

Chapter 311

(Senate Bill 595)

AN ACT concerning

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

~~FOR the purpose of including certain employees of certain public charter school operators under certain provisions of law relating to collective bargaining; authorizing certain employees of certain public charter school operators to form certain employee organizations; requiring certain employee organizations to be separate units in a county for the purpose of collective bargaining; altering a certain requirement to hold a certain lottery under certain circumstances and in accordance with a certain application; authorizing certain public charter schools to give certain weight to certain students during a certain lottery; clarifying that the State Board of Education is a public chartering authority; specifying certain contents of a certain application; prohibiting certain public chartering authorities from withholding approval of certain applications under certain circumstances; altering the time period within which the State Board must render a decision on a certain appeal; requiring certain professional staff to be qualified and credentialed in a certain manner; authorizing certain public charter schools to apply to the State Board for certain waivers; repealing a certain requirement that a certain waiver be sought through a certain process; authorizing certain employees of a public charter school to be employees of the operator of the public charter school; requiring a certain application to include certain information relating to the employment status of certain employees; authorizing a certain employment status to be changed on renewal of a certain application; prohibiting certain employees of a public charter school operator from being required to be members of a certain bargaining unit or bound by a certain collective bargaining agreement; requiring a county board to make certain disbursements in each fiscal year to a public charter school; requiring a public charter school to reimburse local school systems under certain circumstances; requiring public charter schools to be eligible for the public school construction program; requiring the State Department of Education to act as the administering agency for certain purposes; requiring public charter schools to be subject to a certain State and local cost share formula; authorizing the use of certain funds for the construction or renovation of public charter schools; requiring certain agencies to adopt certain regulations; requiring a certain staff person at the Department to perform certain duties; including certain employees of public charter school operators under certain provisions of law relating to the State Teachers' Pension System and the Teachers' Retirement System; making certain stylistic changes; defining certain terms; altering certain definitions; and generally relating to the laws that relate to public charter schools in the State.~~

FOR the purpose of requiring certain public charter schools to take certain steps to maintain a certain ratio as part of the initial cohort of students in a certain grade; authorizing certain public charter schools to give certain students seeking to enroll in the public charter school a greater weight to the student's lottery status as part of

the public charter school's admissions lottery; authorizing certain public charter schools to give priority to certain siblings for certain spaces at certain public charter schools; authorizing certain public charter schools to provide certain guaranteed placement to certain students; authorizing certain public charter schools to propose a certain geographic attendance area and certain guaranteed placement plan, subject to the approval of the public chartering authority, under certain circumstances; authorizing certain public charter schools to admit certain students under certain circumstances; authorizing certain county boards of education to grant certain waivers to certain converted public charter schools; providing that certain county boards are the only public chartering authorities in the State; repealing a provision of law that establishes the State Board of Education as a secondary public chartering authority; requiring an application to establish a public charter school to include a certain plan for a program of instruction and a certain description of the implementation of a certain weighted lottery or the provision of guaranteed placement under certain circumstances; prohibiting a public chartering authority from granting a charter to a school that operates fully online; requiring certain county boards of education to review certain applications in accordance with the application procedures adopted by the county board; authorizing certain decisions to be appealed to the State Board in accordance with certain provisions of law; authorizing a public chartering authority to approve certain applications on a contingent basis subject to certain conditions; authorizing a public chartering authority to approve or reject a certain provision of an application separately from the application as a whole; *prohibiting a certain decision from being appealed to the State Board*; providing that a certain applicant may submit a certain staffing model with a certain application; requiring the State Board to remand to a county board a certain matter under certain circumstances and authorizing the State Board to mediate, if necessary, a certain matter between a county board and a certain public charter school under certain circumstances; requiring the State Board to develop standards and criteria by which certain public charter schools must be assessed; authorizing certain public charter schools to submit to a public chartering authority a certain application for certain consideration; prohibiting certain public charter schools from submitting a certain application more than once during a certain period of time; exempting certain public charter schools from certain policies under certain circumstances; authorizing certain public chartering authorities and certain public charter schools to mutually agree to a certain communication process and supervision methodology; providing that certain public charter schools may not be assigned certain principals without certain consent; providing that certain staff members must be assigned or transferred to certain public charter schools under certain circumstances; specifying that certain provisions of law may not be construed to take precedence over a certain collective bargaining agreement; subjecting certain public charter schools to certain provisions of law, subject to certain exceptions; requiring a member of the professional staff of a public charter school to be subject to certain certification provisions; authorizing certain public charter schools to seek certain waivers under certain circumstances; requiring certain reasons to be provided in writing for the denial of certain waivers; authorizing certain employee organizations, public school employers, and public charter schools to mutually agree

