

SENATE BILL 595

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CF HB 486

By: **The President (By Request – Administration) and Senators Bates, Cassilly, Eckardt, Hershey, Hough, Jennings, Klausmeier, Ready, Reilly, Salling, Serafini, Simonaire, and Waugh**

Introduced and read first time: February 6, 2015

Assigned to: Education, Health, and Environmental Affairs and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Charter School Expansion and Improvement Act of 2015**

3 FOR the purpose of including certain employees of certain public charter school operators
4 under certain provisions of law relating to collective bargaining; authorizing certain
5 employees of certain public charter school operators to form certain employee
6 organizations; requiring certain employee organizations to be separate units in a
7 county for the purpose of collective bargaining; altering a certain requirement to hold
8 a certain lottery under certain circumstances and in accordance with a certain
9 application; authorizing certain public charter schools to give certain weight to
10 certain students during a certain lottery; clarifying that the State Board of Education
11 is a public chartering authority; specifying certain contents of a certain application;
12 prohibiting certain public chartering authorities from withholding approval of
13 certain applications under certain circumstances; altering the time period within
14 which the State Board must render a decision on a certain appeal; requiring certain
15 professional staff to be qualified and credentialed in a certain manner; authorizing
16 certain public charter schools to apply to the State Board for certain waivers;
17 repealing a certain requirement that a certain waiver be sought through a certain
18 process; authorizing certain employees of a public charter school to be employees of
19 the operator of the public charter school; requiring a certain application to include
20 certain information relating to the employment status of certain employees;
21 authorizing a certain employment status to be changed on renewal of a certain
22 application; prohibiting certain employees of a public charter school operator from
23 being required to be members of a certain bargaining unit or bound by a certain
24 collective bargaining agreement; requiring a county board to make certain
25 disbursements in each fiscal year to a public charter school; requiring a public
26 charter school to reimburse local school systems under certain circumstances;
27 requiring public charter schools to be eligible for the public school construction
28 program; requiring the State Department of Education to act as the administering
29 agency for certain purposes; requiring public charter schools to be subject to a certain

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 State and local cost–share formula; authorizing the use of certain funds for the
 2 construction or renovation of public charter schools; requiring certain agencies to
 3 adopt certain regulations; requiring a certain staff person at the Department to
 4 perform certain duties; including certain employees of public charter school
 5 operators under certain provisions of law relating to the State Teachers’ Pension
 6 System and the Teachers’ Retirement System; making certain stylistic changes;
 7 defining certain terms; altering certain definitions; and generally relating to the laws
 8 that relate to public charter schools in the State.

9 BY repealing and reenacting, with amendments,

10 Article – Education

11 Section 6–401(c), (e)(1), and (f), 6–404(a), (c), and (d), 6–405(a), 6–407(a), 9–102,
 12 9–102.1, and 9–103 through 9–110

13 Annotated Code of Maryland

14 (2014 Replacement Volume and 2014 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Education

17 Section 9–101

18 Annotated Code of Maryland

19 (2014 Replacement Volume and 2014 Supplement)

20 BY adding to

21 Article – Education

22 Section 9–102.2

23 Annotated Code of Maryland

24 (2014 Replacement Volume and 2014 Supplement)

25 BY repealing and reenacting, with amendments,

26 Article – State Personnel and Pensions

27 Section 21–304(a)(6) and (7), 22–205(a)(1), and 23–206(a)(1)

28 Annotated Code of Maryland

29 (2009 Replacement Volume and 2014 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

31 That the Laws of Maryland read as follows:

32 **Article – Education**

33 6–401.

34 (c) “Employee organization” means an organization that:

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

1 **(II) CONSISTS SOLELY OF EMPLOYEES OF A PUBLIC CHARTER**
2 **SCHOOL OPERATOR WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH §**
3 **9-108(A)(2) OF THIS ARTICLE; and**

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

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

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

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

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

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

18 6-404.

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

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

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

30 (2) In Baltimore County, one of the units shall consist of employees who
31 are administrative and supervisory certificated employees. The second unit shall consist of
32 all other public school employees as defined under § 6-401(e)(1) and (3) of this subtitle.

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

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

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

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

10 6-405.

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

14 6-407.

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

18 9-101.

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

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

23 9-102.

24 In this title, "public charter school" means a public school that:

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

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

27 (3) Except as provided in § 9-102.1 of this title, is open to all students on a
 28 space-available basis and admits students on a lottery basis **IN ACCORDANCE WITH §**
 29 **9-102.2 OF THIS TITLE** if more students apply than can be accommodated;

30 (4) Is a new public school or a conversion of an existing public school;

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

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

3 (7) Is tuition-free;

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

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

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

7 (11) Operates under the supervision of the public chartering authority
8 **THROUGH ITS GOVERNING BOARD** from which its charter is granted and in accordance
9 with its charter and, except as provided in § 9-106 of this title, the provisions of law and
10 regulation governing other public schools;

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

14 (13) Is created in accordance with this title and the [appropriate county
15 board policy] **PUBLIC CHARTERING AUTHORITY POLICY CONSISTENT WITH THE**
16 **PROVISIONS OF THIS TITLE.**

17 **9-102.1.**

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

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

21 (2) Will admit students with parents who are not assigned to the base to at
22 least 35% of its total available space.

