advisory Committee when considering appeals. Since the last meeting of the task force, an additional suggestion has been made to limit the terms of the members and require the chairman of the advisory committee to be appointed by the governor.

- **Sponsors of a Charter School**

The task force recommends that staff of a public school, parents of children attending a public school, or a public institution of higher education be authorized to organize a charter school and that a nonprofit organization be eligible to participate in establishing a charter school. As charter schools are public schools, the task force also recommends that private, parochial, or home schools be ineligible for a charter.

- **Conversion of Existing Public Schools**

To ensure that the conversion is strongly supported, the task force recommends that an existing public school be eligible to convert to a charter school only if the conversion is approved by 60 percent of the school's parents and educators.

- **Governance**

As charter schools are public schools that receive public funding, the task force recommends that a charter school be a part of a county school system. Consistent with this framework, the task force recommends that the charter school be administered by a governing board accountable to the county board.

- **Regulations**

The task force recommends that charter schools operate under the rules and regulations applicable to other public schools unless a charter school submits a request for a waiver demonstrating that these rules and regulations prevent it from meeting its educational goals and objectives. Consistent with the requirements of the Federal Charter School Grant program, the task force recommends that any regulations or requirements pertaining to the civil rights, health, or safety of students not be waived.

- **Enrollment, Tuition, and Fees**

The task force recommends that a charter school retain some flexibility in its enrollment decisions, provided its decisions are nondiscriminatory and consistent with its academic focus and educational goals. The task force further recommends that students should be selected to attend on the basis of a lottery if more students apply than spaces are available. An additional recommendation was to prohibit a charter school from charging tuition or fees not assessed at a public school.

- **Facilities**

The task force recommends that a charter school be permitted to locate in part of an existing public school building, another public building, or any other suitable facility. However, charter schools should comply with all public school facility regulations unless the regulations are waived. The task force further recommends that a charter school may not receive public funds for capital improvements unless the facility is owned by the county board and the county board requests funding as part of its public school construction Capital Improvement Program request. In addition, the task force agreed that the Interagency Committee on School Construction may wish to further

pursue the issue of directing public funds for capital improvements to all publicly-owned charter school facilities.

- **Per Pupil Funding**

The task force recommends that the county board allocate funds to the charter school in an amount equivalent to the cost of educating a like kind student at an existing public school within the county. The task force also recommends that the Maryland State Department of Education determine the per pupil amount for each county.

- **Student Transportation**

Given the variability in number and types of students served by charter schools, the task force recommends that the charter school be required to provide transportation services. A charter school may negotiate its transportation needs with the county board.

- **Collective Bargaining and Teacher Certification**

The employees of a charter school should be considered employees of the county. Consistent with this approach, the task force recommends that employees of a charter school remain members of their respective collective bargaining unit and retain all employment rights and responsibilities under county, State, and federal law. The task force further recommends that all professional staff at a charter school obtain the appropriate Maryland certification unless that requirement is waived.

- **Standards and Assessments**

A charter, which serves as a contract between the charter school and the county board, should include a performance agreement that identifies how the educational goals of the charter school will be measured. The task force recommends that the performance agreement should reflect a combination of measures, including those currently used to assess achievement at the State's existing schools and those measures developed by the charter school.

- **Charter Oversight**

Consistent with the requirements of the Federal Charter School Grant program, county boards should annually assess whether charter schools are meeting their educational goals and adhering to the provisions of their charters. The task force also recommends that charter schools comply with all State auditing requirements unless that provision is waived.

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- **Renewing/Revoking a Charter**

As the county boards are authorized to grant charters, the task force recommends that county boards also develop procedures for revoking or renewing charters. The task force further recommends allowing decisions of the county board relating to the renewal or revocation of a charter to be appealed to the State board.

In closing, the task force wishes to thank the private citizens, various organizations, and State agencies who assisted the task force in completing its charge.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read "Paul L. Vance", written in a cursive style.

Paul L. Vance
Chairman

PLV/NLR/eeo

Enclosures

Maryland General Assembly Task Force on Public Charter Schools

1998 Membership Roster

Dr. Paul Lawrence Vance, Chair

Robert C. Rice, Ph.D.