to negotiate certain amendments to certain collective bargaining agreements; requiring certain county boards to provide certain policies and updates or amendments to the policies to the State Board; requiring the State Department of Education to report annually to the General Assembly regarding certain updates or amendments to certain policies and the implementation of this Act; authorizing a county board to consider certain issues relating to school site and school building utilization when authorizing certain public charter schools to occupy certain sites or buildings; requiring the State Department of Education, in consultation with the Department of Legislative Services, to contract for a certain study relating to funding for public charter schools and traditional public schools; requiring the study to include certain elements; requiring local school systems and public charter schools to provide certain data to complete the study; establishing certain penalties for certain local school systems and public charter schools that do not comply with a certain data reporting requirement; requiring a certain report to the Governor and certain committees of the General Assembly on or before a certain date regarding the study; making certain stylistic changes; altering a certain definition; defining a certain term; and generally relating to public charter schools in the State.

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

~~Article – Education~~

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

~~Annotated Code of Maryland~~

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

BY repealing and reenacting, without amendments,

Article – Education

Section 9-101 and 9-109(a)

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

BY repealing and reenacting, with amendments,

Article – Education

Section 9-102, 9-102.1, 9-103 through 9-108, and 9-110 9-110, and 9-111

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

BY adding to

Article – Education

Section 9-102.2, 9-102.3, and 9-104.1

Annotated Code of Maryland

(2014 Replacement Volume and 2014 Supplement)

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

~~Article – State Personnel and Pensions~~

~~Section 21-304(a)(6) and (7), 22-205(a)(1), and 23-206(a)(1)~~

~~Annotated Code of Maryland
(2009 Replacement Volume and 2014 Supplement)~~

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

Article – Education

~~6-401.~~

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

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

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

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

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

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

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

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

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

~~6-404.~~

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

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

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

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

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

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

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

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

~~6-405.~~

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

~~6-407.~~

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

9-101.

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

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

9-102.

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

- (1) Is nonsectarian in all its programs, policies, and operations;
- (2) Is a school to which parents choose to send their children;
- (3) Except as provided in ~~§ 9-102.1~~ **§§ 9-102.1, 9-102.2, AND 9-102.3** of this title, is open to all students on a space-available basis and admits students on a lottery basis ~~IN ACCORDANCE WITH § 9-102.2 OF THIS TITLE~~ if more students apply than can be accommodated;
- (4) Is a new public school or a conversion of an existing public school;
- (5) Provides a program of elementary or secondary education or both;
- (6) Operates in pursuit of a specific set of educational objectives;
- (7) Is tuition-free;
- (8) Is subject to federal and State laws prohibiting discrimination;
- (9) Is in compliance with all applicable health and safety laws;
- (10) Is in compliance with § 9-107 of this title;
- (11) Operates under the supervision of the public chartering authority ~~THROUGH ITS GOVERNING BOARD~~ from which its charter is granted and in accordance with its charter and, except as provided in ~~§ 9-106~~ **§§ 9-104.1 AND 9-106** of this title, the provisions of law and regulation governing other public schools;
- (12) Requires students to be physically present on school premises for a period of time substantially similar to that which other public school students spend on school premises; and
- (13) Is created in accordance with this title and the ~~appropriate county board policy~~ **PUBLIC CHARTERING AUTHORITY POLICY CONSISTENT WITH THE PROVISIONS OF THIS TITLE**.

9-102.1.