23 (b) If a public charter school is granted a waiver under subsection (a) of this
24 section, subject to the requirement set forth in subsection (a)(2) of this section, the public
25 charter school shall admit all students on a lottery basis **IN ACCORDANCE WITH § 9-102.2**
26 **OF THIS TITLE.**

27 **9-102.2.**

28 (A) **A PUBLIC CHARTER SCHOOL MAY GIVE GREATER WEIGHT TO A**
29 **STUDENT'S LOTTERY STATUS AS PART OF A LOTTERY HELD UNDER § 9-102(3) OF**

1 THIS TITLE AND IN ACCORDANCE WITH AN APPLICATION SUBMITTED UNDER §
2 9–104 OF THIS TITLE IF:

3 (1) THE STUDENT IS:

4 (I) ELIGIBLE FOR FREE OR REDUCED PRICE MEALS;

5 (II) A STUDENT WITH DISABILITIES;

6 (III) A STUDENT WITH LIMITED ENGLISH PROFICIENCY; OR

7 (IV) HOMELESS, AS DEFINED UNDER THE FEDERAL
8 MCKINNEY–VENTO HOMELESS ASSISTANCE ACT;

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

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

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

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

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

22 9–103.

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

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

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

28 (2) FOR a [restructured] CONVERTED school in accordance with §
29 9–104(a) of this title.

1 9–104.

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

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

6 (i) The staff of a public school;

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

9 (iii) A nonsectarian nonprofit entity;

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

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

13 **(3) AN APPLICATION SHALL INCLUDE:**

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

18 **(II) A DESCRIPTION OF HOW A WEIGHTED LOTTERY WILL BE**
19 **IMPLEMENTED UNDER § 9–102.2 OF THIS TITLE THAT INCLUDES THE DRAWING OF A**
20 **GEOGRAPHIC ATTENDANCE AREA WITHIN WHICH THE MEDIAN INCOME IS LESS THAN**
21 **THE MEDIAN INCOME OF THE COUNTY OR THE STATE, WHERE APPLICABLE, BY**
22 **WHICH STUDENTS MAY BE GIVEN GREATER WEIGHT UNDER A LOTTERY; AND**

23 **(III) A PLAN TO ENSURE THAT THE PROFESSIONAL STAFF OF THE**
24 **PUBLIC CHARTER SCHOOL WILL BE WELL-QUALIFIED AND CREDENTIALLED TO**
25 **SERVE THE STUDENTS OF THE PUBLIC CHARTER SCHOOL THAT INCLUDES**
26 **ASSURANCES THAT NOTHING IN THE PLAN WILL VIOLATE THE FEDERAL**
27 **ELEMENTARY AND SECONDARY EDUCATION ACT.**

28 **[(3)] (4)** A public chartering authority may not grant a charter under this
29 title to:

30 (i) A private school;

1 (ii) A parochial school; or

2 (iii) A home school.

3 **[(4)] (5)** (i) Except as provided in subparagraph (ii) of this paragraph,
4 the county board shall review the application and render a decision within 120 days of
5 receipt of the application.

6 (ii) For a **[restructured] CONVERTED** school:

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

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

11 3. If an extension is not granted, and 30 days have elapsed,
12 the State Board may become a chartering authority; and

13 4. If an extension has been granted, and 45 days have
14 elapsed, the State Board may become a chartering authority.

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

18 (b) (1) If the county board denies an application to establish a public charter
19 school, the applicant may appeal the decision to the State Board, in accordance with §
20 4–205(c) of this article.

21 (2) The State Board shall render a decision within **[120] 90** days of the
22 filing of an appeal under this subsection.

23 (3) If the county board denies an application to establish a public charter
24 school and the State Board reverses the decision, the State Board may direct the county
25 board to grant a charter and shall mediate with the county board and the applicant to
26 implement the charter.

27 9–105.

28 A member of the professional staff of a public charter school shall **[hold the**
29 **appropriate Maryland certification]** **BE QUALIFIED AND CREDENTIALLED IN**
30 **ACCORDANCE WITH THE PLAN SUBMITTED BY THE PUBLIC CHARTER SCHOOL**
31 **OPERATOR AS PART OF ITS APPLICATION UNDER § 9–104 OF THIS TITLE.**

32 9–106.

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

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

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

8 (1) Audit requirements;

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

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

14 9–107.

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

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

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

26 [(d) The State Board shall provide technical assistance to the operators of a public
27 charter school to help the school meet the requirements of federal and State laws, including
28 20 U.S.C. § 1400, et seq. and § 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794.]

29 9–108.