John L. Wisthoff, Ph.D.

Dale Eileen Templeton

Lorraine E. Cornish

Edward Ronald Grabenstein

Jay Michael Gillen, Ph.D.

Tamera S. Carlton

Senate Members

Joan Carter Conway

Christopher J. McCabe

House Members

John R. Leopold

Salima Siler Marriott

Committee Staff

Sarah Dickerson

Frances F. May

N. Lynn Raymond

ADDENDUM

We, the undersigned, respectfully maintain that the majority report from the Task Force on Public Charter Schools fails to recommend legislation which will allow Maryland charter schools to compete effectively for federal funds. In general, the majority recommendations give nearly exclusive authority to local boards of education. This runs against federal policy in at least the following ways.

(1) The Federal Charter School Grant program explicitly prioritizes grant applications according to the nature of the agencies authorized to issue charters. Priority is given to states which provide for more than one type of authorizing agency or which allow an appeals process.

The proposed legislation allows only county boards of education to issue charters. Although an appeals process is established in the proposed legislation, this appeals process only permits the State Board of Education to overrule a county board and then instruct the county board to issue a charter. The U.S. Department of Education official who advised the Task Force commented that this appeals process has been unsuccessful in other states.

Maryland's legislation should at least allow the State Board of Education to hear an appeal from charter school proponents and then charter the school under the State Board's direct authority.

(2) The Federal Charter School Grant program also explicitly prioritizes applications from states which ensure "that each charter school has a high degree of autonomy over the charter school's budgets and expenditures."

The proposed legislation stipulates that "unless the county board grants a waiver" charter schools must "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" In addition all employees of the charter school "remain employees of the county." Furthermore, no provision is made in the proposed legislation to allow charter schools to incorporate as entities financially independent of the county boards.

In other words, charter schools under the proposed legislation would have no greater autonomy than any other school administered by a county board.

Maryland's legislation should allow charter schools to exist as legal and financial entities entirely independent of county boards.

Improving the provisions described above would result in many other changes to the proposed legislation. In fact, what is described in the proposed legislation are charter schools only in name. Maryland will not be competitive for federal funds without challenging the exclusive authority of the county boards.

Signed,

Jay Gillen Ph.D.

LEGISLATION RECOMMENDED BY THE TASK FORCE ON PUBLIC CHARTER SCHOOLS

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91r0420

Drafted By: Fran May

Stored On: 12/8/98

By: (Task Force on Charter Schools)

A BILL ENTITLED

AN ACT concerning

Education - Public Charter Schools

FOR the purpose of authorizing the county boards of education to be the public chartering authorities for public charter schools in the State; establishing the rights and duties of the county boards as public chartering authorities; establishing the State Public Charter School Advisory Committee; specifying the membership and duties of the Advisory Committee; enumerating the entities that may and the entities that may not apply for a charter; permitting existing public schools to convert to public charter schools under certain conditions; requiring the county boards to establish an application process for charter schools; specifying certain application requirements; establishing certain procedures for applicants; establishing an appeals process for applicants who have been denied a charter; requiring certain charter agreements between the public charter schools and the county boards; establishing certain rights and duties of public charter schools; establishing an admissions policy for public charter schools; prohibiting the charging of tuition and certain fees at public charter schools; establishing certain requirements for construction and development of facilities for public charter schools; authorizing public charter schools to request certain waivers in certain circumstances; requiring the county boards to provide certain funding for public charter schools; requiring public charter schools and the parents of students at the schools to provide for transportation of the students attending the schools; authorizing negotiations between the public charter schools and the county boards concerning transportation; specifying certain rights for employees of public charter schools; requiring, with an exception, certification for professional employees at public charter schools; establishing a general grievance and appeals process for certain persons; providing that the county boards shall grant initial charters for public charter schools for a period up to a certain number of years; providing that the county boards may renew charters for subsequent periods for up to a certain number of years; requiring a certain review for renewal of a charter; requiring annual assessments of public charter schools; requiring dissemination of certain reports by charter schools; establishing the conditions for revocation of the charters, as well as an appeals process; permitting

county boards to recover certain property from former public charter schools; specifying the rights of students at public charter schools; authorizing the county boards to recover certain unspent funds from public charter schools; authorizing the State Board, in consultation with the county boards, to adopt regulations pertaining to public charter schools; requiring each county board to determine the number of public charter schools in the county in the first year of the public charter schools program; requiring the State Board to submit an evaluation and report concerning public charter schools by a certain date; and generally relating to the establishment of public charter schools in the State.

