

# HOUSE BILL 1067

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By: **Delegates Ivey, Afzali, Glass, Murphy, Rosenberg, Ross, ~~and Walker~~  
Walker, and Howard**

Introduced and read first time: February 11, 2011

Assigned to: Ways and Means

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2011

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Education – Public Charter Schools – ~~Appeals, Policies, and Regulations~~**

3 FOR the purpose of ~~requiring an appeal of a decision by a county board of education to~~  
4 ~~deny an application for a public charter school to be heard de novo by the State~~  
5 ~~Board of Education;~~ requiring each county board to develop a charter school  
6 policy that is consistent with certain regulations and includes certain specific  
7 criteria; requiring the charter school policy to be reviewed and approved by the  
8 State Board and to be available on the State Board’s Web site; requiring a  
9 county board to review a public charter school application in accordance with  
10 the charter school policy; requiring the State Board to adopt certain regulations  
11 that establish certain criteria, guidelines, and procedures regarding public  
12 charter schools; and generally relating to ~~appeals, policies, and regulations~~ for  
13 public charter schools.

14 BY repealing and reenacting, with amendments,  
15 Article – Education  
16 Section ~~4-205(e)(3)~~, 9-104, and 9-110  
17 Annotated Code of Maryland  
18 (2008 Replacement Volume and 2010 Supplement)

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

21 **Article – Education**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 ~~4-205.~~

2 ~~(e) (3) (I) A decision of a county superintendent may be appealed to~~  
 3 ~~the county board if taken in writing within 30 days after the decision of the county~~  
 4 ~~superintendent.~~

5 ~~(H) The decision may be further appealed to the State Board if~~  
 6 ~~taken in writing within 30 days after the decision of the county board.~~

7 ~~(III) THE APPEAL OF A DECISION MADE BY A COUNTY BOARD~~  
 8 ~~TO DENY AN APPLICATION TO ESTABLISH A PUBLIC CHARTER SCHOOL UNDER §~~  
 9 ~~9-104 OF THIS ARTICLE SHALL BE HEARD DE NOVO BY THE STATE BOARD.~~

10 9-104.

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

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

15 (i) The staff of a public school;

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

18 (iii) A nonsectarian nonprofit entity;

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

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

23 (3) A public chartering authority may not grant a charter under this  
 24 title to:

25 (i) A private school;

26 (ii) A parochial school; or

27 (iii) A home school.

28 (4) (i) **[Except] IN ACCORDANCE WITH THE PUBLIC CHARTER**  
 29 **SCHOOL POLICY DEVELOPED BY THE COUNTY BOARD UNDER § 9-110 OF THIS**

1 **SUBTITLE, AND EXCEPT** as provided in subparagraph (ii) of this paragraph, the  
 2 county board shall review the application and render a decision within 120 days of  
 3 receipt of the application.

4 (ii) For a restructured school:

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

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

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

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

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

17 (2) The State Board shall ~~render~~;

18 ~~(I) HEAR THE APPEAL DE NOVO; AND~~

19 ~~(II) RENDER~~ a decision within 120 days of the filing of an  
 20 appeal under this subsection.

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

25 9-110.

26 (a) (1) Each county board shall develop a public charter school policy [and  
 27 submit it to the State Board] **THAT IS:**

28 **(I) CONSISTENT WITH THE REGULATIONS ADOPTED BY THE**  
 29 **STATE BOARD UNDER THIS SECTION;**

30 **(II) REVIEWED AND APPROVED BY THE STATE BOARD; AND**

31 **(III) AVAILABLE ON THE STATE BOARD'S WEB SITE.**

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

3                   (i) **APPLICATIONS AND THE REVIEW OF APPLICATIONS TO**  
4 **ESTABLISH PUBLIC CHARTER SCHOOLS;**

5                   (II) Evaluation of public charter schools;

6                   [(ii)] (III) Revocation of a charter;

7                   [(iii)] (IV) Reporting requirements; and

8                   [(iv)] (V) Financial, programmatic, or compliance audits of  
9 public charter schools.

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

12           (c) **(1) THE STATE BOARD SHALL ADOPT REGULATIONS THAT**  
13 **ESTABLISH SPECIFIC CRITERIA, GUIDELINES, AND PROCEDURES FOR THE**  
14 **PUBLIC CHARTER SCHOOL POLICY REQUIRED UNDER SUBSECTION (A) OF THIS**  
15 **SECTION.**

16           **(2) THE REGULATIONS SHALL INCLUDE PROCEDURES FOR**  
17 **APPLICANTS TO VIEW DOCUMENTATION AND TIMELINES RELATED TO THE**  
18 **ESTABLISHMENT OF A PUBLIC CHARTER SCHOOL, INCLUDING APPLICATIONS,**  
19 **REVIEW OF APPLICATIONS, AND APPEAL PROCEDURES FOR THE DENIAL OF**  
20 **APPLICATIONS.**

21           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
22 July 1, 2011.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.