30 (a) Employees of a public charter school:

31 (1) **(I)** [Are public] **MAY BE PUBLIC** school employees, as defined in §§
32 6–401(e) and 6–501(g) of this article;

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

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

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

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

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

15 **[(b)] (C) [If] FOR A PUBLIC CHARTER SCHOOL WHOSE EMPLOYEES ARE**
16 **EMPLOYED BY A PUBLIC SCHOOL EMPLOYER, IF** a collective bargaining agreement
17 under Title 6, Subtitle 4 or Subtitle 5 of this article is already in existence in the county
18 where a public charter school is located, the employee organization and the public charter
19 school may mutually agree to negotiate amendments to the existing agreement to address
20 the needs of the particular public charter school.

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

26 9–109.

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

30 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS**
31 **INDICATED.**

32 **(2) “FULL-TIME EQUIVALENT ENROLLMENT” HAS THE MEANING**
33 **STATED IN § 5–202(A) OF THIS ARTICLE.**

1 **(3) (I) “PUBLIC CHARTER SCHOOL PER PUPIL ALLOCATION”**
2 **MEANS 98% OF THE FIGURE THAT IS, EXCEPT AS PROVIDED IN SUBPARAGRAPH (II)**
3 **OF THIS PARAGRAPH, THE SUM OF THE STATE, COUNTY, AND FEDERAL FUNDS**
4 **APPROPRIATED TO A COUNTY FOR THE CURRENT EXPENSE FUND CATEGORIES**
5 **UNDER § 5–101(B)(2) OF THIS ARTICLE FOR THE CURRENT FISCAL YEAR DIVIDED BY**
6 **THE FULL–TIME EQUIVALENT ENROLLMENT OF A COUNTY IN THE PRIOR SCHOOL**
7 **YEAR.**

8 **(II) “PUBLIC CHARTER SCHOOL PER PUPIL ALLOCATION” MAY**
9 **NOT INCLUDE EXPENSES FOR DEBT SERVICE OR ADULT EDUCATION.**

10 **(4) “TITLE I PER PUPIL ALLOCATION” MEANS AN AMOUNT**
11 **ESTABLISHED BY THE LOCAL SCHOOL SYSTEM USING A GENERALLY ACCEPTED**
12 **CALCULATION.**

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

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

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

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

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

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

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

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

9 **(C) A PUBLIC CHARTER SCHOOL SHALL REIMBURSE THE LOCAL SCHOOL**
10 **SYSTEM FOR:**

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

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

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

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

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

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

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

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

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

3 9–110.

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

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

8 (i) Evaluation of public charter schools;

9 (ii) Revocation of a charter;

10 (iii) Reporting requirements; and

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

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

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

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

21 **(II) PROVIDE ASSISTANCE TO THE OPERATOR OF A PUBLIC**
22 **CHARTER SCHOOL AND TO THE DEPARTMENT WHEN THE DEPARTMENT IS ACTING**
23 **IN ITS CAPACITY AS THE ADMINISTERING AGENCY UNDER § 9–109(E)(2) OF THIS**
24 **TITLE.**

25 **Article – State Personnel and Pensions**

26 21–304.

27 (a) (6) “Local employee” means a member of the Teachers’ Retirement System
28 or the Teachers’ Pension System who is an employee of a day school in the State under the
29 authority and supervision of a county board of education [or], the Baltimore City Board of
30 School Commissioners, **OR A PUBLIC CHARTER SCHOOL OPERATOR WHOSE**

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

- 3 (i) a clerk;
- 4 (ii) a helping teacher;
- 5 (iii) a principal;
- 6 (iv) a superintendent;
- 7 (v) a supervisor; or
- 8 (vi) a teacher.

9 (7) "Local employer" means a county board of education [or], the Baltimore
 10 City Board of School Commissioners, **OR A PUBLIC CHARTER SCHOOL OPERATOR**
 11 **WHOSE EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9-108(A)(2) OF THE**
 12 **EDUCATION ARTICLE.**

13 22-205.

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

16 (1) an employee of:

17 **(I) 1.** a day school in the State under the authority and
 18 supervision of a county board of education [or];

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

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

24 **(II) WHO IS** employed as:

25 **[(i)] 1.** an attendance officer;

26 **[(ii)] 2.** a clerk;

27 **[(iii)] 3.** a helping teacher;

- 1 [(iv)] 4. a principal;
- 2 [(v)] 5. a superintendent;
- 3 [(vi)] 6. a supervisor; or
- 4 [(vii)] 7. a teacher;

5 23–206.

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

8 (1) an employee of a day school in the State under the authority and
9 supervision of a county board of education or the Baltimore City Board of School
10 Commissioners **OR AN EMPLOYEE OF A PUBLIC CHARTER SCHOOL OPERATOR WHOSE**
11 **EMPLOYEES ARE EMPLOYED IN ACCORDANCE WITH § 9–108(A)(2) OF THE**
12 **EDUCATION ARTICLE**, employed as:

- 13 (i) a clerk;
- 14 (ii) a helping teacher;
- 15 (iii) a principal;
- 16 (iv) a superintendent;
- 17 (v) a supervisor; or
- 18 (vi) a teacher;

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2015.