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 9-122, 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

1-101.

(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 §9-103 OF THIS SUBTITLE AUTHORIZING 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;

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

(6) IS NONSECTARIAN IN ITS PROGRAMS, ADMISSIONS POLICIES, EMPLOYMENT PRACTICES, AND ALL OTHER OPERATIONS AND IS NOT AFFILIATED WITH A SECTARIAN SCHOOL OR RELIGIOUS INSTITUTION.

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:

(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) THERE IS A STATE PUBLIC CHARTER SCHOOL ADVISORY COMMITTEE.

(B) (1) THE MEMBERSHIP OF THE ADVISORY COMMITTEE SHALL BE APPOINTED BY THE GOVERNOR.

(2) THE ADVISORY COMMITTEE SHALL CONSIST OF:

(I) A PARENT OF A CHILD OF SCHOOL AGE;

(II) A MEMBER OF A COUNTY BOARD;

(III) A CERTIFIED TEACHER WHO IS CURRENTLY EMPLOYED BY A COUNTY BOARD;

(IV) A FACULTY MEMBER OR AN ADMINISTRATIVE EMPLOYEE OF A PUBLIC INSTITUTION OF HIGHER EDUCATION; AND

(V) A MEMBER OF THE BUSINESS COMMUNITY.

(C) THE ADVISORY COMMITTEE SHALL CONSULT WITH THE STATE BOARD ON APPEALS MATTERS CONCERNING PUBLIC CHARTER SCHOOLS.

9-105.

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

(1) THE STAFF OF A PUBLIC 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 PUBLIC 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.

9-106.

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

(A) AT LEAST 60% OF THE STAFF OF THE EXISTING PUBLIC SCHOOL AND AT LEAST 60 % 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 60 % OF THE VOTING STAFF AND AT LEAST 60% OF THE VOTING PARENTS OR GUARDIANS SUPPORT THE CONVERSION OF THE SCHOOL TO A PUBLIC CHARTER SCHOOL.

9-107.

(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 INTENDS TO REQUEST;
- (7) THE AGE OR GRADE RANGE OF STUDENTS TO BE ENROLLED;
- (8) THE SCHOOL CALENDAR AND SCHOOL DAY SCHEDULE;
- (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.

9-108.

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

(E) THE STATE BOARD SHALL CONSULT WITH THE STATE PUBLIC CHARTER SCHOOL ADVISORY COMMITTEE IN CONSIDERING THE APPEAL.

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

(G) AN APPLICANT THAT IS DENIED A CHARTER MAY REAPPLY FOR A CHARTER AFTER ONE YEAR FROM THE DECISION OF:

(1) THE COUNTY BOARD; OR

(2) THE STATE BOARD, IF THE DENIAL WAS APPEALED TO THE STATE BOARD.

9-109.

(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 WRITTEN 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 SCHOOLS; AND

(II) ANY OTHER ASSESSMENT MUTUALLY AGREEABLE TO THE COUNTY BOARD AND TO THE PUBLIC CHARTER SCHOOL.

110.

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

(1) THE CHARTER GRANTED TO THE SCHOOL; AND

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

(B) 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) UNLESS THE COUNTY BOARD GRANTS A WAIVER, 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.

(C) (1) A PUBLIC CHARTER SCHOOL SHALL BE OPERATED BY A GOVERNING BOARD THAT IS ACCOUNTABLE TO THE COUNTY BOARD.

(2) SUBJECT TO THE CHARTER OF THE 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.