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

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

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

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

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

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

9–102.2.

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

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

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

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

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

~~OR~~

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

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

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

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

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

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

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

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

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

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

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

(1) ADMIT STUDENTS ON A LOTTERY BASIS TO ITS REMAINING AVAILABLE SPACE; AND

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

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

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

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

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

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

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

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

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

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

9-102.3.

(A) ~~A~~ IN ACCORDANCE WITH § 9-104 OF THIS TITLE, A COUNTY BOARD MAY GRANT A WAIVER FROM § 9-102(3) OF THIS TITLE TO:

(1) A CONVERTED PUBLIC CHARTER SCHOOL THAT:

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

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

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

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

- 1. SERVING A HIGH-NEED POPULATION;**
- 2. INCREASING STUDENT PERFORMANCE;**
- 3. INCREASING ENROLLMENT; OR**
- 4. INCREASING STUDENT DIVERSITY; OR**

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

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

9-103.

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

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

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

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

9-104.

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

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

(i) The staff of a public school;

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

(iii) A nonsectarian nonprofit entity;

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

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

(3) AN APPLICATION SHALL INCLUDE:

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

(II) A DESCRIPTION OF HOW A WEIGHTED LOTTERY OR THE PROVISION OF GUARANTEED PLACEMENT WILL BE IMPLEMENTED UNDER § 9-102.2 §§ 9-102.2 AND 9-102.3 OF THIS TITLE THAT INCLUDES THE DRAWING OF A GEOGRAPHIC ATTENDANCE AREA WITHIN WHICH THE MEDIAN INCOME IS LESS THAN THE MEDIAN INCOME OF THE COUNTY OR THE STATE, WHERE APPLICABLE, BY WHICH STUDENTS MAY BE GIVEN GREATER WEIGHT UNDER A LOTTERY; AND

(III) A PLAN TO ENSURE THAT THE PROFESSIONAL STAFF OF THE PUBLIC CHARTER SCHOOL WILL BE WELL QUALIFIED AND CREDENTIALLED TO SERVE THE STUDENTS OF THE PUBLIC CHARTER SCHOOL THAT INCLUDES

~~ASSURANCES THAT NOTHING IN THE PLAN WILL VIOLATE THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT.~~

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

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

~~(IV)~~ A SCHOOL THAT OPERATES FULLY ONLINE.

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

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

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

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

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

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

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

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

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

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

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

(B) (1) IF AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL INCLUDES A DESCRIPTION OF THE IMPLEMENTATION OF A WEIGHTED LOTTERY THAT GIVES PRIORITY TO STUDENTS IN A SPECIFIC GEOGRAPHIC ATTENDANCE AREA IN ACCORDANCE WITH § 9–102.2 OR § 9–102.3 OF THIS TITLE, THE PUBLIC CHARTERING AUTHORITY MAY APPROVE OR REJECT THIS PROVISION SEPARATELY FROM THE APPLICATION AS A WHOLE.

(2) A DECISION OF A PUBLIC CHARTERING AUTHORITY UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE APPEALED TO THE STATE BOARD.

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

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

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

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

(3) If the county board denies an application to establish a public charter school and the State Board reverses the decision, the State Board **SHALL REMAND THE MATTER TO THE COUNTY BOARD AND** may direct the county board to grant a charter and ~~shall~~ **MAY, IF NECESSARY,** mediate with the county board and the applicant to implement the charter.

9–104.1.

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

(1) SOUND FISCAL MANAGEMENT; AND

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

(i) STATEWIDE ASSESSMENTS; AND

(ii) OTHER MEASURES DEVELOPED BY THE STATE BOARD.

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

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

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

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

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

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

(E) IF AN ELIGIBLE PUBLIC CHARTER SCHOOL AND A PUBLIC CHARTERING AUTHORITY MUTUALLY AGREE TO AN ALTERNATIVE MEANS BY WHICH THE ELIGIBLE PUBLIC CHARTER SCHOOL WILL SATISFY THE INTENT OF THE POLICIES OF THE PUBLIC CHARTERING AUTHORITY, AN ELIGIBLE PUBLIC CHARTER SCHOOL IS EXEMPT FROM:

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

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

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

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

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

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

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

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

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

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

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

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

9-106.

