

**Maryland Public Charter School Program
(SB 75 of 2003)
Title 6**

STATUTE	DEFINITION
§ 6-401(e)	Public school employer means a county board of education, the Baltimore City Board of School Commissioners
§ 6-501(g)(1) § 6-501 (g)(2)	Public school employer means the county board in each county Includes the Baltimore City Board of School Commissioners

**Maryland Public Charter School Program
Title 9**

STATUTE	DEFINITION
§ 9-101 (A)(B)	There is a Maryland Public Charter School Program. 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(1-13)	<ol style="list-style-type: none"> 1. In this title "Public Charter School" means a public school that: Is nonsectarian in all its programs, policies, and operations; 2. Is a school to which parents choose to send their children; 3. Is open to all students on a space available basis and admits students on a lottery basis 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 from which its charter is granted and in accordance with its charter and, except as provided in § 9-106, 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.
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Primary Chartering Authority

§ 9-103 (A)	The primary public chartering authority for the granting of a charter shall be a county board of education.
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Secondary Chartering Authority

§ 9-103 (B)	The secondary public chartering authority for the granting of a charter shall be the state board acting in its appeal review capacity or as the public chartering authority for a restructured school in accordance with § 9-104 (A) of this subtitle.
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Application Process

§ 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 charter school will be located.
§ 9-104 (A)(2)(I-IV)	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 (1) through (IV).
§ 9-104 (A)(3)(I-III)	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.
§ 9-104 (A)(4) (I)(II)(1-4)	(I) Except as provided in subparagraph (II) of the paragraph, the county board shall review the application and render a decision within 120 days of receipt of the application. (II) For a restructured 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 I of this subparagraph;

	<p>3. If an extension is not granted, and 30 days have elapsed, the State Board may become a chartering authority; and</p> <p>4. If an extension has been granted, and 45 days have elapsed, the State Board may become a chartering authority.</p>
§ 9-104 (B)(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.
§ 9-104 (B)(2)	The State Board shall render a decision within 120 days of the filing of an appeal under this subsection.
§ 9-104 (B)(3)	If the county board denies an application to establish a public charter school and the State Board reverses the decision, the State Board may direct the county board to grant a charter and shall mediate with the county board and the applicant to implement the charter.

Professional Staff

§ 9-105	A member of the professional staff of a public charter school shall hold the appropriate Maryland Certification.
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Compliance of Law and Regulation

§ 9-106 (A)	Subject to subsection (B) of this section, a public charter school shall comply with the provisions of law and regulation governing other public schools.
§ 9-106 (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.
§ 9-106 (C)(1-3)	<p>A waiver may not be granted from provisions of law or regulation relating to:</p> <p>(1) audit requirements;</p> <p>(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</p> <p>(3) the health, safety, or civil rights of a student or an employee of the charter school.</p>

Special Education

§ 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.
§ 9-107 (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.
§ 9-107 (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 organization capacity needed to fulfill the school's responsibilities related to children with disabilities.
§ 9-107 (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.

Employees/Collective Bargaining

§ 9-108 (A)	<p>Employees of a public charter school:</p> <ol style="list-style-type: none"> 1. Are public school employees, as defined in §§ 6-401(D) and 6-501(F) of this article; 2. Are employees of a public school employer, as defined in §§6-401(E) and 6-501(G) of this article, in the county in which the public charter school is located; and 3. Shall have the rights granted under Title 6, Subtitles 4 and 5 of this article.
§ 9-108 (B)	If a collective bargaining agreement under Title 6, subtitle 4 or 5 of this article is already in existence in the county where a public charter school is located, the employee organization 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.

Funding

§ 9-109 (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.
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Educational Materials

§ 9-109 (B)	The State Board or the county board may give surplus educational materials, supplies, furniture, and other equipment to a public charter school.
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Policy Guidelines

§ 9-110 (A)(1)	Each county board shall develop a public charter school policy and submit it to the State Board.
§ 9-109 (A)(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.
§ 9-109 (B)	The Department shall designate a staff person to function as a contact person for the Maryland Public Charter School Program.
SECTION 2	The State Department of Education shall create and disseminate to each local board of education model public charter school policy language, which can be used to create a public charter school policy as required by this Act. Each local board of education shall submit its public charter school policy to the State Board of Education by November 1, 2003.

Evaluation of Program

SECTION 3	That on or before October 1, 2006, based on information gathered from each local board of education, the Board of School Commissioners of Baltimore City, 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 including an evaluation of the public charter school program. The report shall address the advisability of the continuation, modification, expansion, or termination of the program.
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Effective Date

SECTION 4	This Act shall take effect July 1, 2003.
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