(D) 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

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

BOARD AND THE STATE BOARD.

9-111.

(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 THE COUNTY IN WHICH THE SCHOOL IS LOCATED ON A SPACE-AVAILABLE BASIS;

(2) SELECT STUDENTS TO ATTEND BY THE USE OF A LOTTERY, IF MORE STUDENTS APPLY FOR ENROLLMENT IN THE SCHOOL THAN THERE ARE SPACES AVAILABLE; AND

(3) SEEK THE ENROLLMENT OF A REPRESENTATIVE CROSS-SECTION OF THE SCHOOL AGE POPULATION OF THE COMMUNITY, USING SUCH FACTORS AS RACIAL, ECONOMIC, AND ACADEMIC DIVERSITY.

(C) 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.

(D) A PUBLIC CHARTER SCHOOL MAY NOT TAKE ANY ACTION THAT WOULD BE ILLEGAL IF THE ACTION WERE UNDERTAKEN BY THE COUNTY BOARD .

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

9-112.

UNLESS THE STATE 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.

9-113.

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

- (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) A WAIVER OF HEALTH OR SAFETY REGULATIONS FOR THE FACILITY MAY NOT BE GRANTED.

(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.

9-114.

(A) (1) BASED ON THE APPLICATION OF A PUBLIC CHARTER SCHOOL AND SUBJECT TO THE POWERS GRANTED TO THE GOVERNING BOARD OF THE PUBLIC CHARTER SCHOOL:

(I) THE STATE BOARD MAY GRANT A WAIVER TO THE SCHOOL FROM SPECIFIC STATE EDUCATION REGULATIONS AND REQUIREMENTS; AND

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

(2) 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.

(B) THE STATE BOARD OR A COUNTY BOARD MAY NOT WAIVE A REGULATION PERTAINING TO CIVIL RIGHTS OR THE HEALTH AND SAFETY OF STUDENTS.

9-115.

(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.

9-116.

(A) 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.

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

9-117.

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

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

(1) REMAIN A MEMBER OF THE APPROPRIATE EMPLOYEE BARGAINING UNIT;

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

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

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

(D) (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) ON REQUEST OF THE GOVERNING BOARD OF A PUBLIC CHARTER SCHOOL, THE STATE BOARD MAY WAIVE THE CERTIFICATION REQUIREMENTS FOR AN INDIVIDUAL MEMBER OF THE PROFESSIONAL STAFF.

9-118.

(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 §4-205 OF THIS ARTICLE.

(D) (1) THE STATE BOARD SHALL CONSULT WITH THE STATE PUBLIC CHARTER SCHOOL ADVISORY COMMITTEE IN CONSIDERING THE APPEAL.

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

9-119.

(A) A COUNTY BOARD :

(1) SHALL GRANT AN INITIAL CHARTER FOR A PUBLIC CHARTER SCHOOL UNDER THIS TITLE FOR PERIOD OF UP TO 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 UP TO 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 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.

9-120.

(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) (1) THE STATE BOARD SHALL CONSULT WITH THE STATE PUBLIC CHARTER SCHOOL ADVISORY COMMITTEE IN RENDERING A DECISION ON THE APPEAL.

(2) THE STATE BOARD SHALL RENDER THE DECISION WITHIN 90 DAYS OF THE RECEIPT OF THE APPEAL.

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

(F) WHEN A CHARTER IS REVOKED, THE COUNTY BOARD MAY RECOVER THE PERSONAL PROPERTY OF THE PUBLIC CHARTER SCHOOL THAT IS OWNED OR PROVIDED BY THE COUNTY BOARD AND USE IT FOR OTHER PUBLIC SCHOOL PURPOSES.

9-121.

(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.

9-122.

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

SECTION 2. AND BE IT FURTHER ENACTED, That each county board of education and the New Board of School Commissioners of Baltimore City shall determine the number of charters granted to applicants for the establishment of public charter schools in each respective county and in Baltimore City 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 the county boards of education, the New Board of School Commissioners of Baltimore City, members of the educational community, and the public, the State Board of Education 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.