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

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

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

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

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

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

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

(1) Audit requirements;

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

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

9-107.

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

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

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

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

9-108.

(a) Employees of a public charter school:

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

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

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

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

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

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

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

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

9-109.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9-110.

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

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

- (i) Evaluation of public charter schools;
- (ii) Revocation of a charter;
- (iii) Reporting requirements; and

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

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

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

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

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

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

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

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

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

(2) IMPLEMENTATION OF THIS TITLE.

9-111.

(a) (1) If, with the approval of the State Superintendent, a county board determines that a school site or building no longer is needed for school purposes and after the county commissioners or county council have provided the required notice under § 4-115

of this article, the county board shall inform the public charter schools in the county that the school site or building is available for occupation and use by a public charter school on the terms determined by the county board.

(2) Each county board:

(I) [shall] SHALL establish a procedure to determine which public charter school may occupy and use an available school site or building if more than one public charter school notifies the county board of an interest in occupying and using a school site or building; AND

(II) MAY CONSIDER THE UTILIZATION RATE OF SURROUNDING SCHOOL SITES AND BUILDINGS WHEN AUTHORIZING A PUBLIC CHARTER SCHOOL TO OCCUPY A SCHOOL SITE OR BUILDING.

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

~~Article State Personnel and Pensions~~

~~21-304~~

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

- ~~(i) a clerk;~~
- ~~(ii) a helping teacher;~~
- ~~(iii) a principal;~~
- ~~(iv) a superintendent;~~
- ~~(v) a supervisor; or~~
- ~~(vi) a teacher.~~

~~(7) "Local employer" means a county board of education [or], the Baltimore City Board of School Commissioners, OR A PUBLIC CHARTER SCHOOL OPERATOR~~

~~WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THE EDUCATION ARTICLE.~~

~~22-205.~~

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

~~(1) an employee of:~~

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

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

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

~~(ii) WHO IS employed as:~~

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

~~[(ii)] 2. a clerk;~~

~~[(iii)] 3. a helping teacher;~~

~~[(iv)] 4. a principal;~~

~~[(v)] 5. a superintendent;~~

~~[(vi)] 6. a supervisor; or~~

~~[(vii)] 7. a teacher;~~

~~23-206.~~

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

~~(1) an employee of a day school in the State under the authority and supervision of a county board of education or the Baltimore City Board of School Commissioners OR AN EMPLOYEE OF A PUBLIC CHARTER SCHOOL OPERATOR WHOSE~~

~~EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THE EDUCATION ARTICLE, employed as:~~

- ~~(i) a clerk;~~
- ~~(ii) a helping teacher;~~
- ~~(iii) a principal;~~
- ~~(iv) a superintendent;~~
- ~~(v) a supervisor; or~~
- ~~(vi) a teacher;~~

SECTION 2. AND BE IT FURTHER ENACTED, That:

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

(2) The primary purpose of the study is to calculate the average operating expenditures by each local school system for students enrolled in a public school that is not a public charter school or stand-alone special education school, to be aggregated at the State level to serve as the baseline for determining commensurate funding for all public schools.

(b) The study shall include:

(1) a review of:

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

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

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

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

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

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

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

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

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

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

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

(d) On or before ~~December 1, 2015~~ *October 31, 2016*, the State Department of Education and the Department of Legislative Services shall submit a report on the study conducted under this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Ways and Means Committee.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding § 9-102.3 of the Education Article, as enacted by Section 1 of this Act, a public charter school that was approved by a county board of education before May 31, 2015, to convert from a public school may provide guaranteed placement for students who live within the geographic attendance area established by the county board of education. A public charter school that is exempt from § 9-102.3 of the Education Article under this section is also exempt from §

9-102.3 of the Education Article on the renewal of its charter contract, subject to the approval of the county board of education in which the public charter school is located.

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

Approved by the Governor, May 12, 2015.